

**Associated Students
of
San Jose State University
Elections Regulation Manual (ERM)**



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Article I: - Purpose

Section I – Purpose of the Election Regulation Manual (ERM)

- A. The purpose of the Elections Regulation Manual (shall be referred to as “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 as outlined in Article III, Section I.
- C. The ERM provisions apply to all SJSU students.
- D. All activities not specifically addressed in the ERM shall be governed by the A.S. Bylaws and California statutes and regulations pertaining to student activities including the SJSU Student Conduct Code, Title 5 of the California Code of Regulations Section 41301, and other relevant University policies and procedures.
- E. The ERM may not be amended or revised after advertising has begun for an election cycle.
- F. Faculty, staff, and administration participation in student elections shall conform to Chancellor’s Office regulations and this ERM.

Section II - Purpose of the A.S. Students’ Election Commission

- A. The purpose of the Students’ Election Commission (SEC) is to ensure compliance with this Elections Regulation Manual (ERM).
- B. Details about the SEC, its composition, and duties can be found in the A.S. Bylaws, Article IV, Section XIII.

Article II: Candidates

Section I - Candidate Eligibility

- A. A candidate is a SJSU student who is eligible and running for an elected A.S. office or submitting an initiative or referendum to the ballot. For the purpose of this document, referenda and initiatives shall be referred to as candidates.
- B. SJSU Student Involvement and the Office of Student Conduct and Ethical Development will conduct eligibility checks after the application deadline determined by the SEC and advertised on the Elections’ Calendar.
- C. Each individual candidate seeking to become or remain an Officer or Director must be in good standing with the University and not be on probation of any kind.
- D. Candidates must comply with the academic requirements established by the Trustees of the California State University and San José State University. (See Trustees Academic Qualifications for Student Officers and University Policy S05-4, Academic Qualifications for Student Office Holders).
- E. No student shall hold more than one Associated Students office, excluding committee memberships, during the tenure of office.

- F. Executive officers of the A.S. Board of Directors shall have attended San José State University at least two (2) of the preceding three (3) semesters before the first day of the fall semester following election.
- G. All officers shall maintain at least six (6) units of credit at the time of election and during the entire tenure of office.
- H. No student shall hold any one position on the A.S. Board of Directors for more than two academic years and no student shall serve in any A.S. office, exclusive of A.S. committees and boards, for more than three academic years.
- I. Applicants who fail to meet eligibility guidelines must be notified by the SEC Advisor within five (5) days after the close of the approved application period. An ineligible applicant will be deemed to have withdrawn from the Election and his/her name will not appear on the election ballot.

Section II - Candidate Requirements

- A. Attend a mandatory Candidate Orientation/ Ethics Session.
- B. Fill out an online application on the AS elections website.
- C. Submit a completed application, waiver form, and other required forms found in the Candidate Information Packet by the deadline using the form posted on the A.S. election website
 - 1. Should the candidate – due to their own negligence – fail to submit any of the required forms found in the Candidate Information Packet by the deadline, they will not be eligible to participate as an election candidate.
- D. Submit all Voter Information Guide content by the deadline. 1. Should the candidate – due to their own negligence – fail to submit any of the required forms found in the Candidate Information Packet by the deadline, they will not be eligible to participate as an election candidate.
- E. Submit a Candidate Expense Report and required receipts to be approved and signed by the Ethics Officer.
- F. Participate in the Candidate Debates and at least two (2) additional Election Events.
- G. Follow all campaigning regulations as outlined in the ERM.
- H. Fully understand and agree to the expectations and commitments of their role if elected, including but not limited to Board attendance policy, maintaining office, carrying out position duties, participation in mandatory meetings, retreats and training throughout the year, etc.

Section III - Candidate Responsibilities

- A. Use SJSU email and respond to emails from the SEC in a timely manner.

