

## I. NAME

This Code shall be known as the "ASUCI Elections Code".

## II. AUTHORITY

This Code is established under Article IX of the Constitution of the Associated Students, University of California, Irvine (hereinafter referred to as ASUCI).

## III. PURPOSE AND APPLICABILITY

The purpose of this Code shall be to outline the procedures, guidelines, and regulations which govern all ASUCI Elections at the University of California, Irvine (hereinafter referred to as UCI) and to define the duties and responsibilities of those who participate in and who facilitate all ASUCI Elections. Student Fee Referenda/Initiatives regarding the ASUCI fee shall be governed by this Code. Other Fee Initiatives shall be governed by the Guidelines approved by the Chancellor of UCI.

## IV. AMENDMENTS

The Rules Committee of the ASUCI Legislative Council shall recommend amendments to this Code to be approved by a 2/3 vote of the ASUCI Legislative Council.

## V. STUDENT VOTING ELIGIBILITY

All registered undergraduate students at UCI shall hold equal voting rights in any ASUCI Elections.

## VI. VOTING PROCEDURES

- A. All students may vote for open At-Large Legislative Council seats and Executive Officer positions.
- B. Students may only vote for additional Legislative Council candidates representing the School(s) of their major(s).
- C. Undeclared and unaffiliated majors may only vote for those candidates stipulated in Article VI, Section A.
- D. Any efforts to falsify registration or to vote more than once is in violation of this Code and shall be referred to the disciplinary bodies of UCI.
- E. In order to vote on-line, each voter must enter his or her UCI-net ID, password and student ID number.
- F. The ASUCI Profesional staff shall randomly determine the order of the names on the ASUCI elections ballot, with purview of the Elections Commissioner.
- G. The ballot order in elections shall be as follows:
  - 1. Constitutional Amendments
  - 2. Fee Referendum
  - 3. Recall Elections
  - 4. Executive Officer Seats
  - 5. Legislative Council Seats

## VII. TIMELINE

### A. Fall Elections:

- 1. The Elections Packet shall be available no later than third week of Fall Quarter.

2. The Declaration of Candidacy is due no later than Friday at 12:00 p.m. of fifth week of Fall Quarter to the ASUCI Receptionist.
3. The mandatory candidates meeting shall be held during sixth week.
4. Elections shall be held during eighth week. Voting shall begin Monday at 9am and terminate Thursday at 4:00pm 24 hours on-line.
5. Each candidate must submit a Financial Statement form. The deadline to turn in a Financial Statement to the ASUCI Receptionist is Friday of Elections Week at 12:00p.m.
6. The results of the Elections shall be posted on Friday of Elections Week at 5:00 p.m., outside of ASUCI, except for those races where an official complaint has been filed.
7. The deadline to file an official complaint form shall be the Friday of Elections Week by 4:00pm.

B. Spring Elections:

1. The Elections Packet shall be available no later than eighth week of Winter Quarter.
2. The Declaration of Candidacy is due no later than Friday at 12:00 p.m. of tenth week of Winter Quarter.
3. The mandatory candidates meeting shall be held during first week of Spring Quarter.
4. Public candidate forum(s) will be held during second week, in which all candidates shall have the opportunity to speak for the following amounts of time:
  - A. Candidates for Executive offices: 3 Minutes
  - B. Candidates for Council seats: 2 Minutes
5. Elections shall be held during third week. Voting shall begin Monday at 9:00am and terminate Friday at 4:00 p.m. 24 hours on-line.
6. Each candidate must submit a Financial Statement form as well as any endorsement forms. The deadline to turn in a Financial Statement and any endorsement forms to the ASUCI Receptionist is Friday of third week at 5pm.
7. Deadline to file an official complaint form shall be the Sunday after Elections Week at 5:00pm.
8. Evidentiary Hearings held by the Elections Commission for Official Complaints shall be held Monday to Thursday of fourth week, and hearing results shall be published Thursday of fourth week at 12:00pm.
9. The results of the Elections shall be posted on Wed. of fourth week following ratification from the ASUCI Legislative Council, outside the ASUCI offices, except for those races where an official complaint has been filed with the Judicial Board or the Elections Commission.
10. Candidates will have until Monday at 12pm of fifth week to appeal the decision of the Elections Commission to Judicial Board.
11. Judicial Board will convene for Candidate Hearings fifth week and publish results by Friday of fifth week.

