

Associated Students of Diablo Valley College Elections Code



DIABLO VALLEY COLLEGE ASSOCIATED STUDENTS ORGANIZATION

ELECTIONS CODE

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SECTION I: PURPOSE AND AUTHORITY

- 1.01) Pursuant to Article III of the ASDVC Bylaws, there shall be an Elections Committee established to handle all elections of the Associated Students.
- 1.02) The purpose of this Code shall be to define and outline the procedures governing the Associated Students elections and the committee on Elections which will assure the broadest possible participation of students in the actual election process of this organization and to insure fair elections.
- 1.03) The Elections Code shall be administered by the Vice President of Executive Affairs. It will be the duty of the Elections Committee to enforce that Elections Code. The Vice President of Executive Affairs shall carry out procedures as set forth in the Constitution.
- 1.04) Decisions of the Elections Committee shall constitute the final authority on elections of the Associated Students.

SECTION II: AMENDMENTS

- 2.01) Amendments shall be proposed through the Rules Committee.
- 2.02) The Elections Code may be amended by a simple majority of the Board of Petitioners.

SECTION III: ELECTIONS COMMITTEE POWERS AND DUTIES

- 3.01) **The Elections Committee shall consist** of the Vice President of Executive Affairs who will serve as the Chair; one member appointed by the Vice President of Executive Affairs, one to two members appointed by the Associated Students President and one to two members appointed by the Vice President of Legislative Affairs. The President will serve as an ex- officio (non-voting) member.
- 3.02)

In the event of an insufficient number of members, the Vice President of Executive Affairs shall appoint a student at large to be an actively participating and voting member. The Committee shall have a minimum of four members, including the Chair and President, and a maximum of seven members. The Dean of Student Life, or designee, shall serve as an advisor to the Committee. The Chair will vote only in the event of a tie or to affect the outcome of the vote.
- 3.03) No member of the Elections Committee shall be a candidate in the election. In the event any member is a candidate in the election, the Board may elect another member to fill the position on the Elections Committee.
- 3.04) The ASDVC Elections Committee, however, must remain impartial in all dealings with the candidates, students, and members of the public. Members of the ASDVC Elections Committee shall not endorse or campaign for any candidate or coalition by any means, including but not limited to: verbally, in writing, or in action.

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- 3.05) The Committee shall coordinate and direct all A.S. elections and shall encourage voter participation through legal and acceptable means.
- 3.06) The Committee shall hold a campaigning procedures meeting for all candidates and have a written campaign procedures information sheet that is distributed to all candidates, organizations and individuals. All candidates shall be required to acknowledge in writing they have received a copy of the campaigning procedures and will abide by all such procedures.
- 3.07) The Committee shall oversee coordination of the Voter's Guide.
- 3.08) The Committee shall supervise placement of any approved advertisements in the Inquirer publicizing all available positions as well as times, dates, and, if applicable, voting instructions for on-line voting. (MSC, 3/11/08)
- 3.09) The Committee shall coordinate the candidates' forum(s) at times and places in such a manner to allow for maximum student participation, including a forum during evening class hours.
- 3.10) The Committee shall supervise, under the direction of the Advisor, an orderly voting process and a prompt and accurate tallying of results.
- 3.11) The Committee shall hear all complaints involving campaigns and elections and as necessary make a ruling.

SECTION IV: POLL WORKERS AND ELECTION STAFF

- 4.01) The Student Life Office shall be responsible for hiring and training elections staff.
- 4.02) The election staff shall not campaign in any election.
- 4.03) The Chair may request removal of any election staff whose actions may improperly affect the outcome of the election. Removal shall be voted on by the Elections Committee and require a 2/3 majority of the votes in order to remove a member of the election staff to the office of Student Life.
- 4.04) Before voting begins, the ballot boxes shall be locked and verified by the Vice President of Executive Affairs or a designee. These boxes are not to be unlocked except by the ASDVC Advisor with a witness after the voting has ended.

