

ASSOCIATED STUDENTS (A.S.) OF SAN JOSÉ STATE UNIVERSITY

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 May ____, 2007

ACT 15

TITLE: Establishing the Student Election Board

SECTION I. PURPOSE AND SCOPE

- A. The purpose of this Act is to establish the manner in which A. S. elections will be conducted.
- B. The provisions of this Act shall be in effect for all elections authorized by the A.S. Board of Directors or the A.S. Bylaws. Amendments to this Act shall be made in accordance with the A.S. Bylaws and the Rules of Procedure.
- C. The provisions of this Act shall apply to all areas recognized as San José State University (SJSU).
- D. The provisions of this Act shall apply to all SJSU students.

SECTION II. OFFICERS

- A. A.S. shall employ a minimum of three currently enrolled and matriculated SJSU students to serve as officers of, and to oversee and conduct A.S. authorized elections. These officers shall include the Chief Elections Officer, the Vice Chief Elections Officer, and the Design and Communications Manager. All other officers shall serve as Election Consultants.
- B. The A.S. Election Board Advisor, in consultation with the A.S. Executive Director, shall hire the officers in order to ensure adherence to A.S. personnel policies. The Chief Elections Officer, Vice-Chief Elections Officer, and Design and Communications Manager shall be hired to begin their terms in September. Election Consultants shall be hired to begin their terms in January. The number of Election Consultants hired is at the discretion of the Chief, in consultation with the Board, and is contingent on the Election Board budget. Officers shall be hired as needed to fill a vacancy created through resignation or termination. No candidate for an A.S. office may serve on the Election Board for an election in which he/she is a candidate.
- C. For each A.S. election, the officers shall:
 - 1. Manage and oversee all the logistics of student elections.
 - 2. Conduct elections authorized by the A.S. Board of Directors and the A.S. Bylaws.
 - 3. Engage in outreach activities to disseminate information about A.S. and elections to potential candidates.
 - 4. Publicize elections dates and candidate filing deadlines to SJSU students.

5. Provide orientation to all candidates concerning the policies, procedures, and requirements to run for A.S. office consistent with this Act and the Election Regulations Manual.
 6. Establish and supervise polling areas.
 7. Be responsible for the analysis of electronic reports.
 8. Declare the results of elections.
 9. The Election Board Advisor will determine the eligibility of candidates, in accordance with the A.S. Bylaws.
 10. Prepare and maintain election files of all elections, decisions, and information pertinent to the expeditious performance of future Election Board officers.
 11. Serve a minimum of 5 office hours per week from the beginning of the Spring term through the end of April (Chief Elections Officer, Vice Chief Elections Officer, and Design and Communications Manager). Election Consultants shall serve office hours only for the six weeks prior to elections. Office hours will be set by the Election Board Advisor and each officer.
- D. The Chief Elections Officer is charged with the following additional responsibilities:
1. Serve as the Chair of the Election Board, which includes calling together the membership for meetings as required.
 2. Work with the Election Board Advisor to nominate qualified students willing to serve on the Election Board as Election Consultants or At-Large Members, and forwarding those names to the A.S. President for consideration and appointment.
 3. Prepare the annual Election Board budget request, in collaboration with the Election Board Advisor, and serve as budget authority for the Election Board.
 4. Supervise and lead the remaining Election Board officers.
 5. With the Vice Chief Elections Officer, design and develop the electronic ballot.
 6. Report to the A.S. Board of Directors at regular Board meetings throughout the academic year.
- E. The Vice Chief Elections Officer is charged with the following additional responsibilities:
1. Coordinate orientation efforts for each candidate for election to A.S. office, consistent with this Act and the Election Regulations Manual.
 2. Coordinate the supervision of polling areas and scheduling of poll watchers.
 3. Assist the Chief Elections Officer with the design and development of the electronic ballot.
 4. With the Design and Communications Manager, prepare instructions for poll watchers, and provide voting materials and information necessary for each polling area.
 5. Serve as chair of Election Board in the absence of the Chief Elections Officer.
- F. The Design and Communications Manager is charged with the following additional responsibilities:
1. Design publicity materials, including but not limited to, signs, posters, pamphlets, and

banners to publicize each A.S. election. The Design and Communications Manager shall not design publicity for or against a candidate for A.S. office, a ballot initiative or referendum, or concerning the recall of an A.S. officer.

