

# ELECTION REGULATION MANUAL

## **Election Regulation Manual Associated Students of San José State University**

Date of Introduction: May 2, 1994

Date of Revisions: February 21, 1996  
September 9, 1996  
April 9, 1997  
October 8, 1997  
January 27, 1999  
April 12, 1999  
December 8, 1999  
December 13, 2000  
December 8, 2004  
December 14, 2005  
February 3, 2006  
November 22, 2006

### **I. PURPOSE AND SCOPE**

- A. The purpose of the Associated Students (A.S.) Election Regulation Manual (ERM) is to establish rules intended to provide all San José State University (SJSU) students with an equal opportunity to present their views and qualifications to the SJSU student body for election to A.S. office.
- B. The ERM applies to each election authorized by the A.S. Board of Directors or the A.S. Bylaws and other student election or referendum on the SJSU campus as may be required by operation of the California Education Code, Title V of the California Code of Regulations, policies and directives of the Board of Trustees of the California State Colleges and Universities, or the President of SJSU. Each reference in the ERM to an "election" means each such election. Amendments to the ERM shall be made in accordance with the A.S. Bylaws and the A.S. Rules of Procedure.
- C. This ERM applies to each area recognized as part of the SJSU campus. See Section II.C.
- D. The ERM provisions apply to each SJSU student.
- E. The A.S. Election Board (Election Board) shall ensure that all SJSU students have an equal opportunity to vote in each election by taking actions including, but not limited to:
  - 1. Making poll locations wheelchair accessible.
  - 2. Providing help with voting, when requested, to disabled students.
- F. All activities not specifically addressed in the ERM shall be governed by the A.S. Bylaws, applicable A.S. legislative acts, the A.S. Rules of Procedure, and California statutes and regulations pertaining to student activities including the California Education Code and Title V of the California Code of Regulations, and relevant campus policies and procedures.

### **II. DEFINITIONS**

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- A. Each reference in this ERM to a “general election” is to the election of the A.S. Executive Officers and A.S. Board of Directors as prescribed by the A.S. Bylaws and to student votes on referendums and initiatives that may occur in conjunction with the election of A.S. officers.
- B. A “special election” as used in this ERM is an A.S. sanctioned election, or such other student election that is held at a time other than the general election.
- C. The term “campus” as used in this ERM means:
  - 1. The area north of San Salvador Street, west of Tenth Street, east of Fourth Street, and south of San Fernando Street that is generally recognized as comprising San José State University property, including the appurtenant parking garages as well as the block bounded by South Tenth Street, East San Fernando Street, South Ninth Street, and Elizabeth Street, including the sidewalks.
  - 2. Any other areas that are owned, controlled, or used by SJSU including, without limitation, the “south campus” athletic facilities, the International House, and University Residence Halls.
- D. A “student” is each person who is currently enrolled at SJSU and has paid the SJSU Associated Students’ fee.
- E. A “candidate” is a student who is eligible and running for an elected A.S. office. A student who satisfies the CSU Chancellor’s Office guidelines for student office holders, the requirements of the A.S. Bylaws, and the requirements set forth in the ERM is eligible to run for office. The Election Board will work with the A.S. Advisor to verify eligibility. The student bears the burden of proof to confirm eligibility by clear and convincing evidence.
- F. A “campus political party” is a group of students organized for the purpose of supporting a candidate or group of candidates in an A.S. general election, special election, or for the purpose of supporting or defeating an initiative, referendum, or recall in any A.S. general or special election.
- G. A “recognized campus organization” is a student group currently registered with Student Involvement.
- H.
  - 1. “Campaigning” is each printed or verbal statement made by a student to a student, registered campus organization, SJSU class, or student group regarding a student’s candidacy or an initiative, referendum, or recall on the ballot in a general or special election.
  - 2. Voters may vote at any official polling location on campus or from any computer with access to the my.sjsu.edu system. On election days, voters may vote from any computer until the close of voting on the third day of election at 8:00 am.
- I. “Campaign materials” include all printed materials used or to be used for “campaigning.”
- J. If the last day to perform an act identified in this ERM should be a school holiday, weekend, or other day on which SJSU does not offer its regular full time course of instruction, the time to comply is automatically extended to the next day of regular instruction.

