

ASUC BY-LAWS

Title IV ASUC Elections By-laws

ARTICLE I - PURPOSE AND INTENT

1.1 Purpose

These by-laws provide for the conduct of all ASUC Elections.

1.2 Equal Protection

These by-laws are intended to insure ensure that each candidate is afforded an opportunity for election equal to that of any other candidate for that office, and proponents and opponents of referenda and propositions are afforded an equal opportunity for their respective victory.

ARTICLE II - ELECTIONS COUNCIL

2.1 Purpose and Scope

1. Control of all ASUC Elections and related activities shall rest with the Elections Council.
2. The authority of the Elections Council shall be limited in scope to only those duties stated in the ASUC Constitution and these by-laws, and those duties essential and imperative in carrying out the same.

2.2 Membership and Terms

1. The membership of the Elections Council shall consist of the Elections Council Chair, the Assistant Chair, Poll Coordinator, Ballot Coordinator, and Publicity Coordinator. The ASUC Attorney General shall be an ex-officio member of Elections Council.
2. The terms of all members of the Elections Council shall commence upon their appointment and expire upon the appointment of a new Elections Council Chair.

2.3 Appointment of Elections Council Members

1. The Elections Council Chair shall be selected by a Temporary Committee of the ASUC Senate consisting of five (5) ASUC Senators. Any ASUC elected officers may nominate individuals to the position. An Elections Council Chair must be confirmed by a two-thirds (2/3) Vote of the entire Senate by the eighth (8th) regular Senate meeting of the Fall Session.
2. If the Senate does not confirm an Elections Council Chair by the eighth regular Senate meeting of the Fall Session, they may not consider any official business not pertaining to the appointment of officials that need to be appointed and/or determining an election date, until such decisions are made. In a situation where such decisions are not made past their deadlines, the senate may, however, hold regular meetings to hear reports and guest announcements, but they may not make formal decisions, for instance allocating money and approving appointments.
3. The Assistant Chair, Poll Coordinator, Ballot Coordinator, and Publicity Coordinator, shall be appointed to the Elections Council upon the nomination of the Elections Council Chair and the

approval of a two-thirds (2/3) Vote of the Entire Senate.

4. If the Senate fails to confirm an Elections Council Chair within the eighth Senate meeting of the Fall Semester, it will be the responsibility of the President to appoint an Elections Council Chair immediately. Note: Senate still has ultimate authority on confirming an ECC with 14 votes of the Senate.
5. In cases where the Elections Council Chair resigns, the Senate will have two regular Senate meetings to nominate a new chair, granted that this timeline does not exceed the second Senate meeting of the Spring Semester. Otherwise, the President shall appoint an Elections Council Chair immediately. Note: Senate still has ultimate authority on confirming an ECC with 14 votes of the Senate

2.4 Financial Remuneration

1. Members of the Elections Council shall be compensated for their service. The ASUC will annually determine the Chair's stipend. Half of this stipend will be paid one month after the Chair takes office. The second payment will be disbursed after the ASUC Judicial Council provides validation of the election results.
2. Other members of the Elections Council shall receive a stipend in an amount determined by the Chair, with the approval of a two-thirds (2/3) vote of the Senate. Financial remuneration of the members of the Elections Council shall be withheld until the ASUC Judicial Council provides validation of the election results.
3. If at any time, it can be shown before the Judicial Council that a member of the Elections Council has been grossly derelict in his/her duties, the Judicial Council shall deny him/her financial remuneration.

2.5 Conduct and Removal of Elections Council Members

1. The Elections Council Chair may be removed from office before the expiration of his/her term by a two-thirds (2/3) vote of the Senate for gross dereliction of his/her duties.
2. Any member of the Elections Council may be removed from office before the expiration of his/her term by the Elections Council Chair for gross dereliction of his/her duties.
3. No member of the Elections Council shall support or oppose any candidate, party, or proposition in an ASUC election while serving on the Council. Any member of the Elections Council so doing may be removed from the Elections Council by the Elections Council Chair, or by a two-thirds (2/3) vote of the entire Senate.

2.6 Duties of the Elections Council Chair

1. To take the complete administrative charge for all details of ASUC elections and the Elections Council;
2. To nominate additional members of the Council as may be necessary for the efficient administration of the election with the consent of the Senate;
3. To make Temporary Rules as necessary as outlined in Article XII;
4. To advise the Senate on the financial and practical impact of any legislation which may affect the Elections Council or the election;

5. To be in possession of one of the two keys to the ballot boxes as described in Article XVII;
6. To be in charge of issuing warnings for violations of the Election by-laws;
7. To give an Elections Council report, oral or written, at every regular meeting of the Senate;
8. To give an Elections Council report, oral or written, at every regular meeting of the Graduate Assembly and/or its Executive Committee;
9. To coordinate the Mandatory Clean-Up Day, in which all candidates or their designated proxy, are required to attend to clean-up the Campus and Community following the Election, on the Saturday following the Election;
10. To assist the other members of the Elections Council when necessary;
11. To carry out such other functions and duties as required under the ASUC Constitution and by-laws.

2.7 Duties of the Assistant Elections Council Chair

1. To assist the Elections Council Chair, to be responsible to him/her, and to aid him/her in his/her duties;
2. To assume the duties of the Elections Council Chair in the event of the resignation, removal, or temporary or permanent disability of the Chair to perform his/her duties, until such time as a replacement is selected;
3. To act as the primary liaison between all candidates and the Council;
4. To conduct, or delegate the conduction of, the Candidates' Meeting;
5. To design and provide all filing forms;
6. To maintain a file of all Council records, papers, forms, reports, or statements filed by each Candidate, party, group, and to serve as secretary to the Elections Council;
7. To inform the ASUC Secretaries as to how to aid persons with problems concerning the elections;
8. To provide appropriate bins for the purpose of recycling unwanted flyers during and prior to the Elections;
9. To act as the Chief Administrator of the Campaign Finance Limits in accordance with Article XVIII of this Title:
10. To verify the validity of all filing form information, including candidate names, as outlined in 6.2.6. and to inform affected candidates, so far as possible, of any problems or inconsistencies.
11. To assist the other members of the Elections Council when necessary;
12. To carry out such other functions and duties as required under the ASUC Constitution and By-laws.

2.8 Duties of the Poll Coordinator

1. To assist the Elections Council Chair and to be responsible to him/her;

2. To provide sufficient workers and material for each poll;
3. To conduct or delegate the conduction of a Pollworkers' Meeting for the purpose of training the pollworkers;
4. To arrange for transportation of ballots and ballot boxes to and from the polls;
5. To arrange for the setting up and removal of polls and to arrange for a sufficient number of polling booths at polling locations;
6. To arrange for a system to insure that students are able to vote no more than once in each election, either through electronic means, or through marking the voter's UCB Photo ID;
7. To arrange for all other details related to polls;
8. To provide assistance to the Neutral Third Parties in training their pollworkers;
9. To organize any orientation materials, writing and copy for pollworker advertisements, scheduling pollworkers, making a phone list of all pollworkers, making a pollworker application packet;
10. To advertise, interview, and schedule pollworkers and alternates and be responsible for last minute substitutions at the polls;
11. To ensure that proper conduct is maintained in the vicinity of polling sites in accordance with Article 3.4;
12. To assist the other members of the Elections Council when necessary;
13. To carry out such other functions and duties as required under the ASUC Constitution and By-Laws.

2.9 Duties of the Ballot Coordinator

1. To assist the Elections Council Chair and to be responsible to him/her;
2. To design the ballot and arrange for its printing and any other details which involve the ballot;
3. To ensure a correct count and watch over the ballots whenever they are being officially handled;
4. To arrange for the tallying of the ballots;
5. To assist the other members of the Elections Council when necessary.
6. To carry out such other functions and duties as required under the ASUC Constitution and by-laws.