- B. Read and follow the Elections' Calendar.
- C. Follow the grievance process within its intended purpose.
- D. Encourage students to vote in elections.
- E. Be familiar with each of the regulations laid out in the A.S. Bylaws and ERM, Student Conduct Code, and California Education Code regarding student government elections and to ensure that each person and/ or organization involved in their campaign is fully informed about them, particularly all campaign party workers.

Section IV - Candidate Withdrawal

- A. A candidate (or a representative from an initiative/ referendum) may withdraw from an election at any time by informing the SEC in writing through email with reasoning why. The SEC shall remove the candidate from the ballot only after requested. The SEC shall not count votes cast for a withdrawn candidate under any circumstances.
- B. If an uncontested candidate for an A.S. office withdraws after the filing deadline passes, no further applications for election to that office can be accepted, and the position shall be filled in accordance with the A.S. Bylaws (Article VI, Section III).

Article III: Election Procedures

Section I - Type of Elections

- A. General Election - Is a regular yearly election of officers to A.S. Board of Directors, as well as referenda and initiatives placed on the ballot.
- B. Run-off Election - Is an election that is a result of a tie-vote during a general or special election. If a tie-vote also occurs in a run-off election, the A.S. Board of Directors shall appoint one of the two run-off candidates by a two thirds majority.
- C. Special Election - Is an election held outside of a regularly scheduled general election.
- D. Virtual Election- In case of extenuating circumstances, elections will be held entirely online.

Section II - Time of Elections

- A. The SEC, in collaboration with A.S. Marketing & Events department shall create the Election Calendar/ Timeline within one month of the SEC Election Officers assuming responsibilities.
- B. The Election Calendar/Timeline shall be approved by a simple majority of the A.S. Board of Directors no later than the last Board meeting of the fall semester.

Section III - Application Process

- A. After a student passes the eligibility check, they may have their name placed on the ballot for an A.S. Board position by filling out the online application by the deadline determined by the approved Election Calendar.
- B. A student's name shall appear on the online ballot for only one office in a single election.
- C. 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 SEC and its advisor on the application, which shall be used solely for the purpose of communicating with the potential candidate, campus media and verifying eligibility. A candidate may choose to decline communicating with the media by indicating so in the candidate application.
- D. The SEC will make candidate applications available online through the A.S. website, on the Student Government Students' Election Commission web page, and at every A.S. Information Session (if applicable).
- E. Candidates for Associated Students Offices shall file separately.
- F. Candidate applications must be received by the deadline posted on the Elections Calendar/ Timeline. The SEC will determine the date, time, and location for applications to be submitted.

Section IV – Candidate Events

- A. Candidate Orientation and Ethics Meetings: Prior to each election, the SEC shall hold a minimum of four (4) Candidate Orientation and Ethics meetings on different days of the week and at different times (a Monday/Wednesday meeting and a Tuesday/Thursday meeting, one in the morning and one in the evening).
 - 1. Each person interested in running for an A.S. office, including incumbents seeking re-election and those submitting an initiative or referenda, must attend a Candidate Orientation and Ethics Meeting and be present for the entire meeting. Topics for this meeting should include, but are not limited to:
 - i. Candidate eligibility
 - ii. Functions, responsibilities, time commitments
 - iii. Rules, regulations and ethics of elections and campaigning.
 - 2. Candidates who cannot attend the scheduled meeting times may make arrangements with the SEC.

3. Students submitting an initiative or referenda for the ballot are responsible for scheduling and attending a one-on-one meeting with the Chief Elections Officer or representative.
4. Meeting Structure: The meeting should be dedicated to orienting the candidates on the following topics including, but not limited to:
 - i. Advocacy, service, and stewardship
 - ii. What A.S. is and does
 - iii. A.S. History
 - iv. Structure of A.S. and the Board of Directors
 - v. Responsibilities and duties of Board Members
 - vi. Accomplishments of past Boards
 - vii. Relationship between A.S., the students and the University
 - viii. The importance of ethical decision making
 - ix. Campaign rules and regulations
 - x. Approved Elections' Calendar/ Timeline
 - xi. Grievance process
 - xii. Campaign violations
5. Candidates will not be allowed to campaign until they attend the mandatory meeting and all other requirements are met. No campaigning of any kind will be permitted prior to the posting of eligibility and the onset of the official campaign period as approved by the SEC and advertised on Elections' Calendar.

