



# Elections Code

Associated Students of Loyola Marymount University

<b>Heading</b>	<b>Item (Ctrl-Click Link to Jump)</b>	<b>Page</b>
<b>Section 1</b>	<a href="#">General Provisions</a>	1
<b>Section 2</b>	<a href="#">Elections Committee</a>	2
<b>Section 3</b>	<a href="#">Spring Semester General Election</a>	8
Sub A	<a href="#">Purpose and Timing</a>	8
Sub B	<a href="#">Preparations</a>	9
Sub C	<a href="#">Publicity</a>	9
Sub D	<a href="#">Elections Information Meeting</a>	10
Sub E	<a href="#">Elections Information Packet</a>	11
Sub F	<a href="#">Declaration of Candidacy</a>	11
Sub G	<a href="#">Campaign Platform Statements</a>	13
Sub H	<a href="#">Campaign Budgets &amp; Accounting Statements</a>	13
Sub I	<a href="#">Campaigning</a>	15
Sub J	<a href="#">Write-In Candidates</a>	20
Sub K	<a href="#">Voting</a>	21
Sub L	<a href="#">Certification &amp; Reporting of the Election</a>	24
<b>Section 4</b>	<a href="#">Complaints</a>	25
<b>Section 5</b>	<a href="#">Due Process</a>	26
<b>Section 6</b>	<a href="#">Hearing Procedures and Deliberations</a>	28
<b>Section 7</b>	<a href="#">Elections Committee Sanctions</a>	28
<b>Section 8</b>	<a href="#">Publication of Elections Committee Opinions</a>	30
<b>Section 9</b>	<a href="#">Appeals of Elections Committee Decisions</a>	31
<b>Section 10</b>	<a href="#">Special Elections Procedures</a>	32
Sub A	<a href="#">Recall Elections</a>	32
Sub B	<a href="#">Constitutional Amendments and Elections</a>	36
Sub C	<a href="#">Resolutions &amp; Bylaw Amendment Elections</a>	40
<b>Section 11</b>	<a href="#">Amendments</a>	41
<b><i>Revision History</i></b>		42



# Elections Code

## **Section 1 – General Provisions**

[Click to Return to Table of Contents](#)

- A. The purpose of the Elections Code is to define and regulate the election procedures of ASLMU.
- B. In accordance with this Code, the Elections Committee Chair and the Elections Committee will be responsible for:
1. Administering the elections processes in a manner that allows for a fair cross section of students to participate in the electoral process.
  2. Administering the elections processes in a manner that allows for each candidate an equal opportunity to present to the student body his/her qualifications to hold elected office in ASLMU.
- C. Jurisdiction & Authority
1. This Code shall apply to all aspects of the electoral process for ASLMU.
  2. All rules and regulations in this Code and all rulings made by the Election Committee shall apply equally to campaigning on and off campus.
  3. Candidates for any election shall be responsible to abide by the regulations relevant to their election and any student may receive a full copy of this election code at any time.
  4. Ignorance of this Code shall not be an acceptable defense in response to any offense committed in any election under this Code, either by the candidates themselves, by individuals campaigning on behalf of any candidate, or by the Election Committee.
  5. Subject to the superseding and overriding jurisdiction of the Student Conduct Code, including without limitation the “Code of Superseding Authority” and “Reservation of Rights” provisions stated therein, and the Office of Judicial Affairs, the ASLMU Elections Committee has the jurisdiction to interpret the ASLMU Constitution, Bylaws, Codes and any policies and procedures that are implemented pursuant to the directives established in these documents.
  6. The jurisdiction of the ASLMU Elections Committee hereunder is supplemental. This means that, unless prevented or removed from doing so by the Office of Judicial Affairs under the superseding authority of, or the reservation of rights under, the Student Conduct Code, the Elections Committee shall have the authority to conduct its proceedings hereunder separately or concurrently and unaffected by any corollary or similar actions or proceeding by or before any other University peer boards, actions or proceeding undertaken pursuant to the Student Conduct Code or actions or proceeding by or under the authority of the State of California.



# Elections Code

- D. The Elections Committee Chair and the Elections Committee shall:
1. Have general authority over the election related conduct of all candidates and campaigners in any ASLMU Election.
  2. Be the initial and primary interpreters of this Elections Code as it applies to the relevant behavior of candidates and their campaigns during any Election.
  3. Be, to the utmost of their abilities, fair and impartial arbiters of this Elections Code.
  4. Act with all due diligence promptness in matters regarding violations of this Code and their associated sanctions.
- E. Candidates shall:
1. Be held ultimately responsible for all aspects of their campaign.
  2. Follow all rules and procedures contained within the Elections Code, the ASLMU Constitution and Bylaws, the University's Student Conduct Code, and the relevant Student Affairs posting and distribution policies.
  3. Appropriately respect all decisions of the Elections Committee.

## **Section 2 –Elections Committee**

[Click to Return to Table of Contents](#)

- A. Membership of the Elections Committee consists of:
1. One (1) Elections Committee Chair.
  2. Seven (7) Elections Committee Members.
  3. Attorney General serving as an ex-officio member.
  4. ASLMU Elections Committee Advisor serving as an ex-officio member.
- B. Selection of Elections Committee Chair
1. Selection shall occur according to Presidential Appointment Procedures prescribed in the Bylaws, Article I, Section 4.
- C. Eligibility of Elections Committee Chair
1. The Elections Committee Chair must be a full-time undergraduate student.
  2. Nominees may be affiliated with ASLMU, but may not be currently receiving a stipend from any ASLMU funding source.
  3. Nominees may not receive any form of compensation from any university affiliated campus media organization during their term as members of the Elections Committee.
  4. The Elections Committee Chair shall serve for the entirety of the academic year in which they were appointed unless removed from office or he/she resigns.



# Elections Code

## D. Responsibilities of the Elections Committee Chair

1. Oversee the ASLMU Electoral process.
2. Recruit, nominate, and train all Elections Committee Members.
3. Chair Elections Committee meetings.
4. Keep an archive of Elections Committee meeting minutes.
5. Work with his/her committee and the ASLMU Elections Committee Advisor in establishing the General Elections calendar within sixty (60) calendar days of assuming office and make them publicly available on either the ASLMU website or on a website operated by the University.
6. Delegate responsibilities to and coordinate and manage the activities of the Elections Committee Members.
7. Intercede in the activities of any committee member if the member fails to meet previously assigned expectations and duties.
8. Report to the Senate with monthly updates on the committee's activities.
9. Manage all Elections Candidate Informational Meetings.
10. Preside over all alleged Elections Code violation hearings and sanction proceedings.
11. Call for a Special Election to be conducted upon receipt of a proper initiative, referendum, or recall petition.

## E. Selection of Elections Committee Members

1. Committee members are nominated at the discretion of the Chair and approved individually by a majority vote of the Senate.
2. Applications for Election's Committee Members must be made available in the ASLMU Office and on the ASLMU website within thirty (30) calendar days of the beginning of the academic year.
3. All seven (7) committee members must be recommended to the Senate within thirty (30) calendar days following the appointment of the Elections Committee Chair.

## F. Eligibility of Elections Committee

1. All Elections Committee Members must be full-time undergraduate students.
2. Nominees may be affiliated with ASLMU, but may not be currently receiving a stipend from any ASLMU funding source.
3. Nominees may not receive any form of compensation from any university affiliated campus media organization during their term as members of the Elections Committee.



# Elections Code

4. The Elections Committee Chair and Members shall serve for the entirety of the academic year in which they were appointed unless the members are removed from office or resign.

5. Elections Committee Members may serve multiple terms.

## G. Responsibilities of the Elections Committee Members

1. Conduct fair and impartial Election hearings.
2. Maintain confidentiality before, during, and after each Elections hearing.
3. Complete duties as assigned by Elections Committee Chair and prescribed in this Code.

## H. Meetings

1. Once all of the members of the elections committee are approved by the Senate, Elections Committee meetings are to occur at least once per month.
2. During the Campaign Period and the Voting Period, the Elections Committee shall convene daily at a standard time set by the Elections Committee Chair to review and process any violation reports.
3. The Chair determines the meeting agenda and activities.
4. All meetings shall be attended ex-officio by the Attorney General and the ASLMU Elections Committee Advisor.
  - a) If the Attorney General is officially or unofficially running for elected ASLMU office, he/she shall not attend any Elections Committee meetings during the Elections Period.
  - b) In the absence of the Attorney General, the ASLMU Elections Committee Advisor shall fill the role of the Attorney General.
5. A quorum of five (5) voting committee members is necessary to conduct business and to take formal action.
6. Parliamentary procedure, in accordance with Roberts Rules of Order shall be used for all agenda items.
7. The Chair shall not regularly participate in voting measures but shall cast a vote in the event of a tie.

## I. Rights of the Elections Committee Members

1. The Chair and Committee Members have the right to vote in elections.

## J. Conflict of Interest and Confidentiality

1. Elections Committee Members' duty requires that, should a conflict of interest arise, the member must make a *full public disclosure* of that interest and recuse himself/herself from all transactions potentially influenced by that conflict of interest.



# Elections Code

2. Elections Committee Members shall keep all transactions that are not explicitly open to the general public, confidential.
3. Election Committee Members must sign a standard written agreement at the onset of his/her term expressly acknowledging their duties and responsibilities.

