

100.00.00
ELECTION BYLAWS
OF THE ELEANOR ROOSEVELT COLLEGE STUDENT BODY

101.00.00. Authority, Purpose, and Time

101.01.00 Authority

The authority to govern Eleanor Roosevelt College elections is vested in the Election Bylaws of the Eleanor Roosevelt College Student Body, hereinafter referred to as “the Election Bylaws.”

101.02.00 Purpose

The purpose of Election Bylaws is to provide procedures to conduct all elections held under the jurisdiction of the Student Council of Eleanor Roosevelt College, hereinafter referred to as “the Council.”

101.03.00 Time

Elections for all positions as specified in the Constitution of the Eleanor Roosevelt College Student Body shall be held as part of the ASUCSD elections in Spring Quarter. However, special elections may be scheduled and conducted pursuant to the Election Bylaws on dates and time as approved by the Council.

102.00.00 College Elections Manager

102.01.00

Shall be nominated by the President of the Council no later than third week of Winter Quarter and approved by a two thirds vote of the Council and shall serve until the newly elected Council takes office.

102.02.00

Shall have the responsibility to conduct Eleanor Roosevelt College Elections in accordance with the Election Bylaws.

102.03.00

Shall not support or oppose any candidate, slate, or referendum, or be eligible to be a candidate in any Eleanor Roosevelt College and Associated Students election while serving as the Election Manager. Failure to comply with this requirement shall be sufficient grounds for removal by the Eleanor Roosevelt College Judicial Board.

102.04.00

Election Manager duties consist of the following:

- (a) Publicize the upcoming Eleanor Roosevelt College elections to solicit candidates, and inform them Eleanor Roosevelt College Student Body of relevant information concerning the dates, times and locations of voting on Election Days.
- (b) Submit a complete list of qualified candidates, initiatives, and referenda to the Associated Students Advocate General and Dean of Student Affairs.
- (c) Schedule, coordinate and publicize candidates' speeches & forums.

(d) Receive verified election results, which include, but are not limited to, the total number of votes for each candidate and referenda and transmit them to:

(i) The Council

(ii) Eleanor Roosevelt College Dean of Student Affairs

(iii) Eleanor Roosevelt College Judicial Board

(e) Shall serve as an Ordinary Member of the Council.

103.00.00 Associated Students Elections Committee Representative

103.01.00

Shall be nominated by the President of the Council no later than third week of Winter Quarter and approved by a two thirds vote of the Council and shall serve until the newly elected Council takes office. The President shall then send the Council's selection to both the Advocate General and the Clerk by the end of week 3 of Winter Quarter.

103.02.00

Shall not support or oppose any candidate, slate, or referendum, or be eligible to be a candidate in any Eleanor Roosevelt College or Associated Students election while serving as the AS Elections Committee Representative. Failure to comply with this requirement shall be sufficient grounds for removal by the Associated Students Judicial Board.

103.03.00

AS Elections Committee Representative duties consist of the following:

(a) assist the Advocate General with the planning and execution of the election;

(b) work at the main polling location as determined by the Advocate General;

(c) distribute promotional materials campus wide;

(d) perform any other duties as directed by the Advocate General.

104.00.00 Election Committee

104.01.00

The Election Manager shall serve as the Chair of the Committee and shall only vote on Election Committee matters in the case of a tie.

104.02.00

The members of the Committee with the exception of the Election Manager shall be appointed by the Election Manager, subject to a majority vote of the Council.

104.03.00

The members of the Committee shall not exceed nine members.

104.04.00

The members of the Committee shall not be candidates for elected offices or publicly support or oppose any candidate, slate or referendum.

104.05.00

The members of the Committee may only be removed by the Judicial Board of Eleanor Roosevelt College if they cannot or have not faithfully performed their duties.

104.06.00

The members of the Committee shall assist the Election Manager with the planning and execution of the election.

105.00.00 Candidate Eligibility

105.01.00

Each candidate for office, for the duration of the election period, must:

- (a) satisfy the requirements for eligibility for that office that are articulated in the Constitution of the Eleanor Roosevelt Student Body.
- (b) be a registered student of Eleanor Roosevelt College and be in good academic standing with the college and the University.

105.02.00

Referenda intended to apply exclusively to Eleanor Roosevelt College students may only be sponsored or proposed by Eleanor Roosevelt College students.

106.00.00 Filing

106.01.00

The Election Period shall be defined as the period between the starting date of the initial candidate(s) or slate filing period and the close of the polls on the last day of voting for that election.