C. The candidate with the highest number of votes shall be declared the winner, unless disqualified under Article XXI. Candidates do not have to receive the majority of the votes cast to be declared winner.

#### VIII. RUN OFF ELECTIONS

- A. In the event that more than one candidate for a position receives the same number of votes (highest for that contested position), a run-off Election shall be held.
- B. The Election shall take place as soon as deemed possible by the Elections Commission, not to exceed two weeks from the last Election.
- C. Run-off Elections shall last two consecutive days as determined and pre-announced by the Elections Commission.
- D. Run-off Elections shall be held for the contested position(s) only.

#### IX. SPECIAL ELECTIONS

- A. This Article shall govern all Elections required because of the disqualification or withdrawal of one or more candidates (hereinafter "Special Elections".)
- B. In the event that all candidates are disqualified for a particular office, the Elections Commission shall re-open applications. All registered undergraduate students at UCI are eligible to run in the Special Elections according to Article XV, Section A, including those individuals disqualified in the previous Elections.
- C. In the event it is decided that a re-election is necessary because of disqualification of one or more but not all candidates of a multi-candidate race for the same office, only those candidates who were not disqualified are eligible to run.
- D. The Legislative Council shall set the date and time for Special Elections.

#### X. POSTING OF RESULTS

The Network and Academic Computing Services (NACS ) will tabulate the results. The results shall be electronically mailed as a spreadsheet attachment to the ASUCI Executive Director and the Elections Commissioner, except for those offices where an official complaint has been filed.

#### XI. ELECTIONS COMMISSIONER

- A. The ASUCI Executive Vice-President shall appoint an Elections Commissioner in accordance with the ASUCI Constitution.
- B. Once appointed, this person waives their Constitutional right to file a declaration of candidacy until the beginning of the next academic year.
- C. The Elections Commissioner's duties and responsibilities shall be as follows:
  - 1. Facilitate and supervise all ASUCI Elections.
  - 2. Post and hold regular office hours in the ASUCI offices as soon as applications for candidacy are available and until the Elections Ratification has been concluded.
  - 3. In conjunction with the Executive Vice-President, recommend the appointment of three Deputy Elections Commissioners to the ASUCI Legislative Council.
  - 4. Hold Evidentiary Hearings as part of the Elections Commission to review official ASUCI Complaints in accordance with Article XXI, Section D as well as any

official complaints submitted by students or candidates. All decisions on official complaint(s) shall be in writing and posted on the bulletin board outside the ASUCI offices as soon as the Elections Commission reaches a decision.

5. Attend any formal ASUCI Legislative Council meeting during the Elections process if requested by the ASUCI Legislative Council or an Executive Officer.
6. Conduct a Mandatory Orientation meeting for all candidates or their representatives at which time the Elections Code, the University policy, and UCI Principles of Community shall be reviewed and the rules and candidate deadlines explained.
7. Review disqualifications before the ASUCI Judicial Board.
8. Create updated Elections Packet, to be available online and its mandatory components submittable by candidates online, excluding the Financial Statement with attached receipts and all Endorsement Forms, which must be physically turned in by candidate in accordance with Article VII, Section A5 and B6.

The Elections Packet should include:

Cover Letter, Elections Timeline, Declaration of Candidacy, Candidates Statement form, GPA Verification Consent form, University Policy and Principles of Community Consent form, Financial Statement, Endorsement Form, and ASUCI Elections Code.