2.10 Duties of the Publicity Coordinator

1. To assist the Elections Council Chair and to be responsible to him/her;
2. To provide extensive publicity of the candidate filing period and election, in such a manner to ensure that all elements of the campus community will receive equal notice;
3. To place a least a two column inch advertisement in The Daily Californian every day that it is published throughout the candidate filing period and during the election, and any additional times

s/he deems necessary;

4. To send flyers out to all of the residence halls, cooperatives, fraternities, sororities, academic departments, student activity groups, and anywhere else that s/he deems necessary by the first day of the filing period and the first day of voting;
5. To place posters on campus anywhere s/he deems necessary throughout the filing period and prior to the election;
6. To publicize the Filing Period and the Election to Graduate Students at UC Berkeley, in conjunction with the Graduate Assembly, including publicizing the right of graduate students to participate in the Elections;
7. To provide other such extensive publicity as s/he deems necessary.
8. To provide extensive publicity prior to the election of all polling places, and times that each will be open;
9. To clearly mark all polling places so that they will be easily identifiable;
10. To publish a full statement of any proposed recalls or propositions at least once prior to the election period in The Daily Californian;
11. To provide for the publication of the Voters' Guide;
12. To assist the other members of the Elections Council when necessary;
13. To carry out such other functions and duties as required under the ASUC Constitution and By-Laws.

2.11 Election Duties of the ASUC Attorney General

1. To oversee the election;
2. To investigate alleged violations of these by-laws and to prosecute them before the ASUC Judicial Council.
 - a. Within 48 hours of receiving information that may lead to an investigation of possible election by-laws violations, the Attorney General shall notify the possible offending party as well as the Chair of the Judicial Council as to the nature of the investigation. If offending parties are not readily available, the Judicial Council may grant an extension to this deadline.
 - b. Upon the beginning of an investigation, the Attorney General shall cease to be legal counsel to the defending party. The Solicitor General may act as legal counsel for the defense, if defendants choose to exercise that right. The Attorney General must notify both the offending parties and the Solicitor General if an investigation is underway.
 - c. The Attorney General or any other party must file charges of elections violations before one week's time following the ballot tabulation. The Attorney General may, however, file a charge sheet at or prior to this time specifying only that charges may be filed at a later point against a specific candidate(s) or party, as specified below. Such a charge sheet shall state the general nature of the evidence the Attorney General has received or expects to receive. If utilizing such an extension, the Attorney General must specify such in the charge sheet. There will be no hearings or action by the Judicial Council until the Judicial Council reviews all charge sheets.
 - d. Within two weeks of ballot tabulation, the Attorney General must notify the chair of the Judicial Council and all offending parties the specific bylaws that may have been

violated in conjunction with any outstanding charge sheet described in Section 2.11.2.

- e. Notwithstanding the below exceptions (Section 2.11.6, Section 2.11.7, Section 2.11.8) complete charge sheets must be filed within two weeks of the ballot tabulation.
- f. If the above deadlines are not met, the Judicial Council may issue a summary judgment.
- g. Deadlines in this section shall not apply to alleged violations of Section 12.3.8, Section 12.3.9, or Section 12.5.1.
- h. These deadlines shall not apply if the Judicial Council determines that a delay past these deadlines was due in full or in part to the defendant or any agent of the defendant (as defined in Section 12.8). The defendant reserves the right to request extensions on deadlines, pending approval by the Chair of the Judicial Council.

3. To prosecute any case, at his/her discretion, filed by a third party, even in cases where the plaintiff seeks to dismiss the charge;
4. To act as the representative of Elections Council before the ASUC Judicial Council;
5. To oversee the collection and processing of the ballots;
6. To keep all party registration forms;
7. To ensure that all regulations concerning propositions are followed fully;
8. To deliver all propositions to the Elections Council before the Optional Candidates' Meeting;
9. To be in possession of one of the two keys to the ballot boxes as described in Article XVII;
10. To carry out such other functions and duties as required under the ASUC Constitution and by-laws;

ARTICLE III - MECHANICS OF THE ELECTION

3.1 Election Dates

1. ASUC Elections shall be scheduled by the tenth (10th) week of the Fall Session, with the assistance of the Elections Council Chair.
2. If the Senate cannot determine the elections dates by the tenth regular meeting of the Fall session, they may not consider any official business not pertaining to the appointment of officials that need to be appointed and/or determining an election date, until such decisions are made. In a situation where such decisions are not made past their deadlines, the senate may, however, hold regular meetings to hear reports and guest announcements, but they may not make formal decisions, for instance allocating money and approving appointments.
3. The default dates for ASUC Elections shall be the Tuesday, Wednesday and Thursday of the second week following Spring Break.
4. In the case that the default ASUC Elections dates fall on religious holidays or other days that may disenfranchise part of the student population, the elections shall be scheduled at the discretion of the Senate.

3.2 Poll Locations

During any Regular ASUC Election, polling places shall be located at the following locations; unless if in the event of a recall election, the Elections Council determines that it is excessive to operate any of the following locations. In such a case, a polling location may only be eliminated with the consent of two-thirds of the entire Senate.

1. Campus Polls
 1. Upper Sproul Plaza (Lower Sproul Plaza in case of repair/construction on Upper Sproul Plaza)
 2. Kroeber Hall, East Entrance
 3. Evans Hall, East Entrance
 4. Genetics and Plant Biology
2. Residence Hall Polls (Located at the dining commons, or no more than fifty (50) feet away from the perimeter if a polling place absolutely cannot be installed at the dining commons.)
 1. Crossroads Dining Facility
3. Library Polls (Designated by a release of those IP addresses from the Airbears/Eshleman Hall/Anthony Hall block)
 1. Moffitt Undergraduate Library
 2. Doe Library
 3. Main Stacks
4. Elections Council shall place the polls so as to avoid congestion and provide easy access to the voter.
5. Polls may be moved from the above locations only to the nearest shelter, and only in the case of inclement weather. In such cases, the Poll Coordinator must place signs at the original locations indicating to where the poll has been moved.
6. The locations of the polls shall be well-publicized before and during the election.
7. Unsupervised public and personal computers via Internet access
 1. Definitions
 - a. Unsupervised public computers shall be defined as computers permanently located on university property and available for student use (i.e. library computers).
 - b. Unsupervised private personal computers shall be defined as computers belonging to a student and used to vote in an unsupervised location.
 - c. Unsupervised personal devices shall be defined as any personal device that can be used to vote in an unsupervised location.

ASUC Secretariat 1/31/11 2:34 PM
Comment [2]: Amended per SB 11, week # 3,
9/15/10

2. Online voting can occur from IP addresses not belonging to one of the following categories:
 - a. On-campus wireless networks, such as AirBears & Res Comp.
 - b. ASUC- & GA- controlled properties, including Anthony Hall, Eshleman Hall, and the Martin Luther King, Jr. Student Union.
3. The Elections Council shall be charged with ensuring that voting via all unsupervised personal computers shall occur between 9 a.m. on the first day of voting and 11:59 p.m. on the last day of voting.
4. The Elections Council shall be charged with ensuring that voters shall click “I agree” on a window with the words "I understand that, as a voter, I have specific rights of confidentiality. I understand that candidates may be disqualified if they or their agents campaign to me while I am voting, and that I have the right to vote from a supervised on-campus location if I so choose. If I feel that I am being campaigned to illegally, I understand that I have an obligation to report it to [an address provided by the Elections Council Chair] prior to being allowed to vote from any legal unsupervised online network.
5. The Elections Council shall be charged with creating the option for a printable receipt with confirmation/tracking number for every vote cast.

ASUC Secretariat 6/25/10 1:42 PM
Comment [3]: Amended per SB 230, Week # 15, 5/5/10 (p77-84)

3.3 Polling Hours

1. Campus Polls shall open at 9 AM and close at 4:10 PM on each day of the Regular ASUC Election, unless in the event of a recall election, the Elections Council determines that it is excessive to operate any of the following location for these particular hours. In such a case, a polling location’s hours may only be changed with the consent of two-thirds of the entire Senate.
2. Extended Hour Polls shall be open at 9 AM and close at 10:00 PM on each day of the Regular ASUC Election, unless in the event of a recall election, the Elections Council determines that it is excessive to operate any of the following locations for these particular hours. In such a case a polling location’s hours may only be changed with the consent of two-thirds of the entire Senate.
3. Residence Hall Polls shall open at 5 PM or ten minutes before the opening of the dinner period for that dining facility, whichever is earlier. Residence Hall Polls shall close at 8 PM or thirty minutes after the end of the serving time for the dinner period, whichever is later.
4. No person in line to vote at the time the poll closes shall be prevented from voting at that place and time.

3.4 Staffing of the Polls

1. Each Poll shall have at least two poll workers and one representative of the Neutral Third Party, unless the Poll Coordinators determines that an unbiased pollworker is able to staff the poll himself/herself (with the Neutral Third Party representative).