106.02.00 Candidate

- (a) The filing period shall be a minimum of one week with starting dates and times to be determined by the Election Manager.
- (b) Candidates for all offices, must submit the items listed below to the Dean of Student Affairs Office in person by noon on the final day of filing:
 - (i) Candidate Intent Form, including a statement that they acknowledge receipt of the Eleanor Roosevelt College Election Bylaws and agree to adhere to them
 - (ii) Candidate Endorsement Petition: Petitions must have 50 Eleanor Roosevelt College undergraduate printed student names, signatures, student ID, and college affiliation.
 - (iii) Candidate statement must be submitted via the online form.
- (c) Candidates for the Associated Students Senator position must also submit a copy of the Candidate Endorsement Petition to the Associated Students Advocate General.
- (d) All candidates that fail to meet the necessary filing requirements as stated in

these Bylaws shall be ineligible to be placed on the election ballot and shall be so notified by the Eleanor Roosevelt College Election Manager within twenty- four hours from the determination of ineligibility.

(e) A candidate may withdraw from the election at any time during an election period by notifying the Elections Manager in writing. In the event that a candidate withdraws after their name has been printed on the ballot, none of the votes that they received will be counted toward them. Every effort will be made to delete the candidate's name from the ballot including striking through the candidate's name on the ballot.

(f) Candidate order may not be changed after the close of the ASUCSD Mandatory Candidates Meeting.

(g) A candidate may file for only one Eleanor Roosevelt College office per election.

106.03.00 Slates

(a) Shall be defined as any group of two or more candidates who mutually agree to use the same slate/group name and conduct a joint campaign.

(b) All candidates who wish to run as a slate must file the online Slate Authorization Form that includes candidate positions.

(c) All Eleanor Roosevelt College candidates who file as members of a slate will be held accountable for the actions, conduct, and expenditures of the slate and for any violations of these Bylaws by any member of the slate.

(d) Slate name shall not be changed and no candidate shall be added to any slate after the close of the ASUCSD Mandatory Candidate's Meeting.

(e) To withdraw from a Slate, a candidate must provide written notice to the Elections Manager.

106.04.00 Alignment of College-Specific and Campus-Wide Slates

(a) All slates shall be composed of either candidates running for an Eleanor Roosevelt College-specific positions or candidates running for campus-wide positions. No slate shall contain both students running in an Eleanor Roosevelt College-specific election and other students running in a campus-wide election.

(b) Under no circumstances shall an Eleanor Roosevelt College-specific slate provide election support for a campus-wide slate.

(i) "Election support" in between slates includes, but is not limited to;

a. Campaign material used by a slate that includes the name of one or more other slates, or that includes the name of one slate and candidates from other slates.

b. Coordination of campaign events including but not limited to tabling or student organization visits

c. Tacit or strategic partnerships to coordinate or match logos, slate names or other marketing material, including election photographs.

- d. Financial support to purchase or coordinate the purchase of campaign material, as well as the sharing or gifting of campaign material.

All slates must make a goodwill effort as to not be complicit in any sort of alignment between a college council slate and a campus-wide. If strategic and premeditated alignment between slates does occur, the Elections Committee shall recommend sanctions based on the severity of the alignment.

106.05.00 Referenda

- (a) The filing period for referenda shall be a minimum of one week with the starting dates and times to be determined by the Elections Manager.
- (b) All referenda must be submitted to the Eleanor Roosevelt College Dean of Student Affairs Office by noon on the final day of filing with the appropriate number of valid signatures.
- (c) All referenda sponsors that fail to meet the necessary filing requirements as stated in the Election Bylaws shall be ineligible to have their referenda placed on the election ballot and shall be so notified by the Eleanor Roosevelt College Election Manager within twenty-four hours from the determination of ineligibility.
- (d) A referenda sponsor may withdraw a referendum from the election by notifying the Election Manager in writing only with the consent of Council.
- (e) Referendum order shall not be changed after the close of the ASUCSD Mandatory Candidate's Meeting.
- (f) For a referendum to be placed on the ballot, the language requires either a two-thirds vote of the Council or a petition signed by at least 5 percent of the Student Body.
- (g) For a referendum to be valid, at least twenty percent (20%) of the Student Body must vote on the item.

107.00.00 Spending Limits

107.01.00

Candidates must comply with the following regulations:

- (a) Independent Candidates may not spend more than \$200 (Two Hundred dollars) on campaign materials and/or promotions
- (b) Each Candidate in a slate may not spend more than \$100 (One Hundred dollars) on campaign materials and/or promotions.
- (c) All receipts for campaign materials and/or promotions must be shown to the Election Committee Chair prior to being used.
- (d) Expenditures for parties shall be assessed on candidates by the total expenditure divided by the sum of the candidates on the given party.