9. The Elections Commissioner shall be present at all Judicial Board hearings that are concerned with candidate(s) and/or the Elections process.
  10. Instruct the deputy Elections Commissioners on their duties and responsibilities, ensuring that each Deputy Commissioner has full knowledge of the Election Code.
- D. The Executive Vice-President and the Executive Director and the Legislative Council may adjust the compensation of the Elections Commissioner to an amount commensurate with the adequacy of his/her performance if the Elections Commissioner does not meet his/her duties as specified in this section of the Elections Code.
- E. Should the Executive Vice-President file a Declaration of Candidacy, the Elections Commission shall be temporarily assigned to an Executive Officer who has not filed a Declaration of Candidacy. The assigned Executive Officer shall incur the duty of the Executive Vice-President as they relate to the elections in accordance with the ASUCI Constitution.
- F. In the event that all Executive Officers file a Declaration of Candidacy, the ASUCI Legislative Council shall appoint a new chair for the Elections Commission from within voting council members who have not filed a Declaration of Candidacy with a two-thirds vote of eligible voting council members present.

## XII. DEPUTY ELECTIONS COMMISSIONERS

- A. The Elections Commissioner and the Executive Vice-President shall recommend three (3) Deputy Elections Commissioners to the ASUCI Legislative Council for approval including a Deputy Elections Commissioner for Compliance, a Deputy Elections Commissioner for Publicity, and a Deputy Elections Commissioner for Logistics.
- B. Once appointed these persons shall waive their constitutional right to file a Declaration of Candidacy until the beginning of the next academic year.

C. The duties of the three Deputy Elections Commissioners shall be as follows:

1. The Deputy Elections Commissioner for Compliance shall be responsible for verifying the eligibility of each candidate with the Registrar's office, the Academic Counseling Office of the Candidate's School(s), and the Judicial Affairs Office.
2. The Deputy Elections Commissioner for Publicity shall be responsible for promoting all elections, including all advertising in the campus media concerning the election and the recruitment of an Elections Commissioner, and deputy Elections Commissioners if the positions have not yet been appointed.
3. The Deputy Elections Commissioner for Logistics shall be responsible for taking minutes in all Elections Commission meetings and Evidentiary Hearings for the purpose of presentation to Judicial Board should candidates challenge the constitutionality of the decision of the Elections Commission.

D. The Deputy Elections Commissioners shall work under the direction of the Elections Commissioner and shall perform such duties which the Elections Commissioner may assign.

E. The Elections Commission shall verify Financial Statements and investigate alleged violations or infractions committed by any candidate. In addition, they shall be responsible for acknowledging and verifying within one (1) school day all endorsement statements in accordance with Article XVI, Section F.

F. The Executive Vice-President and the Elections Commissioner and the Legislative Council may adjust the compensation of the Deputy Elections Commissioners to an amount commensurate with the adequacy of their performance if the Deputy Commissioners do not fully meet their duties as specified in this code.

### XIII. ELECTIONS COMMISSION

A. The Elections Commission shall be composed of the following people:

1. The ASUCI Executive Vice-President.
2. The Elections Commissioner.
3. All three (3) Deputy Elections Commissioners.

B. This Commission shall meet daily during Elections week to review all official complaints submitted online in accordance to the official complaint deadline in VII.

C. This Commission shall review all violations, and all official complaints filed by individuals.

D. This Commission shall have the authority to penalize candidates for Code Violations according to Article XXI.

E. In the event that the Executive Vice-President files a Declaration of Candidacy refer to Article XI, Section E and Section F.

### XIV. CANDIDATE REQUIREMENTS

A. A candidate shall be defined as any member of the Associated Students of UCI who has filed a Declaration of Candidacy with the Elections Commission according to the guidelines established in Article XVI, Section A, and has met the following criteria:

1. Must have a cumulative GPA of 2.0 or better on a 4.0 scale.
2. Must not be on University disciplinary probation and must be in "good standing with the University.

3. Candidates for Executive Officer shall have attained junior standing at the time of assuming office, and must be a registered undergraduate student at UCI as determined by the Registrar in good standing at the time of candidacy immediately prior to assuming office at UCI.

