

ASUO ELECTION RULES 1999

Last revised April 15, 1999

These rules governing elections for the Associated Students of the University of Oregon (ASUO) provide a framework for the fair, impartial and orderly conduct of those elections. Access to elections as a candidate or an elector shall not be denied based on sex, gender, age, sexual orientation, race, color, national origin, religion, ability, marital, veteran, or political status. All parties involved in elections, including administrators, candidates, and voters have responsibilities and rights that must be fulfilled and respected to ensure the integrity of the process. These rules delineate those rights and responsibilities and are binding upon all members of the ASUO.

SECTION 1. DEFINITIONS

- 1.1 A candidate is defined as a member of the ASUO who has paid the current term or semester incidental fee as defined by the ASUO Constitution, and who has filed a declaration of candidacy (petition) in accordance with Rule 4.1 and 4.2.
- 1.2 A campaign is defined as all actions designed to affect the outcome of an election.
- 1.3 The campaign committee for a candidate shall be defined as all those people who act on the candidate's behalf with the candidate's knowledge or permission. (Sanctions may be invoked against those candidates whose campaign committee by any actions violate the Election Rules.)
- 1.4 A registered campaign manager is defined as a member of the ASUO who is authorized to represent a candidate or campaign committee in all matters covered by these rules, except in declaration of candidacy.
- 1.5 Campaign material is defined as any matter, be it printed, electronic, spoken or otherwise designed to affect the outcome of an election.
- 1.6 Posters and flyers are defined as any painted, printed, drawn or otherwise constructed visual media designed to carry a campaign message.
- 1.7 Sabotage is defined as destroying, defacing, stealing, intentionally covering, removing or altering from its original position of the property of the candidate, campaign committee, or Elections Board without permission. Rule 6.2, section D, contains an exception to this rule.
- 1.8 For purposes of this division, "electors" are defined as all students at the University of Oregon who have paid the current term's or semester's student incidental fee.

SECTION 2. GENERAL PRINCIPLES

- 2.1 Elections and campaigns must be carried out in the best interests of the student body, as determined by the Elections Board and the Constitution Court.

- 2.2 The educational atmosphere of the University shall not be compromised by anyone involved in the election process.
- 2.3 Sabotage of campaigns will not be tolerated. Campus Security and the Eugene Police will be contacted to investigate major violations of this rule. This rule will be strictly enforced by the Elections Board and the Constitution Court.
- 2.4 It shall be strictly enforced that no elector or non-electore shall undertake to promote or oppose the candidacy, election, or recall of an ASUO candidate, promote or oppose a referendum or initiative, or promote or oppose voting in an ASUO election, referendum, or initiative by:
 - (a) Representing or implying to another elector that he or she shall provide or arrange to have provided to such elector any service, opportunity, or other thing of value in return for compliance with such efforts to promote or propose an election or ballot measure outcome, or
 - (b) Representing or implying to another elector that he or she shall withhold or arrange to have withheld from such elector any service, opportunity, or other thing of value if such efforts to promote or oppose an election or ballot measure outcome are not complied with.
- 2.5 For purposes of this section, "service, opportunity, or other thing of value" are defined to exclude benefits which would insure to an elector or electors as a direct result of an election or ballot measure outcome provisions or withholding of a particular service, opportunity, or other thing of value.
- 2.6 No elector or non-electore shall undertake to influence an elector to commit any of the acts described in Section 2.4.

SECTION 3. ELECTION ADMINISTRATION

- 3.1 In accordance with the ASUO Constitution, the Elections Board and the ASUO Elections Coordinator are responsible for administering the ASUO elections.
- 3.2 The Elections Board shall remain absolutely impartial in its administration of the elections, and shall take all necessary actions to insure that the elections rules are faithfully observed.
- 3.3 The Elections Board and the ASUO Elections Coordinator shall take all necessary actions to prevent violations and/or to cause existing violations to cease. Individuals may file complaints of Elections Rules violations. The procedures for filing and hearing such complaints are outlined in Section 7 of these Rules.
- 3.4 The Elections Board shall provide candidates with copies of these rules and with necessary election documents. The Elections Board will announce candidates meetings, forums, deadlines and other election information in the Oregon Daily Emerald. In the case of an

emergency, notice will be posted in the ASUO Controller Office window and will be emailed to those candidates who have provided email addresses. This notice will appear at least 24 hours in advance of a meeting time. These actions shall constitute notice to all elections participants.

SECTION 4. CANDIDATE QUALIFICATIONS AND RELATED MATTERS

4.1 In accordance with the ASUO Constitution, all students of this Association are eligible to hold an elected office, provided they enroll for and complete enough hours to maintain half-time status, and pay the incidental fee, during all terms that the individual will be considered a candidate for elections. Candidates are expected to fully comply with Article 4 of the ASUO Constitution.

4.2 The Elections Board shall place on the ballot the name and position sought of all properly declared candidates who meet the filing deadline. A declaration of candidacy requires filing a petition in person at the ASUO office. The petition must be accompanied by the candidate's administrative verification of current enrollment through university records accompanied by university photo identification card. Election petitions may be accepted for filing by a member of the Elections Board, the ASUO Elections Coordinator, or the ASUO Administrative Assistant or Receptionist. Only candidate or ballot petition forms provided by the Elections Board, or accurate copies, are acceptable, and they must be filled out completely and signed.

