

THE ELECTIONS BYLAWS OF THE STUDENT GOVERNMENT
ASSOCIATION OF THE APPALACHIAN STATE UNIVERSITY

Previous Date of Ratification: The Twenty Eighth Day of November, the Year Two Thousand and
Seventeen

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THE ELECTIONS BYLAWS

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Authority

Article I: Elections

- I. The Senatorial and Homecoming Elections
 - a. Candidate Eligibility
 - b. Senate Election Policy
 - c. Governance
- II. The Presidential and Vice Presidential Elections
 - a. Candidate Eligibility
 - b. Governance
- III. Administrative Responsibilities and Regulations
 - a. Vote Recording Regulations
 - b. Scheduling & Reservations
 - c. Mandatory Meetings
 - d. The Debate
 - e. Declaration of Winners
 - f. The Transitionary Period

Article II: Elections Officials

- IV. Director of Elections
- V. Elections Administration Board
- VI. Elections Court Chair
- VII. Elections Court

Article III: Elections Code of Statutes

- X. The Student Government Elections Code of Statutes
 - a. Conduct Regulations
 - b. Financial Regulations
- XI. Hearing Procedure and Appeals

Article IV: Definitions and Amendment Procedure

- XII. Definitions
- XIII. Amendment Procedures

Article V: Elections Documents

- XIV. The Declaration of Candidacy Form
- XV. The Election Violation Complaint Form
- XVI. The Elections Ruling Appeal Form
- XVII: Campaign Staff Form
- XVII: Oaths of Office
- XVIII: The Senate Petition Form

Authority:

The Student Government Association (SGA) of Appalachian State University (ASU) is responsible for providing supervision and administration of the Presidential and Vice - Presidential Elections, Student Senate Elections, and Homecoming King and Queen Elections. The following Bylaws provide specific policies, rules, and procedures related to these elections. Additionally, all provisions to these Elections Bylaws are subject to the Supremacy Clause of the Student Government Constitution and the Authority Clause of the Senate Rules Committee Bylaws.

ARTICLE I: Elections

Section I: The Senate and Homecoming Elections

1. Senate Candidate Eligibility
 - a. No student with a GPA below 2.25 or carrying less than twelve (12) hours of academic credit shall be allowed to run or hold an office in the ASU-SGA. All existing ASU-SGA Executive and Legislative officials, whether elected or appointed, who are placed on academic probation or an Office of Student Conduct Review shall forfeit their ASU-SGA positions (Reference Article VII, Section 3 of the ASU-SGA Constitution).
 - i. A person running for a Senate seat must receive a minimum of twenty-five votes before they may be declared an elected a senator.
2. Senate Election Policy
 - a. Per Article VII of the ASU-SGA Constitution, Senate elections will take place concurrently with the Student Body President and Vice President elections during the spring semester.
 - b. Elections for freshman and university college senators, as well as any other seats left vacant by the first day of the class of the fall semester, will take place within twenty (20) academic days from the commencement of the fall semester.
 - c. Candidates for President and Vice President may run concurrently in Senatorial Elections. However, if the individual wins both elections, they are required to resign the position in which they will not serve within five (5) academic days of the election result certification.
 - d. Vote counting shall be supervised by The Director of Elections in consultation with the Student Government Advisor and the Chairperson of the Committee on Rules.
 - e. If applicable, all paper ballots shall be counted in a location designated by the Director of Elections on the eve of the final closing of the polls.
 - i. The only people allowed in the counting room during the vote counting will be the Director of Elections, Chairperson of the Committee on Rules and any additional designees appointed by the Director of Elections. Also, one representative each from WASU, The Appalachian, and other media outlets that have submitted credentials to the Director of Elections at least forty-eight hours in advance shall be allowed into the room.
 - f. Vote counts must be verified by the Director of Elections.

- g. If applicable, no ballot boxes shall be opened until all ballot boxes are returned to the designated location for vote tabulation on that Election Day.
 - h. The Director of Elections shall notify winners as soon as the results are final.
3. Election Governance
- a. Senatorial and Homecoming elections shall be supervised by the Director of Elections with advisement from the Chief of Staff and the Chairperson of the Rules Committee.

Section II: The Presidential and Vice Presidential General Election

1. Presidential and Vice Presidential Candidate Eligibility:
- a. The President shall be at least a Junior in standing as of the date they are inaugurated or assume office. In addition, they shall be required to have attended Appalachian State University the previous fall and spring semesters prior to the first day of classes of the fall semester following the inauguration of the candidate in question. Any candidate for the Office of the President of the ASU-SGA must have a cumulative GPA of 2.5, as of the date they file a declaration of candidacy form in order to qualify, and must maintain a current GPA of 2.5 throughout their term in office. Additionally, no student carrying less than twelve (12) hours of academic credit shall be allowed to run or hold an office in the ASU-SGA. All ASU-SGA officials, whether elected or appointed, who are placed on academic probation or an Office of Student Conduct Review shall forfeit their ASU-SGA positions (Reference Article VII, Section 3 of the ASU-SGA Constitution).
 - b. The Vice President shall be at least a Junior in standing as of the date they are inaugurated or assume office. In addition, they shall be required to have attended Appalachian State University the previous fall and spring semesters prior to the first day of classes of the fall semester following the inauguration of the candidate in question. Any candidate for the Office of the President of the ASU-SGA must have a cumulative GPA of 2.5, as of the date they file a declaration of candidacy form in order to qualify, and must maintain a current GPA of 2.5 throughout their term in office. Additionally, no student carrying less than twelve (12) hours of academic credit shall be allowed to run or hold an office in the ASU-SGA. All ASU-SGA officials, whether elected or appointed, who are placed on academic probation or an Office of Student Conduct Review shall forfeit their ASU-SGA positions (Reference Article VII, Section 3 of the ASU-SGA Constitution).
2. Election Governance
- a. The Presidential and Vice Presidential Election shall be supervised by two separate organizational boards: The Elections Administration Board (EAB) and The Elections Court.

- i. **The Elections Administration Board** shall be responsible for the general supervision and administration of these elections bylaws as further outlined below.
- ii. **The Elections Court** shall be responsible for adjudicating and resolving questions related to alleged violations of elections code and the elections bylaws, actions of individuals, interpretation of policies, and other related matters in accordance with these Bylaws.