ASUC Secretariat 1/31/11 3:01 PM
Comment [4]: Renamed per SB 11, week # 3 9/15/10

ARTICLE IV - VOTERS' GUIDE

4.1 Purpose

The Voters’ Guide shall provide an opportunity to candidates, parties, proponents and opponents of

propositions to express their opinions on the Elections, and for information to be disbursed to the electorate about the ASUC, the voting procedures, and the candidates and propositions.

4.2 Specifications

1. The Voters' Guide shall include at least four (4) 27.9 cm x 43.2 cm (11" x 17") pages containing:
2. The following statement shall appear on the cover of the Voters' Guide in 18 point or greater type:

"Voters Please Note: The endorsements of the Daily Californian represent only the opinions of the Daily Cal Editorial Board, which may not necessarily represent the racial, sexual, and political diversity of the UC Berkeley student body."
3. The Voters' Guide shall include party and candidate statements, the full text of all propositions and constitutional amendments, an explanation of voting procedures, an explanation of how Preferential Proportional Representation works, and a description of the duties of the Senate and Executive Officers.

4.3 Distribution

The distribution of the Voters' Guide shall include, but is not limited to, polling locations, living areas (such as Residence Halls, Fraternities and Sororities, Co-Ops, and student populated apartments) and The Daily Californian.

ARTICLE V - PARTY STATUS

5.1 Definition of Party

A Party is any group of two or more persons who mutually agree to use the same party name.

5.2 Party Signatory

A Party Signatory is any person who has become a Party Signatory through the procedures stated herein. A Party Signatory has the power to act on behalf of the party, and has delegated authority as an agent for all members of that party.

5.3 Creation of a New Party

Any student who wishes to create a new party can become the Party Signatory of that party by being the first person to do one of the following.

1. Submit in person to the Attorney General, a written Party Registration Form. One copy of this form will be kept with the Attorney General, and a second copy must be made available to the registrant upon request.
2. Submit to the ASUC Senate a written Party Registration Form. Upon receipt of this form, the chair shall announce receipt of the form which will then be entered into the minutes.

5.4 Transfer of Signatory

If a Party Signatory of a party wishes to transfer the Party Signatory to another member of the party, s/he may do so by doing one of the following:

1. Submit in person to the Attorney General, a written Transfer of Party Signatory Form for the party. One copy of this form will be kept with the Attorney General, and a second copy must be made available to the registrant upon request; or

2. Submit to the ASUC Senate a written Transfer of Party Signatory Form for the party. Upon receipt of this form, the chair shall announce receipt of the form which will then be entered into the minutes.

5.5 Preservation of Party Name

1. To preserve the name of a party, the Party Signatory must do one of the following by the final Senate meeting of the Fall Semester of each year:
 - a. Submit in person to the Attorney General, a written Party Registration Form. One copy of this form will be kept with the Attorney General, and a second copy must be made available to the registrant upon request; or
 - b. Submit to the ASUC Senate a written Party Registration Form. Upon receipt of this form, the chair shall announce receipt of the form which will then be entered into the minutes.
2. If the Party Signatory fails to reregister the party by the end of the Fall Semester, and there are no ASUC elected officers affiliated with the party, then the party is considered to no longer exist, and the party name may be claimed as a new party as outlined in this article.
3. If the Party Signatory fails to reregister the party by the end of the Fall Semester and there are ASUC elected official affiliated with the party, the Attorney General shall announce at the first ASUC Senate meeting of the Spring Semester that the party has not registered, and any elected officers affiliated with that party shall have the opportunity to become Party Signatory by submitting to the Senate a written Party Registration Form. Upon receipt of this form, the chair shall announce receipt of the form which will then be entered into the minutes. If none of the ASUC elected officers affiliated with the party becomes signatory of the party by the end of the meeting, then the party is considered to no longer exist, and the party name may be claimed as a new party as outlined in this article.

5.6 Similarity of Party Names

If Attorney General determines that the names of two parties are similar enough to confuse the voters, the party name registered at the earliest date shall retain the name, and the other party shall choose another.

5.7 Restriction on Party Names

1. No party may include as a part of its name, the name of, or reference to, any student, faculty, or staff of UC Berkeley without presenting the express written permission of that person, nor may it include, or reference, the name of any registered student group or organization without the permission of at least two signatories of that group. This item shall not be constructed to protect a group whose formation post-dates that of an accused party.
2. Furthermore, in the case of parties based on incidental grouping, including, but not limited to, a Residence Hall, or Academic Department, a signatory may be compelled to relinquish his or her control of the party if it can be shown before the Judicial Council that the party does not exist at the behest of the two or more members of that grouping. The intent of this clause is to prevent "Party hijacking," or the registration of a party name by an outside person or group, in order to prevent a constituency from effectively organizing a party.
3. The Judicial Council shall be empowered to deliver the remedy described in 5.7.2.
4. In the event that a person is compelled to relinquish his or her status as party signatory by this process, the party in question shall cease to exist, and the party name may be claimed as a new

party, as outlined in this article.

5.8 Party Registration and Transfer of Party Signatory Forms

1. The Party Registration Form shall include the party name, the date submitted, the name and signature of the Party Signatory, and the signature of the Attorney General or Chair of the ASUC Senate (whichever receives the form).
2. The Transfer of Party Signatory Form shall include the party name, the date submitted, the names and signatures of the old and new Party Signatories, and the signature of the Attorney General or Chair of the ASUC Senate (whichever receives the form).
3. The Attorney General shall create Party Registration and Transfer of Party Signatory Forms these forms and make them available to the public, provided that any form containing the required information shall be valid for the purposes of this Article.

5.9 Party Filing Requirements

1. In order for a party to file candidates for an election, the Party Signatory must attend the Candidate's Meeting, and the party must pay a filing fee of \$20 at the Candidate's Meeting. The Party Signatory may delegate another person to act on behalf of the party.
2. The Party Signatory, or his/her agent, must also complete a Party Filing Form, designed by the Assistant Elections Chair, which shall contain the following information:
 - a. The name of the party
 - b. Names and contact information for two (2) persons authorized to act on behalf of the party. One of these must be the Party Signatory.
 - c. The names of all candidates authorized to run with the party for that election.
3. If a party has not filed with the Elections Council by the Point of No Return in the Candidates' Meeting, then all candidates for that party shall be reclassified as independents.
4. A party may file only one candidate for each executive office.

ARTICLE VI - CANDIDATES

6.1 Eligibility

1. Each candidate must meet the requirements of eligibility for the office for which they are running as stated in the ASUC Constitution.
2. The Elections Council shall verify the student status of each candidate, pursuant to Title VI (Student Status) of the ASUC by-laws.
3. All candidates declared ineligible to run shall be notified by the Elections Council.

6.2 Candidate Name

1. A candidate must use his/her name as registered with UC Berkeley, or a shortened version of their registered name, on the ballot.
2. A candidate may have an additional name of no longer than 17 characters in length printed in

quotations along with their registered name on the ballot

3. No candidate may include as a part of his/her name, the name or, or reference to, any student, faculty, or staff of UC Berkeley without presenting the expressed permission of that person in writing to the Election Council by the Point of No Return during the Candidates' Meeting.
4. The Assistant Elections Chair shall verify the validity and legality of all candidate names, as submitted on the filling form by the candidates, and shall inform all affected candidates of any problems or inconsistencies. This shall be done, as far as possible, prior to the Point of No Return, in order to permit corrections. Invalid, illegal, or otherwise misrepresented information discovered after that point shall be subject to the remedies outlined in 12.2.2.

6.3 Filing

1. The Filing Period for candidates shall open at 9 AM on the fifth Monday before voting begins(excluding Spring Break). The Filing Period for candidates shall close at 5 PM on the second Friday of after the Filing Period opens (excluding Spring Break).
2. Candidates for all positions must indicate their desire to run by completing an official Candidate Filing Form during the Filing Period. The Candidate Registration Form shall be provided by the Elections Council and made available to the public.
3. Each candidate must pay a filing fee of \$5.00 per candidate, per office, not to be returned unless declared ineligible to run for office, the election is canceled before the results are confirmed, or the candidate withdraws before the Candidate's Meeting. This payment shall be made at the time that the candidate files his/her Candidate Filing Form.
4. Candidate Filing Forms and Party Filing forms must be filed with a representative of the Council.
5. A candidate may withdraw from the election at any time.
6. Party name, candidate order, and endorsements shall not be changed after the close of the Candidates' Meeting, and no candidates shall be added to any party.