## K. Restrictions on Activity

Neither the Chair nor any voting Committee Member of the Elections Committee shall:

1. Be eligible for election to any ASLMU elected office in an academic year during which they have served more than fourteen (14) calendar days on the Elections Committee, regardless of resignation from the committee.
2. Be eligible to hold any ASLMU position attached to a stipend in the academic year following the year during which they have served on the Elections Committee, regardless of resignation from the committee.
  - a) The sole exception to this provision is the position of Elections Chair. Members of the Elections Committee, including the Chair, may be eligible to hold the position of Elections Chair following the year during which they have served on the Elections Committee
3. Campaign for or against any candidate, constitutional amendment, referendum, or recall effort while serving on the Elections Committee.
4. Be absent from more than three (3) Elections Committee meetings regardless of excuse.

## L. Compensation

- 1 Stipends shall be paid in accordance with a Student Employment Services schedule, based on the completion of duties.
2. The Elections Committee Chair shall receive a stipend of \$1,000.
3. The Elections Committee Members will not receive a stipend.

## M. Budget

1. The Elections Committee shall be allocated in the ASLMU annual budget a sum set by the ASLMU Elections Committee Advisor for the execution of all election activities as mandated by this Code. This allocation is not subject to alteration by the Senate or the President.

## N. Vacancies of the Elections Committee

1. Vacancy of the Elections Committee Members anytime other than during the Election Period, the Elections Committee Chair shall seek a new member according to the replacement provisions in the Elections Code, Section 2, Item D.



# Elections Code

- a) If committee membership positions are vacated during the Election Period, the vacancies do not need replacement as long as the total number of voting Elections Committee Members is equal to or greater than five (5).
- b) If there are fewer than five (5) voting Elections Committee Members during the Election Period, the Elections Committee Chair shall appoint to the committee the number of individuals necessary to bring the number of Elections Committee Members equal to five (5).

- 1) Appointments in a manner pursuant to the provisions in the Elections Code, Section 2, Item D.

- i) Senators who have declared their official candidacy are strongly encouraged to abstain from voting in the appointment of replacement Elections Committee Members.

- 2. If the Elections Committee Chair is vacated at any other time than during the Elections Period the President shall seek a new Elections Committee Chair in a manner pursuant to the process outlined in the Elections Code, Section 2.

- 3. If the position of Elections Committee Chair is vacated during the Elections Period, the remaining members of Elections Committee shall choose from among themselves the new Elections Committee Chair.

- a) The vacated committee member seat created by the promotion of a member to Chair shall be filled according to the provisions in the Elections Code, Section 2, Item E.

- 4. In the event that the Elections Committee Chair must temporarily recuse him/herself from a hearing, the remaining voting members of the Elections Committee shall choose from among themselves the new temporary Elections Committee Chair.

## O. Removal of Elections Committee Chair & Elections Committee Members

### 1. Removal of the Elections Committee Chair

- a) Any undergraduate student may present a request to remove the Elections Committee Chair directly to the Senate.

- i) Requests must include at least a description of the alleged improper conduct and indicate the grounds for removal into which the conduct falls.
  - ii) Requests must be physically distributed to each Senator.

- b) The grounds for removal are:

- i) Egregious or intentional violations of official ASLMU or University rules, policies, or procedures as they relate to the individual's duties as a Justice.
  - ii) Conduct that violates the mission of ASLMU or the University.
  - iii) Conduct that severely damages the integrity or authority of ASLMU or the office held by the individual in question.

- c) A motion and a second are required to commence removal proceedings.



# Elections Code

- i) Following a successful motion to commence impeachment, the Senate shall approve by a simple majority a list of relevant Officers of ASLMU required to appear before the Senate during the proceeding.
- d) A discussion shall be conducted by the Senate to determine the validity of the complaint during the next regularly scheduled Senate meeting following the meeting during which the removal proceedings are commenced.
  - i) The Speaker of the Senate shall serve as Chair of the hearing and determine the format.
  - ii) The student filing the original complaint must be present.
  - iii) The individual facing impeachment may be present.
  - iv) The Senate may only question present witnesses listed on the complaint form and officers of ASLMU required to appear.
- e) A motion and a second is needed to adjourn the discussion.
- f) Following the discussion, the Senate shall vote on the removal of the individual or position in question.
  - i) A two-thirds (2/3) vote of the entire membership of the Senate shall achieve removal.
  - ii) Failure to garner a two-thirds (2/3) vote during a removal vote shall indicate the close of the matter.
  - iii) Removal decisions are not subject to review by the Judicial Committee and cannot be reversed.
- g) In the event that a vote for removal occurs during the Election Period, Senators who have declared their official candidacy for any ASLMU elected office shall abstain from voting in the removal vote.
  - 1) Should the number of Senator abstentions be so great that the Senate can no longer achieve a quorum (9 Senators) of eligible voting members, the Judiciary shall decide on the removal.
  - 2) The Judiciary must decide on the removal within 48 hours upon receipt of a written request for removal from the ASLMU Elections Committee Advisor.
- 2. Removal of Elections Committee Members
  - a) The Elections Committee Chair may recommend to the Senate the removal of any Elections Committee member.
    - 1) A majority approval by the Senate is needed to remove a voting Elections Committee Member.
  - b) The grounds for removal are:
    - i) Egregious or intentional violations of official ASLMU or University rules, policies, or procedures as they relate to the individual's duties as a member of the Elections Committee.
    - ii) Conduct that violates the mission of ASLMU or the University.



# Elections Code

- iii) Conduct that severely damages the integrity or authority of ASLMU or the office held by the individual in question.
- c) In the event that a recommendation for removal is issued during the Election Period, Senators who have declared their official candidacy for any ASLMU elected office shall abstain from voting in the removal vote.
  - 1) Should the number of Senator abstentions due to this provision be so great that the Senate can no longer achieve a quorum of eligible voting members, the Judicial Committee shall join the remaining eligible Senators at a special meeting held to hear and decide on the removal.
  - 2) The special meeting shall be held not longer than 36 hours following the motion for removal.
  - 3) The Judicial Committee shall not participate in any other Senate business unrelated to the removal of the Elections Committee or Elections Committee Chair.

## **Section 3 – Spring Semester General Election**

[Click to Return to Table of Contents](#)

### A. Purpose and Timing

1. The ASLMU General Election is the vehicle by which the positions of the President, Vice President, and Senators are elected.
2. Voting in the General Election shall be conducted every spring semester during three consecutive school days no earlier than the ninth (9<sup>th</sup>) academic week and no later than the thirteenth (13<sup>th</sup>) academic week in semester.
  - a) This three-day voting block shall be termed the “Voting Period.”
  - b) No day in the voting period shall be an official school holiday, Federal Government holiday, or major religious holiday.
  - c) The electronic polls shall open for the casting of votes at 9:00am on the first day of the voting period and shall close at 5:00pm on the third day of the voting period.
3. The Campaign Period shall begin at 2:00pm, on the day that is eight (8) calendar days prior to the first day of the Voting Period.
  - a) For example, if the Voting Period begins on a Wednesday, the campaign period would begin on the Tuesday in the prior week.
4. The Campaign Period shall end at 11:00pm, on the calendar day immediately prior to the first day of the voting period.
  - a) The span of time between the beginning and end of the Campaign Period shall be known simply as the Campaign Period.
5. The deadline to officially establish one’s candidacy in the General Election shall be determined by the Elections Committee Chair.



# Elections Code

a) The deadline shall be no greater than fourteen (14) calendar days and no fewer than five (5) calendar days prior to the beginning of the Campaign Period.

## B. Preparations

No less than sixty (60) calendar days prior to the beginning of the voting period, the Elections Committee Chair shall:

1. Contract an independent voting service to be used during the General Election.
2. Present to the Senate the following items for majority approval:
  - a) General Elections Calendar
  - b) General Elections Marketing Plan
  - c) General Elections Information Packet

## C. Publicity

1. At least seven (7) calendar days prior to the election period, the Elections Committee Chair shall notify all campus media and publicize to the best of its ability the offices to be filled in the general election and all pertinent filing dates.
  - a) This shall include publicity regarding the availability of applications for spring appointed positions.
2. The Elections Committee Chair shall prepare a written Marketing Plan that details a publicity strategy designed to achieve the following goals:
  - a) Large voter turnout.
  - b) Public awareness of the candidates.
  - c) Public knowledge of the positions available and their job descriptions.
3. "How to Vote" information shall be publicized every school day for at least three (3) school days before the election.
4. Prior to the election period, Elections Committee Members shall conduct personal visits to clubs and organizations in order to increase the potential pool of candidates.

## D. Elections Candidate Informational Meetings

1. The Elections Committee Chair shall schedule and hold at least two Elections Candidate Informational Meetings.
  - a) More than two meetings may be held.
  - b) At least one of the meetings must be during a Convocation Hour.
  - c) The Elections Committee Chair shall ensure that the information imparted at each meeting is consistent with all other meetings.
  - d) The Elections Committee Chair shall take the official attendance at all Elections Information Meetings.