107.02.00

Violations:

- (a) Any violation of the spending limits is cause for immediate disqualification.

108.00.00 Campaign Procedures

108.01.00

The campaign period shall begin after the Mandatory AS Candidates Forum, according to timing set forth by AS Council.

108.02.00 Conduct of Campaign

- (a) All campaign materials, physical or electronic, shall include a clearly discernible phrase which shall be composed of “VOTE”, followed by either “ON” or “AT” or “USING” or “VIA” or “THROUGH” or “THRU”, followed finally by either “TRITONLINK” or “TRITONLINK.UCSD.EDU” or “HTTP://TRITONLINK.UCSD.EDU” except when online voting is not being used.
- (b) It shall be a violation of Election Bylaws for any candidate, referendum sponsor, or slate, to:
 - (i) Willfully destroy, deface, move, or remove from their places posters, signs, flyers, banners, or campaign literature of any candidate or slate.
 - (ii) Violate UC San Diego or Eleanor Roosevelt College Posting Policies, as defined by the ERC Residential Life Offices, in the distribution of campaign literature.
 - (iii) Falsify information on Election Candidacy forms or campaign materials.
 - (iv) Commit libel or slander against another candidate or slate.
 - (v) Refuse to appear within three (3) days before the Eleanor Roosevelt College Judicial Board when so requested by the Board.
 - (vi) Fail to file on time any of the Election Candidacy forms specified in these Bylaws.
 - (vii) Tamper with or improperly influence the distribution, collection, tabulation, or storage of the election ballots.
 - (viii) Campaign on election days within 50 feet of the official AS polling stations.
 - (ix) Slates may conduct voting booths so long as voting and campaign procedures are followed as outlined by this document and that voters are informed by a visible posted sign, approved by the elections manager, that they may vote anywhere via Tritonlink (assuming the elections ballot is electronic in nature).
 - (x) Use at any time of Eleanor Roosevelt College offices, services, resources, enterprises or equipment including, but not limited to, computers, paints, stationery or logo for advocating in favor of or against a candidate, referendum, or slate.
 - (xi) University department services or phone numbers shall not appear on any campaign literature produced by candidates.

- (xii) Campaign in any classroom or computer lab, except when they are being used for student organization meetings.
- (xiii) Violate an order of the Eleanor Roosevelt College Judicial Board.

109.00.00 Qualification of Voters

109.01.00

Every Eleanor Roosevelt College student enrolled for Spring Quarter shall be eligible to vote.

110.00.00 The Ballot

110.01.00

Shall be done per the Associated Students Election Code

111.00.00 The Mechanics of the Election

111.01.00

The General Spring Election shall occur concurrently with the Associated Students General Election.

112.00.00 Tallying of Votes

112.01.00

Shall be done per the Associated Students Election Code.

113.00.00 Grievance Resolution

113.01.00 Violation Grievances

(a) Filing Grievance

- (i) Any members of the Eleanor Roosevelt College Student Body may file a Violation Grievance against a candidate or slate for violating campaign procedures, obtainable from the Eleanor Roosevelt College Dean of Student Affairs Office.
- (ii) The signed Violation Grievance form must be filled out in full, detailing as much information about the alleged violation as possible. This may include the date, time, location, pictures and specific information regarding the individual(s) behavior with regard to the alleged violation.
- (iii) All Violation Grievances must be completed and filed with the Election Manager no later than the close of the polls on the final day of the elections.

(b) Hearing

- (i) The Eleanor Roosevelt College Judicial Board along with the Eleanor Roosevelt Election Manager shall conduct a hearing on the grievance within three (3) academic days from the date of the filing of a Violation Grievance form unless both parties and the Election Manager agree a later date/time.

