



**DIABLO VALLEY COLLEGE
ASSOCIATED STUDENTS ORGANIZATION**

ELECTIONS CODE

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SECTION I: PURPOSE AND AUTHORITY

- 1.01) Pursuant to the requirements Article IV of the Constitution of the Associated Students of Diablo Valley College, 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 of the Associated Students.

SECTION II: AMENDMENTS

- 2.01) Amendments should be proposed through the Constitution Committee.
- 2.02) The Elections Code may be amended by a two-thirds (2/3) 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, two members appointed by the Associated Students President and two members appointed by the Vice President of Legislative Affairs. The President will serve as an ex-officio (non-voting) member. 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.
- 3.02) No member of the Elections Committee shall be a candidate in the election.
- 3.03) The ASDVC Elections Committee, however, has to remain impartial in all dealings with the candidates, coalitions, students, and members of the public. Therefore, members of the ASDVC Elections Committee shall not endorse or campaign for any candidate or coalition whether by verbally, in writing, or in action. In order to be fair to all candidates for Executive office, none of the current Executive Officers will be permitted to endorse candidates.

- 3.04) The Committee shall not campaign in any election nor publicly support any candidate or cause in any election they are administering.
- 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.
- 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.
- 3.10) The Committee shall supervise 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.

SECTION V: CANDIDATES AND COALITIONS

- 5.01) Candidates must be a member ASDVC of Board of Petitioners and meet all requirements as outlined in the Constitution.

- 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) Candidates must be present to accept a nomination for office. All nominations must have a first motion; no second motion is required.
- 5.04) 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.
- 5.05) No Board of Petitioners member may run for more than one office.
- 5.06) There shall be a candidate's orientation meeting called by the Vice President of Executive Affairs within two (2) school days following the close of the nominations.
- 5.07) 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.
- 5.08) Coalitions must be recognized as temporary political organizations at the time of the candidates meeting. A standard form will be available at the candidates meeting. Coalitions must have a minimum of three candidates in the election. Any groups of three or more candidates campaigning as a group are to be considered a coalition and must register.

SECTION VI: GENERAL ELECTIONS – WITHDRAWALS

- 6.01) All qualified candidates who choose not to participate in the General Election should notify the Vice President of Executive Affairs in writing.

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SECTION VII: CAMPAIGN CONDUCT AND RESPONSIBILITY – GENERAL POLICIES

- 7.01) Campaigning shall not begin until 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, 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 Elections Committee.
- 7.04) Candidates are responsible for their own actions and, if they choose to be in a coalition, then they are responsible for the actions and the decisions of their democratically operated coalition. For the purpose of the election, a democratically operated campaign committee shall be defined as a coalition meeting where decisions are done either by consensus or democratic vote. All candidates are subject to the DVC student Code of conduct.
- 7.05) No support 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) College staff shall not coerce, manipulate, or attempt to influence students in the voting process. This also includes referendums, initiatives, recalls, and amendments to the Constitution.
- 7.07) Associated Students funded programs may not expend A.S. funds to endorse a candidate (including coalitions) or engage in an activity that is beneficial or detrimental to any candidate. Use of Associated Students funds for these purposes is prohibited.
- 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, coalitions, and those who are supporting, endorsing, or campaigning for candidates or coalitions 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.

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SECTION VIII: CAMPAIGN CONDUCT AND RESPONSIBILITY – PUBLICITY

- 8.01) The Committee will advise candidates on current rules upon receipt of candidate materials at the mandatory candidates meeting.
- 8.02) The College posting policy must be followed when posting campaign materials.
- 8.03) 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.
- 8.04) All campaign materials, etc. must be removed within forty-eight (48) hours after the close of the elections.
- 8.05) 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.
- 8.06) Publicity in violation of any DVC regulations will be removed by the Elections Committee.
- 8.07) Candidates must comply with District Student Services Procedure 3025 and DVC procedure 3025.03.

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 ½ (one half) the maximum amount of money designated. There will be no carry over regarding the limitations on expenditures.
- 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 (including coalitions) 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 5:00 PM 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 15 of this Code.

SECTION X: ELECTION PROCEDURES

- 10.01) As per Article IV of the Associated Student Constitution, officers shall be elected on a plurality basis. 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 at least two consecutive days Monday through Thursday. 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.
- 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
- 10.09) Candidates are not permitted to campaign within 50 feet of any polling station when in-person voting is conducted.

SECTION XI: SPECIAL ELECTIONS

- 11.01) A special election shall be conducted in the same manner as a regular election as outlined in this Elections Code.
- 11.02) Special Elections will only be held as needed. They will be held during regular elections whenever possible.
- 11.03) Special Elections may be called buy a 2/3 vote of the Associated Students Board for referendum, or by obtaining 5% of currently enrolled students signatures.
- 11.04) Eligibility requirements shall not change.
- 11.05) The Vice President of Executive Affairs will make available copies of the voter pamphlet and ballot and information regarding the dates, times and voting instructions for voting to students. (MSC 3/27/07)

SECTION XII: 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 alphabetically by legal name, separated by office.

**SECTION XIII: 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) days 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; declaring the election null and void. Disqualification is a last resort; other disciplinary action should be considered first.
- 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.
- 13.12) Decisions of the Elections Committee shall constitute the final authority of the Associated Students.

Approved: 02/28/06

Amended: 03/27/07

Amended: 04/10/07

Amended: 02/19/08

Amended: 03/11/08

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