# Elections Code

- 1) Attendance lists shall require from each attendee unique student identification information and primary contact information.
2. These meetings are open to all members of the LMU Community.
3. The last meeting shall occur no less than two (2) calendar days before the deadline to declare candidacy.
4. To appear on the official ballot a potential candidate must attend at least one Elections Candidate Informational Meeting.
5. The exact agenda of the Elections Information Meeting is at the discretion of the Elections Committee Chair. The Chair must distribute copies of the Election Information Packets and discuss the following topics:
  - a) The Declaration of Candidacy process
  - b) The Campaign Platform statements
  - c) The elections process, administration, and pertinent dates
  - d) The posting and distribution policies of the University
  - e) Restrictions on campaign activity
  - f) Complaint, Hearings, Sanctions and Appeals process
  - g) The Campaign Accounting Statement form and the accounting procedures
6. All attendees shall sign the following statement at the close of the meeting:

“By signing this statement, I agree that if I decide to declare my official candidacy or in any way seek elected ASLMU office, I shall follow all rules and procedures contained within the Elections Code, the University’s Student Conduct Code, and the posting and distribution Policies. I understand that rules are meant to ensure fairness, keep order, and preserve the integrity of the election and the institution of ASLMU. I also understand that ignorance of the rules is not an acceptable defense in response to accusations of improper conduct. The intent underlying all of my elections-related activities will be benevolent and in the spirit of healthy and friendly competition. Improper conduct may result in penalties ranging from an official warning to a being prohibited from holding any ASLMU elected office in the coming academic year.”

## E. Election Information Packets

1. The Election Information Packets shall be made physically available and posted electronically on either the ASLMU website or on a website operated by the University no later than 48 hours before the first Elections Information Meeting.
2. The Election Information Packet shall have been prepared by the Elections Committee Chair and must include the following:
  - a) One blank Declaration of Candidacy form.
  - b) Platform Statement guidelines.



# Elections Code

- c) A single page outlining important upcoming dates and requirements, including the date of the Candidate Informational Meetings and the due date of the Accounting Statement.
- d) Reference to the location of the most current versions of the ASLMU Constitution, Bylaws and Election Code.
- e) The current posting and distribution policies from all controlling LMU administrative authorities.
- f) Reference to the location to the most current Student Conduct Code.
- g) One blank General Campaigning Expense Accounting Statement.
- h) One sample General Campaigning Expense Accounting Statement.
- i) One Complaint Form.
- j) A sample Complaint Form.
- k) Contact information of the Elections Committee Chair, Chief Justice and the ASLMU Elections Committee Advisor.
- l) A timeline of post-election duties and responsibilities for elected candidates.

## F. Declaration of Candidacy

1. An exact deadline for the date and time to officially establish one's candidacy in the General Election shall be determined by the Elections Committee Chair.
  - a) The deadline shall be between fourteen (14) and five (5) calendar days prior to the beginning of the Campaign Period.
  - b) The Declaration of Candidacy form must be filled out and submitted to the ASLMU Office Manager where it will receive a time and date stamp.
  - c) Failure to declare candidacy by the stated deadline will result in exclusion from the official ballot. However, a candidate may still run as a write-in candidate.
  - d) All individuals seeking to declare their official candidacy must have attended an Elections Candidate Informational Meeting.
2. The Presidential/Vice Presidential and Senatorial Declaration of Candidacy form shall include the following:
  - a) A statement announcing the intention of the candidates to either:
    - i) Run jointly for the Presidency and the Vice Presidency.
    - ii) Run for Senate.
  - b) The full name of the Candidates and official campaign manager(s), including other official representatives able to make decisions in the absence of the candidates.
  - c) The mailing addresses, email addresses, and phone numbers of both candidates and the campaign manager.
  - d) A signed statement enabling the ASLMU Elections Committee Advisor to check the academic and behavioral qualifications of the candidates.



# Elections Code

3. A candidate may change the office that they are seeking at any time prior to the filing deadline.
4. No candidate may file for candidacy in more than one office.
5. The ASLMU Elections Committee Advisor shall determine if each candidate meets the academic and behavioral eligibility as outlined in the Elections Code.
  - a). The Advisor shall individually inform any ineligible candidates in writing of their academic and behavioral standing.
6. At the first Senate meeting after eligibility has been determined, the Elections Committee Chair must publicly report to the Senate the names of candidates for all positions.
7. A candidate may vacate their candidacy at any time by informing the Elections Committee Chair in writing.
  - a) Should one member of a Presidential/Vice Presidential ticket withdraw their candidacy:
    - 1) The remaining candidate has until the beginning of the voting period to find a replacement running mate. If a replacement is not found by the filing deadline, the remaining candidate will be removed from the ballot.
    - 2) The remaining candidate may choose to file for a different office in the General Election.
  - b) Once officially withdrawn, a former candidate may re-file for another candidacy or join another ticket within the filing period.
  - c) Impersonating a candidate for purposes of withdrawing that candidate from the campaign shall result in immediate disqualification from holding an ASLMU elected position in the coming academic year and may result in judicial action as outlined by the Student Conduct Code.

## G. Campaign Platform Statements

1. All General Election Candidates are required to electronically submit a platform statement to the Elections Committee Chair.
  - a) A candidate's platform will describe his/her goals for office.
2. The deadline for submissions shall be at least seventy-two (72) hours before the Campaign Period begins.
3. Presidential/ Vice Presidential ticket statements shall be limited to 400 words while Senatorial candidate statements shall be limited to 200 words.
4. Candidates must include appropriate photos of themselves with the Platform Statement.
5. The Elections Committee may determine by a majority vote that a platform contains unreasonable attacks or malicious content.



# Elections Code

- a) The committee may vote to sanction any candidate submitting a platform written with malevolent intent.
  - b) The decisions of the Elections Committee are subject to review upon appeal to the Judicial Committee through the standard appeal process.
  - c) In the event that a candidate is sanctioned for the content of a submitted platform, the candidate shall have the opportunity rescind the platform in its entirety and resubmit another platform by the regular set deadline.
6. No later than two (2) calendar days after the close of the Declaration of Candidacy, all Platforms and photos shall be publicly posted on either the ASLMU website or on a website operated by the University.
- a) Postings shall be organized by alphabetical order.
7. Platform Statements shall be incorporated into the official ballot.
- a) Photos shall not appear on the official ballot.

## H. Campaign Budgets and Accounting Statements

1. All General Elections official and write-in candidates must comply with the following General Campaign Expense Budgets:
  - a) Presidential/Vice Presidential tickets- \$400
  - b) Senate candidates- \$200
2. Campaign funding and resources may not come from any University operated budget or from the ASLMU Budget.
  - a) The only exception to this provision is the in-kind donation of flyers as outlined in the Material Campaigning section.
3. Regardless of presence on the official ballot, any individual seeking to hold elected ASLMU office must behave in accordance with these financial restrictions.
4. To ensure cooperation with the campaign expense limits, all campaigns must submit the General Campaign Expense Accounting Statement and non-exempt materials before the beginning of the Campaign Period at a time determined by the Elections Committee Chair.
5. The General Campaign Expense Accounting Statement forms shall be provided in the Elections Information Packet. The standard form shall include at least the following information:
  - a) Candidate(s) name, email address(es), and phone number(s).
  - b) The name, description, and cost of each item or service purchased.
  - c) The name, description, and retail market value of each donated item or service that was received or utilized.
  - d) A list of exempt items.
  - e) An itemized list of all non-exempt expenses.
6. The following items must be included with the accounting statement:
  - a) Original receipts that account for the price and purchase location of all



# Elections Code

itemized expenditures must accompany the accounting statement.

b) Sources used to determine the retail market value of each donation must accompany the accounting statement.

c) The actual or donated cost of any services performed in preparation of or with the intent of soliciting or otherwise garnering votes must be included in the accounting statement.

d) The cost of all non-exempt material items used in conjunction with the campaign must be accounted for on the accounting statement.

1) Any service, production, setup, equipment, or shipping fees associated with a material campaign item shall be included in the cost of that item.

7. The distribution of promissory notes, including but not limited to gift certificates, coupons, vouchers, are prohibited.

8. Failure to submit accounting statements on or before the deadline shall result in removal from the official ballot.

a) No individual may hold elected ASLMU office without submitting accounting statements to the Elections Committee Chair prior to the certification of the election.

9. The Elections Committee will perform an audit and may investigate the cost of any item reported on the accounting statements.

A. A candidate can respond to the results of any audit and investigation through the adjudication process.

10. All candidates must cooperate with all aspects of any investigation to verify accurate expense reporting undertaken by the Elections Committee.

11. All candidate accounting statements shall be made available to the public when the Campaign Period commences.

12. Intentionally or mistakenly falsifying financial records and accounting statements may result in disqualification of the candidate from holding elected ASLMU office in the following academic year.

## I. Campaigning

1. Campaigning is defined as the promotion of one's candidacy.

2. A campaigner is defined as the candidate(s), the campaign manager, or any person clearly assisting the candidate(s) with his/her/their campaign.

3. Candidates are responsible for all campaigning actions of their supporters.

4. During the Campaign Period a majority vote of the Elections Committee may create temporary standing rules governing the conduct of campaigning.

1) Temporary standing rules created in response to a specific act may not be used to penalize a campaign retroactively and must follow the spirit and intent of this Elections Code.



