

IX.
ELECTION CODE

Section 9.1 Eligibility for Office.

- (a) The names of all candidates shall be submitted to the ASI Business Office for determination of eligibility.
- (b) Candidates for office shall satisfy all eligibility requirements established by the Chancellor of The California State University. [Qualifications of Student Office Holders].

Section 9.2 Nominations for Office.

- (a) Petitions shall be provided by ASI's Office and shall be available no less than sixty (60) days prior to the election, and must be returned to the ASI Business Office no less than thirty (30) days prior to the election. If either of these dates should fall on a holiday, furlough, or weekend, the following business day shall take the place of that date.
- (b) A candidate may run for only one (1) office each election.
- (c) The names of the candidates to be used in preparing the ballot shall be as they appear on the petition.
- (d) Fifty (50) student signatures of fee paying members of ASI* are required on the nomination petition for the positions of President, Vice President of Finance, and Vice President of External Affairs. Twenty-five (25) student signatures of fee-paying members of ASI* are required for the position of Senator.
- (e) Petitions nominating a candidate for college/school Senator must be signed only by members of ASI who are declared majors of that college/school.
- (f) When submitting a petition, candidates must sign a statement indicating: receipt of the election code and accepting responsibility for its content, the office they seek, and adherence to all other policies and procedures pertinent to the election.
- (g) Information on all candidates accompanied by a signed notice of release, including petitions, shall be kept on file in the ASI Business Office and shall be made available upon request. Members of the media may request additional information which may include a telephone number and/or email address enabling the media to contact the candidates.
- (h) Write-in candidates must complete proper documentation in writing and notify the Election Commission of their write-in candidacy prior to the start of the election. Write-in candidates will be subject to the same campaign guidelines as candidates who are on the ballot.

- (i) All candidates are responsible for his or her own campaign materials, actions, and/or the actions of supporters.
- (j) A slate is defined as two or more candidates who choose to advertise their candidacy on the same campaign materials. Individuals choosing to participate on a slate must fill out the Slate Recognition Form in the ASI Business Office.
 - i. Individuals on a slate will be held equally responsible for all campaign materials, violations and other election related actions of the slate or their supporters.

Section 9.3 Campaigning.

- (a) The “All-Candidates” Meeting shall take place after petitions have been submitted. Attendance by all candidates is mandatory, unless a written notice naming the individual who shall be serving as proxy is delivered to the Election Commissioner or designee prior to the meeting.
- (b) Formal campaigning is defined as the distribution, publication (including all web-based social networking websites, personal web-pages, online advertisements, etc.) or exhibition of any material advocating the candidacy of any individual or group of individuals. Informal campaigning is defined as, a candidate speaking to an individual, group or gathering about their candidacy or responding to questions in person about his/her candidacy. Formal campaigning may occur immediately after the All-Candidates Meeting through the close of the election. Informal campaigning may occur after petitions have officially been made available.
- (c) Any use of amplified sound equipment shall be in accordance with university policies [Policy on the Use of Buildings and Grounds].
- (d) Each candidate shall be allowed one (1) table or located in the free speech area to serve as a campaign headquarters.
- (e) No formal or informal campaigning may occur within one hundred (100) feet of an official polling booth staffed by designated representatives of the Election Commission on election days. This includes distribution or display of materials referencing candidates.

Regulations in 9.3.(f) through 9.3.(i) shall only apply on campus. “On campus” is defined as any building or property owned and operated by California State University, Fresno.

- (f) No motorized vehicles may be used in campaign presentations on campus.
- (g) No campaign materials may be distributed on or in vehicles.