Section V - Election Events

- A. The SEC Events Officer, with the approval of the SEC and in collaboration with the A.S. Marketing & Events department shall host a minimum of four (4) candidate events, including but not limited to the following
 1. Elections/ Campaign Kick Off
 2. Meet the Candidates/ Interactive Events
 3. Open Forum
 4. Candidate Debates
 5. Voting Party
 6. Election Results
 7. Candidate Videos
- B. The SEC must hold a Candidate Debate event available for the SJSU public to attend. The recording of the debate shall also be made available on the A.S. media channels.
- C. All candidates are required to participate in the Candidate Debates, along with two (2) additional Election Events scheduled.

1. Candidates who cannot participate must submit in writing the reason for the absence at least five days in advance, which must be excused by the SEC. Candidates must provide suitable evidence of their absence.
- D. The SEC shall facilitate the events and grant each candidate equal time and opportunity to speak and make personal statements.
- E. The SEC Marketing Officer will work in collaboration with the A.S. Marketing & Events department to promote election events.
- F. Students who submit an initiative or referendum for the ballot as well as those who submit a con statement may participate in all election events.
- G. Any election event that is approved by the SEC must not favor a candidate, initiative or referendum in any way.

Section VI - Elections Advertising

- A. All elections and candidate events must be publicized using all necessary and available mediums including Spartan Daily, posters, online, etc. in accordance with the Elections Calendar/ Timeline.

Section VII - Voter Information Guide (VIG)

- A. A Voter Information Guide (VIG) shall be made available both online and in printed form at least 2 weeks prior to the first day of voting and in accordance with the Elections Calendar/ Timeline.
- B. Candidate bios/ statements must be submitted by the place, date, and time, and in the format designated by the SEC.
 1. Word limits for Bio statements submitted for the VIG are:
 - a. A maximum of 250 words for Bio statements. A maximum of 250 words for ballot initiative, referendum, or recall election descriptive text.
 - b. A maximum of 250 words each for pro or con statements concerning ballot initiatives, referenda, and recall elections.
- C. The selection of statements for publication in the VIG in support of and in opposition to initiatives, referenda, and recalls shall be as follows:
 1. The person or organization sponsoring the initiative, referenda, or recall shall be entitled to write the VIG statement in support of the measure.
 2. The statement in support of a petition for recall or initiative must be submitted to the SEC with the petition. Statements concerning referendums/ initiatives must be submitted according to the approved Elections Calendar/ Timeline. If no statement is submitted, none shall be published in the VIG.

3. Upon submission of a petition for recall or initiative, the SEC will post the recall or initiative language on its office door and the Elections website together with the procedures for submitting an opposition statement.
 4. The first statement submitted to the SEC by a person or registered campus organization 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.
 5. An officer whose recall is sought shall write the statement to be published in the VIG in opposition to the recall.
 6. 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.
- D. Statements submitted by candidates for the VIG will be edited for factual accuracy. If a candidate submits information that is wholly inaccurate and misrepresents A.S. or SJSU, the SEC has authority to return to the candidate for suggested revision of the statement for factuality. A grievance can be filed against said candidate who may result in the candidate's invalidation.
- E. The SEC shall provide the A.S. Marketing & Events department with all eligible candidate names, statements, referenda, and initiatives to be included in the VIG, along with any other related content no later than 24 hours after the VIG information deadline.

Article IV: Campaigns

Section I - Definition

- A. Campaigning - refers to organized actions that a candidate undertakes to pursue a particular goal (running for an office or position or promoting a referendum/ initiative).

Section II - Examples of Campaign Activities

- A. Distributing or displaying posters, flyers, pamphlets or any other form of printed publicity to students on or off campus in order to obtain votes.
- B. Making any public statement about candidacy to individuals or groups, such as presenting to student organizations or classes, giving speeches, organizing campaign supporters, requesting faculty or staff support, etc.
- C. Posting any type of online content or images related to candidacy on websites, social media pages/ platforms, online groups or any other type of online media.