# Elections Code

- 2) Temporary standing rules may be challenged by any candidate. All challenges shall be adjudicated by the Judicial Committee.
- 3) Temporary standing rules shall remain in effect until the election is officially certified and all appeals are exhausted.
  - i) All temporary standing rules enacted during the election period shall be discussed in the post-election report of the Elections Committee Chair
  - ii) Temporary standing rules may be permanently incorporated into this code using the standard amendment procedure.
5. No campaign activities will be allowed to disrupt any academic activity or University-sponsored activity, or violate any University Policy.
6. Candidates shall not seek official or public endorsement of their candidacy by any University office, division, department, or employee. This includes faculty, staff, and religious community members.
7. All forms of campaigning are prohibited in the ASLMU Office, at ASLMU Senate meetings, and at ASLMU Sponsored Events during the election period.
  - a) Candidates may not associate any aspect of their campaign with any activity, event, function or theme sponsored by ASLMU that occurs during the Election Period.
  - b) No advertising or publicity created with ASLMU funds or distributed in the name of ASLMU shall unfairly benefit any candidate or group of candidates.
    - 1) To ensure cooperation with this provision, the Elections Committee Chair shall review all major marketing products implemented by ASLMU for distribution during the Campaign Period prior to their dissemination.
8. For the purposes of the General Election, this Code shall treat Verbal Campaigning, Electronic Campaigning, and Material Campaigning as three separate and distinct activities.
9. Verbal Campaigning
  - a) Verbal Campaigning is defined as the promotion of one's candidacy using no other means than spoken communication.
    - 1) The provisions outlined in the 'Material Campaigning' section shall regulate the simultaneous use of material and verbal campaigning.
  - b) Verbal Campaigning is limited to oral communication with individuals or groups located in the campaigner's immediate vicinity.
  - c) Verbal campaign activities may occur in any academic setting with prior consent of the appropriate faculty member or staff person.
  - d) Verbal campaigning to registered and unregistered groups or organizations may take place at any time during the academic year.
    - 1) Visits to registered on-campus organizations for the purposes of verbal campaigning require prior consent of the registered leader of that organization.



# Elections Code

- i) Campaigners must adhere to any restrictions on their activities set forth by the leader of the organization while visiting the organization.
    - e) Use of electronic media to aid verbal campaigning efforts is permitted at any time during the academic year with the exception of the Voting Period.
    - f) Use of amplified sound to aid in verbal campaigning is strictly prohibited at all times.
    - g) At no time and under no circumstances will door-to-door solicitation of votes be permitted in any on-campus or off-campus structure that provides permanent or semi-permanent shelter to any undergraduate student.
    - h) Events held solely or partially for the purpose of soliciting votes are only permitted during the Campaign Period. Alcohol may not be served or present during these events.
      - 1) Expenditures on such events are restricted by the Material Campaigning on rules.
      - 2) Meetings held for the purpose of organizing supporters and campaigners may occur at any time during the academic year.
        - i) A candidate may not solicit votes verbally or otherwise during a supporters meeting.
10. Electronic Campaigning
- a) Electronic Campaigning is defined as the use of electronic communication technology to publicly promote one's campaign.
  - b) The following forms of electronic campaigning are permitted at any time during the academic year:
    - 1) Private and 'Conference' telephone calls.
    - 2) Email, Chat, and Instant-Messaging services not used for Bulk Messaging Campaigning as defined below.
    - 3) Non-vocal forms of mobile phone or handheld computer communication.
    - 4) Official campaign websites.
    - 5) Postings on 'blogs' or communally edited websites.
    - 6) Use of social networking websites.
    - 7) Electronic distribution of sound images or moving picture.
  - c) The following forms of electronic campaigning are only permitted during the Campaign Period:
    - 1) Electronic advertising, which includes but isn't limited to television, radio, or online advertisements, that explicitly declare one's desire to hold elected office.
    - 2) Bulk Message Campaigning
      - i) Bulk Message Campaigning is defined as the use of any multi-recipient electronic messaging system used to promote or encourage the support of a specific candidate.



# Elections Code

ii) If a 'Reply-All' function is available to recipients of the message, a 'Blind Carbon Copy' or an equivalent recipient-masking technique must be used.

iii) Recipients must be able to 'Unsubscribe' or otherwise remove themselves from any bulk messaging campaign recipient list. Bulk Message Campaigns that receive removal requests and fail to remove the recipient within twenty-four (24) hours of the request shall be sanctioned.

iv) All bulk campaign messages must include the following text: "To stop getting mail from this sender, please reply to this message with the word "UNSUBSCRIBE". If 24 hours has passed since your reply and you are still getting messages from this sender, please contact the ASLMU Elections Committee Chair at [EMAIL ADDRESS]."

d) The cost of media advertising fees associated with any form of electronic campaigning must be included in the General Campaign Expense Accounting Statement.

e) The cost of any virtual property fees such as website hosting, domain name registration or the cost of media creation services such as website development, graphic design, or media editing may be excluded from the General Campaign Expense Accounting Statement.

f) Temporarily or permanently providing any form of electronic equipment to voters that enables or otherwise assists with the act of casting a vote is strictly forbidden.

## 11. Material Campaigning

a) Material Campaigning is defined as the creation, use, and/or distribution of any physical object for the purpose of or in conjunction with the public promotion of one's candidacy.

b) All forms of material campaigning are limited to the Campaign Period with the following exceptions:

1) No forms of Material Campaigning shall occur during the academic year prior to the official beginning of the Campaign Period.

2) Material campaigning shall be limited to the use of standing physical objects subsequent to the end of the Campaign Period and during the Voting Period.

i) Standing physical objects shall be defined as any non-distributed campaign literature or sign, including campaign wear, posted during the Campaign Period.

ii) No additional campaign materials shall be posted or distributed during the Voting Period.



# Elections Code

- c) Flyers
  - 1) The cost of flyers shall be exempt from General Expense Accounting Statement.
    - i) ASLMU shall photocopy 500 no color, single side flyers for each official candidate. Master Copies must be submitted to the ASLMU Office Manager no less than 3 school days prior to the start of the campaign.
    - ii) Flyers may be distributed by hand. No more than ten (10) flyers may be left unattended.
- d) Excluding the above flyer provision, no ASLMU or University-owned office equipment shall be used to produce any campaign-related materials of any kind.
- e) A Poster is defined as any planar material of any thickness that is greater than 93.5 square inches in surface area (ex. 8.5" x 11") and contains any type of visual campaign-related communications on either or both sides.
  - 1) The cost of poster materials and construction must be included on the General Expense Accounting Statement.
  - 2) Posters may only be posted and may not be distributed by hand.
- f) The posting of flyers and posters on the personal doors and windows of candidates and their supporters within on-campus residential structures is permitted.
  - 1) Such postings must be executed by the resident of the room to which the door/window belongs.
- g) Unless coordinated or explicitly sanctioned by the controlling Student Affairs authority, the posting of flyers and posters within on-campus residential structures on shared public spaces, including but not limited to interior and exterior windows, walls, and stairwells is prohibited.
- h) The campaign, both candidates and supporters, may post flyers and posters:
  - 1) Within academic buildings on public bulletin boards and on walls designated as public bulletin boards.
    - i) No more than one posting promoting a given candidate/campaign may be posted on a single public bulletin board, including residence halls.
    - ii) A posting may not block a prior posting.
  - 2) On the private property of candidates and campaign supporters.
  - 3) Throughout the campus on spaces that have been registered prior to the Campaign Period through the proper Student Affairs procedures.
- i) Posters may be attached to no more than fifteen (15) ground stakes placed along the Alumni Mall and Sunken Gardens walkways.
  - 1) Ground stakes must be at least three feet high.
  - 2) The cost of the poster and stake materials must be included in the General Expense Accounting Statement.
- j) No campaign may post any materials on top of other postings.



# Elections Code

k) Posting is strictly prohibited on any other location not expressly permitted in this Code or in the Student Affairs advertising policies. Prohibited posting areas include, but are not limited to:

- 1) Motorized or Non-motorized Vehicles that are not the property of an officially declared candidate
- 2) Public doors
- 3) Non-bulletin board walls
- 4) On-campus dining facilities
- 5) Chalkboards/whiteboards
- 6) Stairwells
- 7) Newspaper holders
- 8) Fences, gates, and walls
- 9) Public windows of any kind
- 10) Within public restrooms
- 11) Lampposts or other poles/posts
- 12) Sidewalks
- 13) Trashcans
- 14) Any plant, tree, bush, or shrub

l) All postings must be removed from public areas by 5:00pm on the calendar day following the announcement of election results.

m) The use of chalk on any campus surface is prohibited.

n) Material campaign items must be distributed person-to-person and may not be placed in any central location for 'pick-up' by voters, except during a verbal campaigning visit by a candidate to a group or organization.

o) Material campaigning items may not display language or imagery that is:

- 1) Lewd, indecent or obscene.
- 2) Defamatory toward another candidate or campaign.
- 3) Incompatible with the mission of the University and the mission of ASLMU.

## 12. Joint Campaigns

a) Joint Campaigns are defined as the intentional association and pooling of resources of multiple candidates.

b) Joint Campaigns are permitted for all ASLMU candidates (maximum of 4 candidates) but are not permitted for ASLMU President/Vice President candidates.

c) Each candidate participating in a joint campaign is responsible for individually completing accounting statements and all other documentation required by the Elections Committee Chair.