Section III: Administrative Responsibilities and Regulations

1. Vote Recording Regulations

- a. The Director of Elections and the Elections Court Chair shall supervise the vote counting in the case of paper ballots.
- b. In the case of electronic voting, the Director of Elections is permitted to periodically view the votes before polling has closed. The Director of Elections is permitted to view the votes in order to gauge voter turnout, and for no other reason.
 - i. The Director of Elections is permitted to review the totals privately, in the company of no one but themselves to ensure the highest degree of ethical compliance.
 - ii. Following a review, the Director of Elections may request additional marketing or financing to promote elections in so far as it complies with standing organizational policy.
 - iii. The Director of Elections is prohibited from sharing the results of the vote with anyone before the polling is officially closed with exception to the ASU-SGA Advisor and the Elections Court Chair.
 1. If it is proven and adjudicated by the Elections Court that the Director of Elections has shared any information regarding the vote totals before polling has closed, or acted in an unethical manner, the EAB Vice Chairperson shall immediately assume the role of the Director of Elections for the remainder of the election.
- c. All votes shall be counted and the results announced in a location designated by the Director of Elections within twenty four (24) hours of the final closing of the polls.
- d. The election results are not final until the conclusion of the fourth (4th) academic calendar day following the initial results announcement. This four day period of time shall be referred to as the “Due Diligence” period, and allow for any standing elections complaints to be reviewed and adjudicated by the Elections Court.

2. Scheduling and Reservations

- a. The Director of Elections is responsible for scheduling rooms and facilities for the purposes of planning and implementing the election process. The Elections Administration Board shall reserve a room for the mandatory meetings as outlined in the Election Bylaws and all subsequent meeting space necessary for the operations of the Elections Administration Board.

- b. The Elections Court Chair shall schedule facilities during the election period for conducting hearings and meetings as necessary.
 - c. The Elections Administration Board (EAB) will be responsible for reserving contact tables and display cases to be made available to candidates during the Active Campaigning period. Candidates are specifically disallowed from reserving additional contact tables and display cases. Candidates may have a computer or electronic device at their contact table, but those devices shall not be used for voting in any cases.
 - d. The EAB will determine which tickets will have what locations on which days through a random assignment process. The Director of Elections will provide assignments to the candidates at least one full week before the beginning of the Regular Campaign period.
 - e. Candidates will be responsible for reserving their own meeting space for their campaign.
3. Mandatory Meetings
- a. The Elections Court Chair shall host a mandatory “Policies and Procedures” meeting in which all candidates and a minimum of six (6) campaign staff are present. Campaigns are encouraged to compel attendance of everyone on their staff, and all members of the public shall be welcome at the meeting.
 - i. The “Policies and Procedures” meeting will include but is not limited to; an introduction of the candidates, the Elections Court Chair and Elections Court Members, and the Director of Elections and Elections Administration Board, a review of all relevant elections procedures, including but not limited to the Election Bylaws, the Election Policies and Procedures, and the SGA Constitution, an overview of the elections calendar, distribution of the forms prescribed in the Elections Bylaws, and a question and answer session.
 - ii. The Elections Court Members along with the Director of Elections and the Elections Administration Board members shall be present at this meeting.
 - iii. It shall be the responsibility of the Elections Court Chair to read aloud these Elections Bylaws and entertain and address questions from all parties in the room.
 - iv. The Student Government Advisor, and Student Body Vice President shall sign that this meeting took place and the Bylaws were read aloud in their entirety.
 - v. The dates of the “Policies and Procedures” meeting shall be set by the Senate at the beginning of each Legislative Session.
 - b. Candidate Interest Meeting
 - i. The Director of Elections shall host a “Candidate Interest Meeting” in which individuals interested in running for office may attend.
 - ii. The meeting shall address potential candidate’s questions and brief them on the elections timeline.
 - iii. The dates of the “Candidate Interest” meeting shall be set by the Senate at the beginning of each Legislative Session.
 - iv. The Director of Elections and the Elections Court Chair reserve the right to call meetings to educate candidates at any time.

4. The Debate

- a. The Director of Elections is responsible for hosting a minimum of one (1) debate during the first week of the Presidential and Vice Presidential Active Campaign period. Candidates are expected to participate in at least one (1) public debate during the election process. The EAB will establish guidelines and procedures for the debate.
- b. All relevant information about the format of the debate will be provided to the candidates at the “Policies and Procedures” meeting.
- c. The debate will include a Moderator whom is selected by the EAB in conjunction with the Director of Elections.
 - i. Additionally, the Debate may include a panel, which is selected by the Director of Elections. The panel will be composed of at least five (5) students broadly representing the campus community, with two (2) additional standing invitations for staff members of The Appalachian and WASU Radio Station.
 - ii. The Director of Elections and EAB shall ensure panel participants have no conflicts of interest with the candidates or campaigns.
- d. The EAB shall develop an order of opening statements, question responses, closing statements, and reasonable time limits for each of these, in consultation with the Moderator. These procedures must be provided to the candidates at least one (1) full week before the debate. The Moderator and the Director of Elections shall be responsible for enforcing these procedures at the debate.
- e. The format for the debate shall be as follows:
 - i. Welcome and introduction by the Director of Elections;
 - ii. Announcement of the formal rules for the debate by the Moderator;
 - iii. Opening statements by each ticket;
 - iv. Questioning Period – The specific format of this period is to be determined by the Director of Elections and the EAB;
 - v. Questions from the audience;
 - vi. Closing remarks from each ticket;
 - vii. Conclusion from the Director of Elections;
 - viii. The debate shall be made available for coverage by the media.

5. Declaration of Winners

- a. In an election in which there is only one winner, the winner must receive a majority of all valid votes cast.
- b. The only individuals permitted in the counting room during the Presidential Election vote counting and reading of results will be the Director of Elections and members of the EAB as deemed necessary, the Elections Court Chair and membership, two representatives from each campaign staff, excluding the candidates, the current Student Body President, and the Student Government Advisor(s). Also, one representative each from WASU, The Appalachian, and other media outlets that have submitted credentials to the Director of Elections at least forty-eight (48) hours in advance.
- c. All vote counts must be verified and signed by the Director of Elections and Elections Court Chairperson.