Section III - Campaign Workers

- A. All campaign workers must be identified to the SEC through a candidate's Campaign Party List, which grants them the right to work on the campaign of that candidate.
- B. All candidates will be held responsible for conduct by their campaign workers related to the candidate's campaign.
- C. Candidates and their campaign workers shall use the highest standards of ethics when campaigning and talking about other candidates.

Section IV - Campaign Regulations

- A. Campaign regulations contained herein apply to candidates, referenda, initiatives or any candidate campaign party member or supporter.
- B. Candidates are not allowed to campaign as a slate.
 - 1. Examples of a slate includes, but are not limited to the following:
 - i. Campaign materials containing multiple candidates.
 - ii. Combining campaign funds together to purchase necessary campaign materials.
 - iii. Candidates cannot endorse each other (ie., reposting/distributing campaign materials).
- C. Current A.S board members cannot endorse any candidates.
- D. The posting and distribution of campaign materials on campus, online or in any form shall not begin before a time and date specified by the SEC.
- E. The SEC has the authority to actively monitor, approve, and permit or deny the distribution of campaign materials for the purpose of ethical appropriateness and fairness.
- D. The distribution of campaign materials must adhere to current University policy. SJSU policy will be distributed to candidates at the Campaign Rules Meetings prior to the start of campaigning.
- E. Campaign material sizes may not exceed a size of 12 inches by 18 inches.
- F. Persons distributing or posting campaign materials at fraternities, sororities, or residence halls, campus departments or at meetings/events sponsored by campus organizations must comply with applicable rules and regulations of that department or organization.
- G. Outdoor campaigning shall adhere to the campaign map as designated by the SEC with the approval of Facilities Development and Operations (FD&O).
- H. Candidates may not post more than one (1) double-sided campaign material per campaign area.
- I. No campaigning within 75 feet of a polling location will be allowed.

- J. Campaign materials may not be posted or carried into any A.S. department, unless only for purposes of utilizing the A.S. Print and Technology Center services.
- K. No candidate campaigning shall occur during any A.S. Board or committee meetings, A.S. events, on A.S. social media channels, online groups, or any other method of Board or Committee group messaging.
- L. Candidates may not use the A.S. logo on any campaign material (including candidate photo) unless provided by the SEC during campaign events.
- M. Current A.S. Board of Directors may not use their position within A.S. to support any candidate.
- N. No candidate or individual shall interfere with the campaign of another candidate.
- O. Campaign materials may not be placed on or in vehicles without consent of the vehicle owners.
- P. Each candidate shall remove all campaign materials from the campus within twenty four hours after the announcement of election winners. Failure to do so will result in a disciplinary action taken by the SEC.
- Q. Candidates may not use any Associated Students property without purchase 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 disciplinary action taken by the SEC. This does not include using the services of the A.S. Print and Technology Center as long as all materials are paid for in full.
- R. 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 Students' Election Commission voting members to have engaged in such behavior is subject to removal from the ballot.
- S. If candidates are given permission to speak in front of a class, or in the case of online classes, post a video or statement on Canvas, the candidate must submit an Accountability Form signed by the faculty member.
- T. Candidates may not use any form of unethical behavior, bribery, or monetary promises, gifts, or hospitality deemed unacceptable as determined by the SEC.

Section V – Candidate Endorsements

- A. Candidates may seek endorsements from recognized student organizations on campus.