SECTION V: CANDIDATES AND COALITIONS

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- 5.01) Candidates must meet all requirements as outlined in the Bylaws.
- 5.02) Nominations will open no later than 5 weeks prior to elections and final nominations shall take place no later than 4 weeks prior to elections.
- 5.03) Prior to campaigning, candidates must sign a statement indicating the candidates' understanding of the Constitution, the Election Code, other election materials of the Associated Students of Diablo Valley College, the district Free Expression Policy, the DVC procedure on Free Expression and Distribution of Non-Commercial Materials and the DVC procedure for posting of Materials on Campus.
- 5.04) No Board of Petitioners member may run for more than one office.
- 5.05) There shall be a candidate's orientation meeting called by the Vice President of Executive Affairs within two (2) weekdays following the close of the nominations.
- 5.06) All candidates shall be required to be present at the scheduled election orientation meeting of the Elections Committee. The meeting shall consist of an explanation of the Elections Code with a question and answer period. Excused absence will be granted for only very compelling reasons. With an advance request, the Vice President of Executive Affairs may allow a personal representative who may represent only that candidate at the orientation meeting. Failure to attend, or send an approved representative, will result in the immediate disqualification.
- 5.07) Candidates may not share campaign materials.

SECTION VI: GENERAL ELECTIONS – WITHDRAWALS

- 6.01) All qualified candidates who choose to withdraw from ~~in~~ the General Election must notify the Vice President of Executive Affairs in writing.

SECTION VII: CAMPAIGN CONDUCT AND RESPONSIBILITY – GENERAL POLICIES

- 7.01) Campaigning shall not begin until 7:00 AM the day after the mandatory candidates meeting has been held.
- 7.02) Campaigning shall be defined as posting or distribution of campaign material. Campaign material is defined as anything distributed or posted that seeks to influence the vote of any student.
- 7.03) Campaign materials may be removed only by the candidate; his/her designated representative, ASDVC Advisor or their representative, or the Elections Committee. Campaigners may not destroy or remove other campaign materials. Complaints of violations of destroying or removing campaign materials will be referred to the

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Elections Committee and may result in disqualification.

- 7.04) Candidates are responsible for their own actions. All candidates are subject to the DVC Student Code of Conduct.
- 7.05) No support or endorsement may be solicited for candidates or special issues from faculty, staff, administration, or non-student employees of the College. This does not prohibit asking permission to speak in front of class.
- 7.06) The Elections Committee shall ask college staff to encourage students to vote and remind students of elections dates.
- 7.07) Associated Students funded programs may not expend A.S. funds to endorse a candidate (including coalitions).
- 7.08) Associated Students funds shall not be used to endorse candidates during the elections.
- 7.09) Associated Students funded organizations are prohibited from endorsing candidates, coalitions or recalls during the elections (this does not include College recognized Clubs).
- 7.10) All candidates, and those who are supporting, endorsing, or campaigning for candidates or collations are prohibited from using the District computer resources (including sending or receiving messages on the email system) for the purpose of political activity, including urging the support or defeat of a particular candidate or ballot measure. This does not include College recognized Clubs from emailing their own members after the Club has voted to endorse a candidate or collation.

SECTION VIII: CAMPAIGN CONDUCT AND RESPONSIBILITY – PUBLICITY

- 8.01) Candidate's campaign materials shall not be placed in a way that they block any portion of signs placed by the Associated Students Election Committee advertising the elections. A list of approved posting locations will be made available at the mandatory candidates meeting.
- 8.02) All campaign materials, etc. must be removed within forty-eight (48) hours after the close of the elections.
- 8.03) A candidate may use all official DVC media in his/her campaign. Media shall be defined as a publication or broadcast that does not exist for the sole support of a candidate's campaign.
- 8.04) Publicity in violation of any DVC regulations will be removed by the Elections Committee.
- 8.05) Candidates must comply with District Student Services Procedure 3025 and DVC procedure 3025.03.

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SECTION IX: CAMPAIGN FINANCES

- 9.01) Each candidate will file with the Vice President of Executive Affairs a statement of Finance related to their election efforts.
- 9.02) The maximum campaign expenditures per candidate shall be limited to \$150.
- 9.03) In case of a run-off election, candidates shall be allowed to spend no more than \$ 75 in the run-off election.
- 9.04) Campaign expenses shall be defined as the retail value of all materials and/or services purchased by the candidate himself/herself. No funds or materials contributed by outside persons shall be excluded from this total.
- 9.05) All candidates must turn in a statement to the Vice President of Executive Affairs listing all expenses and donations. Donated material will be reported at fair market value for the items or services.
- 9.06) Expense reports will be due by 11:00 AM on the Friday following the last day of election. Failure to file a statement will result in the Vice President of Executive Affairs having the option to take action as prescribed in Section XIII of this Code.