# Elections Code

d) In cases where a joint campaign violates this Election Code and the identity of the specific candidate responsible for the violation is unclear, all candidates associated with the joint campaign may be sanctioned.

e) Members of Joint Campaigns shall be listed separately on the ballot and must have different campaign platforms.

## J. Write-In Candidates

1. An individual may run as a write-in candidate under the following circumstances:
  - a) Candidate fails to attend all Election Candidate Informational Meetings
  - b) Candidate fails to declare candidacy by stated deadlines; or
  - c) Candidate is removed from the ballot.
2. To be eligible to hold ASLMU elected office and run as a Write-In Candidate, an individual must:
  - a) Retroactively complete all documentation requirements required of official candidates before the completion of the voting period, except for the Campaign Platform Statements.
  - b) Abide by all campaign activity restrictions that are binding to official candidates.
  - c) Abide by all Elections Committee decisions regarding Elections Code violations and sanctions.
3. Campaigning individuals that fail to file as Write-In Candidates may still serve as respondents and be sanctioned according to this Elections Code.
4. Should an individual be declared ineligible to hold ASLMU elected office in the following academic year and still persist as a write-in candidate; the individual in question may not win elected ASLMU office in the General Election.

## K. Voting

1. Voting in the General Election shall occur electronically.
  - a) A secure voting service external to any personal or official University relationship shall be contracted to coordinate and tabulate the votes.
  - b) Any voting service contracted must be capable of providing a physical record of the activities of each unique voting individual for purposes of a manual recount.
2. An incorrectly marked ballot is only considered invalid for the race for which it is erroneously marked. All other correctly marked portions of the ballot will be considered as valid.
3. Instant Runoff Voting shall be used to elect the President/Vice President.
  - a) Ballots shall:
    - 1) Be simple and easy to understand.
    - 2) List candidates in a random order.



# Elections Code

- 3) Allow a voter to rank candidates for an office in order of choice.
- b) The voter may:
  - 1) Include multiple write-in candidates among his or her ranked choices.
  - 2) Indicate only one ranking per candidate and only one candidate per ranking.
  - 3) Indicate preference for as many or as few candidates as they choose.
- c) Directions provided to voters shall be similar to the following example, although the exact text is subject to modification by the Elections Committee Chair based on the ballot design and the contracted voting service.

“Vote for candidates by indicating your first-choice candidate, your second-choice candidate and so on. Indicate your first choice by marking the number “1” beside a candidate's name, your second choice by marking the number “2” by that candidate's name, your third choice by marking the number “3” and so on, for as many choices as you wish. You are free to rank only one candidate, but ranking additional candidates will not hurt your first-choice candidate. Do not mark the same number beside more than one candidate. Do not skip numbers.”

- d) The electronic tabulation of votes shall begin with a count of the first choice marked on each ballot.
- e) If any candidate receives more than 50% (a majority) of the first choices votes, that candidate shall be declared the winner.
- f) If no candidate receives a majority of first choices, an instant runoff consisting of additional rounds of ballot counting shall be conducted according to the following procedures:
  - 1) Step 1: Any candidate with less than 5% of the first preference votes shall be eliminated.
  - 2) Step 2: Each ballot cast for an eliminated candidate shall have its vote redistributed to the advancing candidate that is ranked next highest on that ballot. The votes for each candidate shall be recounted after this redistribution.
    - i) The term ‘advancing candidate’ means a candidate who has not been eliminated.
  - 3) Step 3: A candidate receiving a majority of valid votes after step 2 shall be declared the winner.
  - 4) Step 4: If no candidate receives a majority of valid votes after step 2, the candidate with the fewest votes shall be eliminated and steps 2 through 4 shall be repeated.
  - 5) If a ballot has no more available choices ranked on it, that ballot shall be declared ‘exhausted.’



# Elections Code

- i) Exhausted ballots shall not be counted in that round or any subsequent round.
  - ii) A candidate must achieve a majority of non-exhausted votes to be declared the winner.
- 6) Ballots skipping numbers shall be counted for that voter's next clearly indicated choice, but should voter intent be unclear then that ballot shall be declared exhausted when this irregularity is reached.
- 7) Ballots with two or more of the same ranking applied to different candidates shall be declared exhausted when such duplicate rankings are reached.
- 8) Should a tie occur between two or more candidates facing elimination, the candidate with the fewest first choice rankings shall be eliminated.
  - i) If the first-choice rankings are equal in number, the candidate with the fewest second choice rankings shall be eliminated.
  - ii) In the event that the candidates have an equal number of second-choice rankings, ballots are counted for successive ranks as in step (i), until the tie is broken.
  - iii) If the ballots are exhausted and the candidates remain tied, both the candidates shall be eliminated.
- 9) Should a tie occur between the top two candidates after all other candidates have been eliminated, the candidate with the most first choice rankings shall be declared the winner.
  - i) If the first-choice rankings are equal in number, the candidate with the most second choice rankings shall be declared the winner.
  - ii) In the event that the candidates have an equal number of second-choice rankings, ballots are counted for successive ranks as in step (i), until the tie is broken.
  - iii) If the ballots are exhausted and the candidates remain tied, the candidates shall come before the outgoing ASLMU Senate and the Senate shall choose a candidate by a majority vote. If one of the candidates in question is also a Senator, he/she is strongly encouraged to abstain from voting.
- 4. Plurality voting shall be used to elect ASLMU Senators.
  - a) Ballots shall:
    - 1) Be simple and easy to understand.
    - 2) List candidates in a random order.
    - 3) Allow a voter to choose up to nine (9) candidates for office.
  - b) The voter may include up to nine (9) write-in candidates among his or her nine (9) choices.



# Elections Code

c) Directions provided to voters shall be similar to the following example, although the exact text is subject to modification by the Elections Committee Chair based on ballot design and voting service used.

“Vote for Senate candidates by indicating up to nine candidates. You may choose fewer than nine, but if you choose more than nine candidates your votes for all Senators will be invalid. You may choose not to vote for any Senators.”

d) The winning Senate candidates are the nine (9) that receive the most votes.

5. The final voting statistics are public record.

a) In the event of an Instant Runoff for the President/Vice President positions, the vote distribution by round shall be made public.

b) The election results shall be posted in the ASLMU Office and on the ASLMU Website for no less than forty-eight (48) hours, and archived by the ASLMU Elections Committee Advisor for no less than five (5) years.

6. Recount of Votes

a) Any official or write-in candidate receiving more than five percent (5%) of first place rankings may request a recount.

b) Requests for a recount must be filed with the Elections Committee Chair within two (2) school days of the posting of the Certified Election Results.

1) This request must be made in writing and include a justification.

2) Such a request is public record.

3) A candidate may request either an electronic or a manual recount or both.

4) A candidate may request to be physically present during a manual recount.

c) Any official or write-in candidate receiving more than five percent (5%) of either first place rankings or votes may challenge a request for a recount. The Judicial committee shall adjudicate challenges.

d) Following the decision to perform a recount, the Elections Committee Chair shall be required to execute a recount within three (3) school days.

e) The Elections Committee Chair shall serve as the principal authority on recount methodology.

1) Written record of the recount methodology and procedure is public record and may be requested by any member of the LMU community.

2) Recounts can be challenged by any candidate affected by the final result following the recount only on the grounds that recount procedures were not followed by the Elections Committee.



# Elections Code

- f) The result of the recount shall be posted in the ASLMU Office for no less than forty-eight (48) hours after the announcement of the election results.
- g) The recount result shall apply only to the office sought by the candidate who requested the recount.

## L. Certification and Reporting of the Election

1. At the close of the voting period and all ASLMU and University appeals the ASLMU Elections Committee Chair, the ASLMU Elections Committee Advisor, the ASLMU Chief Justice and the ASLMU Judicial Advisor must certify the General Election results.

a) Should any required signatory be unable or unwilling to sign, the Senior Vice President for Student Affairs shall designate a replacement signatory.

2. Following the General Election, the Elections Committee Chair shall make a written report regarding the conduct and outcome of the election. The report shall cover the following topics:

a) Election's Committee preparation for the General Election.

b) The Declaration of Candidacy and Candidate Information Meeting process.

c) The Campaign Period and Temporary Standing Rules.

d) Violations and Sanctions.

e) Voting and tabulation.

f) Recommendations for future elections.

3. The report shall be issued in person to the Senate within seven (7) calendar days following the Certification of Election Results and the close of all ASLMU and University appeals.

## **Section 4 – Complaints**

[Click to Return to Table of Contents](#)

- A. Suspected violations of the Elections Code shall be submitted to the Elections Committee. Persons making such referrals are required to provide information and evidence pertinent to the case and may be asked to appear before the Elections Committee.
- B. The Elections Committee Chair and Elections Committee Advisor shall review all standard complaint forms to determine whether or not there is sufficient evidence to charge a candidate or ticket with a violation of the Code and hold an Elections Committee hearing.
- C. When a member of the Elections Committee, the Elections Committee Chair, or the Elections Committee as an entity is accused of a Conduct violation, the complaint



# Elections Code

shall be adjudicated by the Judicial Committee and must be reported in the manner provided for in the Judicial Code.