- B. SJSU Recognized Student Organizations may not endorse a candidate before the start of the campaigning period designated by the SEC.
- C. Endorsements must be confirmed by the Recognized Student Organization and the candidate via an endorsement form that is signed and dated by both the candidate and the president or chair of the student organization.
- D. Endorsements that are not confirmed by both the student organization and the candidate will not appear.
- E. Endorsement forms are due to the SEC and must be submitted by the deadline on the Elections' Calendar or Timeline.
- F. Endorsements will appear in the online version of the VIG only, unless included in the candidate's VIG statement and total word count limit.
- G. RSOs are allowed to endorse ONLY one (1) candidate per election cycle.
 - 1. Among all races for all open positions combined, a single RSO may choose to endorse only one (1) candidate.
 - 2. RSOs that intend to endorse a candidate must choose to only endorse one (1) candidate out of all potential candidates in all races combined in the entire election.

Section VI - Candidate Expense Sheet

- A. It is mandatory for candidates to report all expenses and donations made to their campaign.
- B. Receipts for expenses must be submitted to the SEC the day before the last day of voting using the Candidate Expense Sheet provided by the SEC.
- C. Candidates cannot exceed more than \$1,000 in campaign expenses. Such is grounds for disciplinary action taken by the SEC.
- D. Candidate Expense Sheets must be approved and signed by the SEC Ethics Officer.
- E. Candidate Expense Sheets will be considered public information.

Article V: Voting and Election Results

Section I - Student Voting Eligibility

- A. Each student that pays the Association Fee has equal voting rights in all A.S. Elections.
- B. Eligible voters may vote at any of the official polling locations on campus or from a device that has access to the A.S. website.
- C. On the election days, voters may vote from any device until the close of voting on the last day of elections at a time determined by the SEC.

Section II - Voting Duration

- A. Per Article V, Section I, A of the A.S. Bylaws, elections for the A.S. Board of Directors shall be held during the second or third full week of April.
- B. Election voting shall take place over a span of no less than 48 hours and no more than one full week.
 - 1. Should the SEC determine that accommodating for lost time from an unexpected event be necessary, they can extend election voting for up to one full week. An unexpected event can be, but is not limited to, the following:
 - a. Natural Disaster
 - b. Campus Shutdown
 - c. Faculty Strike
 - d. Resignation of the Chief Elections Officer

Section III - Ballots

- A. Ballots will be cast online, unless the need for a paper ballot is determined by the SEC.
- B. Each ballot should include the names of candidates running for the office and the position they are seeking as well as their bio, referendum/ initiative titles, and pro/ con statements.
- C. During the construction and activations of the electronic ballot, the order in which candidates appear on the ballot are alphabetically by referenda and initiative title, then by officer title; President, Vice-President, Controller, and alphabetically by remaining positions with the names of candidates listed randomly or alphabetically by last name.

Section IV - Polling Locations

- A. There shall be a minimum of three (3) pre-determined physical polling locations in high traffic areas on campus as determined by the SEC, except in the case of a digital election.
- B. Authorized polling locations may only be administered by the SEC.
- C. Unauthorized polling locations are not permitted. An unauthorized polling location includes use of a personal electronic device where candidates may ask students to vote now during any campaigning activity.
- D. No person shall be allowed to promote a candidate or initiative/ referendum, conduct campaigning activities, or loiter within 75 feet of an authorized predetermined polling location. Only eligible voters casting ballots and designated election officials are allowed at the polling areas.

Section V - Determination of Winners

- A. A candidate or initiative/ referendum receiving the most votes cast in an election shall be deemed the winner.

- B. Should the vote result in a tie, a runoff election shall be held for that office/ initiative/ referendum no later than ten days after the closing of the previous election ballot.

Section VI - Announcement of Results

- A. The Chief Elections Officer and SEC Advisor shall be responsible for compiling and announcing the election results along with the certification of results assuring the results are true, accurate, and have not been compromised.
- B. Results shall be distributed to the Associated Students' Executive Director.
- C. Results shall be announced and made public no later than 6 hours after the close of the Voting Period and remain posted virtually and or physically for a minimum of 7 business days.
- D. Results shall be posted on the door or in public view at the A.S. House, Student Government Suite, and other A.S. departments.