SECTION X: ELECTION PROCEDURES

- 10.01) As per Article III of the Bylaws, officers shall be elected on a plurality basis. Plurality is defined as “The number of votes cast for a winning candidate, if this number is less than a majority but more than that cast for any other candidate.” No percentage or number quota will be used to validate an election. No write in or proxy voting is allowed. (MSC 3/11/08) In the event of a tie vote, a run-off election shall be held for the two candidates with the tie.
- 10.02) An election to select Executive Officers shall be held annually on dates selected by this Committee. In the event this committee cannot, the Executive Committee will set dates prior to the end of the fall semester.
- 10.03) Polls will be open no less than two consecutive days. Locations of Polling Stations will be: Diablo Valley College Pleasant Hill Campus and the San Ramon Center (SRC). Hours will be 9:00 am to 7:00 pm. Elections will take place even if there is only one candidate running for office. If online voting is used, ASDVC Elections Committee, in conjunction with the District and the Office of Student Life, shall set all policies and procedures, including hours of voting.
- 10.04) It is recommended that the general election be held no later than four (4) weeks prior to the end of the spring semester. Run-off elections shall be held within five (5) school days after the general election. (MSC 4/10/07)
- 10.05) General and run-off elections voting may take place online
- 10.06) All currently enrolled students are eligible to vote in all student body elections.
- 10.07) Each student voter shall vote for no more than one candidate for each office.
- 10.08) Newly elected Association Officers shall assume office on June 1 of spring semester

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- 10.09) Candidates are not permitted to campaign within 50 feet of any polling station when in-person voting is conducted. Complaints of undue influence or coercion of voting shall be heard by the Elections Committee and may result in disqualification of the candidate.

SECTION XI: BALLOTS

- 12.01) A sample ballot must be made available to students in advance of the election. (MSC 3/27/07)
- 12.02) Names on the ballot will be listed in random order by legal name, separated by office.

SECTION XII: POLICIES AND PROCEDURES REGARDING ELECTIONS CODE VIOLATIONS

- 13.01) The Chair of the Elections Committee shall be empowered to call special meetings of the Elections Committee to review alleged election code violations.
- 13.02) All complaints of violations of the Elections Code must be presented, in writing, to the Elections Committee Chair. The complaint must be signed and have contact information. Anonymous complaints will not be considered.
- 13.03) Complaints must be submitted the Election Committee by 11:59 pm (via e-mail after 7:00 pm) the last day of voting, unless the complaint involves events subsequent to this date and time.
- 13.04) The Elections Chair may make an effort to resolve any and all complaints or disputes informally.
- 13.05) Failing informal solution, the Election Committee must make a ruling upon a complaint within two (2) weekdays of the submission of the complaint.
- 13.06) Complaints must be proven at a special meeting of the Elections Committee, with the burden of proof being on the complainant.
- 13.07) A quorum of the Elections Committee shall be a simple majority of the filled voting seats.
- 13.08) A simple majority vote of Elections Committee members present shall be required for a complaint of a violation to be upheld.
- 13.09) If a candidate has been proven to have violated any provision of this election code, the Elections Committee will determine the penalty. Violations could result in, but not limited to, any or all of the following actions: formal written warning; formal public letter of reprimand; limitation of ability to campaign; disqualification of candidacy; Disqualification is a last resort; other disciplinary action should be considered first.

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- 13.10) A simple majority vote of the Elections Committee members present shall be required for approval of the recommended penalty to be upheld except as noted below.
- 13.11) A two-thirds (2/3) vote of Elections Committee members present may disqualify a candidate or invalidate all or any portion of an election within its jurisdiction when a hearing by the Elections Committee has shown that sufficient evidence exists that violations of the Election Code may have significantly affected the outcome of the election.

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