- D. Alleged violations may be reported to the Elections Committee at any time after the candidate has officially declared his/her candidacy.
- E. Complaints shall be governed by the following:
  - 1. Any current LMU community member (i.e. students, faculty, staff and religious community members) may report alleged General Elections violations.
  - 2. All candidates, including official and unofficial write-in candidates and any individuals who have failed to file, can have complaints made against them and can make complaints regarding other candidates' alleged violations.
  - 3. Complaints may not be submitted anonymously.
  - 4. Complaints may not be filed over any Undergraduate holiday. Violations occurring during Undergraduate holidays should be noted in complaints no earlier than following said Undergraduate holiday.
- F. Complaints shall be submitted in writing to the Elections Committee Advisor and/or Elections Committee Chair using the official standard Elections complaint form.
- G. The burden of proof shall be upon the complainant, who must establish the responsibility of the respondent by a preponderance of the evidence.
- H. Complaint forms shall be submitted in writing and physically or electronically delivered to the Elections Committee Chair.
  - 1. Complaints filed electronically must be accompanied by a phone call to the Elections Committee Chair alerting him/her of the existence of a complaint.
- I. Upon receipt of the standard complaint form, the Elections Committee Chair shall:
  - 1. Time-stamp the receipt of the complaint form.
  - 2. Notify the respondent electronically and verbally of the presence of a complaint report within twenty-four (24) hours of receipt of the report. The substance of the report need not be conveyed.
- J. The Elections Committee Chair, Attorney General and ASLMU Elections Committee Advisor shall review the standard complaint forms within twenty-four (24) hours of the filing time to determine whether there is sufficient evidence and jurisdiction to charge a violation and to hold a hearing.
  - 1. Written notification must be provided for all dismissed cases, citing the reason for dismissal.



# Elections Code

## **Section 5 – Due Process**

[Click to Return to Table of Contents](#)

Parties involved in an Elections Committee hearing are accorded the following procedural protection:

### A. Hearing Notification

1. The Elections Committee Chair shall verbally notify the complainant and respondent of the date, time, and location of a hearing within one (1) hour after the decision to hold a hearing is made.
2. The Election Chair, by way of electronic written statement, will officially notify both the complainant and the respondent at least ten (10) hours before the hearing begins. The notification statement shall:
  - a) Reiterate the hearing date, time, and location.
  - b) Include a copy of the complaint form.
  - c) Designate the location of a copy of the most current ASLMU Constitution, Bylaws and Codes.
  - d) Include any the names and relevance of any witnesses requested by the Elections Committee.
  - e) An explanation of the due process rights.

### B. Hearing

1. A hearing shall be held during which the respondent shall have the opportunity to respond to the complaint against them.
2. The purpose of the hearing is to give the members of the Elections Committee the opportunity to gather the information necessary to fairly, accurately, and impartially adjudicate the issue in question.
3. Hearing procedures shall provide for fair and equal treatment for both the complainant and respondent.
4. The hearing shall take place no less than twelve (12) hours and no more than forty-eight (48) hours after the decision to hold a hearing is made.

### C. During the hearing, the Election Committee shall:

1. Explain the adjudication process.
2. Explain the due process.
3. Provide a copy of the ASLMU Constitution, Bylaws and other applicable Codes, polices and procedures.
4. Explain that the hearing shall become part of the file relating to the case.



# Elections Code

## D. Reasonable access to evidence

1. Reasonable access to the evidence supporting the charge will be made available to the respondent, upon request, prior to the hearing.

## E. Advisors

1. The respondent and complainant may be advised by no more than one (1) individual at the hearing.
  - a) Advisors may not publicly speak during the hearing but may confer privately with the advised party.
  - b) The advised party must notify the Election Chair in electronically in writing at least four (4) hours prior to the hearing if an advisor will be in attendance.
  - c) An advisor may not appear in lieu of an advised party.

## F. Witnesses or witness statements

1. Parties may have the support of witnesses.
2. The Election Committee Chair must be notified four (4) hours prior to the hearing if witnesses will be provided.
3. Witnesses must serve to provide relevant information pertaining to the case. Character witnesses are not allowed.

## G. Sanctions

1. A sanction shall be levied if it is determined that the party is responsible for the violation. If not, the charge will be dismissed.

## **Section 6 – Hearing Procedures & Deliberations**

[Click to Return to Table of Contents](#)

### A. Elections Committee hearing rules, agenda and deliberation shall follow the procedures outlined for the Judicial Committee in the Bylaws, Article III, Sections 7 and 8.

1. The term “Chief Justice” shall be replaced by “Elections Committee Chair.”
2. The term “Associate Justice” shall be replaced by “Elections Committee Member.”
3. The term “Judicial Committee” shall be replaced by “Elections Committee.”
4. The term “Judicial Committee Member” shall be replaced by “Elections Committee Member.”
5. The term “Judiciary Advisor” shall be replaced by “ASLMU Elections Committee Advisor.”

## **Section 7 – Elections Committee Sanctions**

[Click to Return to Table of Contents](#)



# Elections Code

- A. The purpose of imposing sanctions is to serve as an appropriate remedy for the violation.
- B. A majority vote of the Elections Committee shall have the sole discretion to select the sanction most appropriate to an affirmed violation.
1. The nature and degree of the sanctions may be recommended by any member of the Elections Committee, including the Elections Committee Chair, the Attorney General, and the ASLMU Elections Committee Advisor.
- C. Each action violating the rules and policies governing the General Election shall be sanctioned separately, but multiple violations stemming from a single act shall be sanctioned singularly.
- D. Factors to be considered when determining sanctions shall be:
1. The severity of the violation(s).
  2. The nature of the offense(s).
  3. The severity of any damage, injury or harm resulting from the violation(s).
  4. All previous violations and sanctions issued against a given candidate.
    - a) In order to discourage multiple, consecutive, or subsequent violating activities, sanctions levied against repeat-violators may be more severe than sanctions levied against first-time violators for the same violation.
  5. All precedents set by the current and former Elections Committee(s) in previous elections governed under versions of the Elections Code originally revised in the 2006-2007 Academic Year.
    - a) Precedent is non-binding, but departure from precedent without due cause shall be considered acceptable grounds for appeal to the Judicial Committee.
- E. The following sanctions are available to the Elections Committee (in order of severity):
1. An official warning.
  2. The temporary or permanent removal of physical or electronic campaign materials.
  3. A requirement that a candidate and all of his/her supporters cease:
    - a) One campaign activity that is most closely related to the violating act.
    - b) Multiple campaign activities.
    - c) All material campaign activities.
    - d) All material and electronic campaign activities.
    - e) All material, electronic, and verbal campaign activities.



# Elections Code

- 1) A ban on verbal campaigning may extend only to verbal campaigning to groups.
  - 2) Verbal campaigning to singular individuals may not be banned.
  - f) Bans on campaign activity may last for a set period of time no less than thirty (30) minutes and may extend up to and include the entirety of the remaining Campaign Period.
    - 1) The length and timing of the activity restrictions are at the discretion of the Elections Committee.
  - 4. The placement of the phrase “Violated Election Rules” next to a respondent’s name on the official ballot.
  - 5. Removal from the official ballot.
    - a) No candidate may be officially removed from the official ballot until the close of all formal ASLMU or University appeals relating to the issue in question.
  - 6. Declaration of an individual’s ineligibility to hold ASLMU elected office in the following academic year and/or special election.
    - a) Candidates who commit severe violations that undermine the integrity of the election and or the democratic process void their right to be elected to office during the election in which the violation was committed.
    - b) Ineligibility shall only be used as a last resort for candidates who cannot be sanctioned by any other means.
    - c) Ineligible Presidential/Vice Presidential candidates shall be the first ones to have their votes redistributed in preferential voting.
    - d) No candidate may be officially ineligible until the close of all ASLMU and University appeals relating to the issue in question.
  - 7. Other Sanctions or Course of Action
    - a) The Elections Committee retains the right to impose additional sanctions, or course of action according to the specific needs of a situation.
- F. Any combination of the above sanctions may be assessed against a respondent at the discretion of the Elections Committee.
- G. Sanctions mandating specific behaviors of a respondent are immediately binding subsequent to the written notification of the respondent by the Elections Committee Chair.

## **Section 8 – Publication of Elections Committee Opinions**

[Click to Return to Table of Contents](#)



# Elections Code

A. Opinions of the Elections Committee shall include a summary of the testimony, the findings of fact, decisions on each complaint, and sanction(s). All decisions shall be reviewed by the ASLMU Elections Committee Advisor prior to delivery.

B. Opinions shall be sufficiently detailed to permit review by the Judicial Committee.

## C. Delivery

1. Opinions regarding violations and sanctions shall be delivered electronically in writing to the respondent within six (6) hours of the hearing.

a) If six (6) hours past the adjudication falls during the period of time between 12:00am (midnight) and 7:00am, the delivery shall take place not later than 12:00pm (noon) on the calendar day following the day on which the hearing began.

2. Immediately following electronic delivery to the respondent, all Opinions shall be made available for review upon request by any undergraduate Student.

a) No audio documentation shall be released.

b) The Opinion shall be posted on an access-controlled ASLMU or University operated webspace within 24 hours of the delivery to the respondent.