Article VI: Violations and Grievances

Section I – Violations

- A. Definition of Violations
 - 1. Candidate, student, and/or student organization behavior not consistent with the ERM rules, regulations, and procedures as determined by the SEC.
- B. Role of the SEC with Violations
 - 1. The SEC governs the enforcement of the ERM rules, regulations, and procedures and enforcing the provisions thereof with appropriate penalties.
 - 2. The SEC 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.
 - 3. The SEC may consult with Student Conduct and Ethical Development and/or A.S. legal counsel concerning whether an action to be taken pursuant to this authority is reasonable.
 - 4. The SEC must comply with the ERM as it is written.
- C. Violations and Discipline
 - 1. If the violation alleged is found to have occurred and is listed below, the attached disciplinary measure and that measure alone must be enforced and implemented.

- a. If the SEC determines that a violation has occurred that isn't listed below, the SEC shall decide an appropriate disciplinary measure.
 - b. In the event of multiple violations *or* a serial violator, the SEC is permitted to deviate from Point #1 listed above and free to create a disciplinary measure as it sees fit.
2. All major violations, upon conviction by $\frac{2}{3}$ vote of the SEC shall be referred to Student Conduct and Ethical Development for alleged violations of the Student Conduct Code.

Minor Offenses	Disciplinary Measure
Campaigning before officially permitted by the SEC.	<ol style="list-style-type: none"> 1. 10 hours of community service for the first offense. 2. 25 additional hours of community service for each subsequent offense.
Campaign materials placed outside of designated areas.	<ol style="list-style-type: none"> 1. Materials to be disposed of by SEC on first and/or second offense. 2. Candidate shall be banned from placing campaign materials anywhere on campus, including in designated areas, for third offense.
Campaigning within a polling location <i>or</i> within 25 feet of a polling location.	<ol style="list-style-type: none"> 1. 25 hours of community service for the first offense. 2. 50 additional hours of community service for each subsequent offense.
Failure to remove campaign materials before the deadline created by SEC.	SEC shall dispose of materials leftover. Candidate must partake in 5 hours of community service involving clean up.
Reposting <i>or</i> accepting an unauthorized or unofficial endorsement on social media.	<ol style="list-style-type: none"> 1. 15 hours of community service for the first offense. 2. 20 additional hours of community service for each subsequent offense.

Major Offense	Disciplinary Measure
Failure to create a candidate expense sheet <i>or</i> failure to submit candidate expense sheet to SEC by specified deadline.	Ineligible for office.
Hosting, holding, or partaking in an unauthorized polling location.	Grounds for removal of office and/or vacancy of election results for offending candidate(s).
Tampering, destruction, removal, or damage to another candidate's materials; <i>unless</i> express consent given beforehand by candidate whose materials are to be affected <i>or</i> as permitted by the SEC.	Grounds for removal of office and/or vacancy of election results for offending candidate(s). Subject to a police report with UPD.
Using AS materials (such as the AS logo other than ones permitted by the SEC) for personal campaigning <i>except</i> the AS print and technology center.	Subject to stipulations put on by the SEC.
Submitting false, misleading, or deceptive information to the SEC.	Determinate on severity: <i>and</i> Grounds for removal of office and/or vacancy of election results for offending candidate(s).
Forgery, unauthorized alteration, or misuse of any election document submitted to the SEC.	Grounds for removal of office and/or vacancy of election results for offending candidate(s).
Intimidating, discouraging, or dissuading any person from running for a position of the potential candidate's choosing.	Grounds for removal of office and/or vacancy of election results for offending candidate(s).
Failure to comply with disciplinary action for minor <i>or</i> major offenses.	Grounds for removal of office and/or vacancy of election results for offending candidate(s).
Submitting false vote(s) <i>or</i> partaking in conduct that equates to "voter fraud."	Grounds for removal of office and/or vacancy of election results for offending candidate(s). Candidate must take responsibility and shall make public an apology.

Conduct that threatens, endangers, or harasses another candidate.	Grounds for removal of office and/or vacancy of election results for offending candidate(s). SEC must file a report with UPD
Campaigning as a slate or supporting another candidate in another race.	Grounds for removal of office and/or vacancy of election results for offending candidate(s).