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- k. An unauthorized polling location shall be defined as any one or more computers placed for the sole purpose of voting not approved in writing by the Election Board.

### **III. ELECTION PROCEDURES**

#### A. Time of Elections

1. The general election shall be during the second full week of April in accordance with the Associated Students Bylaws.
2. Before the end of the preceding fall semester, the Election Board shall determine the exact dates of each general election and submit such dates for approval by a majority vote of the A.S. Board of Directors present and eligible to vote.

#### B. Candidates Application/Registration

1. Each student eligible under this ERM, the CSU's Minimum Academic Qualifications for Student Office Holders, and the A.S. Bylaws may seek elected office, upon verification of his/her qualifications by the Election Board.
2. A student may have his/her name placed on the ballot for an A.S. office by filing an application for that office. A student's name will be printed on the ballot for only one office in any single election.
3. Candidate applications shall be made available by the Election Board at the A.S. offices located in the A.S. House, San José State University, Suite 200, San José, California and such other locations as the Election Board shall designate at least 42 days prior to the commencement of balloting. Students obtaining applications may but are not required to provide the Election Board with contact information.
4. Completed applications must be received by the Election Board by 5:00 p.m. 26 days prior to the commencement of balloting. Completed candidate applications may be delivered to publicly specified locations designated by the Election Board.
5. It is the responsibility of each candidate to be familiar with each regulation regarding A.S. elections and ensure that each person and/or organization involved in his/her campaign is fully informed about them. Each candidate is responsible for the actions of each person and organization participating in his/her campaign who violates the policies, procedures, and regulations pertaining to A.S. elections.

#### C. Disqualification, Replacement, and Withdrawal of Candidates

##### 1. Disqualification

A candidate applicant determined by the Election Board to fail to satisfy the qualification requirements necessary to seek election to an A.S. office must be so notified by the Election Board within the five school days following receipt of that candidate's application. A disqualified candidate applicant shall be deemed to have withdrawn from the election, and his/her name will not appear on the ballot.

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### 2. Withdrawing Candidates

A candidate may withdraw from participation in an election at any time by informing the Election Board in writing. If the ballots have not been printed at the time of proper notification, the Election Board shall not place the withdrawn candidate's name on the ballot. Votes cast for a candidate who has withdrawn shall not be counted by the Election Board under any circumstances. In the event the Election Board is unable to remove the candidate's name from the ballot before the election commences, the Election Board will deliver a written notice to each voter with his/her ballot identifying each withdrawn candidate and giving notice that a vote for a withdrawn candidate will not be counted. If a sole candidate for an office withdraws after the filing deadline is passed, no further applications for election to that office shall be accepted, and the position shall be filled in accordance with the A.S. Bylaws.

### D. Candidate Orientation Meetings

1. Each person interested in running for an office (including incumbents seeking re-election) is required to attend a Candidate Orientation Meeting where he/she will be informed about candidate eligibility and the functions and responsibilities associated with the position for which he/she may be a candidate, including the time commitments associated with the position. Prior to each general election, the Election Board shall hold at least two Candidate Orientation Meetings on different days of the week and at different times of the day.
2. The first Candidate Orientation Meeting shall be held at a time and place designated by the Election Board, and shall be held no later than 35 days before the general election. The Second Candidate Orientation Meeting shall be held no later than 30 days before the general election.
3. The time and place for every Candidate Orientation Meeting and all relevant dates, times, and deadlines must be submitted by the Election Board to the SJSU campus media at least eight school days prior to that meeting.
4. At each Candidate Orientation Meeting, an Election Board member shall explain the eligibility requirements and the functions and responsibilities of each A.S. elective office.
5. The candidate application filing deadline and locations for delivery of applications shall be announced at each Candidate Orientation Meeting.
6. At the conclusion of the candidate application period, the Election Board shall allow for the randomization of the candidates' names on each electronic ballot.