All candidates must agree to abide by the ASUO Constitution and these rules to become eligible for the ballot.

4.3 All candidates filing after the filing deadline shall be considered write-in candidates for the Primary, and their names shall not be placed on the ballot by the Elections Board. Candidates who reach the General Election due to a Primary write-in campaign must, prior to placement on the ballot for the General Election, file for the office sought and agree to be liable retroactively for any rule violations that occurred during the Primary.

Candidates who win a seat outright in the Primary are presumed to have agreed to abide by the Election Rules, and will be held responsible for their behavior during General Elections.

4.4 No candidate seeking office as a write-in will be placed on the ballot for the General Election or declared elected in the Primary unless the candidate receives votes in the following manner:

- (a) For President - a minimum of 75 write-in votes
- (b) For Senate positions - a minimum of 25 write-in votes
- (c) For all other positions - a minimum of 10 write-in votes

4.5 For purposes of determining a majority, only write-in votes for a member of the ASUO will be considered as ballots cast.

- 4.6 All candidates, campaign managers and campaign committees shall file a “Contribution and Expenditure Form” with the Elections Board, no later than 5 p.m. two days before the Primary and General elections. Blank forms will be provided by the Elections Board. The form must include an estimate, to the nearest ten dollars, of the total amount spent by the candidate or campaign committee as of 5 p.m. two days before the election concerned.

The form must also list the name of any person or organization that contributed any amount of money to the campaign during the reporting period. Contributions shall include materials and supplies, as well as monetary contributions under the guidelines set in 6.11.

Campaign managers and/or campaign committees must indicate on this form the candidates and/or measures they supported or opposed.

- 4.7 Any candidate may, but need not, register a campaign manager. Any organization or campaign committee not already an ASUO Program or a registered or recognized group must register a campaign manager.
- 4.8 A registered campaign manager and/or campaign committee may be held accountable for any violation of these rules, but the registration of a campaign manager does not diminish the candidate's personal responsibility.
- 4.9 A candidate may withdraw from candidacy by presenting a written statement in person to the Elections Board, any time before the unofficial results are posted by the Elections Board on election night.

SECTION 5. ELECTION PROCEDURES

- 5.1 Candidates polling more than 50% of the vote in the Primary for any one position will be elected. Absent a majority, the two candidates polling the highest number of votes in the Primary, including write-in candidates, shall be placed on the ballot for the General Election.

No write-in votes will be counted in the General Election. The candidates receiving the highest number of votes in the General Election will be elected.

- 5.2 If the election is for a multiple position seat, e.g., Senate, ASPAC, ASUO Programs Finance Committee, EMU Board, Athletic Department Finance Committee, and more candidates than twice the number of seats available file or receive the requisite write-in votes established in Section 4.4 of this document, twice the number of candidates than seats available shall go on to the General ballot based on the number of votes received.

Example: There are two two-year EMU Board At-Large seats available, so the candidates with the four highest vote totals in the Primary go on the General Election ballot.

- 5.3 No person shall vote more than once for the same position in any election unless directed to do so by instructions printed on the ballots.

Example: The EMU Board ballot will include the heading "vote for two".

- 5.4 Each available Senate seat will be elected separately except in the case of special circumstances determined by the Elections Board.
- 5.5 The Elections Board shall arrange for students at the Oregon Institute of Marine Biology to have access to the Voter's Guide and the opportunity to vote. The Elections Board will make an effort to ensure that students in field placements and internships have the opportunity to vote.

Those persons who know that they will be away during the elections may vote before the scheduled time of the elections by presenting a letter of explanation and a current validated UO I.D. card to a member of the Elections Board, the ASUO Elections Coordinator, or the ASUO Administrative Assistant or Receptionist between 9 a.m. and 5 p.m. at Suite 4, EMU on any of the five working days before a scheduled election. Students will cast their ballot in the presence of one of the above staff members and one other witness, placing the ballot in a sealed envelope. The official receiving the ballot will ensure that the ballots received in this fashion are secured in a locked location until they are counted on the final day of the election involved. A tally recording the number of votes cast in this fashion shall be kept by an Elections Board member in order to ensure that all ballots are counted on the final day of election involved.

- 5.6 Provisions for absentee voting will be announced by the Elections Board far enough in advance of the elections to give notice to students who may wish to use the absentee voting process. Such announcement will appear in the Oregon Daily Emerald.
- 5.7 Candidates may request a recount, after the declaration of the results, by petition to the Elections Board within one working day of the announced results. The Elections Board may order a recount upon its own motion, and shall order a recount upon written request by a candidate or campaign manager and/or campaign committee if the margin of victory is less than 40 votes. In the event that results are confirmed by 3 out of 5 counts conducted no further recounts may be requested.
- 5.8 Each publication that regularly covers campus issues, and which publishes at least monthly during the academic year, shall be guaranteed two observer passes permitting access to the room where the ballots are counted. Each Presidential candidate shall be permitted to have one observer, other than the candidate, in the room where the ballots are counted

Observer status request forms are available from the Elections Board Office Manager.