D. Grounds upon which student discipline can be based stipulated in the Student Conduct Code (Title 5 of the California Code of Regulations Section 41301)

E. Any disciplinary action that involves community service must be completed by the first day of class of the subsequent semester.

Section II - Grievance Process

A. Submission of Violations/Complaints

1. Any student may submit a violation/complaint.
2. Each violation/complaint shall be reported to the SEC no later than five (5) working days after the alleged violation was discovered.
3. The last opportunity to submit complaints to the SEC will be 48 hours after the close of voting.
4. Violations/complaints shall contain ALL of the following information:
 - a. Sections of the A.S. Bylaws and/or ERM that are the subject of the charges,
 - b. Factual description of the conduct (e.g., who was involved, date/time/location of the violation)
 - c. Evidence of the conduct.

B. Review of Violations/Complaints

1. The Ethics Officer is responsible for reviewing the violation/complaint for completion and preparing all documents for the SEC’s review.
2. The Chief Elections Officer shall convene the SEC to review the violation/complaint.
3. This meeting shall be public and all relevant parties invited to attend.

4. Relevant parties will be allowed a maximum of 3 minutes to share their information.
 - a. Testimony of relevant witnesses shall be heard at the discretion of the Chief Elections Officer.
5. The SEC will review the submitted violation/complaint and documents and be able to ask questions to parties present.
6. The SEC shall deliberate in a closed session; only voting members of the SEC shall attend.
 - a. They will determine, based on a preponderance of the evidence, whether or not the violation/complaint is substantiated.
 - b. If it is substantiated, they will also determine whether the violation constitutes a minor or major offense.
7. The vote of the SEC shall follow in open session and shall use a majority vote to determine the outcome.
8. Decisions of the SEC may be appealed to the Election Appeal Board (EAB). See Section III in this Article.

Section III - Appeal Process

- A. The decision of the SEC may be appealed to the Election Appeals Board.
 1. Election Appeals Board (EAB)
 - a. The composition and duties are assigned in accordance with the A.S. Bylaws (Article V, Section III).
 - b. Meetings of the EAB must follow the California Education Code and other public meeting requirements.
- B. Appeal Process
 1. A candidate may submit a written appeal to have the outcome of the SEC reviewed.
 2. Appeals must be submitted within 48 hours following the SEC decision.
 3. Appeals shall contain the following information:
 - a. Candidate's signature.
 - b. Date the appeal is submitted.
 - c. Copy of the SEC outcome or a written account of the decision issued.
 - d. Candidate's desired outcome.
 - e. Criteria for the student's appeal (must be one of the following):
 - i. New information has become available since the

investigation.

ii. Due process rights have been violated.

iii. Issued sanctions/outcomes were excessive.

C. Review of the Appeal

1. The EAB shall convene no earlier than 24 hours and no later than three working days after the appeal has been submitted to consider the appeal.
2. The EAB Chair shall notify the candidate and the Chief Elections Officer of the date, time, and location of the EAB meeting.
3. The Chief Elections Officer may respond to the appeal in writing before the EAB meeting; the written response shall be provided to the candidate.

D. EAB Meeting

1. The candidate and the Chief Elections Officer may present evidence during the EAB meeting.
 - a. Testimony of relevant witnesses shall be heard at the discretion of the EAB Chair.
2. Robert's Rules of Order will be followed during the EAB meeting. The meeting shall be public or closed at the discretion of the Chair of the EAB.
3. The candidate and the Chief Elections Officer are each permitted, but not required, to make up to a 15-minute presentation.
4. The EAB members may ask questions of the candidate and the Chief Election Officer.
5. Extensions of time may be granted for good cause as determined by the EAB Chair.

E. EAB Decision

1. Deliberations of the EAB shall be held in closed session; only EAB members shall attend.
2. The vote of the EAB on the issues shall follow in open session. The EAB Chair will announce the decision.
3. Decisions of the EAB are final and cannot be appealed further.
4. In a case when the EAB cannot or will not make a decision, the Associate Vice President of Student Affairs or designee will make the final decision.