2. Assist the Vice Chief Elections Officer with the design and development of instructions for poll watchers, voting materials, and information necessary for each polling area.
 3. Coordinate all elections publicity efforts.
 4. Design and facilitate the printing of the Voter Information Guide.
 5. Distribute Voter Information Guides to appropriate campus constituents, as well as voter instructions and materials necessary to cast a vote to each polling location.
 6. Serve as recording officer for the Election Board, ensuring proper minute-taking, dissemination, and record-keeping for the Board.
- G. The Election Consultants are charged with the following additional responsibilities:
1. Plan and manage election events, as designated by the Chief Elections Officer.
 2. During the six weeks prior to elections, hold a minimum of 5 office hours per week (Section II.C.11) in order to serve as a consultant to candidates and initiative/referendum authors, ensuring compliance with appropriate A.S. and campus policies and procedures.
 3. Serve as poll watchers during scheduled election dates.

SECTION III. ELECTION BOARD

- A. Composition of the Election Board
1. The Board shall consist of a minimum of nine members:
 - a. Chief Elections Officer (Chair, Non-Voting)
 - b. Vice Chief Elections Officer (Voting)
 - c. Design and Communications Manager (Voting)
 - d. (five) Election Consultants (Voting)
 - e. A.S. Election Board Advisor (Non-Voting)
 - f. (unlimited) At-Large Members (Non-Voting)
 2. Quorum shall be a majority of the currently appointed voting members.
 3. The Chair (Chief Elections Office) shall vote only to break a tie.
 4. The A.S. President shall make every attempt to appoint Election Board members, with the recommendation of the Chief Elections Officer and the A.S. Election Board Advisor, by the beginning of September (for Chief Elections Officer, Vice Chief Elections Officer, and Design and Communications Manager) and beginning of December (for Election Consultants and At-Large Members).
 5. The Chief Elections Officer, Vice Chief Elections Officer, and Design and Communications Manager (Section II.B.), shall be selected for appointment by late Summer/early Fall, and serve until May 31st. Election Consultants and At-Large Members (Section II.B.) shall be selected for appointment by early December, and serve

from early January through the end of elections.

B. Qualifications

1. No member of the Election Board shall be a candidate for any elective office appearing on the ballot, nor shall he/she engage in any activity concerning the election, including campaigning for or against any candidate seeking an A.S. office or any issue appearing on the ballot. This restriction shall not interfere with the ability of the currently enrolled and matriculated student membership of the Board to vote in the elections.

C. The Election Board shall be charged with the following responsibilities:

1. Coordinate Associated Students elections, including monitoring polling areas, tabulating ballots, advertising pertinent elections information, and conducting other related election events.
2. Codify regulations based on A.S. policies for the conduction of elections into an official Election Regulation Manual (ERM), subject to review by A.S. Counsel and approval by the A.S. Board of Directors, as provided in the A.S. Rules of Procedure.
3. Investigate and adjudicate election complaints and violations.
4. Decide on all regulatory matters in the purview of this Act, by a majority vote of the voting membership of the Election Board.
5. Post a schedule for and hold regular office hours in the Election Board office, once candidate applications are available and until the general election has concluded and the ballots have been tabulated.

SECTION IV. ELECTION APPEALS BOARD

A. Composition of the Election Appeals Board (EAB)

1. The EAB shall consist of six members:
 - a. A.S. Advisor (Chair, Non-Voting).
 - b. Five Election Consultants (Voting) appointed by the A.S. President no less than 30 days prior to a general election.
2. A quorum shall consist of two-thirds of the total membership. Each decision of the EAB requires a majority of the voting members present.
3. The Chair shall only vote to break a tie.

B. The EAB shall convene to hear appeals of Election Board decisions conforming to the Appeals procedures specified in the Election Regulations Manual (Section VIII).

C. The Election Consultants serving on the EAB may not hold dual membership on another A.S. committee, nor the A.S. Board of Directors.