### E. Candidate Rules, Regulations, and Ethics Meeting

1. Each candidate (including incumbents seeking re-election) is required to attend a Candidate Rules, Regulations, and Ethics Meeting. Prior to each general election, the Election Board shall hold at least two Candidate Rules, Regulations, and Ethics Meetings on different days of the week and at different times of the day.

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2. The first Candidate Rules, Regulations, and Ethics Meeting shall be held at a time and place designated by the Election Board, and shall be held no later than 21 days before the general election.
3. The time and place of each Candidate Rules, Regulations, and Ethics meeting and all dates, times, and deadlines must be provided to each eligible candidate by the Election Board at least eight school days prior to the first Candidate Rules, Regulations, and Ethics Meeting.
4. At each Candidate Rules, Regulations, and Ethics Meeting, an Election Board member shall explain the eligibility requirements, election regulations, campaign rules, and the functions, responsibilities, and time commitments of each A.S. elective office. Presentations by candidates running in the current election are not permitted. All other presentations will be under the discretion and consent of the Election Board.

### F. Candidate Open Forum

1. Following verification of the candidate applicants qualifications, the Election Board shall sponsor at least two Candidate Open Forums, with at least one held between the hours of 9:00 a.m. and 5:00 p.m.
2. The Election Board shall determine the format of the Candidate Open Forum. Each candidate shall have an opportunity to make a statement. Each candidate shall be granted equal time to make his/her statement.
3. Candidate Open Forums shall be held at least seven days prior to the election.
4. If there is more than one candidate for a given office, at least one Candidate Open Forum must include a debate between/among those candidates.

### G. Ballots

1. Each online ballot shall state the title of the A.S. office for which the candidate is running, the name of each office's candidates, and each candidate's party affiliation(s) in cases when the candidate's application identifies him/her as the member of an Election Board registered campus political party (Section IV.).
  - a. Party affiliations on the ballot shall be identified by no more than five letters and/or numbers as designated by the party in the party's registration (see Section IV.B. below).
2. If no eligible candidate has filed for election to an A.S. office, the ballot shall state, "No eligible candidate has filed for this office."

### H. Student Voting Eligibility

1. Each SJSU student holds equal A.S. voting rights.

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2. Voters may vote at any of the official polling locations on campus or from any computer with access to the my.sjsu.edu system. On election days, voters may vote from any computer until the close of voting on the third day of elections at 8:00 am.
  3. To vote online, User ID and password is required. The my.sjsu.edu system will authenticate that each voter is a SJSU student.
  4. Students intending to cast votes must navigate to the eBallot online voting platform through the my.sjsu.edu system and complete the online ballot.
  5. Each effort to falsify registration or to vote more than once is an ERM violation and shall be reported to the Election Board and each applicable SJSU disciplinary body. All reasonable measures will be taken to prevent each student from voting more than once in each election or casting a ballot on behalf of another student.
- I. Polling Places
1. There must be a minimum of two polling places located on campus that are accessible to all students and in visible and high foot traffic areas.
  2. Each polling place shall be attended by a member or members of the Election Board or persons specifically selected and approved by the Election Board; such persons shall be referred to as "poll officials." Each polling official selected shall be instructed by the Election Board concerning proper procedures for conducting the election and submission of votes by students. No poll official shall be a candidate for any office that appears on the A.S. ballot, nor shall he/she have campaigned or worked for a candidate seeking office or for any campus political party during the election for which he/she is serving as a poll official.
  3. Each polling place shall be open from 10:00 am until 6:00 pm on the Tuesday and Wednesday of the week of voting. Locations of the polling places shall be determined by the Election Board and announced at each Candidate Rules, Regulations, and Ethics Meeting.
  4. No person shall be allowed to promote a candidate, conduct campaigning activities, or loiter within 75 feet of campus polling places designated by the Election Board pursuant to Section III.I.1 above. .
- J. Tabulation of Votes
1. Tabulation of the vote shall begin on the last day of balloting at a time determined by the Election Board consistent with the goal set by 4. below.
  2. Tabulation of the votes cast shall be conducted under supervision of the Chief Election Officer. The Chief Election Officer shall control admittance of persons into the tabulation area and shall only permit members of the Election Board inside the tabulation area.
  3. Ballots for each election shall be counted after the close of voting in a manner determined by the Election Board. The Chief Election Officer will prepare the election results in an easily read format entitled "A.S. Election Results." The A.S. Election Results shall report each candidate's name, the office for which he/she