6.4 Candidate Filing Form

Each candidate shall file a Candidate Filing Form with the Elections Council during the Filing Period. The Candidate Filing Form shall include;

1. The Candidates name as it appears on their UC Berkeley Student Identification, and their name as it is to appear on the ballot;
2. The Office the Candidate is seeking;
3. The Candidate's Party (if any);
4. Contact information of the candidate;
5. A statement signed by the candidate that he/she is responsible for all information contained in the Election by-laws and the information that will be presented at the Candidate's Meeting.

ARTICLE VII - PROPOSITIONS

7.1 Definitions

1. Proposition

A Proposition is any Initiative as described in Article VIII and/or Referenda as described in Article IX which will be placed before the student body in an ASUC election. A Proposition may be a Constitutional Amendment, creation of a by-law, Student Fee Question, a statement of position of the Student Body, or any other poll that is binding or non-binding on the ASUC or any of its constituent parts.

2. Primary Proponent(s) of a Proposition

A Primary Proponent of a proposition is any student that submits an Initiative to the Attorney General for circulation, or submits the Initiative Petition to the ASUC Senate, or a sponsor of legislation in the ASUC Senate or Graduate Assembly which places a proposition on the ASUC Election Ballot. The Primary Proponent(s) of any proposition is responsible for the conduct of the campaign in support of the Proposition.

3. Proponent of a Proposition

A Proponent of a Proposition is any person, including the Primary Proponent(s) of a Proposition, who acts in support of a Proposition by delegation, either explicitly or implicitly, of one or more of the Primary Proponents of that Proposition. This shall include any person who circulates or attempts to circulate an Initiative Petition. This shall not be construed as to include individuals who act in support of a Proposition independently and without the knowledge of the Primary Proponent(s).

4. Primary Opponent(s) of a Proposition

After the verification of an initiative petition or referendum or the passage of any legislation placing a proposition on a ballot, the Attorney General shall inform the following individuals, in the following order, that they may claim the role of Primary Opponent.

1. The President
2. All other ASUC Elected Officers
3. Any signatory of an ASUC sponsored student group
4. Any registered student

The Primary Opponent may then submit to the Elections Council a statement for the Voters Guide, and submit to the Attorney General a statement acknowledging that s/he is responsible for the conduct of the campaign in opposition to the Proposition.

5. Opponent of a Proposition

An Opponent of a Proposition is any person, including the Primary Opponent(s) who acts in opposition to a Proposition by delegation, either explicitly or implicitly, of one or more of the Primary Opponents of that Proposition. This shall not be construed as to include individuals who act in opposition to a Proposition independently and without the knowledge of the Primary Opponent(s).

7.2 Date of Voting

The vote on an initiative, referendum, or amendment shall take place at the next regular election following receipt of the petition or vote of the Senate (or Graduate Assembly, as provided herein), provided that the

date of receipt or Senate (or Graduate Assembly) vote is before the end of the candidate filing period for that election; otherwise, the vote shall take place at the second regular election thereafter.

7.3 Proposition Statement Requirements

The statement of each proposition must be at most two (2) sentences in length. The First sentence may state the issue to be voted on in an unbiased manner. The last sentence shall be a neutrally worded question to which an answer of "yes" or "no" is appropriate.

7.4 Notification of the Elections Council

It shall be the responsibility of the Attorney General to provide all of the propositions for each election to the Elections Council before the optional Candidates Meeting.

7.5 Required Votes for Propositions

1. Unless otherwise stated in the Constitution or By-laws, (or in the case of student fee questions, applicable to University Policies), a favorable vote of a majority of the votes cast for and against the proposition shall be necessary for adoption of the proposition.
2. Votes of 'abstention' shall not be counted as votes for or against propositions.

7.6 Positions Changed by Constitutional Amendment

1. In the case where a constitutional amendment will delete an elected position and create a different one with substantially the same duties, a person elected to the old position shall be considered elected to the new position if the constitutional amendment passes.
2. The Elections Council shall indicate that such a case exists by titling the position, on the ballot and in its other literature, with a juxtaposition of old and new titles (e.g. "Officer Title X/Officer Title Y").

ARTICLE VIII - INITIATIVE

8.1 Power of Initiative

Upon the presentation of the Senate of a petition signed by at least ten percent (10%) of the eligible voters, any questions may be submitted to a vote of the students of University of California at Berkeley, as set out in these By-Laws.

8.2 Submission of Initiative to Attorney General

1. Prior to circulating any petition for an initiative, the Proponent(s) shall submit to the Attorney General the proposed question. If the initiative is a Constitutional Amendment or creates a by-law, the Proponent(s) shall also submit the Amendment or by-law to the Attorney General.
2. The Proponent(s) shall submit a statement to the Attorney General that s/he is the Primary Proponent of the Initiative, and is responsible for the conduct of the campaign in support of the Initiative.
3. The Attorney General shall certify that the question is an impartial and accurate description of the proposal, and shall assign the Initiative an Official Name. If the Initiative is a Constitutional Amendment or creates a by-law, the Attorney General shall prepare an Official Summary of the Initiative. The Attorney General shall confer with the Chancellor or his/her designee for approval of language on questions of student fees.

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Comment [5]: Amended per SB 11, week # 3, 9/15/10 pg 46

4. The Attorney General shall create the Initiative Petition and return to the Primary Proponent three (3) copies of the Initiative Petition.
5. The Attorney General shall be available to assist any student interested in writing a proposition.

8.3 Initiative Petitions

1. The Initiative Petition shall contain the full title and statement of the proposition as it is to appear on the ballot on each page on which signatures are to appear.
2. If the Initiative is a Constitutional Amendment or creates a by-law, the Initiative Petition shall contain the Official Summary of the Initiative on each page on which signatures are to appear, in Roman type not smaller than 12-point.
3. The Initiative Petition must have room for the signature of each petition signer, his/her printed name, and UC Berkeley Student Identification Number. Signature spaces must be consecutively numbered commencing with the number 1 for each page.
4. Attached to each page of the Initiative Petition on which signatures are to appear shall be any other material not in the text of the proposition which is directly relevant to the proposition.

8.4 Circulation of Initiative Petition

1. The Initiative Petition may be circulated by many different people carrying separate, identical Sections.
2. Initiative Petitions may be circulated only by registered UCB students
3. Each petition circulator who obtains signatures must complete a declaration attached to the Initiative Petition stating:
 - a. That s/he is a registered UC Berkeley Student;
 - b. That the circulator witnessed the appended signatures being written;
 - c. That to the best of his/her information and belief, each signature is the genuine signature of the person whose name it purports to be.
 - d. The printed name, address, and telephone number of the circulator soliciting the signatures.
4. If any information given under this statement is false, the entire Section of the Initiative Petition shall not be used.

8.5 Petition Signatures

1. Each signer must personally place on the petition his/her signature, printed name, and UC Berkeley Student Identification Number.
2. None of the above may be preprinted on the Initiative Petition. Any signature line which is not legible or complete shall not be counted.
3. Each signer may sign an Initiative Petition only once.

8.6 Presentation to the Senate

1. An Initiative Petition shall be considered presented to the Senate and received when it has been both physically presented to either the Attorney General, the Executive Vice President (or the then current Chair of the Senate), or one of their representatives; and its receipt has been announced into the minutes during a Senate meeting.
2. To prevent unauthorized petitions from circulating and unauthorized persons from filing petitions, only the Primary Proponent(s) of an initiative, and persons authorized in writing by one or more of the Primary Proponent(s), may submit Initiative Petitions to the Senate. Any other petitions submitted will be disregarded by the Attorney General.
3. Once submitted, petitions may not be amended except by order of the Judicial Council.

8.7 Verification of the Petition

1. The Attorney General and the Ballot Coordinator shall verify that there are a sufficient number of valid signatures on each petition, by checking the student status of each person who signed the petition. Any signatures or pages of signatures not in compliance with this Article shall not be counted towards the signature minimum necessary for qualification.
2. If the verifying official discovers that the Initiative Petition submitted lacks the minimum number of signatures (as prescribed in Section 8.1) the Attorney General shall immediately notify the Primary Proponent(s) and no further action is taken on the Initiative.
3. The Elections Council must preserve the Initiative Petition for the same time period as the Elections Council preserves the ballots for the election for which the Initiative qualified or attempted to qualify for placement on the ballot.
4. If an Initiative Petition has not been verified in time for the Candidates' Meeting, the Initiative shall be treated as valid until the verification is complete.

