

Associated Students of Western Washington University
ELECTION CODE

I. PREAMBLE

- A. Whereas the ASWWU exists to support:
- leadership development
 - ensure student representation in decisions that impact students
 - provide resources, activities and information for students
 - and provide opportunities for students to organize themselves around their special interests
 - in order to further achieve the mission of the University and complement classroom education.
- B. *Be it resolved* that this Election Code is established to support the educational mission of the Associated Students by providing opportunities in self-governance and civic education through participation in an election process.
- C. *Be it resolved* this Election Code is established to ensure that proper, fair and impartial ASWWU elections are held as prescribed by this Code.
- D. *Be it resolved* the intent of this Code is to allow members of the Associated Students to exercise their right to vote and students the right to be elected to office.
- E. *Be it resolved* this Code supports the right of candidates to present information to the student voters in a fair and creative manner. .
- F. *Be it resolved* that candidates will be held accountable to all sections of this Code and are subject to penalties for any violations by the candidates themselves or individuals acting under the direction of the candidate.

II. ELECTION PROCEDURES

A. Dates

1. General Elections shall be held starting on the last Monday of April (4/27/2009), and run through the following Friday (5/1/2009). If necessary, the Election Coordinator may change the election days with the approval of the AS Board of Directors.
2. Elections shall be held no later than four (4) weeks after the Candidate Filing Period closes and voting shall continue for five (5) days.
3. Run-off elections shall be held no later than the Wednesday of the week following the General Election (5/6/2009). If the Election Coordinator chooses to use a credited, impartial outside source to count the ballots, and that source is unavailable on these days, then the Election Coordinator may change the run-off election days, with the approval of the AS Board of Directors.
4. Election dates, polling hours, and polling locations shall be forwarded to the *AS Review*, KUGS-FM, KVIK, the *Western Front* and campus bulletin boards at least one (1) week prior to election week (4/13/2009), subject to publication and operating schedules.
5. The *AS Review* Voter's Pamphlets will be available in the AS Board Office at least one week prior to the election (4/22/2009).

B. Ballots

1. Format

- a. The names of registered candidates running for position shall appear vertically under that position title on the online ballot in order drawn by lot. In the *AS Review Voter's Pamphlet*, candidates shall appear in the reverse order drawn. In the event of a run-off, the candidates shall be listed in descending order, based on the percentage of votes.
- b. The names on the ballot shall read exactly as they appear on the candidates approved Registration Form. If this is not possible, the candidate will be notified and appropriate changes will be made before the ballots are published.

2. Write-in Ballots

- a. When writing or typing in a candidate, the name of the candidate must be legible and valid.
- b. Determination of voter intent will be based on names as they are spelled in the official list from the Registrar.

3. Ballot Counting

- a. Ballots shall not be counted until the closing of the polls on the last day of the election.
- b. During the period voting occurs, the Elections Coordinator will be locked out of the voting software. Administrative control of the software will be turned over to the Elections Advisor.
- c. The Election Board Chair, the Election Coordinator and an advisor shall count and/or supervise the counting of the ballots with adequate checks and balances.
- d. An electronic copy of the election results will be held indefinitely from the date of a given election.

C. Election Results

1. Candidate Elect:

- a. For any one position, the candidate (registered or write-in) receiving the most votes (minimum of 1/3 of the votes cast + one vote) shall be declared the winner in the General Election. In the event that no one candidate can meet these requirements, a run-off will be conducted between the two candidates with the highest number of votes.
- b. In the event of a run-off election, the candidate receiving the plurality of the votes cast shall be declared the winner.
- c. In the event that either run-off candidate is found to be ineligible, another run-off election shall be held between the two (2) eligible candidates with the highest number of votes.
- c. In the event of a tie for second place, candidates in the first and second place shall run in the run-off election. The winner of that election shall be the candidate with the highest number of votes.