Article VII: Definitions

- A.S. - Shall mean the Associated Students of San Jose State University, which is a California nonprofit public benefit corporation.
- A.S. Board/ Board - Shall mean the corporate Board of Directors of Associated Students.
- A.S. Bylaws/ Bylaws - Shall mean the corporate Bylaws of the Associated Students of San Jose State University.
- A.S. President - Shall mean the current president of Associated Students.
- Campaign Materials - Shall be defined as any material that promotes the election of candidate or any election referendum/initiative. This includes, but is not limited to signs, badges, posters, tee shirts, flyers, balloons etc.
- Campaign Worker - Shall refer to students who provide an exceptional amount of campaign work on behalf of a candidate. The degree of work that qualifies an individual as a campaign worker shall be under the discretion of the SEC.
- Campaigning – Shall refer to organized actions that a candidate undertakes in order to win an election. It includes the distribution of printed matter (except for editorial material in student publications such as the Spartan Daily during the campaign period), publishing paid political ads in student publications, making public speeches, displays or demonstrations in support of or in opposition to any candidate or any ballot measure.
- Campaigning Activities - Shall refer to physical and/or electronic posting of content or materials, including but not limited to canvassing, seeking endorsements, and fundraising on or off-campus.

- Campus - Shall refer to 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 SJSU property, including the 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. 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.
- Candidate - Shall refer to a student who is eligible and running for an elected A.S. office. SJSU Student Involvement will conduct eligibility checks once all candidates have turned in their application by the deadline determined by the Elections Calendar/ Timeline. For the purpose of this document, referenda and initiatives shall be referred to as candidates.
- Chief Elections Officer - Shall mean the lead SEC officer who plans and implements a successful Election with the help of other SEC officers and consultants. The Chief Elections Officer performs all duties in order to uphold the fairness and impartiality of the elections process.
Con statement - Shall refer to an explanation as to why students should vote against a referendum and/or an initiative.
- Day - Shall refer to business days defined as Monday through Friday from June 1st to May 31st.
- Director - Shall refer to a member of the A.S. Board of Directors. ● Final Decision - Shall mean a decision or order that cannot be appealed.
- General Election - Shall refer to a regular yearly election of Board Members, as well as referendums and initiatives placed on the ballot.
- Initiative - Shall refer to a non-binding question posed to the student body *by a member of the student body*.
- Official Ballot Polling Location - Shall be defined as any place where voters can go to cast votes in an election and can only be authorized and regulated by the Students’ Election Commission.
- Pro statement - Shall refer to an explanation as to why students should vote in favor of a referendum and/or an initiative.
- Recall - Shall refer to the removal or the right of removal of an elected or appointed officer from their position by a 2/3rds vote of the A.S. Board of Directors or a majority of the student body.
- Referendum – Shall refer to a non-binding question posed to the student body *by the Board of Directors*.

- Run-off Election - Shall refer to an election that is a result of a tie-vote during a general or special election. If a tie-vote also occurs in a runoff election, the A.S. Board of Directors shall appoint one of the two runoff candidates by a two-thirds majority.
- SEC Election Officers - Shall include the Ethics Officer, Events Officer and Marketing Officer.
- Sign - Shall mean any stationary sign, banner or A-frame. A double-sided A frame sign constitutes one sign. If used, support posts are included as a part of the sign.
- Written/Writing - Shall mean writing addressed to the SEC office. This includes email or written physical letter only.
- Special Election – Shall refer to an election held outside of a regularly scheduled general election.
- Slate - Shall refer to two or more candidates forming a coalition.
- Student - Shall mean a current, regularly enrolled SJSU student registered in at least one course for credit, excluding Open University and any extension course. Each student that pays the Association Fee has equal voting and candidacy rights in all Associated Students Elections. Eligibility requirements must be met by the deadline as well.
- Virtual Election- Shall refer to an election where part or all of the election is held online (e.g. voting, campaigning).

Last Amended:
December 2022