- d. The Director of Elections will notify winners of Presidential and Vice Presidential elections as soon as the results are final.
6. The Transitional Period
- a. The Binder
 - i. The Director of Elections is responsible for maintaining a transition binder. This binder shall be comprised of any documents that would contribute to successful future elections and assist the incoming Director of Elections in facilitating elections.
 - b. Judicial Precedents
 - i. All Elections Court Rationales shall be forwarded to the Director of Legislative Operations to be uploaded to the Student Government Official Website.
 - c. The Dinner
 - i. The Director of Elections shall be responsible for scheduling and coordinating a “Transition” Dinner between outgoing and incoming administrations. It is encouraged that Administrators be present at the meeting and the Chancellor swear in the incoming President and Vice-President (as prescribed in the Constitution).

ARTICLE II: Elections Officials

IV. Director of Elections: Duties and Regulations

1. Position Requirements: To hold office, the Director of Elections shall have participated in an ASU-SGA election in an official (documented) capacity, and must be at least a sophomore in standing as of the date they assume office, and shall be appointed by the President and Vice President of the ASU-SGA for a term of one year, with the approval of the Student Senate.
2. The Director of Elections shall have the power and duty to:
 - a. Oversee all administrative aspects of ASU-SGA elections, including the Presidential/Vice Presidential election, Homecoming election, and any Senatorial elections.
 - i. Supervise the day-to-day activities of all elections processes.
 - b. Work to promote elections to the student body with individuals including but not limited to the Director of Marketing, and the Chief of Staff.
 - c. Make a budget request to the SGA Treasurer in order to fund any materials necessary to carry out elections.
 - d. Uphold and defend all ASU-SGA governing documents, including but not limited to the Elections Bylaws.
 - e. Serve as the chairperson of the EAB.
 - f. Appoint a vice-chairperson to the EAB who shall also serve as the executive assistant to the Director of Elections.
 - i. In the suspension, resignation, removal, or sudden illness or death of the Director of Elections, the Vice Chairperson of the EAB shall assume the roles and responsibilities of the Director of Elections.

- g. The director of elections may appoint any additional leadership positions to the EAB to ensure successful and efficient function.
- h. Swear in the members of the EAB before the Student Senate.
- i. Hold the authority to delegate any administrative tasks to the EAB as deemed necessary.
- j. Carry out official correspondence with all candidates in a timely manner.
- k. Plan any meetings deemed necessary for the education of the Presidential and Vice Presidential candidates, including the “Candidate Interest Meeting”.
- l. Plan and organize at least one debate to be held in the first week of the Active Campaigning and coordinate with the EAB to determine specifics as prescribed in these bylaws.
- m. Number all paper ballots before distribution in the event a paper ballot process is followed.
- n. Oversee the tallying of the votes and reception of results in all SGA elections.
- o. Keep complete and accurate records of all elections, and transition all appropriate records to the Elections Court Binder and incoming Director of Elections.
- p. Notify all candidates of the winners of the Presidential and Vice Presidential elections at the end of the Due Diligence Period (reference Article I, Section III, Subsection 1, Letter d of the Elections Bylaws).
- q. Work with the EAB to select a moderator for the Debate.
- r. Ensure any debate moderator or panel participants in SGA Debate Panels have no standing conflicts of interest with candidates or campaigns (reference Article I, Section III, Subsection 3, Letter c).
- s. Schedule rooms and facilities for the purposes of planning and implementing the election process.
- t. Enforce all debate procedure before and throughout the debate.
- u. Assist the EAB in reserving contact tables and display cases to be made available to candidates during active campaigning.
- v. Provide contact table assignments to the candidates at least one full week before the beginning of the Active Campaign period.
- w. Schedule and coordinate a “Transition” Dinner between outgoing and incoming administrations.
- x. Conduct a training for the EAB Members. Members may not serve in an official capacity without a formal training.
- y. Notify candidates of any mandatory meetings (with exception to the Policies and Procedures Meeting) at least 48 hours in advance of the beginning of a meeting.

V. Elections Administration Board (EAB): Duties and Regulations

1. **Membership and Position Requirements:** The EAB shall be a committee consisting of nine undergraduate students. The membership shall be nominated by the Director of Elections. Applications may be taken to solicit student interest in serving on the EAB. Once all nominations have been made, the Director of Elections shall provide the Director of Legislative Operations with a list containing the name of each nominee in order for all nominees to be placed on the legislative docket for review by the Senate Rules Committee. The EAB nominees must be presented to the Student Senate for final approval prior to the Presidential and Vice Presidential Declaration Period.

2. The EAB Duties and Responsibilities:

- a. Members of the EAB shall be assigned (by the Director of Elections) to each ticket in order to assist candidates and their staff in the adherence to elections policies and procedures. EAB Members shall serve primarily as educational and oversight resources to the candidates, their staff, and any other interested parties about the election process, policies, and procedures.
- b. The EAB shall assist the Director of Elections in the day-to-day supervision of the elections; including but not limited to approving and supervising all campaign materials, maintaining and overseeing campaign budgets, and monitoring campaign staff lists.
- c. Members of the EAB shall assist in planning, coordination, and implementation of the election process; including but not limited to the marketing of the election, debates, and voting procedures to the student body.
- d. Members of the EAB shall review and approve all campaign material before distribution by the ticket with which they have been assigned to ensure that all campaign teams have complied with regulations.
- e. Members of the EAB shall uphold the integrity of the elections by reporting any violations of policy and procedure to the Director of Elections and Elections Court chair immediately.
 - i. The election board must constantly honor the trust that has been placed in them.
- f. The EAB shall be responsible for reserving contact tables and display cases to be made available to candidates during the Active Campaigning period.
 - i. The EAB will determine which tickets will have what locations on which days though a random assignment process.
- g. The EAB will determine if it will coordinate or regulate the painting of the free expression tunnels by candidates and campaign staff and under what criteria they will do so.
- h. Members of the EAB shall not express any opinions concerning the candidates during the election.
- i. Members of the EAB shall comply with all requests of the Elections Court during investigations into violations of policy and procedure.
 - i. Failure to comply shall result in immediate removal from the board.
- j. Members of the EAB shall review all "Election Violation Complaint Forms (EVCF) documents:
 - i. Objectively ensure that all fields have been completed on the document.
 1. EAB Members are strictly prohibited from assessing documents on grounds of substance and content.
 - ii. One member of the EAB must sign certifying that the complainant has successfully completed the document.
 - iii. Immediately forward the EVCF to the Elections Court Chair and the Director of Elections.
- k. Assist Complainants in revising any rejected EVCF documents in order to meet the procedural requirements (completion).
- l. Maintain and certify all records relating to the elections process.
- m. Complete EAB training and swear the oath of office before acting in an official capacity.