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was a candidate, the total number of votes received by each candidate, the percentage of the vote received by each candidate, and the candidate's party (if any). For initiatives and referenda, the total number of votes, the total cast for and against, and the percentage of the votes cast for and against shall be reported. For recall elections, the name of the officer(s) of whom recall was sought shall be reported together with the total number of votes cast for and against the official's recall, and the percentage of the votes cast for and against the recall. Vote tallies will be checked for accuracy by each member of the Election Board based upon the official election results for the online voting database. The Chief Election Officer will verify the results as accurate by placing his/her signature on a line on the A.S. Election Results that precedes the statement, "Results verified by \_\_\_\_\_, Chief Election Officer." Four copies of the A.S. Election Results will be made and placed in the following locations: one posted on the Election Board office door, one submitted to the A.S. Election Board Advisor and stored with a sample ballot, one delivered to the A.S. House for posting on the front door window, and one delivered to the A.S. Executive Director. The original A.S. Election Results will be retained by the Chief Election Officer in the Election Board's permanent records.

4. Every attempt shall be made to have the total votes received by each candidate posted publicly at the A.S. House no later than six hours after the polls close. Results shall remain posted for a minimum of seven consecutive days following the first posting.
5. It is a violation of this ERM for any individual who has access to the ballot tabulation room to release the results during the tabulation of the ballots. There shall be no discussion concerning the tabulation procedures outside of the ballot tabulation room while the votes are being tabulated and the A.S. Election Results prepared.

### K. Determination of Winners

1. A candidate receiving the most votes cast in the general election for the elective position sought shall be elected to that office.
2. Should a tie vote result in no winner among candidates for an elected office, there shall be a run-off election for that office during the same semester held no later than ten days before the last day of instruction as stated in the Bylaws.

### L. Run-Off Elections

1. Run-off elections will be held no later than ten days before the last day of instruction during that same semester pursuant to the A.S. Bylaws, Article V, Section 1.5.
2. All run-off elections will be held in accordance with all the applicable rules within this ERM and Act 15.
3. Campaigning for each run-off election shall begin five school days before the commencement of voting. All other dates and times needed for the run-off election will be given to the candidates involved 24 hours after the posting of the general election results.

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- A. Only SJSU students may participate in a campus political party.
- B. Registration Procedure for a Campus Political Party ("party")
  - Registration Must include:
    - a. The name of the party.
    - b. The name(s), address(es), phone number(s) and student I.D. number(s) of the party's official and other candidates.
    - c. Up to five letters and/or numbers to appear on the ballot as the designation for the party to be included next to the names of candidates on the election ballots.
    - d. Parties must allow more than one individual to run for the same position, if applicable.
    - e. A mission statement signed by all the parties' candidates.
- C. Party Official
  - 1. If the Election Board cannot determine which party member is responsible for a violation, the party official will be held accountable for his/her actions.
  - 2. The party official must be the candidate running for the highest ranking position.
  - 3. In the event that no party candidate is running for an executive position, the party officials will be chosen from the party's slate by consensus of its candidates.
  - 4. Notice to the party official shall be deemed notice to the party.
  - 5. If a party official denies a position to an individual, the party may be dissolved by the Election Board. Candidates may continue to run without party affiliation.

### **V. CAMPAIGNING AND CAMPAIGN ADVERTISING**

- A. In general:
  - 1. The distribution of campaign materials must adhere to SJSU's policy of Time, Place, and Manner. SJSU's policy will be distributed to candidates at the Candidate Rules, Regulations, and Ethics Meetings prior to the start of campaigning.
  - 2. Each candidate and political party shall remove all campaign materials from the campus within two hours after the polls close on the last day of elections.