2. Posting of General Election and Run-off Election Results

- a. Unofficial results shall be sent to the *Western Front*, KUGS-FM, AS Review, KVIK and posted at the A.S. Board Office, on the last night of the election, following notification of the results to the candidates. An honest attempt will be given to contact a Candidate by phone then followed by email on the night of elections by the Elections Coordinator after results have been verified. The Election Coordinator shall also use this time of contact to remind the candidate of the financial statement deadline for submittal.
- b. By 12:00 pm of the Monday following the election, the Election Coordinator shall coordinate posting of the unofficial election results in all Residence Halls, in all glass (information) cases in the Viking Union, and on the AS website (www.as.wvu.edu).
- c. The election results shall include the number of eligible ballots cast. The election percentages shall reflect both write-in and balloted candidates. Candidates shall be listed by the number of votes in descending order.

3. Ratification of Results

- a. The Election Board Chair and Election Coordinator shall report the unofficial election results to the ASWWU Board of Directors at its next regular meeting (5/6/2009).
- b. The results shall not be official until all grievances are resolved.
- c. The results of the election shall become official after ratification by the ASWWU Board of Directors. Ratification shall be defined as the approval of process and disposition of grievances.
- d. If no action is taken, results will become official three weeks after the last day of the election (5/22/2009).
- e. Grievances will not be accepted after ratification of the election results by the AS Board of Directors.

D. Voter Eligibility

1. Only current students of Western Washington University main campus are eligible to vote.
2. Acceptable forms of voter identification include a student WWU identification card or photo identification and the ability to provide their WWU student identification number.

III. CANDIDATES

A. Definition of a Candidate

1. A candidate shall be any full-time student enrolled at WWU main campus who is pursuing a particular A.S. elected position and meets the eligibility requirements for that position.
2. A certified candidate shall be one who has completed and submitted the candidate packet materials by the end of the filing period and has attended the mandatory meeting or met with the Elections Coordinator to review the election code no later than one week from the mandatory meeting.
3. Certified candidates shall be held to the provisions of this Code.

B. Definition of a Write-in Vote

1. If a student who has not gone through the certification process desires to be voted for through the write-in vote on the election ballot, they will be held to all sections of this code, except for Article III Sections D.2, E.1, F and G. 1-5.
2. Should a write- in vote have the most votes, (s)he must submit a financial statement in accordance with this code, and fulfill the job and academic eligibility requirements to be officially declared the winner.

C. Office Positions--The following positions shall be open for election:

- President of the Associated Students, Chair of the Board of Directors.
- Vice President of the Associated Students for Business and Operations; Vice Chair of the Board of Directors
- Vice President of the Associated Students for Academic Affairs
- Vice President of the Associated Students for Legislative & Governmental Affairs
- Vice President of the Associated Students for Activities
- Vice President of the Associated Students for Diversity
- Vice President of the Associated Students for Student Life

D. Eligibility

1. To be eligible to run for the above elected offices, one must, at the time of election, meet the requirements set forth in the job description of that particular ASWWU elected position.
2. The Election Coordinator, Election Board Chair, along with an advisor, shall verify the eligibility of all registered candidates before the Candidates Meeting is held. Decisions on certification may be appealed to the Election Board.
3. Election Board members are not eligible to pursue an ASWWU elected position during the academic year that they serve on the Election Board.
4. The AS Elections Coordinator is not eligible to pursue an ASWWU elected position during the academic year they serve in the capacity as the coordinator of AS Elections.
5. A candidate may run for only one office.

E. Filing Period

1. The filing period for candidates lasts eighteen (18) school days (3/2/2009 – 4/2/2009). It shall begin from the time of the first public announcement and end at 5:00 p.m. on the last day of filing. No candidate registration application shall be accepted after this time.

2. Appropriate announcements shall be posted by the Election Coordinator during this time in all designated areas listed in Article II, Section C. 2. a. & b.
3. In the event there are no registered candidates for a position(s), the filing period may be extended by the Elections Coordinator by one week. If, after the close of the extended filing period no candidate(s) have filed, the position will appear on the ballot and write-in campaigns may be conducted. The winner shall be determined by following Article II, Section C., provided the candidate(s) receive a minimum of 10% of the total election turnout. If no candidate receives the threshold number of votes, the position will be filled as stated in the ASWWU Bylaws under Article V, Section 6., titled "Vacancies".