- n. Commit the time and work necessary to be successful.
- o. Adhere to the highest degree of fairness, impartiality, and objectivity.
- p. Attend the Policy and Procedures Meeting (Article I, Section III, Number 3).
- q. Ensure that all candidates meet the qualifications of their prospective offices as prescribed by the SGA Constitution.

VI. The Elections Court Chairperson: Duties and Regulations

1. Position Requirements: The Elections Court Chairperson shall be appointed by the Vice President no later than one week prior to the end of the fall semester and placed on the Senate agenda as New Business item number one on the Senate's Docket immediately following their appointment. If the Vice president intends to seek re-election, the Director of Elections shall appoint the elections court chair. The Elections Court Chair shall maintain a cumulative GPA of 2.25 or higher, be at least a junior in standing at the time of their appointment, and possess at least 12 weeks of consecutive ASU-SGA experience and/or have served on the ASU Student Conduct Board for a minimum of 12 weeks. The University Chancellor shall swear in the Elections Court Chief Justice before the student Senate.
2. The Elections Court Chairperson Duties and Responsibilities:
 - a. Call and Chair meetings of the Elections Court.
 - b. Submit the written rationales of the Election Court's decision and findings to all involved parties and the Director of Elections upon request.
 - c. Maintain all records in an Elections Court Binder and forward all rationales to the Director of Legislative Operations for upload to the Student Government official website immediately following the election.
 - d. Appoint a Vice Chairperson to the Elections Court to assist in any request of the Chairperson.
 - e. Establish any additional officer positions within the Court to maximize the Courts productivity and function.
 - f. Make formal and/or public announcements or updates to the Senate, Cabinet, Advisors, or any other individual or body within the Student Government as deemed necessary to uphold the rule of law in the Elections process.
 - g. Plan and Conduct a minimum of one training for the Elections Court members.
 - h. Ensure the Elections Court complies with all Student Government governing documents.
 - i. Remove Members to the Elections Court with Due Process when deemed necessary.
 - j. Retain all non-conflicting rights of that of a general member to the Elections Court throughout their time on the Court.
 - k. Take any actions necessary to ensure adherence to all Elections related Rules and Policy.
 - l. Assist Candidates and their staff with appropriate, impartial, and objective advice relating strictly to elections procedure and pending or potential cases upon request.

- m. Forward all documentation regarding cases to the Student Government Board of Appeals (SGBA) in the case an appeal is filed.
- n. The Elections Court chair shall coordinate a training of the Student Government Board of Appeals prior to each Presidential and Vice Presidential Elections to include an impartiality and bias training, a questioning training, and a presentation to include at least one of the following: The Student Government Advisor, The Director of Elections, a staff member from the Office of Student Conduct, or a staff member from the Office of Student Engagement and Leadership.

Section VII. The Elections Court Members: Duties and Regulations

- 1. Position Requirements: The Elections Court Members shall be appointed prior to the conclusion of the first week of February and be placed on the docket as new Business item number one on the immediately following their appointment. Applications may be taken to solicit student interest in serving on the Elections Court. Once all nominations have been made, the Elections Court Chair shall provide the Director of Legislative Operations with a list containing the name of each nominee in order for all nominees to be placed on the legislative docket for review by the Senate Rules Committee. The Elections Court nominees must be presented to the Student Senate for final approval prior to the Presidential and Vice Presidential Declaration Period.
- 2. The Election Court members shall maintain a cumulative GPA of 2.25 or higher, be at least a sophomore in standing, a graduate student, or doctoral candidate at of the time of their appointment, and possess at least 12 weeks of consecutive ASU-SGA experience and/or have served on the ASU Student Conduct Board for a minimum of 12 weeks. The Elections Court Chair shall swear in the Elections Court members before the Student Senate.
 - a. The Elections Court Chair may waive the ASU-SGA and/or Student Conduct Board experience requirements as deemed appropriate for a merited membership of the Court.
- 3. Election Court (EC) Members Duties and Responsibilities:
 - a. Elections Court is charged with the adjudication and resolution of questions related to alleged violations of elections policies, actions of individuals, interpretation of policies, and other related matters in accordance with these Bylaws, all Student Government governing documents, and University Policy.
 - b. Determine responsibility of parties involved and render sanctions using preponderance of the evidence in the case a violation(s) has taken place.
 - c. Review all complaints, concerns, and allegations of violations of the Presidential and Vice Presidential elections by candidates, members of their staffs, and any other concerned parties.
 - d. Adjudicate cases brought before the Elections Court with the highest degree of fairness, impartiality, and objectivity.
 - e. Resolve questions or interpretations of policies as directed by the Elections Court Chair.
 - f. Review all facts of the cases brought forth and provide due process to all parties involved.
 - g. Request appropriate records from the EAB and Director of Elections.
 - h. The purview of members review may include but are not limited to violations of the Election Bylaws, the Student Government Constitution, the Student Code of Conduct, and any relevant codified University policies.

- i. Forward all relevant documents and records used in cases to the Elections Court Chairperson for documentation.
- j. Attend the training(s) conducted by the Elections Court Chair and be present for the Mandatory Policies and Procedures meeting.
- k. Take the oath of Office in front of the Student Senate prior to acting in an official capacity.
- l. Motion to extend the Due Diligence period with a unanimous vote of all Elections Court Members when necessary.
- m. Members of the Court may summons the Director of Elections and members of the Elections Administration Board to present information during hearings that are relevant to cases.
- n. Recuse themselves in the case a conflict of interest arises.
- o. Establish additional policies and procedures necessary for the operation of the board, consistent with the policies and procedures of Appalachian State University and the Student Government Association.
 - i. A vote of three fourths ($\frac{3}{4}$) of Board Members present is required to establish new Board Policies.
 - ii. New policies are only valid for the duration of the election in which they are established.
 - iii. The Student Senate reserves the right to void any established policy with a simple majority vote.