ASUC Secretariat 1/31/11 2:40 PM
Comment [6]: Amended Per SB 11, week # 3, 9/15/11 page 46

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Comment [7]: Amended Per SB 11, week # 3, 9/15/11 page 46

ARTICLE IX - REFERENDA

9.1 Power of Referenda

By a simple majority vote of the entire Senate, any questions (except a Constitutional Amendment, which pursuant to the Constitution requires a two-thirds vote of the entire Senate) may be submitted to a vote of the students of University of California at Berkeley, as set out in these by-laws.

9.2 Graduate Assembly Referenda

By a vote of the Delegates of the Graduate Assembly, any questions may be submitted to be voted on only by graduate and professional students, as set out in these by-laws.

9.3 Submission to Attorney General

Prior to adoption by the Senate or the Graduate Assembly, the Attorney General shall certify that the question is an impartial and accurate description of the proposal, and shall assign the Referendum an Official Name. If the Initiative is a Constitutional Amendment or creates a by-law, the Attorney General shall prepare an Official Summary of the Referendum. The Attorney General shall confer with the Chancellor or his/her designee for approval of language on questions of student fees.

ARTICLE X - THE INFORMAL SESSION

- 10.1** The Elections Council shall hold an optional, non-committal, Informational Session in the three weeks preceding the closing of the Filing Period. The time, location, and agenda of this meeting shall be placed in the Senate Agenda packet of the week prior to its occurrence.
- 10.2** Function of the Informational Session:
1. To acquaint all students with the basic structure, functions, and authority of the ASUC;
 2. To acquaint students with the culture of the ASUC elections process;
 3. To acquaint students with the currently registered student political parties;
 4. To answer any and all of the questions students may have about the ASUC and how to become involved within it.

ARTICLE XI - THE CANDIDATES MEETING

- 11.1** The Assistant Elections Council Chair shall hold a mandatory Candidates Meeting on the first Tuesday of classes following the end of the Filing Period. All candidates are responsible for all information that is disseminated at the meeting. The time, location, and agenda of this meeting shall be placed in the Senate Agenda packet of the week prior to its occurrence.
- 11.2** **Function of the Candidates Meeting**
1. To acquaint all candidates with the basic structure, functions, and authority of the ASUC and of the Election by-laws;
 2. To discuss problems which have arisen in past elections;
 3. To discuss ASUC Judicial Council decisions and policies regarding elections, specifically the list of punishable infractions and their respective punishments, as set forth in Article XII, *infra*.
 4. To discuss the administrative details of the election;
 5. To arrange the candidate and party names in the order in which they shall appear on the ballot;
 6. To explain requirements for each candidate and party statement for the Voter's Guide.
 7. To determine which candidates may have endorsements after their names. The only endorsements which shall be allowed are party names, and designation of "Incumbent" or other ASUC office which the Candidate holds.

11.3 **The Point of No Return**

The Point of No Return shall be the point in time immediately preceding the arrangement of the ballot, per 11.2.5. The Assistant Elections Chair, or the person running the Candidates' Meeting, shall announce the approach of the Point of No Return fifteen (15) minutes prior to the arrangement of the ballot. There shall then follow a fifteen (15) minute recess of the Candidates' Meeting, during which last minute changes may be made.

ARTICLE XII - CAMPAIGN RULES

12.1 The purpose of this section is to hold candidates, parties, and propositions responsible for malicious assault on the most fundamental foundation of democracy, and to define and provide equitable remedy for the same. Any person, party, candidate, proponent, or opponent of a proposition found before the ASUC Judicial Council to have committed a malicious assault on the most fundamental foundation of democracy through the following act shall be subject to punishment by the guidelines as set forth in Section 12.10, infra.:

1. Interfering with the proper tallying of votes.

12.2 The purpose of the following section is to hold candidates, parties, and propositions responsible for serious ethical breaches which threaten the validity of the ASUC's commitment to fairness, democracy, and the legal institutions empowered to protect that democracy, as well as to define and provide equitable remedy for the same. For this reason, any student found guilty of violating the OSL Code of Student Conduct Article III, Section B, "Academic Violations" subsequent to their candidacy declaration by the OSL Student Judicial Affairs in that academic year shall be subject to punishment by the guidelines as set forth in Section 12.10, infra.

12.3 The purpose of the following section is to hold candidates, parties, and propositions responsible for serious ethical breaches which threaten the validity of the ASUC's commitment to fairness, democracy, and the legal institutions empowered to protect that democracy, as well as to define and provide equitable remedy for the same. For this reason, any person, party, candidate, proponent or opponent of a proposition found before the ASUC Judicial Council to have committed the serious ethical breaches stated in this section through the following acts shall be subject to punishment by the guidelines as set forth in Section 12.10, infra.:

1. Willfully violating a lawful order from the ASUC Judicial Council or Elections Council;
2. Intentionally falsifying information on any Elections Council forms, or in the Voters' Guide;
3. Refusing to appear before the ASUC Judicial Council, if subpoenaed by the Council; the candidate shall be exempt from appearing before the Council if he/she can show a valid medical excuse, out of town commitment, death in the family, employment obligations, or exam/paper due 24 hours following the case. It shall be the Judicial Council's obligation to ascertain the validity of any claim as to the above.
4. Registering fictitious or bogus party names similar to those already in existence, with the intent to create confusion.
5. Purchasing paid political advertising, or soliciting unpaid political advertising, in an ASUC-Sponsored Publication.
6. Using ASUC authority, facilities, funds, or resources, including Eshleman Hall, for campaign purposes, including for long term or bulk storage of campaign materials.
7. Knowingly and actively campaigning within 100 feet of the polls, provided that the polls are properly marked off.
8. Badgering or threatening witnesses subpoenaed for a Judicial Council hearing or Judicial Council members themselves.
9. Obstructing an investigation by the Elections Council or the Attorney General
10. Exceeding the campaign finance spending limits as defined in Article XVIII of these By-laws.
11. Placing any campaign literature on University Property within the grounds of a Residence Hall. This shall include, but not be limited to, indoor and outdoor walls, waste receptacles, trees, public

bulletin boards, and any other space where public posting is prohibited by the Guide to Student Living. This item shall not prohibit the posting of literature inside rooms, including on windows, or on personal bulletin boards, provided in either case that the permission of the affected resident is obtained.

12. Engaging in any campaign solicitation in any dormitory owned by the university or under the jurisdiction of Residential & Family Living.
13. Engaging in any behavior that may be construed as active campaigning within any dormitory owned by the university or under the jurisdiction of Residential & Family Living. This includes, but is not limited to, pressuring residents to vote for a certain candidate, party, proposition, initiative, or referendum; walking with a personal device that can be used to vote with the intention of asking students to utilize it for the purposes of voting; and disregarding orders or warnings given by a Residence Hall official, such as a Residential Advisor, Program Advisor, or Residential Director.

ASUC Secretariat 1/31/11 2:44 PM
Comment [8]: Amended Per SB 11, week # 3, 9/15/10 page 46

12.4 The purpose of the following section is to hold candidates, parties, and propositions responsible for interfering with the mission of the ASUC, and for threatening the safety of the campus, and to define and provide equitable remedy for the same. For this reason, any person, party, candidate, proponent or opponent of a proposition found before the ASUC Judicial Council to have interfered with the mission of the ASUC or threatened the safety of the campus through the following acts shall subject to punishment by the guidelines as set forth in Section 12.10, infra.:

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Comment [9]: Amended per SB 11, week # 3 9/15/10

1. Systematically or repetitiously and willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers of ASUC groups or business operations (such as The Underground, the Store, etc.) which bring revenue to the ASUC.
2. Systematically or repetitiously and willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers which advertise functions, meetings, events, or existence of ASUC sponsored student groups and publications.
3. Persistently blocking any entrance or tight space, or otherwise significantly restricting the flow of vehicular or pedestrian traffic on campus;
4. There shall be no campaign signs, posters, or other literature or any campaigning within one hundred (100) feet of the polling places when the polls are open.
5. There shall be no loitering at the polls.
6. No candidate or agent of a candidate shall actively or passively campaign to any voter from within a distance of 20 feet. This shall include voting from unsupervised polling locations.