F. Filing Procedure

1. Candidate packets will be available on the first day of the filing period and will include:
 - a. The Election Code;
 - b. The current job description for the position sought;
 - c. Candidate Registration Form;
 - d. Candidate Conduct Agreement Form;
 - e. Candidate's Statement Form;
 - f. Candidate Petition Form;
 - g. Election Complaint Form;
 - h. Financial Statement Form
2. Petitions
 - a. Those who wish to run for an office must have a petition signed by no fewer than one hundred-fifty (150) currently enrolled WWU Main Campus students. This petition must be submitted to the Program Assistant in the AS Board of Directors office by 5:00 p.m. on the closing day of the filing period (4/2/2009) or the candidate is not eligible to run. The address and WWU student identification number of the signer must be on the petition alongside the respective name. Illegible or duplicate signatures will not be counted toward the 150 required signatures. Students can sign multiple candidate's elections petitions for any position.
 - b. The petition must have the position that the candidate is seeking clearly identified on each page of the form. If the candidate files for a position other than the one stated on the form, the form is declared invalid and (s)he must then obtain a new petition and follow Article III, Section F. 2. a.
 - c. Those candidates who choose to gather petition signatures in the University Residence Halls must abide by the University Residences Solicitation Policy (see *Attachment B*).
3. All registered candidates who plan to post campaign materials shall submit a twenty-five dollar (\$25) refundable posting deposit (not counted as a campaign expense) to the Viking Union Finance Office by the close of the filing period (4/2/2009), or the candidate is not eligible to run. This deposit will be forfeited by candidates who fail to remove their campaign materials after the election. These monies shall be held in the Viking Union Finance Office.

G. Candidate's Meeting

1. A mandatory meeting of the candidates shall be conducted by the Election Coordinator and the Election Board Chair after 5:00 p.m., within two (2) days following the closing of the filing period (4/3/2008). A second non-mandatory meeting will take place one to two weeks prior to the Election Day to review the election code prior to the given election days.

2. Each candidate shall be notified of the meeting and it shall be publicly announced.
3. All candidates shall be held responsible for understanding and following all instructions presented at the candidates meeting and in the entire Election Code.
4. The candidate's meeting shall include the announcement of all campaign information, schedules and rules for the general election, and a drawing to determine the order of names on the ballots and *AS Review Voter's Pamphlet*.
5. A candidate will not be certified until they have attended the mandatory meeting or have made arrangements and met with the elections coordinator to review the ASWWU Election code.

H. Financial Statement and Campaign Spending

1. Campaign expenditures shall include all expenses authorized or consented to by the candidate and the value of all donated goods or services. Donated goods or services are defined as anything not available to all candidates for free.
2. Campaign expenditures shall be limited to one-hundred and fifty dollars (\$150) for each candidate. In the event of a run-off or nullified election, each candidate will be allowed an additional fifty dollars (\$50) for campaign expenses.
3. Each candidate shall file an itemized financial statement and attach all receipts for campaign expenditures. The statement shall include a report of all campaign expenditures
4. The financial statement shall be returned to the VU Finance Office by 5:00 p.m. on the last day of the election (5/1/2009) or the candidate loses eligibility. The same applies to run-off elections.
5. Funds use in reference for the Grievance Process will not be taken into account in the financial statement filed by a candidate.

IV. CANDIDATE'S CAMPAIGNING AND ADVERTISING POLICY

- A. The intent of the following posting and campaigning policies, when considered together, are to ensure creative, fair and controlled posting for all candidates. It is to be further understood that these policies are aimed at minimizing litter and achieving the highest combined quality of all candidates' campaigns.
- B. Campaign material shall include anything promoting a candidate. This includes, but is not limited to signs, banners, handbills, T-shirts (or other clothing) and electronic media.
- C. The campaigning period shall begin on the date and time designated by the Election Coordinator. No campaign materials shall be posted or distributed before this time.
- D. All signs, posters and campaign materials must be removed by the candidate no later than 5:00 p.m. the day following the General Election or run-off election, as applicable, or the candidate's twenty-five dollar (\$25) posting deposit will not be refunded (See also Article III. E. 3.) In the case of a run-off election, the candidates involved may leave campaign materials in place until 5:00 p.m. the day following the run-off election.
- E. It is each candidate's responsibility to maintain his/her posting and clean them up if they should fall.
- F. There shall be no yard signs allowed on campus that are established into the ground.