ARTICLE III: Elections Code of Statutes

Section X. The Student Government Code of Statutes

Authority: All candidates and their staff must adhere to the Election Bylaws, any election policies and procedures, the Student Government Constitution, the Student Bill of Rights, the Student Code of Conduct, and all applicable institutional policies.

1. Conduct Regulations: The following statutes govern the elections process and shall not be violated under any circumstance. Violation of any policy shall result in a hearing by the Elections Court. Conduct regulations pertain specifically to regulation surrounding the actions taken by Candidates, campaign staff, and individuals reasonably associated with campaigns.

Campaign Phases

- I. The Declaration period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which candidate may officially declare their candidacy.
- II. The Limited Campaigning period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which candidates strictly solicit feedback from students and organizations. Candidates shall in no way share their campaign platforms, materials, or issue positions during this time. Candidates shall be permitted to distribute personal and campaign contact information.

- III. The Active Campaigning period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which candidates and their staff share their campaign platforms and materials. Candidates and staff shall be permitted to solicit votes during this time and campaign in ways that comply with all Student Government governing documents, University Policy, and the Code of Student Conduct.
- IV. The Run-Off period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which an additional election will take place due to no candidate receives 50% +1 of the vote during the original election. Candidates receiving the first and second most votes shall proceed to a runoff election at the request of the second place vote recipient during this time.
- V. The Due Diligence period shall conclude after the fourth (4th) academic day following the initial reading of results, in order to allow all pending cases to be reviewed in order to ensure due process, and to allow the collection and review of all documentation to be completed. Elections results shall be final at the conclusion of this period.

Malicious Campaigning

- I. Candidates and their staff may not use campaigning which is or can be construed as slander, libel, or statements with malicious intent.
- II. Candidates and their staff may not use campaigning which is or can be construed as malicious against EAB or Elections Court Officials.

Candidates and Campaign Staff

- I. All individuals assisting a campaign or candidate in any capacity, with exception to simply voting, are considered "campaign staff" and shall sign the "Campaign Staff and Committed Endorsers Form"
- II. Candidates shall sign and complete in full the "Declaration of Candidacy Form" before their candidacy may be declared.
- III. All candidates are liable for the conduct of their campaign staff and shall ensure that all staff comply with Elections rules. Candidates will be held responsible for the actions of their staff or other supporters who act on behalf of, or in support of a campaign.
- IV. Individuals who act in support of a candidate(s) may be considered part of a campaign staff, if it is determined by the Elections Court that the candidate(s) would reasonably have been aware of their efforts in support of their campaign. Candidates are responsible for assimilating individuals who act in support of their campaign into their registered campaign staff.
- V. It is recognized that not all individuals supporting a candidate do so with the knowledge or endorsement of that candidate, but the Elections and Elections Court will determine whether it can be assumed that an individual or group was acting with knowledge that the candidate was running for office. It is ultimately the responsibility of the candidate/ticket for the actions of their staff.
- VI. Candidates and Campaign staff shall comply with all Student Government Governing Documents, University Policy, and the Code of Student Conduct.
- VII. Candidates and their staff shall comply with all requests of the Elections Court Chair and Director of Elections as it pertains to the Elections Bylaws.

- VIII. There shall be no limit to the number of campaign staff a candidate may possess.
- IX. Candidates must attend mandatory meetings as prescribed and in accordance in these bylaws, and are encouraged to attend Elections Court Hearings in the case they have appointed counsel. In the case counsel is not appointed, Candidates must be present at their Elections Court Hearings.

- a. Candidates or staff unable to appear at a mandatory meeting, excepting the "Policies and Procedures" meeting, due to prior commitments may be granted an exception by submitting a request, written or electronic, to The Director of Elections. Exceptions will be granted at the discretion of the Director of Elections, except in the case of candidates or staff having class at the scheduled time, in which case the Director of Elections must grant the exception upon reception of the request.
- b. The Director of Elections must notify candidates of any mandatory meetings (with exception to the Policies and Procedures Meeting) at least 48 hours in advance of the beginning of a meeting.

Campaign Materials and Marketing

- I. All campaign material(s) used by, or used in support of, a campaign must be approved by the Elections Administration Board prior to their use.
 - a. Materials may be approved by the Board using various methods, including, but not limited to: numbering and/or initialing items, counting items and logging them by number and description, photographing an item, and or/requesting a copy of an item.
 - b. During limited campaigning, the EAB will process materials for approval as time allows. During the Regular Campaign period, the EAB will have 24 hours, upon being notified of the existence of new materials, to process materials for approval.
 - c. When submitting materials to the EAB for approval, campaigns must submit all relevant receipts that indicate the amount paid for those materials. Materials submitted without receipt may be rejected by the EAB.
 - d. Materials used or placed by a campaign or its supporters without prior approval or submission of the appropriate documentation will result in the removal of said items and the filing of a complaint with the Elections Court. Should a candidate become aware of materials distributed or placed in support of their candidacy of which they had no prior knowledge, the candidate and/or their staff will immediately contact the Elections Administration Board and remove said items.
 - e. Campaign materials improperly used or placed may only be removed by the offending ticket, the EAB, or a University official acting in the execution of their duties. Each campaign is responsible for removing their own materials and should not remove any other campaign's materials even if they are deemed improper or unauthorized.
- II. There shall be no limit on the number or size of posters (with exception to financial code) except where existing university policies or state law addresses such; however, candidates and their staff should use reasonable discretion in placement of flyers and/or posters.
- III. After campaign material has been placed, it may not be removed by anyone other than the candidates, campaign managers, or campaign staff that placed the

material. Exceptions include materials removed by Elections Officials following an Elections Court hearing. University employees acting in accordance with their duties and in enforcement of university policy may remove materials as well.

- IV. There are no restrictions on any candidate or staff painting the tunnels under Rivers Street unless otherwise established by the Elections Administration Board.
- V. Candidates and Campaign Staff are specifically disallowed from reserving additional contact tables and display cases.
- VI. All posters and other campaign materials must be removed within forty-eight hours after the closing of the election. It is the responsibility of all candidates to see that their materials are removed.