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Comment [10]: Moved per SB 11, week # 3, 9/15/10

12.5 The purpose of the following section is to hold candidates, parties, and propositions responsible for violations of important legal protocols which transcend the internal processes of the ASUC, and to define and provide equitable remedy for the same. For this reason, any person, party, candidate, proponent or opponent of a proposition found before the ASUC Judicial Council to have committed violations of important legal protocols through the following acts shall be subject to punishment by the guidelines as set forth in Section 12.10, infra.:

1. Filing malicious, frivolous, or bad faith charges against any candidate or party. If another candidate engages a third party to file such charges, both parties shall be held responsible;
2. Using e-mail lists or posting boards to campaign, with spam, which is defined as e-mail that does not meet any of the following conditions:
 - a. The author has a pre-existing relationship with the recipient(s);

- b. The author has permission from the leadership of the organization;
 - c. The author is a member of the organization.
4. Claiming an endorsement of an individual, group, or party without his/her/its consent. Candidates should, but are not required, to obtain endorsements in writing.

12.6 The purpose of the following section is to hold candidates, parties, and propositions responsible for violations of ASUC Elections Protocol and of University Guidelines, and to provide equitable remedy for the same. For this reason, any person, party, candidate, proponent or opponent of a proposition found before the ASUC Judicial Council to have committed violations of ASUC Elections Protocol and of University Guidelines through the following acts shall be subject to punishment by the guidelines as set forth in Section 12.10, infra.:

1. Posting campaign literature of any candidate or party on restricted bulletin boards or any structured or natural feature of the campus such as (but not limited to) doors, windows, buildings, surfaces of walkways or roads, Sather Gate, fountains, posts, waste receptacles, fences, or trees. This by-law does not limit posting on campus public access bulletin boards and kiosks, or in areas in which the proper permission has been obtained such as Residence Hall room doors and windows with the resident's permission.
2. Failing to file two (2) copies of all campaign material with the ASUC Elections Council, or in the event that an actual copy can not be submitted, (1) picture of each campaign material, within twenty-four (24) hours of dissemination. The intent of the requirement to turn in copies of campaign material is to make sure that in the event of a Judicial Council case, there will be a record of all relevant literature;
3. Using the Sather Gate or Sather Bridge area to attach, lean, or store campaign related materials;
4. Attaching or leaning sandwich boards, picket signs, or other displays against campus vertical features including but not limited to buildings, doors, fountains, posts and fences, waste receptacles, and trees. This shall not be construed to prohibit the following displays, so long as they are attended by a person within six (6) feet of the display: attended displays where the material is upside-down, boxed, or out of public view, including upside-down pickets and candidate/party "bases" on upper Sproul Plaza; free-standing displays attended by a person or a group or people; and displays touching the ground but attended by a person or a group of people.
5. Willfully placing campaign material in any University building, including classrooms, libraries, and on chalkboards, but excluding the posting of campaign material on public access bulletin boards and kiosks within University Buildings.
6. Failing to attend and participate in the Mandatory Clean-up day that shall be established by the Elections Council on the Saturday following the election.
7. Claiming endorsements without bearing the disclaimer, "Titles for Identification Purposes Only" in the same size font as the majority of the text of the endorsements is written;
8. Failing to turn in Campaign Finance receipts, as required by Article XVIII.
9. Interfering with, or campaigning within ten (10) feet of any official Elections Council sandwich boards or banners;
10. Unintentionally falsifying information on any Elections Council forms or in the Voters' Guide.

12.7 Temporary Rules

Temporary rules may be implemented by the Elections Council Chair where an urgent situation necessitates temporary additions, amendments, or a suspension of a portion of these by-laws, provided all candidates are affected equally. A Temporary Rule shall not take effect until approved by a majority vote of the ASUC Judicial Council with at least three (3) members present. These rules must be posted in a designated area of Eshleman Hall so that all candidates have access to them.

1. Any temporary rule regarding the filing deadlines must be instituted by the Elections Council Chair and approved by the Judicial Council before the end of the Candidate's Filing Period.
2. Any temporary rule approved by the Judicial Council must be advertised in the Daily Californian for at least two days.

12.8 Conduct of Campaign

1. All candidates of a party shall be considered equally guilty of a Campaign Rules Violation by an agent of the party acting within the scope of his/her delegated authority.
2. A candidate, but not his/her party, shall be considered guilty of a violation of the Campaign Rules by an agent of that candidate acting within the scope of his/her delegated authority.
3. A candidate or party may deny the action of any individual who violated the Campaign Rules in favor of some candidate, party, or group by denying said violator is his/her agent within twenty-four (24) hours after the violation has been discovered and reported by the Elections Council to the party chair or candidate. This shall be done either in written form or verbally to the Elections Council.
4. It is the intent of this section to hold a candidate or party responsible for violations committed by his/her/their agents if those agents are involved in that general area of the campaign.
5. If any Proponent of a Proposition is found to have violated the By-Laws, the Proposition shall be assessed the corresponding sanction, up to and including the disqualification of the Proposition.

12.9 Public Posting of Charges and Responsibility for Correcting Violations

Charge sheets, Judicial Council decisions, and out-of-court settlements related to violations of these Elections By-Laws shall be posted in a designated public location in first floor lobby of Eshleman Hall. Candidates, parties, and all others cited shall be notified by the Attorney General, and are responsible for correcting all violations, if possible to correct, immediately upon notification.

12.10 Punishment for violations of Article XII

1. The Judicial Council shall be vested with the authority to hear and decide allegations of violations of this Article XII, pursuant to its rules and regulations as set forth in ASUC Bylaws
2. Punishment for violation of this Article XII shall be in the form of disqualification and censure, which may be from one to five, for the conduct at issue. Five censures in any one election shall require disqualification from participation in that election on the part of the offending party. All candidates are warned of the consequences of these censures at the candidate's meeting, pursuant to Section 11.2.3, supra.
3. A finding of violation of the conduct prohibited by Sections 12.1 or 12.2 shall be punishable by either disqualification or multiple censures. Disqualification on these grounds may only occur if the conduct complained of occurred before, during or at the tabulation of votes of the election and shall require a finding that the offending party intended to cause the harm which occurred.

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Comment [11]: Amended per SB 208, Week #14, 4/28/10 (p34 -35)

4. A finding of violation of the conduct prohibited by Sections 12.3, 12.4, 12.5, and 12.6 shall be punishable by single or multiple censures. A violation of Section 12.3 shall result in a maximum of two to three censures. A violation of Section 12.4 shall result in a maximum of one to two censures. A violation of Section 12.5 or 12.6 shall result in a maximum of one censure apiece.
5. In addition to the authority granted the Judicial Council herein, it shall have equitable power to assure that the punishment levied fits the violation found to occur so as to assure a fair and just result. Such a punishment shall be limited to the issuance of censures to the offending party to a minimum of one to the maximum amount specified in Title IV, Article XII of the ASUC By-Laws for the respective act or acts committed.
6. Sanctions for any acts or violations by a candidate or his/her party, whether before, during, or after the Judicial Council hearing, which are not specifically addressed in the ASUC By-Laws shall not be imposed by the ASUC Judicial Council at any time.

12.11 Definitions

1. Badgering is defined as “interfering with a witness testimony, attempting to prevent a witness from providing honest testimony, or interfering with the processes that the Judicial Council abides by to arbitrate a case in a fair manner.”
2. Threatening is defined as “Expressing an intention to inflict pain, injury, evil, or punishment to another party if the party testifies a certain way.”
3. Intentional is defined as “Committed deliberately.”
4. Willfully is defined as “Having prior knowledge of the consequences of the violation and intentionally committing it in such a way as to undermine the fairness of an election.”
5. Malicious is defined as “Deliberately harmful or spiteful.”
6. Frivolous is defined as “Inappropriately silly or trivial.”
7. Bad faith is defined as “Intentional dishonesty or deception.”

ARTICLE XIII - ASUC JUDICIAL COUNCIL

13.1 Jurisdiction

The ASUC Judicial Council shall have sole jurisdiction in all cases arising under these by-laws.

13.2 Sanctions

The ASUC Judicial Council shall be empowered to impose the sanctions specified for violation of the Campaign Rules in these by-laws.

