Bill to Institutionalize Elections Guidelines

“Elections Act of 2010”

WHEREAS It is the duty of ASOSU to oversee the elections process of various student organizations on campus.

WHEREAS The elections process is currently developed and maintained by the ASOSU Elections Committee devoid of any statutory regulations.

WHEREAS It is important to have permanent statutory elections measures in place to preserve the democratic process at Oregon State University.

BE IT HEREBY ENACTED BY THE ASOSU THAT:

Title XI shall be created and state the following:

Title XI: Elections Guidelines

Section 1: Definitions.

As used in this chapter:

A. “Ballot” means any material on which votes may be cast for candidates or measures.

B. “Chief elections officer” means the Chair of the Elections Committee.

C. “Primary Election” means the election which shall occur when necessary for the offices of ASOSU President, ASOSU Vice-President, MU President, MU Vice-President, and the ASOSU Speaker of the House in cases in which any of these positions has more than two nominated tickets.

D. “Elector” means any student eligible to vote under the Constitution of ASOSU as well as the governing documents of the SIFC and the Memorial Union.

E. “Measure” includes any Initiative or Referendum submitted to the students for their approval or rejection at an election.

F. “Vote tally system” means the electronic system which collects and automatically counts ballots.

Section 2: Elections conducted under these guidelines.

Any primary election, general election or special election held at Oregon State University shall be conducted under the provisions of these guidelines and shall be under the authority of the ASOSU Elections Committee. The Elections Committee shall have authority to make temporary revisions to these guidelines during the period of the election to be institutionalized through statutory amendment afterward. The Elections Committee shall set all specific dates of events.

Section 3: Date of general election and primary election.
A. The general election shall be held on the third week in April.

B. The primary election, where applicable, shall be held on the first week in April.

Section 4: Person receiving most votes elected; measure adopted by majority of votes; when measure conflicts.

A. When one person is elected to an office, the person receiving the highest number of votes in the general election shall be elected.

B. No measure shall be adopted unless it receives an affirmative majority of the total votes cast on the measure. If two or more conflicting laws, or amendments to the ASOSU Constitution or Statutes, are approved at the same election, the law, or amendment, receiving the greatest number of affirmative votes shall take precedence and overrule the conflicting measure.

Section 5: Information regarding ballot format and method of voting ballot.

Prior to each election, the Elections Committee shall make every reasonable effort to acquaint electors with the ballot process to be used in the election and the method to cast a vote.

Section 6: Register of candidates.

The chief elections officer shall keep a register of candidates engaged in campaigning. The register, if applicable, shall contain the following:

A. The title of each office for which an individual will nominate candidates for election.

B. The name and mailing address of each candidate for nomination.

C. The date of filing for nomination of the candidate.

D. The date of filing of the declaration of candidacy of the candidate. This declaration shall only apply to individuals nominated by a student political party. Any individuals nominating themselves shall be considered as accepting their own nomination.

E. Such other information as may aid the chief elections officer in arranging the official ballot for elections.

Section 7: Elections Committee’s statement of offices, candidates and measures.

A. The Elections Committee shall publish and make available to the general public, the Election Packet no later than 31 days prior to the first official day of campaigning.

B. This Election packet shall contain the following information:

i. This Election Guideline.

ii. Descriptions of all elected office including assigned duties.

iii. Calendar of all deadlines and other important dates.

iv. Copies of all needed forms necessary to conduct campaigning, nomination, petition violations, and appeals.

Section 8: Official primary election ballot.

A. The official primary election ballot shall be styled “Official Primary Nominating Ballot” and shall state:

i. The date of the primary election.

ii. The names of all candidates at the primary election whose declarations of candidacy have been made and filed, and who have not died, withdrawn or become disqualified.
Section 9: Official general or special election ballots.

A. The official general or special election ballot shall be styled “Official Ballot” and shall state:

i. The date of the general election.

ii. The names of all candidates at the general election who advanced from the primary election, and who have not died, withdrawn or become disqualified.

B. The word “incumbent” shall follow the name of each candidate seeking re-election to the same office followed by any designation of political affiliation.

C. Except as provided in this section, no information about the candidate, including any title or designation, other than the candidate’s name, may appear on the ballot.

D. One vote shall be permitted per elector for an ASOSU President and Vice President ticket and MU President and MU Vice-President Ticket. Each elector is permitted a single vote for any candidate for the SIFC, Senate and House of Representatives, respectively, but shall only be permitted to vote for a maximum number of candidates equal to the number of positions currently available for students for which to campaign in the SIFC, Senate and House of Representatives, Respectively.

E. Available space for write-in votes shall immediately follow the last candidates name for every elected office on the ballot.

Section 10: Order of candidate names on ballot.

A. Ballots shall be ordered as follows:

i. Alphabetically for the offices of ASOSU President and Vice-President.

ii. Alphabetically for the offices of MU President and Vice-President.

iii. Alphabetically for the ASOSU Senate.

iv. Alphabetically for the ASOSU House of Representatives.

v. Alphabetically for the SIFC.