- G. The maximum size of a complete banner shall be four feet by ten feet (4' x 10') or forty square feet (40'), whether composed of one or more pieces.
- H. If handbills are to be distributed, it is each candidate's responsibility to ensure that those that are not disposed of properly are cleaned up.
- I. Posting shall **only** be permitted in the following areas of campus:
-- Free boards (one poster per candidate per board)
-- Private rooms in Residence Halls
-- Building areas as indicated in the map section of this Code (see *Attachment A*).
- J. Off-campus posting is governed by City of Bellingham ordinance and is not subject to review by the Election Board. For specific information on these laws, refer to Section 10.60.110 of the Bellingham Municipal Code.
- K. Use of any classroom chalkboard, whiteboard, or screen saver space is prohibited for campaigning purposes, with the exception of presentations arranged by the Election Coordinator, after which, the writings will be erased.
- L. Users must abide by the policies and procedures related to appropriate, legal and ethical use of WWU's computing systems as stated in WWU Policy for Responsible Computing. (see *Attachment C*).
- M. There shall be no campaigning of any kind in any public area of the Residence Halls or in the University Residence Dining Halls.
1. All candidates must comply with the Solicitation and Commercial Activity Policy set forth by University Residences (see *Attachment B*).
- N. Official Residence Hall Council visits will be set and monitored by the Election Coordinator.
- O. There shall be no candidate signs or campaign literature within sixty feet (60') of the Red Square polling station, with the exception of the *AS Review Voter Pamphlet* and the *Western Front*. The Election Coordinator shall indicate the distance using adhesive tape.
- P. Regarding the endorsement of candidates by recognized AS programs, AS clubs and AS personnel:
1. The AS Logo cannot be used by a Candidate on campaign materials.
 2. Recognized AS programs and AS standing councils and committees may not officially endorse candidates.
 3. Employees of the AS are free to endorse candidates as individuals, but they may not speak on behalf of the organization when doing so.
 4. Candidates may campaign at AS club meetings.
 5. AS clubs are free to forward any statement by any candidate to their members, at the club's discretion.
 6. AS clubs may officially endorse a candidate of their choice, provided they choose to do so in a democratic manner within the club and in accordance with the club's bylaws.
 - a. The club must inform the Election Coordinator that they have chosen to officially endorse a candidate.

- b. The Election Coordinator will then inform the candidate that the club has officially endorsed them. Only then can the candidate publicly state that (s)he has been endorsed by that club.
 - 7. AS Clubs, programs, employees and councils may not spend any funds. Students must follow these rules in accordance with WWU's policy on Responsible Computing.
 - 8. Candidates may not be publicly endorsed at an AS sponsored event.
 - 9. Candidates may speak at AS sponsored events for campaigning purposes if, and only if, all candidates for his/her position have been offered the option of speaking for equal time, at least three (3) days in advance. This Code only requires that the opportunity be offered. The candidate may still speak if his/her opponent declines.
 - 10. Current AS Board members may not endorse candidates in AS publications, AS public forums or while acting in their official capacity (i.e. AS Board, Activities Council, Hall Council meetings, etc.)
- Q. There shall be no tampering with another candidate's campaign materials.
- 1. The definition of tampering shall be "intentionally damaging another candidate's campaign materials" (i.e. defacing, tearing down, crossing out, marking on, or covering up.)
 - 2. The definition of campaign materials can be found in Article IV, Section B.
 - 3. If any unintentional damage occurs, the candidate shall be notified as soon as possible.
 - 4. Candidates are prohibited from placing their poster tape over the poster tape of another candidate.

V. ONLINE VOTING AND CAMPAIGNING POLICY

- A. The purpose of this section, when considered together with Article IV, is to ensure that the online voting process is conducted in a fair and impartial manner along with the other campaigning policies. It is therefore to be considered an addition to and is to be interpreted with Article IV.
- B. There shall be no campaigning by candidates or individuals acting under the direction of the candidate inside or within view any on-campus computer lab during the specific dates and times of online voting.