13.3 Contempt of Court

The imposition of sanctions for contempt of court for violations of campaign rules shall be imposed by the Judicial Council after a hearing at which the offending party appears and is heard.

13.4 Settling Out of Council

For a violation of a by-law in Article XII, a sanction can be imposed by mutual written agreement of the Attorney General, the Elections Council Chair, and the individual or party being charged rather than having a Judicial Council hearing. The agreement must contain a waiver preventing any of the signatories or parties they represent from bringing the case before Judicial Council in the future. Any such agreement must be accompanied by a written explanation of the circumstances surrounding the violation and must be approved by a majority vote of the Judicial Council with at least three (3) members present.

13.5 Statute of Limitations

1. Sanctions may be assessed against an individual for violating these by-laws at any time, whether the individual has filed for candidacy yet or not. Any sanctions imposed shall be accumulated only until the regularly scheduled ASUC election of that year.
2. The Senate may amend these by-laws at any time during the year. It is the responsibility of the campaigner to obtain the current rules and procedures for campaigning.
3. No amendment to Article XII (Campaign Rules) of these by-laws approved after the Candidates Meeting shall take effect until after the Regular ASUC Election for that Semester.

- 13.6** All ASUC Officers shall be obliged ex-officio to answer subpoenas issued by Judicial Council or shall be barred from running in future elections. This stipulation shall apply to any case arising under their term in office. The officer subpoenaed shall be exempt from appearing before the Council if s/he can show a valid medical excuse, out-of-town commitment, death in family, employment obligations or exam/paper due 24 hours following the case. It shall be the Judicial Council's obligation to ascertain the validity of any claim as to the above.

ARTICLE XIV - THE BALLOT

14.1 Executive Offices

1. The candidate's party affiliations shall follow his/her name on the ballot.
2. The determination of the order in which the candidate names shall appear on the ballot shall be made as follows:
 - a. The roll of all candidates running for office shall be called in any order determined by the Chair.
 - b. Each name shall then be read separately and a number drawn at random from a container. This number shall be read aloud and recorded by an Elections Council member.
 - c. Half of the ballots will be printed according to this order, and the other half of the ballots shall have the order of the candidates reversed.

14.2 Senate Offices

1. Ballot positions for each party and for independents shall be allocated vertically down the ballot. The order of the names on the ballot shall be arranged vertically down the ballot, with the first ballot position being placed in the top left-hand position. Further positions shall be allocated vertically until the left-column is filled. The second column shall then be filled in a similar manner. The third column shall also be completed in a similar manner.
2. If the number of names allows, space shall be left between the independent candidates and the first party, and between each party.

3. The determination of the order in which the candidate names shall appear on the ballot shall be made for the Senate candidates as follows:
 - a. The roll of each party running candidates for Senate shall be called in any order as determined by the Elections Council Chair.
 - b. Each party name shall be read separately and a number corresponding to its ballot position shall be drawn at random from a container; this number shall be read aloud and recorded by an Elections Council member. Independents shall receive top ballot position.
 - c. The roll of the candidates running independent shall be called in any order determined by the Chair.
 - d. Each independent candidate's name shall be read separately and a number corresponding to his/her ballot position shall be drawn at random from a container; this number shall be read aloud and recorded by an Elections Council member.
 - e. The order in which the senate candidates' names shall appear within a party shall be determined by the signatory of the party.
 - f. Half of the ballots will be printed according to this order, and the other half of the ballots shall have the order of the party reversed and the candidates within each party shall also be reversed.

14.3 Form of Ballot

1. A form of ballot shall be provided which allows voters to list candidates in each race in order of preference. The Ballot shall allow the voter to list twenty (20) candidates for each race, or the total number of candidates, whichever is less.

14.4 Propositions

1. Ballots for propositions shall be presented separately, as not to include multiple propositions on one page or screen
2. Ballots shall begin with the Proposition Title and Proposition Question, as approved by the Attorney General
3. Ballots for propositions shall include options, vertically, for yes, no and abstain
4. Half of the ballots will list the options in the following order: Yes, No, Abstain The other half will list the options in the following order: No, Yes, Abstain
5. Voters shall not be able to proceed without marking one of the options on the ballot.
6. No option will be selected by default when the ballot is presented to the voter

ARTICLE XV - TALLYING OF VOTES

15.1 Ballot Tabulation

1. Preliminary ballot tabulation shall commence within 24 hours following the good faith filing deadline for elections violations. This section does not prohibit the filing of new charges by the Election Council or Attorney General for Campaign Violations occurring after the commencement of ballot tabulation.

2. If any candidate withdraws by either their own volition or by the volition of the party with which they are registered, or they are disqualified by the elections council, they shall be dropped only after the election results have been certified by the Judicial Council.
3. Both ballot tabulation shall be supervised by the Elections Council Chair and the Attorney General or their representatives.
4. After the preliminary tabulation, the results of the elections shall be released by the Elections Council Chair and the Attorney General of the ASUC as soon as possible. The results shall be posted on the ground floor doors of Eshleman Hall as well as in other relevant places so that all persons shall have access to these results that do not confer upon anyone the legal rights and/or responsibilities of the office in question. They shall be clearly marked as preliminary and uncertified results.
5. The election results for all elected officials positions, as certified by the Elections Council, shall become effective by their being read into the Minutes of a Senate Meeting following their certification by the Judicial Council.
6. The election results for all elected official positions may be certified separately from all propositions.

15.2 Handling of Incomplete and Invalid Votes

1. A vote shall be declared invalid, and excluded from the counting in a particular race, only if there is not one distinguishable preference, determined according to this section, including if the ballot is blank, either in whole or for the particular race. The invalidity of a vote in one race shall not affect its validity in another race.
2. Valid, but incomplete, ballots shall be dropped from further consideration in the counting procedure at the point where all or part of the vote's value must be allocated to its next preference, and there is not further distinguishable preference level.
3. If preferences are skipped on a ballot, lower preferences shall be raised to close the gap. Thus, for a ballot with a first and third but no second preference, the candidate listed as the third preference shall be counted as the second preference.
4. If a particular preference has been assigned to more than one candidate, that preference shall not be counted and shall be treated as skipped preference by the procedure described above.

15.3 Majority Vote (The Alternative Vote)

1. The Alternative Vote shall be used for the election of Executive Officers.
2. In this method of election, a value of one (1) vote is assigned to the voter's first preference. A candidate is declared elected when his/her vote total is at least a majority of the valid votes. If a voter's preference is on a candidate with the lowest accrued vote total, and no one has been elected, his/her vote is transferred with full value to the next preferred candidate still in the running.

15.4 Tallying the Alternative Vote

1. Each voter's first preference candidate receives one (1) vote.
2. Quota of votes needed to win is

$$(N+1)/2$$

Where N is the number of valid first preference votes.

3. If, after all the votes have been transferred, a candidate achieves the quota, s/he is then elected to that office.
4. If, after all the votes have been transferred, no candidate achieves the quota, each candidate with the least number of votes is eliminated, and s/he shall be ineligible to receive any additional votes.
5. Each vote that belonged to the eliminated candidate(s) transferred to the voter's next preference at full value.
6. If this candidate is one who was previously eliminated, Step 5 is repeated.
7. If the voter has not listed an additional preference or was unable to do so, his/her new vote is exhausted.
8. Steps 3 through 7 are repeated until a candidate achieves quota and is elected.

15.5 Preferential Proportional Representation (The Single Transferable Vote)

1. Preferential Proportional Representation shall be used to elect representatives to sit on the Senate, or any other board or council that elects two or more members from the same constituency in any one election.
2. In this method of election, a value of one is assigned to the voter's first preference. The quota for election is the smallest number of votes necessary to elect the required number of candidates. A candidate is elected to a seat if all votes have been transferred and s/he has accrued at least a quota of votes. If the voter's current preference is for a candidate who thus receives more than the quota of votes, the surplus value of his/her vote shall be transferred to his/her next eligible preference. If a voter's current preference is for a candidate eliminated or already elected, the current value of the vote shall be transferred to the voter's next eligible preference.

15.6 Tallying The Single Transferable Vote

1. Each voter's first preference candidate receives one (1) vote.
2. Quota of votes needed to win is

$$(N/(S+1))+1$$

where N is the number of valid first preference votes and S is the total number of seats needed to be filled in the election (fractional votes are dropped).