Section 11: Ballot specifications.

A. Official ballots shall be made available through Blackboard®.

Section 12: Personnel for receiving ballot results.

The chief elections officer shall act as the primary counter of ballots and may solicit volunteers to aid in this task.

Section 13: Contingency for failure of electronic voting system.

In the event of a failure of the electronic voting system, which shall be defined as failure to record ballots, compile accurate election results, or loss of system availability for students to cast votes, the chief elections officer shall declare a new election date which shall occur no later than ten days following a failure of the electronic voting system. In the case of a failure during a primary election, the chief elections officer shall declare a new primary election within four days of a failure of the electronic voting system.

Section 14: Procedures after 10 p.m. on election day.

A. Ballots may be tallied by a vote tally system following the closure of the polls at 10 p.m. on election day.
B. The Chief elections office shall announce the winners of the election no later than 3 a.m. the day following election day. No less than three members of the elections committee shall be on site to confirm the results of the election.

Section 15: Individual elected by write-in votes; form; rules.

A. An individual elected to an elected office by write-in votes shall sign and file a form indicating that the individual accepts the office before the chief elections officer may issue a certificate of election. The elections committee by rule shall prescribe the form to be used under this section.

Section 16: Chief executive officer’s duties after election.

A. The Chief elections officer, regarding offices for which the elections committee receives filings for nomination, shall:

i. Prepare, sign, and deliver a certificate of election to each candidate or ticket having the most votes for election to the office.

ii. Issue a proclamation declaring the election of candidates to the offices which shall be sent to the Daily Barometer.

iii. Issue a proclamation giving the number of votes cast for or against each measure, and declaring the approved measures as the law on the effective date of the measure. If two or more approved measures contain conflicting provisions, the elections committee shall proclaim which has precedence.

Section 17: Certificate of election required before taking oath of office.

When a candidate elected to public office is required by law to take an oath of office before entering upon the duties of the office, the candidate shall not take the oath until the candidate has been granted a certificate of election.

Section 18: Procedure when tie vote.

When two or more candidates for the same office have an equal number of votes and cannot otherwise both fulfill offices in the case of offices in the SIFC, Senate and House of Representatives, respectively:

A. the elections officer shall have the candidates meet publicly to decide by lot who is elected.

Section 19: Oregon State University requirements for all elected positions.

A. Undergraduate students shall have earned at least six (6) hours of credit in their most recently completed term, be currently registered for at least six (6) hours, not be on conduct probation, and have a minimum cumulative grade point average (GPA) of 2.00.

B. Graduate students shall have earned at least five (5) hours of credit in their most recently completed term, be currently registered for at least five (5) hours, not be on conduct probation, and have a minimum cumulative grade point average (GPA) of 3.00.

Section 20: Elections committee requirements for all elected positions.

A. Candidates must intend to be enrolled for the entire academic year at the Corvallis campus of Oregon State University.

B. To appear on the ballot candidates must officially declare for candidacy by submitting the required documents no later than 5 p.m. on the specified date to 149 Snell Hall, Student Leadership and Involvement desk.

C. Eligibility will be confirmed of all candidates during Finals Week of Winter Term. Candidates will be notified if they do NOT meet requirements.
D. Candidates who have filed for candidacy by the required deadline may change the position for which they are running no later than 5 p.m. on the specified date.

E. Write-in candidates are subject to all rules and eligibility requirements in this packet and those of the University.

F. Candidates for all elected offices are required to attend an information session the dates of which shall be provided on the calendar of deadlines.

Section 21: Organizing.

A. Organizing is considered privately planning or preparing for the campaign process. Organizing includes, but is not limited to the following activities:
   i.  Asking individuals to be part of your campaign team
   ii. Strategizing the campaign
   iii. Designing and producing campaign materials.

Section 22: Campaigning.

A. Campaigning is considered any public printed, electronic or verbal communication advocating a particular candidate. Campaigning is also considered any organized talk, speech or informational meeting advocating a particular candidate.

B. Campaigning shall not begin until 7 a.m. of the specified date.

Section 23: Campaign Materials.

A. All candidates participating in the ASOSU sponsored elections must have all campaign material (including, but not limited to, posters, shirts, fliers, buttons, websites, Facebook or MySpace groups, etc.) submitted to the ASOSU Elections Committee and/or Chair prior to posting.

B. Any changes to original materials must be re-submitted. The Elections Committee will request photocopies of the campaign materials and may maintain a file of all campaign materials for each candidate and ticket.

C. Campaign materials may be submitted to the chief elections officer at asosu.house@oregonstate.edu. The elections committee shall have 48 hours to deny any material deemed inappropriate.

D. No campaign materials may be placed on building exteriors, light poles, trees or automobiles. Refer to the Schedule of Classes’ Student Life Policy.

E. Certain campaign materials, unless otherwise approved, must have the ASOSU Elections website address on them:

   asosu.oregonstate.edu/elections.