4. Candidates for Legislative Council shall be registered undergraduate students at UCI as determined by the Registrar in good standing at the time of candidacy immediately prior to assuming office at UCI.

B. Any candidate for an ASUCI Legislative council seat must be enrolled in the school, which the seat represents. At- Large Candidates may be enrolled in any school.

C. Any candidate may withdraw from an Election by presenting a letter of withdrawal to the Elections Commission.

D. No candidate may file a Declaration of Candidacy for more than one position.

#### XV. CANDIDATE RESPONSIBILITIES

A. All candidates must file a declaration of candidacy according to the timeline in Article VII.

B. All candidates are required to attend the mandatory orientation meeting conducted by the Elections Commissioner at which time the Elections Code and campaigning rules shall be fully reviewed. Under extenuating circumstances that have been discussed with the Elections Commissioner in which the candidate cannot attend the scheduled Candidates Meeting, a private meeting may be scheduled for the candidate.

C. All candidates shall be responsible for meeting all deadlines of the Elections Timeline in Article VII, and the deadline to turn in a financial statement as specified in Article XVII, Section A.

D. All candidates shall check the sample ballot, created by the Elections Commission, for misspellings or errors. Any corrections shall be presented to a member of the Elections Commission in writing at least five (5) school days prior to the first day of balloting.

E. All candidates shall familiarize themselves with this Elections Code.

F. Any candidate can be endorsed by an organization registered with the Dean of Students and must submit the Candidate Endorsement Form signed by the leading student officer(s) of the organization, stating that the organization (not the individual) has officially endorsed him/her. No campaign material may be distributed until the Deputy Elections Commissioner for Compliance has acknowledged receipt of the endorsement, as stipulated in Article XII, Section E.

#### XVI. FINANCIAL REPORTING

A. Each candidate must submit a Financial Statement. The deadline to turn in a Financial Statement to the ASUCI Receptionist is outlined in Article VII, Section A, Item 5 and Article VII, Section B, Item 6.

B. Financial Statements shall be included within the candidate's elections packet and shall be available in the ASUCI offices for the duration of the Elections process.

C. The following must be included on the Financial Statement:

1. A detailed list of all campaign expenditures including the source and amount of each expenditure.

2. A detailed list of all donated money, supplies, or materials.

3. Any discounted, or sale purchases must be reflected on the receipt. If a candidate accepts a discount, which is not offered to the general public, for materials, the candidate is required to declare the full value (i.e., the non-discounted price) and price of purchase of the material on his/her Financial Statement. If a candidate accepts a discount not offered to the general public for services rendered, the candidate is required to declare the price at which the services rendered have been purchased on his/her Financial Statement.

D. Any donated tangible materials that are used in the course of a candidate's campaign must be valued at a fair market price and listed as an expenditure on that candidate's Financial Statement.

E. Upon request by any member of ASUCI, the Elections Commission shall make any Candidates' Financial Statement form public.

#### XVII. DONATIONS

A. In conformity with the laws of the State of California and the policies of UCI, campaign funding may not come from the University, its departments, or Associated Students funds. For the purposes of this Code, the term "donor" means any individual (except an immediate family member) or organization who makes any monetary or non-monetary contributions including goods but not including services rendered, up to \$75, to a candidate.

B. Each Executive Office or Legislative Council candidate is restricted from accepting more than seventy five dollars (\$75) per donor during any regular, special, and run-off Election.

C. All Candidates are required to turn in a donor's list with the contact information of Organizations or Individual donors (as stipulated in Article XVII, Section D) and the amount donated along with their Financial Statement.

D. All material donations must be valued at a fair market price and claimed as expenditures, as specified in Article XVII.