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3. Candidates may not use any Associated Students property such as, but not limited to: phones, computers, copy machines, printers, student databases, and any other supplies, equipment, or information purchased with or acquired by Associated Students fees. Such use is grounds for removal from the ballot by two-thirds vote of the Election Board and referral to the appropriate disciplinary bodies.
4. Candidates may not solicit nor accept any materials, funds, assistance, or endorsement from any SJSU faculty, staff, or administrative personnel. Any candidate found by two-thirds vote of the Election Board voting members to have engaged in such behavior is subject to removal from the ballot.

### B. Campaign Materials

1. Campaign materials may only be placed in the areas designated by the Election Board with stakes and string.
2. A candidate or a political party may place only one item of campaign material of any description in each area designated by the Election Board for the display of campaign materials. A candidate's party affiliation may be included on his/her campaign materials without invoking the limit on a campus political party's campaign materials placement.
3. Campaign materials may not exceed a surface area of 12 square feet each or, in the case of sandwich signs, a maximum surface area of 12 square feet per side. The base of the stakes used to post campaign materials shall not exceed two inches by two inches.
4. Each student, candidate, or campus political party member who removes or destroys campaign materials of another candidate or campus political party shall be subject to disciplinary action according to election regulations and SJSU policies, procedures, and regulations.
5. Campaign materials placed other than in designated areas as determined by the Election Board will be removed by the Election Board and destroyed pursuant to Section VII. B. below.

### C. Distribution of Campaign Materials

1. Each item of campaign materials must be submitted to the Election Board for approval prior to posting. The Election Board shall review submitted campaign materials for compliance with the ERM and give notice of its decision to the submitting candidate or party within two school days after receipt. Only approved campaign materials may be posted or distributed. Campaign materials posted or distributed without approval of the Election Board will be confiscated and destroyed by the Election Board pursuant to Section II. B.
2. Persons distributing or posting campaign materials at fraternities, sororities, or residence halls, or at meetings or events sponsored by campus organizations must comply with the applicable rules and regulations adopted by that fraternity, sorority, resident hall, registered campus organization, or meeting or event sponsor.

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3. The posting and distribution of campaign materials on campus shall not begin before a time and date specified by the Election Board.
  4. The campus newspaper and forms of electronic communication including, but not limited to, e-mail, web sites, and blogs will not be monitored by the Election Board.
  5. Only currently registered SJSU students may distribute campaign materials on campus.
- D. Rallies on Campus
1. Reservations for rallies shall be made with the Student Union Scheduling Office and must comply with all applicable campus and A.S. election rules and regulations.
- E. Voter Information Guide (VIG)
1. Candidate and party statements must be submitted by the place, date, and time, and in the format designated by the Election Board.
  2. Word limits for statements submitted for the VIG are:
    - A maximum of 250 words for personal statements.
    - A maximum of 250 words for party statements.
    - A maximum of 200 words each for pro or con statements concerning ballot initiatives, referenda, and recall elections.
  3. The selection of statements for publication in the VIG in support of and in opposition to initiatives, referenda, and recalls shall be as follows:
    - a. The person or organization sponsoring the initiative or recall shall be entitled to write the VIG statement in support of the measure.
    - b. The statement in support of a petition for recall or initiative must be submitted to the Election Board with the petition. Statements concerning referenda must be submitted at least 15 school days before the election. If no statement is submitted, none shall be published in the VIG.
    - c. Upon submission of a petition for recall or initiative, the Election Board will post the recall or initiative language on its office door and on the A.S. website, together with the procedures for submitting an opposition statement.
    - d. The first statement submitted to the Election Board by a person, registered campus organization, or campus political party in opposition to an initiative or referendum and signed by at least ten students shall be published in the VIG in opposition to the initiative or referendum.
    - e. An officer whose recall is sought shall write the statement to be published in the VIG in opposition to the recall.

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- f. The statement in support of a referendum placed on the ballot by the A.S. Board of Directors pursuant to the A.S. Bylaws shall be written by a person(s) selected by the A.S. Board of Directors to do so.
4. The Election Board shall attempt to make the VIG available on the A.S. website or such other practicable means prior to the election.