These shall include:

   i.  Campaign posters
   ii. Social networking sites
   iii. Websites
   iv.  Fliers

F. No chalking shall be permitted.

G. No candidate or affiliate shall remove or deface the campaign materials of another candidate.
H. Only the members of the Elections Committee shall remove illegal campaign materials. Illegal campaign materials include, but are not limited to, materials that have been previously denied approval, etc.

I. Candidates sending emails over listservs must first obtain permission from that list’s administrator.

J. Campaigning may not include the use of Benny the Beaver, Oregon State University logos or symbols, or any pictures or models that may be perceived as an endorsement by the University.

K. Candidates or tickets are not responsible for violations of campaign materials or campaign location violations by students or other individuals in possession of or displaying non-stationary campaign materials such as shirts, buttons, fliers, stickers, as well as third party posters and social networking sites.

L. All candidates and campaigns shall comply with libel and slander laws under the provisions of ORS-260.532.

Section 24: Campaign Locations.

A. Campaigning in University living establishments is at the discretion of that organization. Candidates are expected to abide by all regulations of the organization as well as University regulations. University recognized housing includes residence halls, co-ops, fraternities, sororities, etc.

B. Campaigning in classes and lectures is left to the discretion of the instructor.

Section 25: General Regulations.

A. All candidates must follow every deadline. Requests for extension of deadlines must be submitted to the ASOSU Elections Chair three days prior to the original deadlines.

B. Candidates may not provide the means for any student to vote at any time.

C. Candidates that violate any rules, regulations, or standing procedure administered by an OSU organization may be considered in violation of ASOSU election policies subject to the discretion of the ASOSU Elections Committee.

Section 26: Violations; process to appeal violations.

A. Major Offenses shall include the following violations:

i. Providing students with the means to vote.

ii. Submitting votes for other students.

iii. Tampering with the electronic election system.

iv. Harassment, intimidation, bribery or fraud with the intent of affecting the outcome of the election.

v. Tampering with another campaign’s materials with malicious intent.

vi. Failing to file required documents on time unless granted an extension prior to due date.

vii. Intentional actions to mislead or obstruct the duties of the Elections Committee.

viii. Failing to comply with the rulings of the Elections Committee.

ix. Exceeding the campaign finance limit by more than one percent on any Financial Statements.

x. Promising to hire any student, or making overtures to hire or appoint students to positions prior to the final election, particularly in order to gain support for a campaign. Candidates may openly recruit individual students and students-at-large to apply for positions, and are encouraged...
to do so. Candidates may also describe their desire in having individual students or students at-large take interest in specific positions, but candidates are prohibited from “earmarking” students for positions and vice-versa.

xi. Hiring paid employees of the campaign.

xii. Committing five or more Minor Offenses.

B. Minor Offenses are any violations of the Elections rules and regulations not specifically stated as a Major Offense.

C. Any alleged violation of campaign rules must be reported to the chief elections officer within 24 hours after the offense has been observed. Any party who witnessed the offense may report the violation with documented proof of the incident. Alleged violation reports must include the candidate committing the offense, date, place and time of offense and any other pertinent information.

D. Once a complaint has been filed, the Elections Committee will review the violation at the next scheduled meeting. The candidate will be notified immediately of the charges against him or her.

E. Candidates accused of committing a major offense will receive a hearing by the Elections Committee. Candidates will receive a 48 hour notice of their hearing time.

F. Candidates and/or campaigns to whom a violation is issued from the Elections Committee may appeal. Appeals must first be submitted to the Elections Committee within two working days of receiving the violation notice. The Elections Committee will review the appeal and must make their decision within two working days of receiving the appeal form.

G. The Election Committee may disqualify a candidate for any Major Offense, gross violations of the University policies, or actions that cause great harm to the student body.

Section 27: Campaign Spending Limits; sources of funding.

A. All campaigns are limited to $1,000 for each individual or ticket regardless of the office. No person or ticket that campaigns for multiple offices shall comingle any funding from individual campaigns, or combine the spending limits of any other campaigns.

B. There shall be no limitation on amount or proportion of funding to come from student contributions or personal contributions, so long as the cumulative contributions do not exceed $1,000.

Section 28: Financial statements; dates due.

A. Financial Statements must be filed and shall include the following:

i. An itemized list of all Expenditures.

ii. A detailed list of all Contributions, whether personal or student.

B. Financial Statements shall be due in the following weeks by 5 p.m. the dates of which shall be decided by the Elections Committee:

i. First Week of April

ii. Third Week of April Prior to the General election

iii. The final week of April. This Financial Statement shall act as the final statement and shall be due at 9 a.m. on the specified day.

C. Final financial statement due three days following election day. Final financial statement must be submitted in order to receive a certification of election.

Sponsored By:

[Submitted for Floor Vote]
Approved by:

Paul Aljets, Speaker of the House of Representatives
Signature: __________________________ Date: __________

Kevin Schock, President of the Senate
Signature: __________________________ Date: __________

Christopher Van Drimmen, ASOSU President
Signature: __________________________ Date: __________