VI. VIOLATIONS AND COMPLAINTS

A. Violations

- 1. Any candidate who fails to comply with this Election Code shall be considered in violation of the Code.
- 2. Grievances must cite a specific section of the Code and may not include the Preamble.

B. Complaints

- 1. The date and time that the complaint is received will be recorded on the document, which shall be turned in to the A.S. Board of Directors Program Assistant.

2. No violation shall be considered unless it is reported by a candidate or the Elections Coordinator within twenty-four (24) hours of the time of discovery or the next school day, and cites the specific Election Code Violation. Grievances will be accepted up to 24 hours after the closing of the polls on the final day of voting.
3. The Election Board shall consider all complaints in a fair, impartial hearing within three (3) school days, upon receipt of the complaint.
 - a. The Election Board must give public notice of the hearing at least twenty-four (24) hours before it takes place.
 - b. The affected parties and the Election Board must be notified of the hearing and copies of the grievance(s) must be made available within 24 hours of the meeting.
 - c. The Election Board may take any action deemed appropriate and necessary to ensure fair elections.
 - d. All actions regarding grievances are considered final, with the exception in which the action is disqualification. Cases of disqualification can be heard by the Election Appeals Panel.

VII. ELECTION PERSONNEL

A. Election Board

1. The officials of the AS Elections shall be the AS Election Board.
2. The Election Board will follow the guidelines as set forth in this Code and the official Charge and Charter of the Election Board.
3. The Election Board will be trained appropriately by the Advisor at a time set, before grievances are heard.
4. Selection Process:
 - a. Each party to the grievance will be able to disqualify one member from the Election Board from serving on a hearing panel. The disqualification will be confidential.
 - b. The Chair cannot be disqualified.

B. Polls

1. Poll Workers
 - a. Poll workers shall be hired by the Election Coordinator in accordance with ASWWU policies. The Election Coordinator may also contract with AS Clubs.
 - b. Poll workers will be trained by the Election Coordinator before the first day of the election.
 - c. Poll Workers shall be publicly non-partisan. On election days, they shall refrain from discussing any aspects of the election, including estimating voter preference, or discussing the candidates with a voter.
 - d. Poll Workers shall refer questions concerning the election to the Election Coordinator.

2. Polling Stations

- a. There shall be at least one official polling station in Red Square.
- b. The location of polling stations shall be announced prior to the close of the candidate filing period.
- c. Polling stations shall be open continuously at advertised locations from 9:00 a.m. to 3:00 p.m. on designated election days. On the last day of the election, polling stations shall close at 2:00 p.m.
- d. In the event of adverse weather conditions, the Election Coordinator may, without notice, move the location of the polling stations.
- e. Candidates may vote at polling stations.

C. Election Coordinator

1. The Election Coordinator hiring will be coordinated by the A.S. Personnel Office.

VIII. SPECIAL MEASURES AND ELECTIONS

A. Initiative

1. Any measure may be presented to the students through a ballot by first obtaining a petition containing five percent (5%) of currently enrolled students. The number of currently enrolled students shall be determined solely by the Registrar's office, and communicated by the Election Coordinator or the AS Board of Directors Program Assistant. Any measure presented to the students through a ballot must pass with a simple majority (50% +1) of the votes cast for that measure.
2. Signatures must be obtained on an official petition form, available in the A.S. Board of Directors Office. The wording of initiatives must be approved by the A.S. Board of Directors, with regard to form and legality. Petition forms shall:
 - a. List the organizer(s) of the proposed initiative
 - b. Include the date on which they were distributed
 - c. List the printed name, signature, and student number of the signer
 - d. State the exact wording of the proposed initiative, as it would appear on the ballot. If changes are made to the wording of the initiative after it has gone out for signatures, it will be considered void. A new initiative must then be approved by the A.S. Board of Directors and new signatures must be obtained.
3. The AS Board shall publicly announce every proposed initiative and its organizer(s) within twenty-four (24) hours of the distribution of the petition forms, via the *AS Review*, the *Western Front*, KUGS-FM, as well as posting in all locations listed in Article II, Section C. 2. a & b.
4. All signatures must be submitted to the AS Board by the last day of the quarter immediately preceding the election (3/20/2009). Upon submission, said signatures shall become the property of the AS Board and can be neither changed nor supplemented in any way or form.
5. All campaigning and advertising for initiatives must follow the guidelines as set forth by the Election Coordinator.