Correspondence and Communication

- I. Door-to-door campaigning will not be allowed in the residence halls unless in compliance with Housing and Residence Life regulations: approval by the residence director and the resident assistants of the floor in which the campaigning will occur. Forums must be approved by the Residence Hall Association (RHA) Hall Council President if the forum is to take place at a Hall Council meeting.
- II. Door-to-door Campaigning and distribution of materials shall be allowed at off campus housing locations insofar as the specific housing location's policies allow solicitation and distribution of materials.
- III. All parties involved in Elections Court Hearings shall be in attendance during the respective hearing.
- IV. Campaign Staff and Candidates are prohibited to speaking to an Elections Court Member at any time during an election. Candidates and staff may contact the Elections Court Chair to inquire about Elections related concerns, practices, policies, and cases.
- V. Candidates and Campaign staff shall comply with all requests of the Director of Elections and Elections Court Chair in so far as they relate to court cases and election governance.
- VI. Candidates and their staff may use electronic communication, as defined in Article IV of these bylaws, as well as conventional paper mail, telephone calls, and text messaging, in so far as they maintain compliance with applicable Student Government and University Policies and Procedures.
- VII. Candidates and their staff are prohibited from destroying records, and using BleachBit and/or any other file destroying or corrupting software.
- VIII. Online social network groups, campaign websites, and blogs may not be publicly posted until the Active Campaigning period commences. However, private groups may be created for each ticket. Private groups must reflect staff lists on file with the Elections Administration Board. All social media groups must include the Director of Elections and any members of the Elections Administration Board assigned to oversee the ticket with which the group is affiliated.
- IX. Candidates may have a computer, tablet, or other electronic device at their contact table, but those devices may not be used for voting. Candidates found in violation of using these devices for public voting shall additionally be found in

violation of Polling Centers: Codes I, II, and III, along with Correspondence and Communication VIII.

- X. Candidates, their staff, and any involved parties in an Elections Court case shall be truthful at all times. Failure to be honest to the court or appear before a hearing in which a person is involved (unless otherwise waived by the Elections Court Chair for an objective and documented purpose) shall result in a Violation of Correspondence and Communications V.

Polling Centers and Workers

- I. Polling Centers may only be used at the direction and implementation of the Director of Elections.
 - a. Polls may only be worked by campaign representatives (as prescribed below; Polling Centers and Workers; V) that are approved by the Director of Elections, the Director of Elections, and members of the Elections Administration Board in advance.
 - II. Should polling centers be used, no candidates or campaign staff members (with exception to designated and approved campaign representatives) are allowed within fifty feet of any on-campus poll at any time while the poll is open except the following:
 - a. When a candidate is casting his or her vote.
 - III. Verbal campaigning and campaign materials shall not be allowed within fifty feet of polling centers while polls are open.
 - IV. No candidate may work a poll.
 - V. During Presidential and Vice Presidential elections, there shall be one representative from each campaign to work each poll.
 - a. These representatives shall sign an oath of honor (reference the “Oaths Addenda”)
 - VI. Poll workers shall enforce a “no loitering” policy within fifty feet of the election poll by persons exhibiting campaign materials or expressing opinions that may influence a student’s vote.
 - VII. Poll workers shall remove all campaign materials within fifty feet of the election polls.
 - VIII. Poll workers shall ensure all students voting at the polls present a visible ASU I.D. before receiving a ballot.
 - IX. Poll workers shall initial the ballot and hand it to the voter. After voting, the voter then will place the ballot in the ballot box.
 - X. Poll workers shall never, under any circumstance, express opinions that might influence voters.
 - XI. Poll workers shall explain to voters that any improperly marked ballots will not be counted.
2. Financial Regulations: The following statutes govern the elections process and shall not be violated under any circumstance. Violation of any policy shall result in a hearing by the Elections Court. Financial regulations pertain specifically to regulations surrounding the actions taken by candidates, campaign staff, and individuals reasonably associated with campaigns regarding the exchange of money, services, or materials.

Documentation and Approval of Campaign Financing

- I. In accordance with the Election Bylaws, the EAB is responsible for establishing a market price for campaign materials traditionally utilized in an election campaign. These market prices will be established by the Board and are based on competitive pricing, assuming the lowest prices available. These market prices will be made available to candidates at the “Policies and Procedures” meeting.
- II. A campaign may submit a description of campaign materials and request that the EAB arrive at a market price for those materials before they are purchased. The EAB will have 24 hours to arrive at a market price for those materials.
- III. Candidates may request an adjustment of the market price established by the EAB. Candidates must demonstrate that lower pricing is readily available for an adjustment to be made.
- IV. In accordance with the Election Bylaws and procedures, candidates are responsible for providing a listing of all expenditures, to be deducted from their budget. The total of these expenditures must fall within prescribed maximum amounts.
- V. In the case of materials being provided to a campaign at no cost, the candidate may submit a price for the materials, to be reviewed by the EAB for approval or modification. The EAB will adhere to market price in determining the amount deducted from a campaign’s budget for items provided at no cost.
- VI. Candidates are responsible for providing all receipts and other documentation of expenditures related to their campaigns to the EAB. Failure to provide receipts for any expenditure will result in a complaint being filed by the EAB.

Campaign Finance Limits

- I. The following are the maximum amounts candidates may spend on their campaign: Presidential and Vice Presidential Elections: \$600.00 per ticket, Senate Elections: \$50.00, Runoff for Presidential and Vice Presidential Elections: \$100.00, Runoff for Senate Elections: \$20.00.
- II. Any type of material donation to the campaign by any person or organization will be considered an expenditure.
- III. The Elections Administration Board will set a specific price for commonly used items. These prices will be distributed at the first election forum.
- IV. If a candidate or campaign staff member wants to use material(s) for which prices have not been provided, they must submit a receipt of sale to their EAB Member.
- V. Every donation must be accompanied by a receipt signed by the donor and the candidate. The EAB reserves the right to establish a fair market value on all donated or purchased items if it believes that the receipt presented is not an accurate or truthful statement of cost.
- VI. In case of a runoff, any funds left over from the first elections may be used in the runoff in conjunction with the \$100.00 runoff budget.