- (h) Regulations for campaigning in University Courtyard are as follows:
- i.* Posters may be posted by Residence Life staff pending stamped approval from ASI and University Courtyard senior staff;
 - ii.* Handbill distribution is not permitted in University Courtyard;
 - iii.* Campaign clothing may be worn at University Courtyard;
 - iv.* Door-to-door soliciting is not permitted;
 - v.* Campaign materials may not be displayed on doors; and
 - vi.* Any other forms of campaigning not listed in sections 9.3(h).*i* through 9.3(h).*v* are not permitted at University Courtyard.
- (i) Regarding the use of posters and handbills in conjunction with political campaigns, the following restrictions shall also apply:
- i.* The maximum size permitted for printed materials is eleven (11) by seventeen (17) inches;
 - ii.* Staked posters are not allowed;
 - iii.* Posters and handbills may only be affixed to public bulletin boards and designated public posting kiosks. Only one (1) poster per candidate or slate may be posted on a single bulletin board or kiosk face. Doors; railings; sidewalks; walls; stairs; vehicles; whiteboards; classrooms; university structures and buildings; trees and windows are not permissible posting areas. Restricted boards may be used only with proper permission. Such posters must be stamped or signed by those responsible for the board;
 - iv.* Posters and handbills may not be posted or distributed in the ASI office(s) or the Henry Madden Library;
 - v.* Size limitations shall not apply to campaign tables, so long as all posters, bulletins, and other signs are attached to the tables/booths and are within the dimensions of the table/booth;
 - vi.* Posters/signs may not be suspended between buildings;
 - vii.* There shall be no limit to the number of campaign materials used during elections;
 - viii.* A copy of all campaign materials used by a candidate must carry stamped approval by ASI's Office before distribution. T-shirt designs and other campaign materials that cannot be individually stamped (e.g., buttons, glossy flyers, mass quantities, etc.) must obtain written approval by ASI before distribution; and
 - ix.* Campaign materials shall not use the Fresno State or ASI official logo(s).

Section 9.4 Voting.

- (a) Only current members in good standing with ASI, those that have paid the Associated Student Body fee, are eligible to vote in general or special elections. These members may only vote once during each election, and may cast only the allowed total number of votes for each position.
 - i. Students with undeclared majors will not be allowed to vote for a College or School Senator.
 - ii. Students with multiple majors will vote for the College or School of their primary major as recognized by the University.
- (b) All current members of ASI are eligible to cast one (1) vote for candidates for President, Vice President of Finance, and Vice President of External Affairs. All current members of ASI are eligible to vote for up to eight (8) candidates for the positions of Senator At-Large. Declared majors in a College/School who are members of ASI are eligible to cast one (1) vote for their respective college/school's Senator.
- (c) Voting shall be supervised by the Office of the President of California State University, Fresno or designee in cooperation with the Election Commission. Voting will occur only online using a professional online voting service or approved method by the University President or Designee.
- (d) Voting in general elections shall occur for a minimum of two (2) consecutive school days (not counting holidays) but no more than three (3) days. The dates and hours for the general election shall be approved by the Student Senate.
- (e) Polling places, with computers available, may be located at various sites on campus during Election Days. Locations and times of operation shall be determined by the Election Commission and approved by the Student Senate.
 - i. Candidates and/or their supports are not permitted to utilize electronic equipment, (i.e. computer, cell phone, etc.) for the purpose of providing a polling station on campus during the Election Days.
- (f) Notice of elections shall be announced at least two (2) weeks prior to the election.

Section 9.5 Ballots.

- (a) Special referendums may be placed on the ballot with a majority vote of the Student Senate, in accordance with University policy.

- (b) Candidates' names shall be randomized on the ballot for each fee paying member of ASI* during Election Days.
- (c) A candidate's name shall not be removed from the ballot after it is finalized 14 days following the All Candidates Meeting- A candidate must inform the Election Commission before withdrawing from the election.

Section 9.6 Ballot Counting and Results.