6. Petitions which do not meet the above-stated specification shall be termed invalid by the Election Board.

B. Referendum

1. The Board of Directors may submit any referendum to the students for approval by ballot by the filing period deadline. (4/2/2009).
2. All campaigning and advertising for referendums must follow the guidelines as set forth by the Election Coordinator.
3. Any referendum presented to the students for approval must pass with a simple majority (50% +1) of the votes cast for that referendum.

C. Recall

1. Any member of the ASWWU may place on a ballot a measure for the purpose of ending a director's term of office by first securing a petition from the AS Board of Directors Program Assistant and obtaining the signatures equal to forty percent (40%) of the number of students voting in the last general election. Any given petition shall deal with one director only. Recalling multiple directors will require multiple petitions.
2. All recall petition forms shall:
 - a. Include the date on which they were distributed;
 - b. State the name of the director in question;
 - c. State the reasons for the proposed recall;
 - d. List the organizer(s) of the proposed initiative; and
 - e. List the printed name, signature, and student number of the signers.
3. The member shall file a request form with the AS Board of Directors Program Assistant. Official Petition forms will be available for the member for pickup within 3 business days from filing.
4. All signatures must be submitted to the Election Board Chair or the AS Board of Directors Program Assistant at least twenty four (24) hours before the end of the filing period. Upon submission, said signatures shall become the property of the Election Board Chair, or retained by the AS Board of Directors Program Assistant, and can neither be changed nor supplemented in any way or form. The end of the filing period will be fourteen (14) days after the official petition forms were initially distributed. If the signatures have not been collected by that point, the petition shall be rejected.
4. Petitions which do not meet the above-stated specifications shall be termed invalid by the Election Board.

D. Special Election

1. A Special Election may be held at any time for the purpose of deciding issues presented by approved initiative or recall petitions. The approved petition form must be delivered to the Election Board Chair

or the AS Board of Directors Program Assistant as outlined in VII.C.4. The Election Coordinator will schedule an election within twenty one (21) school days.

2. For the purposes of a referendum, a Special Election may be called at any time by a majority vote of the Board of Directors, provided that printed notice of the election is given no less than fourteen (14) days prior to the election.
3. All applicable sections of this Election Code shall be used to fill vacant positions through Special Elections. In the event of a vacancy in the position of President, the Vice President for Business & Operations shall assume that position. In the event a vacancy exists in both the President and the Vice President for Business & Operations, the Vice President for Diversity shall assume the President's position on an interim basis until a special election is held to fill the vacancies. If a vacancy exists in the Vice President for Business & Operations, a special election shall be held to fill the vacancy. If other vacancies exist, the President shall hold a filing period of at least nine (9) days for potential applicants and with advice of the Vice President for Business & Operations and the Personnel Director, present at least two (2) names to the Board for selection and ratification. Notice of such vacancies shall be advertised in the *Western Front* and the President shall wait at least five (5) working days after such notice before making such appointments.

E. Passage of Measures

1. An initiative, referendum, or recall measure on the ballot shall pass when more than 50% of the votes cast are in the affirmative.

IX. INTERNSHIPS

- A. All newly elected Board members must intern with the outgoing Board member in their position, as specified in his/her respective job description.

X. AMENDMENTS

- A. This is the official Election Code, as approved by the ASWWU Board of Directors. From the start of the filing period to the certification of the new Board of Directors, this Code may not be amended. .

XI. INTERPRETATION OF THE CODE

- A. Interpretation of the Code is the responsibility of the Election Board. All questions or matters of uncertainty should be directed to the Election Board Chair.
- B. Candidates are solely responsible for their actions in the AS Elections. It is the candidate's responsibility to know and to remain within the terms laid out by this Code.
- C. The AS Board of Directors shall be the final say in matters regarding the ASWWU elections.

Revised and Approved: February 11th, 2009

The complete Election Code contains the following:

- Pages 1-12: Text
- Attachment A: Approved Building Posting Locations
- Attachment B: University Residences Solicitation Policy
- Attachment C: WWU's Policy for Responsible Computing