### **VI. SPECIAL ELECTIONS**

- A. A special election as defined by this ERM shall be governed by each applicable general election rule.
- B. Petitions to call a special election for initiatives, recall votes, and A.S. Bylaws amendments as provided in the A.S. Bylaws must be presented to the Election Board at least 24 school days prior to the last day of instruction to allow time for implementation of the procedures delineated in the A.S. Bylaws, Articles VI, VII, and VIII.
- C. Petitions to call a special election must contain:
  1. A statement of the initiative, recall, or referendum language exactly as it is to appear on the ballot.
  2. The printed name, signature, and student I.D. number of each person signing the petition.
- D. Petitions to call special elections may only be circulated by and presented to the Election Board by a SJSU student.
- E. Each referendum approved by the A.S. Board of Directors pursuant to the A.S. Bylaws must be a complete and unambiguous statement of the issue to be presented to the students for their approval. The language of each referendum must be reviewed by A.S. legal counsel and approved by the A.S. Board of Directors prior to presentation to the Election Board and placement on the ballot. Referenda must be presented to the Election Board at least 24 school days prior to the last day of instruction of the semester in which the election is to be held to allow time for implementation of the procedures identified in the A.S. Bylaws for special elections.
- F. All dates and times needed for the special election will be made public five school days after the referenda is presented to the election board.

### **VII. VIOLATIONS**

- A. The Election Board shall be responsible for enforcement of Act 15 and the ERM rules, regulations, and procedures, and enforcing the provisions thereof with appropriate penalties. The Election Board shall convene to investigate and rule on complaints and violations of the election per ACT 15 (Section III, C.4). Because every eventuality cannot be anticipated nor provided for in the ERM, the Election Board has authority to take such reasonable action as is necessary to ensure the conduct of a fair election. Reasonable actions do not include those that change the intent of nor contradict current election regulations as enacted by the A.S. Board of Directors. The Election Board may consult with A.S. legal counsel concerning whether an action to be taken pursuant to this

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- authority is reasonable. Persons affected by the action of the Election Board pursuant to this section may submit a complaint to the Election Appeals Board pursuant to Section VIII.
- B. The Election Board is authorized to confiscate and destroy campaign materials it determines to be in violation of the election policies and regulations upon majority vote of the Election Board. Reasonable attempts shall be made to notify the party official and/or candidates prior to destruction of removed campaign materials.
  - C. Each election violation charge shall be reported to the Election Board no later than two school days after the alleged violation was discovered. The Election Board shall convene to investigate and rule on complaints and violations of election rules (Act 15, Section III., C, 4.). Each decision of the Election Board concerning complaints of alleged violations must be in writing. Should the decision of the Election Board be appealed, a copy of the complaint(s) and each Election Board decision shall be forwarded to the Chair of the Appeals Board who shall convene a meeting of the Election Appeals Board (Act 15, Section IV.).
  - D. Minor offenses include but are not limited to: violations of limitations on the posting of campaign materials, campaigning in areas not designated by the Election Board; violations of the University's policy of Time, Place, and Manner; failure to remove campaign materials by the specified deadline; or campaigning within the restricted area of a poll location. Penalties for minor violations include but are not limited to: oral reprimand, written reprimand, or restraint of specified conduct. A candidate against whom the Election Board sustains three minor offenses shall be removed from the ballot upon a two-thirds vote of the voting members of the Election Board.
  - E. Major offenses include but are not limited to: destruction of campaign materials or property; causing bodily injury to another candidate or those affiliated with him/her; conduct or activity by the candidate or those affiliated with him/her in violation of the ERM, Act 15, or the election rules, policies, and procedures that may have affected the outcome of an election; falsification of evidence presented to the Election Board; the filing of a knowingly false complaint to the Election Board; failure to comply with each penalty imposed for minor violations; or the use of A.S. equipment or resources by the candidate or those affiliated with him/her. Penalties for major violations include but are not limited to: restraint of specified further election conduct, such as loss of campaigning privileges, or letters of apology to be published in the campus media. One major offense sustained by clear and convincing evidence shall be cause for removal from the ballot upon two-thirds vote of the voting members of the Election Board.
  - F. The Election Board will determine whether an alleged violation constitutes a major and minor offense as alleged in the complaint by a majority vote of voting members. If upon review of the complaint, the allegations constituting a minor offense are determined sustained by a majority vote of the Election Board, the Election Board shall determine what penalty shall be imposed. To be sustained, the allegations in a complaint must be established by a preponderance of the evidence for minor offenses, and clear and convincing evidence for major offenses. A two-thirds vote of the Election Board is necessary to sustain a major offense as defined in this ERM. The Election Board must consider the following factors in determining penalties: severity and effect of the offense, the intent of the offender and/or his/her campaign workers or party members, and the willingness of the offender and/or his/her campaign workers or party members to cooperate with the Election Board in evaluating the complaint.