Section XI. Hearing Procedure and Appeals

1. **The Elections Court Hearing Procedure:** Students of Appalachian State University, members of The Student Government Association, Candidates, and their staff may file complaints against students violating the elections bylaws, policies and procedures, all Student Government Governing Documents, the Student Bill of Rights, and the Student Code of Conduct.

- a. Elections Violation Complaint Form (EVCF): To file a complaint an individual should complete the “Elections Violation Complaint Form (EVCF)” (reference Article V Elections Documents).
 - i. The Elections Violation Complaint Form shall include sections for:
 1. The name of the Complainant(s) (the individual filing the report).
 2. The date and time the complaint is filed.
 3. The name(s) of the alleged violator(s) (commonly referred to as the respondent).
 4. The alleged offense that is in violation. This should include evidence such as witness testimony, thorough documentation, photos, etc.
 5. The Bylaw Sections, Subsections, etc. or any other policy that is allegedly being violated
 6. Upon completion of the above mandates, the complaint must be submitted to the Elections Court Chair.
 - a. The Elections Court chair shall have an EAB member or the Director of Elections verify the form is complete before the Board may officially review the complaint.
- b. Complaints may be filed against candidates, campaigns, campaign staff, individuals affiliated with campaigns, or any official within Student Government who is entrusted in overseeing or administering elections, including but not limited to the Elections Court Chair.
 - i. In the case a complaint is filed against the Elections Court Chair, the Vice-Chairperson shall chair the hearing.
 - ii. In the case a complaint is filed against the Director of Elections, the Vice Chair to the EAB shall facilitate the complaint to the Elections Court.
 - iii. In the case a complaint is filed against a general member of the EAB, or the Elections Court, that member shall recuse themselves until the completion of the hearing.
- c. Complaints may be filed by candidates, campaigns, campaign staff, the Director of Elections, and members of the Elections Administration Board.

2. Procedural actions following a formal complaint:

- a. Once an EAB Member or the Director of Elections has verified the EVCF is complete, the Elections Court Chair must compile the complaint and all addenda into a single document (commonly referred to as the “File Report”).
 - i. The Chair must include the name of the case (Complainants name(s) V Respondent's name(s)) in the File Report.
 1. In the case the respondents and complainants have multiple past cases, the Elections Court chair shall include the names (Complainants name(s) V Respondent's name(s)) followed by a number assigned by the chair.
 - ii. The date, time, and location for the hearing shall be included in the File Report.
 1. The Hearing must be held within at most two (2) academic days of the Chair notifying all parties involved.

2. The meeting location should accommodate 10 more individuals than the combined number of complainants, respondents, and Court Members.
 - iii. The chair must complete the File Report within one (1) academic day of receiving the complaint.
- b. Once the File Report is complete, the Chair must notify the respondent(s), complainant(s), complaint representative, witnesses, and Court Members of the hearing.
 - i. This notification should contain a copy of the File Report, the meeting location, date, and time, and a copy of the “Formal Rules and Regulations of a Judicial Hearing”.

3. The Hearing Procedure

- a. **Agenda:** The Chair is responsible for creating the agenda for the Elections Court Hearings.
 - i. The Agenda shall contain the following:
 1. Roll Call Attendance of Court Members
 2. The Reading of the Formal Rules and Regulations of the Hearing (found in these bylaws).
 3. The Complainant's Case
 - a. Opening Statement
 - b. Questioning from the Court
 - c. Closing Statement
 4. The Respondent's Case
 - a. Opening Statement
 - b. Questioning from the Court
 - c. Closing Statement
 5. Witness testimony
 - a. Only members of the Elections Court shall be permitted to ask witnesses questions.
 - b. Complainants and Respondents will have the opportunity to submit in writing, during the hearing, any question they desire be posed to the witnesses.
 - i. The Elections Court Chair shall review the questions, assess the appropriateness, and may read them aloud.
 - ii. The Court, by a vote of 3/4ths of the members present may rule questions posed by the Chair as non-germane.
 6. Executive Session Deliberations
 7. Drafting of the Formal Rationale
 8. The Reading of the Formal Rationale and Verdict
 9. Sanctioning (if necessary).
 10. Revision of the Formal Rationale to include sanction decision(s) and rationale.
 11. Reading of the Sanctioning
 - ii. The Elections Court Chair reserves the right to add items to the agenda as deemed necessary and relevant on a case-by-case basis.

- iii. The agenda may permit cross examination of complainants, respondents, or witnesses by the Court. At no point during a hearing shall non-Court members cross examine any parties involved.
- b. The Formal Rules and Regulations of the Elections Court Hearing:
 - i. Due process shall be provided to all parties by adhering to the provisions set forth in the Formal Rules and Regulations of the Elections Court Hearing.
 - ii. The Elections Court shall use preponderance of evidence as the evidentiary standard, which is defined most simply as it is more likely than not that the accusations of wrongdoing are true and did occur. The Court does not operate on any other evidentiary standard.
 - iii. The burden of proof rests with the complainant and the written accusation of wrongdoing against an individual or ticket.
 - iv. The respondent and complainant are both are allowed opening and closing statements accompanied by a time for the board to ask questions to all parties and entertain all witnesses.
 - v. The complainant and respondents parties are permitted to invoke the closed hearing provision at any time during the hearing.
 - 1. The closed hearing provision requires all individuals, with exception to the complainant and respondent parties, witnesses, court members, and court chairperson to leave the hearing chamber for the duration of the meeting.
 - 2. Once the closed hearing provision is invoked, it may not be rescinded at any time during the hearing.
 - vi. The respondent and complainant are allowed to appoint representation and/or counsel for the purposes of the hearing by motioning for counsel.
 - 1. If a party motions for counsel, they must submit the name and any appropriate titles and positions of their counsel prior to the commencement of the hearing.
 - vii. Attendance is mandatory for the Respondent and Complainant parties at their respective hearings.
 - 1. If a party fails to attend their hearing they will be found in violation of Correspondence and Communication III.
 - viii. Elections Court Members must be supplied physical copies of the complaints at the time of the hearing.
 - ix. The complainant and respondent reserves the right to submit written statements, resources, or documentation to the Court at any point during the hearing.
- c. Court Hearing Procedure
 - i. Impartiality: Court members and the chair must remain impartial and objective for the entire duration of the hearing.
 - ii. Verdicts: The committee must issue one of three verdicts for each individual charge:
 - 1. In Violation: The respondent is found in violation of the charges filed against them.
 - 2. Not in Violation: The respondent is not found in violation of the charges filed against them.