- (ii) The Election Manager shall notify all parties regarding the complaint in writing of the time, date, and place of the hearing and provide a copy of the Violation Grievance Form to the person(s) filing the Violation Report and the person(s) and group(s) charged with the alleged violation.
- (iii) If a member of the Eleanor Roosevelt College Judicial Board is a candidate in the Eleanor Roosevelt College election, they shall be disqualified to sit before cases arising under the jurisdiction of the Election Bylaws.
- (iv) The Judicial Board shall provide means for keeping a record of all proceedings:
 - a. Minutes shall be taken at all hearings.
 - b. A tape recorder may be used for recording all hearings as an alternative to the requirement of taking minutes.
- (v) All hearings shall be open unless the Judicial Board Chair, with the Board's approval, mandates a closed hearing for reasons of maintaining order /or compliance with right to privacy regulations.
- (vi) The Judicial Board Chair, with the Board's approval, shall have the authority to take any action necessary to preserve the integrity and decorum of the hearing.
- (vii) The agenda of the hearing shall be as follows:
 - a. Reading of the Violation Report by the Election Manager.
 - b. Statement of complainant(s), including witnesses
 - c. Cross examination of witnesses by the accused(s).
 - d. Statement of accused(s), including witnesses
 - e. Cross examination of witnesses by the complainant(s)
 - f. Questioning of witnesses by Judicial Board
 - g. Closing statements of complainant(s) and then those of the accused(s)
- (viii) The complainant shall be entitled to:
 - a. Be provided with all of the evidence submitted by the accused at least twelve hours prior to the hearing, such that a defense may be prepared.
 - b. Be assisted in the case by a representative of their choice.
 - c. Question all witnesses at the hearing.
- (ix) The accused(s) shall be entitled to:
 - a. A copy of the completed Violation Grievance form at least one academic day prior to the scheduled hearing.
 - b. Be provided with all of the evidence submitted by the complainant at least twenty-four hours prior to the hearing, such that a defense may be prepared. If the complainant refuses to comply with this requirement, the Judicial Board Chair may dismiss the case.
 - c. Be assisted in the case by a representative of their choice.
 - d. Question all witnesses at the hearing.

e. Refuse to answer any questions.

(x) In determining guilt and the penalty for any violation, the Judicial Board may consider the points listed below, but are not required to use them as a check list in the deliberation process:

a. Kind of Violation.

b. Degree of Severity.

c. Knowledge of involvement of the person(s) accused.

d. Intent of the person(s) accused.

e. Prior Violation.

f. Acknowledgment of the violation by the person(s) accused.

g. Number of counts.

h. Precedent.

(c) Decision

(i) If a candidate, slate, or referenda sponsor is found guilty of violating the Election Bylaws during the Election Period, they may be penalized.

(ii) For disqualification to be considered as a penalty, the complainant(s) must show one of two things:

a. willful or repeated violations on the part of the accused or

b. that the violation was so significant that it likely changed the outcome of the elections in the favor of the accused

(iii) The maximum penalty shall be disqualification, but less severe penalties such as shortened campaign time may be imposed.

(iv) The penalty shall be up to the discretion of the Judicial Board and Election Manager

(v) The Judicial Board shall, after consideration of all testimony and evidence presented at the hearing, render its decision within 24 hours after the completion of the hearing.

(vi) A copy of all the decisions (majority, concurring, and dissenting) shall be distributed to the following parties:

a. Accused(s)

b. Complainant(s)

c. the Council

d. Elections Manager

(vii) Decisions of the Eleanor Roosevelt College Judicial Board and Election Manager are final.

113.02.00

Protest of Procedures of an Election

(a) Any member of Eleanor Roosevelt College Student Body may file a protest of the procedures of the election with the Eleanor Roosevelt College Judicial Board no later

than the academic day following an election by submitting a letter detailing the grievance to the Chair of the Eleanor Roosevelt College Judicial Board.

(b) The Eleanor Roosevelt College Judicial Board may void the election if they

(c) find that:

(i) The procedures governing the election were not followed, and

(ii) Because of this, the outcome of the election was substantially affected

(d) The Judicial Board may not void the election on any other grounds, for any other reason, or by any other procedures.

(e) The Eleanor Roosevelt College Judicial Board shall be the only body with the authority to void an election. The Council, or any member thereof, shall have no such authority.

(f) In the event of an invalidation of the election, the Election Manager shall schedule a new election.

114.00.00 Special Elections

114.01.00

At least 4 weeks before the date of the special election, the Council shall vote by a simple majority whether or not to hold a special election and must specify the dates on which the special election is to be held and the type of ballot to be used.

114.02.00

Individual ballot items shall be approved separately from the motion to hold a special election by a simple majority of the Council at least three weeks before the special election.

114.03.00

The Council shall provide sufficient funds to conduct the election in a fair, unbiased manner.

114.04.00

Eligible voters are all Eleanor Roosevelt College students who are enrolled for the quarter in which the special election is being held.

114.05.00

The Special Election Manager shall be nominated by the President at least three weeks before the date of the special election and approved by a two-thirds vote of the Council. 114.06.00

The Special Election Manager shall have all the duties and responsibilities of an Election Manager as detailed in the Election Bylaws.

114.07.00

The campaign period shall begin at a time and day designated by the Special Election Manager, and shall continue until the polls close on the last day of voting for that election.

115.00.00 Amendments

115.01.00

The Council may, by a majority vote, amend any part of the Election Bylaws; however, the Election Bylaws may not be amended during the course of an election period as defined herein.