D. Failure to comply with any decision or sanction made by the Elections Committee may result in further action, including but not limited to, sanctions as set forth in the decision letter or further judicial proceedings.

E. The ASLMU Elections Committee Advisor shall be responsible for the safekeeping of Elections Committee case files and opinions in a hard-copy version for a minimum of five (5) years.

## **Section 9 – Appeals of Elections Committee Decisions**

[Click to Return to Table of Contents](#)

A. Any decision of the Elections Committee resulting in a sanction(s) may be appealed to the Judicial Committee by the respondent on one (1) or more of the the following grounds:

1. The sanction is grossly disproportionate to the offense or is not consistent with other decisions offered by the Committee during the current election cycle.

2. The procedures provided for in this Code were not followed, resulting in significant prejudice to the candidate.

3. New relevant evidence is available which in the exercise of reasonable diligence could not have been produced at the time of the hearing.

4. The decisions in not supported by substantial evidence.



# Elections Code

B. Appeals shall be governed by the procedures set forth in the ASLMU Judicial Code.

C. All rulings by the Judicial Committee are final and binding unless overturned by a superseding authority.

## **Section 10 – Special Elections Procedures**

[Click to Return to Table of Contents](#)

### A. Recall Elections

1. The President and Vice President of ASLMU are subject to recall.
2. A recall election may be brought about in two ways:
  - a) Through a vote of the Senate following Impeachment as described in the Bylaws, Article I, Item B, 2, a), 3).
  - b) Following a Petition of the Student Body.
    - 1) Any undergraduate student may coordinate a Recall Petition.
    - 2) Each page of an impeachment petition containing signatures must also include at least a description of the alleged improper conduct.
    - 3) Only current fulltime undergraduate students may sign the petition
      - i) All signatures must include at least the signatory's full name, valid contact phone-number and student identification number to be considered valid.
    - 4) Petitions may not be conducted electronically.
    - 5) The number of signatures necessary to achieve a recall election shall be 50% (fifty percent) of the number of people who voted in the most recent General Election
      - i) This information is available from Student Affairs upon request.
    - 6) Completed recall petitions shall be presented to the Senate and be certified as accurate by the Chief Justice of the Judicial Committee.
  - c) Following a successfully certified recall petition,
    - 1) The Senate may vote by a (3/4) three-fourths majority to remove the individual in question.
    - 2) If the Senate fails to achieve Removal of the individual or refuses to take up the issue, a recall election shall be brought before the student body.
3. All Recall Elections shall be coordinated and regulated by the Elections Committee Chair and the Elections Committee. If the Elections Committee Chair has not yet been appointed then the ASLMU President should make an emergency appointment from the existing Elections Committee.
4. Timing of a Recall Election
  - a) The Voting Period in a Recall Election shall be two (2) consecutive school days.



# Elections Code

- 1) Voting shall begin at 9:00am on the first day of the voting period and close at 5:00pm on the second day of the voting period.
  - b) The close of the Voting Period in a Recall Election shall be no more than ten (10) school days following either:
    - 1) The certification of a recall petition.
    - 2) A vote of the Senate to initiate a Recall following an Impeachment.
  - c) A Recall Election shall not occur within 45 calendar days of the Voting Period of a General Election.
5. Preparations
- a) The Elections Committee Chair shall instruct both the recall leader and the officer subject to recall on the pertinent codes governing campaigning activity.
6. Publicity
- a). At least four (4) school days prior to the start of the voting period, the Elections Committee Chair shall notify all campus media and publicize to the best of its ability the existence of an upcoming Recall Election.
7. Participants in a Recall Election
- a) The officer subject to recall shall serve as the leader of his/her efforts to remain in office. No other individual may serve in this role.
  - b) The following provisions shall regulate the determination of the leader of the effort to recall the officer in question:
    - 1) The leader of the effort to recall shall be termed the “recall leader.”
    - 2) If the Recall Election was initiated by a Senate Impeachment, the undergraduate who brought to the Senate the original complaint shall be the recall leader.
    - 3) If the Recall Election was initiated by a Recall Petition, the organizer of the petition efforts shall be the recall leader.
      - i) In the event that no single individual organized the petition, the organizing parties must determine from among themselves the recall leader.
      - ii) If the organizing parties are unable to determine a recall leader, the Recall Election shall not take place.
  - c) The recall leader shall register their position in writing with the Elections Committee Chair no less than five (5) school days prior to the voting period.
    - 1) Should the recall leader vacate their position, the recall election shall not take place
8. Recall Statements
- a) Both the officer and the recall leader are required to electronically submit a recall statement to the Elections Committee Chair.
  - b) The deadline for submissions shall be at 5:00pm five (5) school days prior to the start of the Voting Period.



# Elections Code

- c) The Elections Committee Chair may require candidates to submit statements in specified file formats.
  - d) Failure to submit the statement in the specified file format by the deadline will result in the loss of the opportunity to have an official statement.
  - e) The statement shall contain no more than 200 words.
  - f) A recall leader's statement will describe the complaint against the officer and present a rationale for recall.
  - h) An officer's statement will serve as a defense of his/her actions and a rationale for continued service.
  - i) The Elections Committee may determine by a majority vote that a statement contains unreasonable attacks or malicious content.
    - 1) The committee may vote to sanction a statement written with malevolent intent.
      - i) Sanctions may include but are not limited to a public note permanently attached to a given statement explaining why that the statement is in violation of the Recall Election Code.
    - 2) The Elections Committee may not remove the content in question or disqualify the statement from publication.
    - 3) These decisions are subject to review upon appeal to the Judicial Committee through the appeal process.
    - 4) In the event that an individual is sanctioned for the content of a submitted statement, the individual shall have the opportunity rescind the statement in its entirety but shall not have the opportunity to resubmit a new statement.
  - j) No later than two (2) calendar days after the deadline to submit statements, all statements must be publicly posted on either the ASLMU website or on a website operated by the University.
    - 1) Postings shall be organized in a standard manner that does not give any individual non-random advantage or publicity.
  - k) Statements shall be incorporated into the official ballot.
9. Campaigning
- a) All campaigning guidelines shall be followed as described in this Code in Section 3 Subsection I.
    - 1) The term "candidate" shall be replaced by "either the officer subject to recall or the recall leader."
    - 2) The term "candidacy" shall be replaced by "stance in a recall election."
    - 3) The term "Election Period" shall be replaced by "Recall Election Period."
    - 4) The term "General Election" shall be replaced with "Recall Election."
10. Violations and Sanctions



# Elections Code

- a) The Violations and Sanctions reporting and adjudication process shall be governed by the Elections Code, Sections 4 through 8 except:
- 1) The term “candidate” shall be replaced by “either the officer subject to recall or the recall leader”.
  - 2) The term “candidacy” shall be replaced by “stance in a recall election”.
  - 3) Only the officer subject to recall or the recall leader may file complaints.
  - 4) Any alleged violations of the Student Conduct Code may be referred to Judicial Affairs.

## 11. Voting

- a) Voting in a Recall Election shall occur electronically.
- 1) A secure voting service external to any personal or official university relationship shall be contracted to coordinate and tabulate the votes.
  - 2) Any voting service contracted must be capable of providing a physical record of the activities of each unique voting individual for purposes of a manual recount.
- b) The Ballot for the recall election shall be worded as follows:

“Should (office holder) be removed from the office of (office)?”  
 “ \_\_\_ Yes | \_\_\_ No”

- c) The outcome of the Recall Election shall be binding if the turnout in the recall election meets or exceeds the lesser of:
- 1) Seventy-five percent (75%) of those who voted in the last General Election prior to the Recall Election.
  - 2) One-third (1/3) of the current undergraduate student population.
- d) If the majority of students express the desire for the officer to be recalled and turnout is sufficient to achieve a binding outcome, the officer shall be removed from office effective immediately.
- e) If the majority of students express the desire for the officer to remain in office, regardless of the turnout, the officer shall not be removed and the matter shall be closed.
- 1) The officer shall not be subject to recall for 60 calendar days following the recall election.
  - 2) Should a tie occur between the “Yes” and “No” votes, the officer shall not be recalled.
- f) If the majority of students express the desire for the officer to be recalled but the turnout is insufficient to achieve a binding outcome the Senate may vote to remove the officer by a (3/4) three-fourth majority of the entire membership of the Senate.



# Elections Code

1) If the Senate fails to vote to remove or fails to achieve a (3/4) three-fourth majority, the matter shall be closed.

g) The final voting statistics are public record.

1) The election results shall be posted in the ASLMU Office and on the ASLMU Website for no less than 48 hours, and archived by the ASLMU Elections Committee Advisor for no less than five (5) years.

h) Recount of Votes

1) Either the recalled officer or the recall leader may request a recount.

2) Requests for a recount must be filed with the Elections Committee Chair within two (2) school days of the posting of the official recall election results.

i) This request must be made in writing and include a justification.

ii) Such a request is public record.

iii) Either party may request either an electronic or a manual recount or both.

iv) Either party may request to be physically present during a manual recount.

3) Subsequent to the request to perform a recount, the Elections Committee Chair shall be required to execute a recount within three (3) school days.