#### XVIII. UNOFFICIAL POLLING LOCATIONS

A. Unofficial polling locations include any computer labs or study areas with computers on campus.

B. Candidates are prohibited from soliciting votes inside and within fifty (50) feet of any unofficial polling location.

#### XIX. CAMPAIGNING AND PUBLICITY

A. No campaigning will be allowed until after the submission of the Declaration of Candidacy.

B. All campaigning and publicity shall maintain the aesthetic quality of our campus.

C. Expenses incurred in campaigning off-campus shall be included in the candidate's Financial Statement.

D. The Elections Commission has the right to remove all campaign materials and literature that do not comply with University Posting Regulations and as stipulated in the Elections Code.

E. Every candidate is required to comply with University posting policies.

F. The use of ASUCI and/or University equipment, and/or telephones (except in a manner available to the entire student population) for campaigning is prohibited.

#### XX. VIOLATIONS OF ELECTIONS REGULATIONS AND PENALTIES

A. The following violations shall result in the immediate disqualification of a candidate:

1. Failure to turn in a Financial Statement by the deadline specified in Article XVII, Section A.
2. Receiving donations in violation of Article XVIII or endorsements in violation of Article XVI, Section F.
3. Falsifying Candidate Endorsement forms or endorsements on any advertisement, poster, leaflet, or other campaign materials, as stated in Article XVI, Section F.
4. Failure to comply with University Policy, which includes Housing Complex Rules and Federal and State Law.

B. The following violations are grounds for censure or disqualification of a candidate, depending on the severity of inappropriate conduct:

1. Failure to comply with University Posting Policy.
2. Campaigning or public announcement of candidacy prior to filing a declaration of candidacy as stated in Article XX, Section A.
3. Failure by parties or individuals who endorse/support a candidate to abide by the Elections Code.
4. Solicitation of votes inside or within fifty (50) feet of unofficial polling locations in accordance with Article XIX.
5. Falsifying a Financial Statement as defined in Article XVII.
6. Failure to comply with the UCI Principles of Community.

C. All complaints must be submitted on an official ASUCI complaint form. Official complaint forms are available and must be submitted online.

D. Complaints by individuals shall be in writing and shall include the following:

1. The Article, Section, and Part of this code that has been violated.
2. Who allegedly is in violation.
3. Where the alleged violation occurred.
4. When the alleged violation occurred.

D. Any member of the Elections Commission may initiate a complaint.

E. The Elections Commission shall review all official complaints, hold Evidentiary Hearings to try the complaints and render a decision to be published in writing.

F. The Elections Commission shall provide the accused candidate with an opportunity to respond to the charges in writing. The Elections Commission will meet with the accused candidate or the complainant. This meeting is an Evidentiary Hearing and official minutes will be taken by the Deputy Commissioner of Logistics to be presented to the Judicial Board to determine whether the decision was made constitutionally if the decision of the Elections Commission is appealed by the candidate.

G. Official Complaint Forms must be submitted online no later than Friday at 4:00pm of Elections Week. After this time no complaints shall be accepted.

## XXI. PROCESS OF APPEAL

- A. Any candidate may appeal any written decision of the Elections Commission to the ASUCI Judicial Board within two (2) school days following the announcement of the Commission's decision. To do so, the candidate must file a "Petition for Hearing" to the Judicial Board Chair, no later than 12pm of the of the Monday two weeks after Elections.
- B. The petition must explain all charges and contentions, cite the rule, principle or constitutional clauses at issues, and state the remedy sought. The candidate may not introduce new evidence, as the purpose of the hearing is to determine the constitutional soundness of the process of the Elections Commission's decision, not a re-trial of the evidence previously tried.
- C. Upon receiving a petition, the Judicial Board Chair shall convene a preliminary hearing where the Judicial Board shall hear arguments concerning its jurisdiction in the matter. The Judicial Board shall then make its own determination whether or not to hold a formal hearing.
- D. Any decision of the Judicial Board is final.
- E. The right to appeal shall be forfeited if a candidate fails to file a petition within two (2) school days of the written decision made by the Elections Commission.
- F. No appeals will be accepted after the posting of results.

Revised and approved 11/10/09.