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- G. Each violation of this ERM that the Election Board determines to be sufficiently egregious and intentional shall result in a referral to the Election Appeals Board for investigation and appropriate disciplinary action. If a violating student was elected to an A.S. office, the Election Appeals Board may recommend to the A.S. Board of Directors that the student be removed from office upon completion of the investigation.
- H. If the Election Board finds a single or combination of election violations to be such that all or a portion of the election was so prejudiced that fair and reasonable selection among candidates or issues was not possible, the Election Board may recommend to the Election Appeals Board that all or a portion of the election to be re-submitted for a vote in accordance with the applicable provisions of the ERM and Act 15.
- I. Any student may submit a complaint. Complaints submitted to the Election Board must include reference to the specific part of Act 15 and/or the ERM that allegedly has been violated, who allegedly is in violation, and where and when the alleged violation occurred. The last opportunity to submit complaints to the Election Board will be 48 hours after the close of voting.

### **VIII. APPEALS OF ELECTION BOARD DECISIONS**

- A. The Election Appeals Board (EAB) shall be constituted as provided in Act 15, Section IV.
- B. Each decision of the Election Board other than a decision to remove nonconforming campaign materials may be appealed to the EAB.
- C. A student may appeal an Election Board decision by submitting a written appeal to the Chief Election Officer within 48 hours following the Election Board's decision. The appeal must be signed and dated by the appellant and contain a copy of the Election Board's decision if a written decision was issued; if none, the appellant's written report of the decision rendered, the rationale for the student's appeal, and such evidence as the appellant desires the EAB to consider must be included.
- D. The EAB shall convene to consider an appeal no less than 24 hours and no later than three school days after the appeal has been submitted.
- E. The Chair of the EAB shall timely notify the appellant and the Chief Election Officer of the date and time of the EAB meeting. The Chief Election Officer may respond to the appeal in writing at any time prior to or at the EAB meeting. The Chief Election Officer's written response shall be provided to the appellant. The Chief Election Officer and the appellant may bring additional evidence for presentation at the meeting. Testimony of relevant witnesses will be heard at the discretion of the Chair.
- F. Such Rules of Order will be followed during EAB meetings as are prescribed before the hearing by the Chair of the EAB. The meeting shall be public or closed at the discretion of the Chair of the EAB. The Chief Election Officer, the appellant, and each witness, if any, shall be sworn to offer testimony under penalty of perjury.
- G. The appellant and the Chief Election Officer (or his/her designee) are each permitted, but not required, to make up to a 15-minute presentation which may be followed by questions from the EAB members. Extensions of time may be granted for good cause as determined by the EAB chair.

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- H. Deliberations of the EAB shall be in closed session, with only EAB members in attendance. The vote of the EAB on the issue or issues shall follow in open session. The Chair will announce the decision.
- I. Decisions of the EAB are final.

### **IX. AMENDMENTS TO ELECTION POLICY MANUAL**

- A. The ERM is amendable in accordance with A.S. Act 15.

### **X. EFFECTIVE DATE**

- A. This ERM is effective upon adoption by the A.S. Board of Directors. This ERM supersedes all previous legislation pertaining to A.S. elections other than Act 15, and any such legislation currently in effect are repealed.