4) The Elections Committee Chair shall serve as the principal authority on recount methodology.

i) Following the recount, only the methodology may be challenged and adjudicated by the Judicial Committee.

5) The results shall be posted in the ASLMU Office for no less than forty-eight (48) hours.

12. Certification of and Reporting on the Recall Election

a) The certification and reporting shall follow the procedures outlined for the ASLMU General Election.

B. Replacement Election

1. Purpose

a) The purpose of Replacement Election is to fill the office of the President and Vice President should both of those offices be vacated more than ninety (90) calendar days before the General Election.

b) The rules governing vacancy and succession in the office of the President and Vice President can be found in the bylaws, Article I, Section 12.

2. The preparations and procedures governing the Replacement Election shall be identical to those governing the General Election

C. Constitutional Amendments and Elections

1. Purpose



# Elections Code

a) The Constitution may only be changed through either a Referendum or Initiative election process.

## 2. Definitions

a) A Referendum is the practice of submitting to popular vote a measure passed upon or proposed by the Senate.

b) An Initiative is a procedure enabling a specified number of undergraduate students, by petition, to propose legislation and secure its submission to the electorate.

## 3. Constitutional Referendum

a) Changes to the ASLMU Constitution initiated by either a Senator of the President shall be drafted through the normal Bylaw Amendment legislative drafting process provided for in the Bylaws, Article II, Section 10.

b) A two-thirds (2/3) majority of the Senate shall be sufficient to send the Amendment to the student body.

1) Should the Senate vote to send the Constitutional Amendment to the student body within forty-five (45) calendar days of the General Election, the amendment shall appear on the General Election Ballot.

2) If it is outside of forty-five (45) calendar days of the General Election, a special Constitutional Election shall be called.

c) The President may not veto a Constitutional Referendum.

d) Multiple referenda may be brought before the student body in the same election.

## 4. Constitutional Initiatives

a) Amendments to the ASLMU Constitution may be drafted and sent to the student body by petition of undergraduate students.

b) Constitutional Initiative Petition Regulations

1) Any current full-time undergraduate student may coordinate a Constitutional Amendment Petition.

2) Each page of the petition containing signatures must also include at least the text of the new amendment and a written rationale for the amendment.

i) Students seeking to draft and coordinate a petition are encouraged to work with the Attorney General to draft the language appropriately.

3) Only current fulltime undergraduate students may sign the petition.

i) All signatures must include at least the student's full name, valid contact phone-number and identification number, to be considered valid.

4) Petitions may not be conducted electronically.

5) The number of signatures necessary to achieve a Constitutional Election shall be fifty percent (50%) of the number of people who voted in the most



# Elections Code

recent General Election or twenty percent (20%) of the current undergraduate population.

i) This information is available from Student Affairs upon request.

6) Completed Constitutional Amendment petitions shall be presented to the Senate and shall be certified as accurate by the Chief Justice of the Judicial Committee.

7) Should the Petition be certified forty-five (45) calendar days of the General Election, the Amendment shall appear on the General Election Ballot

8) If it is outside of forty-five (45) calendar days of the General Election, a special Constitutional Election shall be called.

9) Multiple Constitutional initiatives may be brought before the student body at the same time.

5. All Constitutional Elections shall be coordinated and regulated by the Elections Committee Chair and the Elections Committee.

6. Participants in a Constitutional Election

a) The following provisions shall regulate the determination of the support leader.

1) The leader of the effort to amend the constitution shall be termed the "support leader."

2) If the Constitutional Election was initiated by a Senate vote, the Senator or President who wrote the Letter of Intent to Amend shall be the support leader.

3) If the Constitutional Election was initiated by a student petition, the organizer of the petition efforts shall be the support leader.

i) In the event that no single individual organized the petition, the organizing parties must determine from among themselves the recall leader.

ii) If the organizing parties are unable to determine a recall leader, the Constitutional Election shall not take place.

3) The support leader shall register their position in writing with the Elections Committee Chair no less than ten (10) calendar days prior to the voting period.

i) Should the support leader vacate their position, the Constitutional Election shall not take place.

b) The following provisions shall regulate the determination of the opposition leader.

1) The leader of the effort to preserve the current the constitution shall be termed the "opposition leader."

2) If the Constitutional Election was initiated by a Senate vote:



# Elections Code

- i) If the President opposes the amendment, he/she shall be the opposition leader.
    - ii) If the President supports the amendment and the Speaker of the Senate opposes the amendment, the Speaker shall be the opposition leader.
    - iii) If both the President and the Speaker support the amendment, any opposing Senator may serve as opposition leader.
    - iv) If no elected member of ASLMU opposes the amendment, there shall be no opposition leader.
  - 3) If the Constitutional Election was initiated by a student petition, any undergraduate may serve as the opposition leader
    - i) The multiple parties opposing the amendment must determine from among themselves the opposition leader.
    - ii) If the multiple parties are unable to determine an opposition leader, or if no party opposes the amendment, the Constitutional Election shall take place without opposition.
  - c) The support leader shall register their position in writing with the Elections Committee Chair no less than five (5) school days prior to the voting period.
    - 1) Should the support leader vacate their position, the recall election shall not take place
- 7. The procedures for regulating Constitutional Elections shall be identical to the procedures governing a Recall Election except:
  - a) The term "officer facing recall" shall be replaced by "opposition leader."
  - b) The term "recall leader" shall be replaced by "support leader."
  - c) The term "stance in a recall election" shall be replaced by "stance in a constitutional election".
  - d) The close of the Voting Period in a Constitutional Election shall be no more than ten (10) school days following either:
    - 1) The Certification of a Constitutional Amendment Petition.
    - 2) A vote of the Senate to initiate a Constitutional Election.
  - e) The Elections Committee Chair may choose to host the election using ASLMU or University communications technology or may contract a secure external voting service.
  - f) A support leader's statement will describe the proposed amendment and present a rationale for change.
  - g) An opposition leader's statement will serve as a defense of the current constitution and present rationale for the status quo.
  - h) Where ever else this section contradicts the Recall Elections provisions.
- 8. Voting
  - a) Voting in a Recall Election shall occur electronically.



# Elections Code

- 1) A secure voting service external to any personal or official university relationship may be contracted to coordinate and tabulate the votes.
- 2) Any voting service used must be capable of providing a physical record of the activities of each unique voting individual for purposes of a manual recount.

b) The Ballot for the constitutional election shall include the text of the amendment and be worded as follows:

“Should the proposed amendment permanently modify the current ASLMU Constitution?”

“ \_\_\_ Yes | \_\_\_ No”

- c) The outcome of the Constitutional Election shall be binding if the turnout in the recall election meets or exceeds five percent (5%) of the current undergraduate student population.
- d) If the majority of students express the desire for the Constitution to be Amended, and turnout is sufficient to achieve a binding outcome, the amendment shall take effect immediately.
- e) If the majority of students express the desire for the Constitution to remain unchanged, regardless of the turnout, the matter shall be closed.
  - 1) The Constitution shall not be subject to amendment for sixty (60) calendar days following any Constitutional Election.
  - 2) Should a tie occur between the “Yes” and “No” votes, the Constitution shall not be amended.
- f) If the majority of students express the desire for the Constitution to be Amended, but the turnout is insufficient to achieve a binding outcome the Senate may vote to amend the Constitution by a (3/4) three-fourth majority of the entire membership of the Senate.
  - 1) If the Senate fails to vote to amend or fails to achieve a (3/4) three-fourth majority, the matter shall be closed.

## D. Initiative and Referenda Elections for Non-Binding Resolutions and Bylaw Amendments

1. Non-Binding Resolutions and Bylaw Amendments are the sole purview of the Senate and shall not be subject to action by the electorate.

### **Section 11 – Amendments**

[Click to Return to Table of Contents](#)



# Elections Code

---

- A. The Election Code may be amended according to the standard Code Amendment procedures of the Senate as described in the Bylaws.
- B. The Election Code cannot be amended during the Election Period and shall not be enforced retroactively.



# Elections Code

## **Revision History:**

[Click to Return to Table of Contents](#)

-Passed: February, 21 2007

-Drafted By: Matthew S. Schechter (Class of 2007) and ASLMU 2006-2007

-Revised: December 8, 2010

-Revision by: ASLMU Senate 2010-2011

-Revision Summary: All effective governing documents are built as living and breathing documents that can be changed or altered should the people whom it governs decide it appropriate. This is a critical feature of a governing document as it allows laws that are written in the context of the time that they were created to adapt and change in accordance with the new context of the present. New challenges and circumstances present themselves and prove the current set of laws insufficient. We the ASLMU Senate commonly make changes and adjustments to these documents piece by piece in order to address specific issues that have arisen with the document. It is rare, and should be the case for reasons of maintaining stability in governance, that we execute a comprehensive reform of any governing document. This is one of those rare times. The ASLMU Senate decided that this was the appropriate time to perform such comprehensive reform. The ASLMU Elections Code had not been changed or altered in any major way for a few years since its original creation. There were many sections and clauses contained within the code that had proven themselves inefficient and ineffective when observed in practice throughout many prior ASLMU elections. The ASLMU Senate felt it necessary to perform a full review of the document with assistance from ASLMU Executive Branch, LMU Judicial Affairs and LMU Student Affairs and to make any changes that would make the document more efficient and effective in serving its purpose.