3. Undecided: The committee is unable to render a verdict and the case shall be forwarded to the Student Government Board of Appeals (SGBA) for review and a verdict (the Rules Committee Bylaws).

d. Sanctioning

- i. The Elections Court reserves the right to sanction individuals found “In Violation”.
- ii. Before the Court may issue a sanction, they are responsible for establishing the severity of the violation based on the following criteria:
 - a. Salience
 - i. The committee must determine how severe a violation is based on the following metrics of saliency. The possible metrics are listed below:
 1. Perceived Advantage: Would the violation lead a reasonable person to believe that the violation provided the violator with an electoral advantage?
 2. Injury: What was the extent of the injury to the parties involved?
 3. Impediment of the functionality of an election: Would the violation lead a reasonable person to believe that the Violator impeded the function of the election or wasted or disrespected the process therein?
 - b. Intent
 - i. The committee must establish the intent of the respondent. An unintentional violation may carry less gravity than an intentional violation.
 - ii. The committee must establish the cause of the intent (how or why), in order to prevent future violations.
 1. The violation was unintentionally committed:
 - a. How was the violation committed?
 2. The violation intentionally committed:
 - a. Why was the violation committed?
- iii. Sanctioning Guidelines:
 1. The sanctioning process must include a consideration for salience and intent, but is not limited to those criterion.
 2. Sanctioning may include written or verbal warnings, further elections bylaw training, periodic suspension of campaigning, or in incredibly severe cases disqualification. The Elections Court may apply any other sanctions to deter further violations.
 - a. In the Case the Elections Court disqualifies a candidate, the decision shall immediately be forwarded to the Student Government Board of Appeals for a final review and vote.

4. Resolution

- a. All verdicts shall be forwarded to the Advisor and the Director of Elections by the acting Chair of the Elections Court.
 - i. The Advisor and/or Director of Elections shall submit a report to the Elections Court within 5 academic days as to the resolution of the violation.
- b. The Elections Court chair shall forward all rationales to the Director of Legislative Operations to be uploaded to the website.
- c. The Court may vote for a formal announcement of charges to be made to the Senate in cases regarding a violation of the Elections Bylaws.
- d. The Court must send a formal announcement of the charges to the senate in the case of a violation of the Constitution.

5. The Student Government Board of Appeals (SGBA): As prescribed in the Rules Committee Bylaws, the SGBA shall comprise of the Director of Legislative Operations, the Director of Elections, and the Senate Pro-Tempore, Senate Sergeant at Arms, and Senate Parliamentarian, the Rules Committee Ranking Member, and the Rules Committee Sergeant at Arms. The Director of Legislative Operations shall serve as chair to the Board of Appeals.

- a. When conflicts of interest arise, members of the SGBA shall recuse themselves.
- b. If at any point a member of the SGBA recuses themselves, the line of succession for the position will be used to fill the seat on the SGBA. The individual in the line of succession shall serve throughout the duration of the recusal.
 - i. If there is no line of succession, the Senate will hold a snap election to fill the seat on the SGBA.
 - 1. Snap Elections Procedure: In the Senate meeting following a vacancy in which there is no line of succession on the Board of Appeals, the Senate President shall entertain nominations from the Senate. Nominations shall be permitted to state their case to hold office. Following the presentation of nominations the Senate President must entertain a vote. To be declared winner you must receive a majority of the vote.
- c. All elections violation appeals shall be submitted to the Elections Court Chair, no later than two (2) academic days following the court's verdict that is being appealed.
 - i. The SGBA must review and issue a formal report of their findings no later than two (2) academic days following the reception of an appeal.

6. Appeals: Respondents and Complainants may appeal verdicts issued by the Elections Court to the Student Government Board of Appeals on the following grounds:

- a. A party was not informed of the charge(s) brought against them.
- b. A party was not allowed an opportunity to state their case regarding the charges brought against them.
- c. Elections Court hearing procedure was not followed
- d. Sanctions from the court may not be postponed due to an appeal. Parties seeking relief from a sanction must file and conduct an appeal prior to the date the sanction shall go into effect.

7. Precedents

- a. The Elections Court Chair shall forward all rationales to the Director of Legislative Operations who shall be responsible for documenting all rationales and ensuring documents are transitioned to their successor.
- b. The Director of Legislative Operations shall maintain a record of all precedents on the official ASU-SGA website that is easily accessible and open to the general public.
- c. Sensitive material may be redacted from publically available precedents with the approval of the Elections Court Chair.

ARTICLE IV: Definitions and Amendment Procedure

Section XV: Definitions

1. The following are the official Elections Definitions:
 - a. Campaign Material: Electronic and physical material used to promote nominees and otherwise garner votes for an election.
 - b. Campaign Staff: Individuals promoting or assisting a ticket in any capacity.
 - c. E-mail: Any message sent via the Internet.
 - d. Ticket: Candidates for President and Vice President who run as a team and anyone who supports their candidacy.
 - e. Additional definitions may be established by the Student Senate.

Section XVI – Amendment Procedures

1. The Student Government Elections Bylaws may be amended by a simple majority vote of The Student Senate.
2. These Bylaws are effective upon passage, and all previous Bylaws are hereby declared null and void.
3. Any copies of these Bylaws that do not list the date of ratification below should be disposed of.
 - (As passed by the ASU Student Senate, Spring 1992)
 - (Amended by the ASU Student Senate, Spring 1996)
 - (Amended by the ASU Student Senate, Spring 1997)
 - (Updated to bring into compliance with voting changes, 2002)
 - (Amended by the ASU Student Senate, Spring 2005)
 - (Amended by the ASU Student Senate, Spring 2010)
 - Last amended January 28th, 2014
 - (Amended by the ASU Student Senate, Fall 2011)
 - (Amended by the ASU Student Senate, Spring 2012)
 - (Updated and Amended by the ASU Student Senate, Spring 2014)
 - (Updated and Amended by the ASU Student Senate, Fall 2017)
 - (Updated and Amended by the ASU Student Senate, Spring 2018)

ARTICLE V: Elections Documents