3. If, after all the votes have been transferred, a candidate achieves the quota, then
 - a. S/he is elected to a seat and is ineligible to receive any additional votes.
 - b. His/her votes are transferred to the voter's next preference at a value of

$$V(C-Q)/C$$

where V is the value of the vote when the candidate was elected, C is the candidate's vote-total when elected, and Q is quota.

4. If, after all the votes have been transferred, no candidate achieves the quota, then

- a. Each candidate with the least vote-total is eliminated, and s/he is ineligible to receive any additional votes.
 - b. Each voter's vote (which was cast for these candidates) remains at its present value.
5. Each vote that belonged to the eliminated or elected candidate(s) is transferred to the voter's next preference at its present value.
- a. If this candidate is one who was previously eliminated or elected, Step 5 is repeated.
 - b. If the voter has not listed any additional preference or was unable to do so, his/her ballot is exhausted.
6. Steps 3 through 5 repeated until
- a. All of the seats are filled by election; or,
 - b. At the end of Step 4, if the number of eligible candidates is equal to or less than the number of unfilled seats, then these candidates are elected.

15.7 Tallying of Ballot Propositions

The "Yes" and "No" votes for Each Proposition shall be counted.

ARTICLE XVI - QUALIFICATIONS AND CONDUCT OF VOTERS

16.1 Eligibility of Voters

Each member of the ASUC who can sign into the ASUC Elections computer program, present his/her validated UCB photo identification or proof of current class registration and one piece of photo identification, is eligible to vote. Substitute or temporary photo identification cards issued by the Registrar's Office shall be accepted for voting.

16.2 Voting Procedures

- 1. Each voter must sign into the ASUC Elections computer program to vote. If they cannot do so, they may fill out a provisional written ballot, upon acceptance of valid identification as stated in IV.17.1 with a Neutral Third Party at a location designated by the Elections Council.
- 2. Attempting to vote more than once. No candidate may vote on behalf of another individual in the ASUC election.

16.3 Notice to Voters

A notice containing the information in this Article must be displayed at each polling place.

16.4 Incentives for Voters

A ten (10) percent discount on items including textbooks shall be given to all persons who vote in the ASUC election. This discount shall be good for the remainder of the semester. The Elections Council Chair shall work with the ASUC Store Operations Board or their designates to develop the format of the discount slip.

ASUC Secretariat 1/31/11 2:52 PM
Comment [12]: Replaced per SB 11, week 3, 9/15/10

ARTICLE XVII - SAFEGUARDS AND ELECTION PROTESTS

17.1 Storage of Ballots

All ballots, key punch cards, computer printouts, tally sheets, programs, and databases will be held by the Council until the first day of the Filing Period for the following Regular ASUC Election. After such time all materials, except the computer printouts and tally sheets may be destroyed unless appeal, recount, or reelection is pending, in which cases they shall be held until the dispute is resolved. The computer printouts must be certified by ASUC Judicial Council and kept permanently, as provided for elsewhere in these By-laws.

17.2 The Two-Lock System

Each ballot box, as well as all other boxes where current ballots are stored, must be locked at all times that the ballots aren't being used by a two-lock system. The Elections Council Chair and the Attorney General shall each possess one of the two keys to the locks. During the elections, none of these officials may surrender the key to their charge to any other person unless they are unable to perform their duties. In that case, the Elections Council Chair may give his/her key to another member of the Elections Council, or the Attorney General's key may be given to a member of the Judicial Council.

17.3 Additional Safeguards

1. The Attorney General of the ASUC shall have the privilege of attending or sending a representative to all polls and places where ballots are kept and tabulated, provided such representative is not a candidate in the election.
2. Observers representing various candidates and parties shall be allowed to be present at all handling, counting, and tabulating operations.
3. This privilege includes the right to inspect all equipment and machinery used for collection, transportation, and tabulation of ballots, but not to do so in a way that interferes unduly with the orderly and efficient operation of the Elections Council.
4. When not being officially handled or tabulated, the ballots must be kept in a neutral, safe location at all times.

17.4 New Elections

1. Any student may petition the ASUC Judicial Council to void an election, on grounds of the integrity of the Elections Council, its mismanagement of the election, or the mechanism of the count, prior to the expiration of the Statute of Limitations stated in Article 13.5.
2. The Judicial Council shall review the case and submit its finding to the Senate.
3. If the ASUC Judicial Council rules that there was mismanagement, or that there was an unpunished violation, the ASUC Judicial Council may void the election on the grounds that the mismanagement or the unpunished violation substantially affected the outcome of the election.
4. The ASUC Judicial Council may not void an election on any other grounds or by any other procedure, as stated in subsection 3, above.
5. Only the ASUC Judicial Council may void an election.
6. If the Judicial Council voids an election, the Senate shall provide for a new election to be held within four (4) full semester weeks, or as soon as it is feasible.

**ARTICLE XVIII:
CAMPAIGN FINANCE RULES & REGULATIONS**

18.1 Intent and Definitions

1. These By-laws are intended to implement the campaign finance constitutional amendment passed in April 2000.
2. Campaign material is defined as material initiated by a party or candidate, with the intent to contact voters publicly, that explicitly speaks, pleads, or argues in favor of the election or defeat of a candidate or party.
3. Further, materials that are controlled by a candidate's campaign and/or party that mention a candidate's name, a candidate's ballot number, and/or the office a candidate is seeking, shall be defined as explicitly speaking, pleading, or arguing in favor of the election of a candidate. Therefore, it will be included in the definition of campaign material.
4. Electronic mail and telephone calls will be assessed a cost of zero.
5. Accordingly, material that only explicitly advocates a non-campaign function of a party or does not advocate any function of a party, shall not be included in the definition of campaign material.
6. News or editorial articles in a publication not run by a candidate/party, not controlled by candidate/party, not receiving a significant portion of their funding from a candidate/party, or not operating under a specific agreement between the publication and a candidate/party, shall not be included in the definition of campaign material.
7. Any material produced by a group or organization not run by a candidate/party, not controlled by a candidate/party, not receiving a significant portion its funding from a candidate/party, or not operating under a specific agreement between the publications and a candidate/party, shall not be included in the definition of campaign material.
8. Material in which a voter initiates contact, such as a Web site, AIM away message, or telephone request for information, shall not be included in the definition of campaign material. Any funds used for the purposes of designing content on a Web site that falls under Article 18.1.2 and 18.1.3 of these By-laws shall be included in the definition of campaign material.
9. Any negative campaigning shall be assessed toward the candidate/party that produced the material.

18.2 Enforcement

1. Enforcement of these By-laws shall be the responsibility of the ASUC Elections Council. The Assistant Chair is the chief administrator of campaign finance restrictions. The public has the right to obtain any candidate's spending information, but the information is not required to be widely disseminated by the Elections Council.
2. It shall be the responsibility of the candidate and/or their parties which act in coordination with the candidate to provide two copies of all campaign material to the Elections Council and a receipt for the purchase of said material within twenty-four (24) hours. If unable to provide a receipt, they may indicate so and instead provide an estimate of fair market value. Receipts must be provided beginning with the Candidates' Meeting and thereafter.

3. The Elections Council shall have the responsibility of determining fair market value for any campaign material not accompanied by a receipt. The interpretation of fair market value may be appealed to the Judicial Council.
4. Campaign materials that count as part of a candidate's spending, must have been produced, or authorized, by the candidate and/or parties which act in coordination with the candidate.
5. Any campaign material advocating, by name, office seeking, or ballot number, more than one candidate, shall have its cost divided equally among all candidates listed on the material.
6. The candidates and/or parties involved in the election shall have the responsibility of providing the Elections Council with all documentation and receipts. Receipts must include information on what was purchased and the amount spent.
7. As with any other violation of the ASUC campaign by-laws, the ASUC Attorney General shall be responsible for investigating alleged violations of these by-laws and prosecuting them before the ASUC Judicial Council.
8. All disputes and/or arbitration that arise over these by-laws shall be handled by the Judicial Council.

18.3 Spending Limits

1. Executive officer candidates and/or their parties which act in coordination with the candidate are allowed to spend up to \$1,000 on their ASUC campaign. Senate candidates and/or their parties which act in coordination with their candidate are allowed to spend up to \$200 on their ASUC campaign.

Updated: June 25, 2010 – Diny Huang
Verified: 10 July, 2010 –Kevin Gibson