- (a) To win the position of President, Vice President of Finance, Vice President of External Affairs, or College/School Senator, a candidate must receive a plurality of the valid votes cast for that office. To win the position of Senator At-Large, a candidate must be among the top eight (8) vote recipients.
- (b) In the event of a tie, the election shall be decided by the Student Senate with a simple majority vote, to be taken as soon as possible after the election.
- (c) The Election Commission and ASI professional staff shall establish the method of counting the ballots prior to the first day of elections.
- (d) Final tallying of election results shall be conducted in public view. Any person who wishes to observe may do so, but must stay behind a clearly marked partition. Only members of the Election Commission, and ASI professional staff may be behind the partition.
- (e) The Election Commission Chair shall be vested with the responsibility of announcing and posting the preliminary results of the election by submitting the results to the ASI President, Student Senate, and the Office of the President of California State University, Fresno or designee no later than 72 hours after the close of the polls on the last day of elections.
- (f) An election shall be considered closed and the results final twenty-one (21) days after the preliminary results have been posted.

Section 9.7 Recounts.

- (a) Requests for a recount or other disputes must be made in writing and submitted to the Office of the President of California State University, Fresno or designee, the ASI Office, or the Student Court no later than five calendar days after the election results are posted.
- (b) Requests for a recount may only be filed by a candidate, or by his or her written designee, and only for their respective position.
- (c) A request for a recount must describe, in detail, the reason for such a request.
- (d) The Election Commission Chair shall be vested with the responsibility of organizing a recount if it is deemed necessary by the Student Court.

- (e) Only one (1) recount per office or Student Senate position will be made, unless the result of the recount determines a different winner, or if the Student Court votes to hold an additional recount. In the case that a recount determines a different winner, one final recount will be made.
- (f) A recount, when deemed necessary, must commence no later than five (5) school days following posting of the preliminary results.
- (g) In the event of a tie following a recount, the winner shall be determined by the Student Senate by a simple majority vote.
- (h) In the event that a recount occurs, only those ballots which were counted in the previous count shall be considered valid for a recount. The Election Commission Chair shall ensure that all ballots are included in the initial tabulation.
- (i) Following the tabulation of ballots and posting of the official results, ballots shall be retained online with the professional online voting service company.

Section 9.8 Disputes.

- (a) The Student Court shall be responsible for adjudicating all disputes related to ASI Elections.
- (b) All disputes regarding any violations on Election Days, or the counting of the ballots, must be submitted to the ASI Business Office and the Student Court no later than 3 p.m. the same day as the alleged violation, unless the violation is alleged to have occurred after 3 p.m. in which case the dispute must be submitted by 3 p.m. the following day.
- (c) All other disputes regarding elections not referenced in Section 9.8.(b) must be in writing, dated, signed by a candidate, fee paying member of ASI* or a member of the Election Commission, and submitted to the ASI Business Office and the Student Court no later than 3 p.m. on the same day preliminary election results are posted.
- (d) A candidate or campaign worker charged with a campaign violation shall have the right to appear before the Student Court during its deliberations. Candidates or their campaign workers shall be notified of any disputes filed against them and of the hearing via e-mail and telephone at least two (2) hours prior to the hearing. The accuser, the candidate, or the person charged may be present at this hearing. The records of all disputes and hearings shall be kept in the Office of the President of California State University, Fresno or designee ASI Business Office for thirty (30) days following the Student Court decision.

Section 9.9 Penalties.

- (a) Disqualification will occur upon the determination by the Student Court that any of the following major code violations have been proven to have occurred:
- i.* A repeated or willful offense of a minor code violation by a candidate or their supporters after having been notified, adjudicated, and reprimanded by the Student Court;
 - ii.* Willful destruction or defacement of another candidate's campaign materials by the candidate or their supporters; or,
 - iii.* Violation of Section 9.4.(i) regarding the use of electronic equipment.
- (b) Minor code violations, (not a repeat of the same violation) shall result in an official reprimand and corrective action by the candidate shall be taken within 24 hours of notification by the Student Court. Three (3) such reprimands may result in a candidate's disqualification. Minor code violations include but are not limited to:
- i.* Defamation of another candidate or other candidates;
 - ii.* Illegal distribution of campaign materials;
- (c) The Student Court may also refer a violation to the University's Student Conduct Officer for possible disciplinary action.

*All students are fee paying members of ASI.