D. The EAB may utilize the Elections Advisory Committee (EAC) as an advisory body in determining rulings.

SECTION V. ELECTION ADVISORY COMMITTEE

A. Composition of the Elections Advisory Committee (EAC)

1. The EAC shall consist of three members:

- a. Associate Vice President for Campus Life (Chair, Non-Voting)
 - b. A.S. Election Board Advisor (Voting)
 - c. A.S. Executive Director (Voting)
2. All three EAC members are required to make decisions and to vote on an appeal. The Chair may appoint an A.S. or University full-time staff member to fill a position that is vacant due to termination or resignation.
- B. The Chair shall only vote to break a tie.

SECTION VI. ELECTION REGULATIONS

- A. These regulations shall apply to A.S. authorized elections. These regulations take precedence over all other policies of the Election Board. No election policy may be adopted in violation of any regulation herein, or that varies or contradicts any provision of these regulations. The Election Regulation Manual may include additional regulations for elections.
- B. General Regulations
1. All currently enrolled and matriculated students of San José State University have the opportunity to run for A.S. office, provided that the Academic Qualifications for Student Office Holders (University Policy S05-4) and the requirements outlined in the Election Regulation Manual and A.S. Bylaws are met.
 2. Physical polling areas must be located in visible and accessible locations on campus.
 3. Candidate filing dates shall be advertised publicly for at least 15 business days (3 weeks) prior to the filing deadline.
 4. No candidate shall be required to pay filing fees or collect signatures to run for office. Potential candidates may, however, be asked to share personal information with the Election Board upon receiving and/or returning an application, which shall be used solely for the purposes of communicating with the potential candidate and verifying eligibility.
 5. All elections must be publicized in the *Spartan Daily* beginning at least ten business days (two weeks) before voting begins.
 6. Candidates found by the Election Board to have violated election regulations shall be subject to removal from the ballot and disqualification from office. Decisions require a majority vote of the Election Board.
 7. If the Election Board determines that a sign, poster, or banner concerning the election violates election regulations, the Election Board shall confiscate each sign, poster, or banner. The Election Board shall attempt to notify the offending candidate prior to confiscating the sign, poster, or banner, and shall attempt to return the confiscated sign, poster, or banner to the person who erected them. Decisions require a majority vote of the Election Board.
 8. If the Election Board determines that violations of election regulations have been so egregious as to prejudice the outcome of the election, the Election Board may recommend to the EAB that the election be declared invalid. In such a case, a new election must be held within 30 business days if sufficient time remains in the semester. Otherwise, it shall be held within 20 business days following the beginning of the next academic semester.

9. All currently enrolled and matriculated students at SJSU wishing to vote in A.S. elections must be allowed to vote, upon verifying their enrollment status.
10. The Election Board must guard against fraudulent voting.

C. Campaigns

1. No campaigning of any kind shall be allowed at or within 75 feet of the polling areas. Only voters casting ballots and election officials are allowed at the polling areas. No candidates for elective office, nor author of a ballot initiative or referendum, is allowed in the polling area unless they are voting.
2. The distribution of campaign materials must adhere to the University's policy of Time, Place, and Manner, and the provisions of the Election Regulation Manual.
3. Faculty, staff, and administration participation in student elections shall conform to Chancellor's Office regulations.
4. The constitutional right to freedom of speech shall be guaranteed to all students regarding A.S. Elections, consistent with this Act and the Elections Regulations Manual.
5. A Voter Information Guide will be available in printed form and online at least ten business days prior to the election. It shall include truthful candidate statements and pictures submitted by the individuals running for office and/or detail of each ballot issue put before the student body. It shall also include a single set of pro/con statements for each ballot issue submitted as provided in the Election Regulation Manual. Each ballot statement shall be signed and attributed to the individual responsible for its preparation.

D. Political Parties

1. Campus political parties are subject to all provisions of this act and further provisions specified by the Election Regulation Manual.

E. Election Regulation Manual (ERM)

1. The ERM may be amended by a majority vote of the A.S. Board of Directors eligible to vote.
2. The ERM may not be amended or revised during the 15 business days immediately preceding an election.
3. A copy of the ERM shall be kept and maintained by all A.S. Advisors, the A.S. Government Administrative Assistant, and the Chief Elections Officer. The ERM shall be distributed to each A.S. Executive and Board member.

SECTION VII. EFFECTIVE DATE

- A. This Act shall become effective upon final passage by the A.S. Board of Directors as verified by the signature of the Chair of the A.S. Board. This Act supersedes all previous legislation pertaining to A.S. elections, and any such legislation currently in effect is repealed.