SECTION 6. CAMPAIGN RULES

- 6.1 Candidates and campaign committees shall be held responsible for all election-related activities explicitly or implicitly authorized by the campaign.
- 6.2 Campaign material may not be posted (affixed by any method) on, in or to any University building with the following exceptions:

- A. There is a limit of one visible poster or flyer per bulletin board per candidate. Each campaign committee supporting or opposing a ballot measure is limited to one visible poster or flyer per bulletin board.
 - B. Posters and flyers for candidates or measures placed on public, campus bulletin boards shall be limited to 14 x 22 inches in size.
 - C. Any printed campaign material for or against a ballot measure must identify the sponsoring organization, committee, or person somewhere on the front of the material.
 - D. Anonymous posters or flyers for or against a ballot measure are subject to removal by the Elections Board or any person acting with explicit permission from the Board.
 - E. Flyers may be distributed in the Erb Memorial Union.
 - F. Candidates and their campaigns will be responsible for the removal of all campaign material within 48 hours of the close of the General Election.
- 6.3 Rallies and speeches in the EMU Courtyard Amphitheater are acceptable under the guidelines established in the UO Activity Reference Guide.
- 6.4 Campaigning within 50 feet of a voting booth on an election day is prohibited. Campaign material, other than the Voter's Guide, shall not be displayed so as to bear a message, name or campaign symbol within 50 feet of a voting location on an election day.
- 6.5 No elector shall be prohibited from voting because of their attire, as long as it is not in conflict with rule 6.4.
- 6.6 *[Invalidated upon review by ASUO Constitution Court pursuant to Article 10.15 of ASUO Constitution as of 3/15/94.]*
- 6.7 Candidates and ballot measure campaigns (for or against) shall not accept contributions in excess of \$500.00 from any one individual or group (see 6.9).
- 6.8 People employed by, or acting on behalf of, the Elections Board shall not in any way attempt to influence the opinions of the voters concerning candidates or issues on the ballot. The Elections Board considers violations of this rule to be extremely serious, and may prosecute anyone accused of a violation.
- 6.9 Regulations of the Student Senate and the ASUO Executive shall govern ASUO program behavior in the election process. Questions regarding the use of incidental fee funded resources shall be resolved under such regulations, subject to appeal to the ASUO Constitution Court. Such regulation known to the Elections Board at the time of publication of these rules are:

ASUO Executive Rule 82.4

"No incidental fees may be spent to support the campaign of any individual, or party, for public office. Fees may be used to promote appearances and discussions between several candidates for public office, in order to increase student knowledge of the issues of candidates."

- 6.10 No elector, non-elect, or member of a student organization shall cause to be printed, posted, broadcast, mailed, circulated, or otherwise published, any written matter, photograph, or broadcast relating to any ASUO election, candidate, or ballot measure unless it states the name(s) of the person(s) or group(s) who paid or will pay for the costs of such material's publication and distribution.
- 6.11 The campaign committees of all candidates for election, and the campaign committees promoting or opposing any ballot measure shall maintain itemized, current, and complete records of the sources and amounts of financial contributions received in the course of all campaigns. Each such committee shall provide the ASUO Elections Board with copies of these records at the Elections Board's request. Copies of any records requested by the Elections Board shall be made available to the public no later than two days prior to the date of any ASUO Election at a location and at times to be announced by the Election Board.
- A For purposes of this section, "financial contributions" shall be deemed to include the contribution of material resources and supplies, as well as monetary contributions.
- B. For purposes of this section, "campaign committees" shall be deemed to include any individual or group of individuals, electors or non-electors, undertaking in any concerted way to promote or oppose a candidate or ballot measure.
- 6.12 In order to ensure fair and equal access to University facilities and resources for proponents of all views during an election or ballot measure, no elector shall employ, for any purpose relating to such election or ballot measure, any University facility or resource to which other electors do not have equal access.
- A. For purposes of this section, University facilities and resources shall be deemed to include, but not limited to:
- (i) assembly rooms and halls generally available for University or University-recognized activities,
 - (ii) performance arenas and halls generally available for University or University- recognized activities,
 - (iii) indoor and outdoor athletic fields operated by the University,
 - (iv) office equipment and visual or audio equipment available for use through any academic or non-academic department or division of the University,
 - (v) paper goods and other supplies stocked by any academic or non-academic department or division of the University,

- (vi) publications produced with University and/or student funds.
- B. For purposes of this section, equality of access shall be measured by factors including but not limited to:
- (i) absence of any rule or policy limiting or barring any prospective user's use of the facility or resource for campaign-related purposes,
 - (ii) absence of any preference accorded to any prospective user for the campaign-related use of the facility or resource,
- C. For purposes of this section, equality of access shall require the availability of comparable, but not necessarily identical, University facilities or resources.
- 6.13 No individual may disrupt University class time to promote or oppose a candidacy or ballot measure.
- 6.14 Any candidate convicted of violating University rules and regulations or Oregon state or local law that may reasonably be judged to have unjustly influenced the outcome of any ASUO elections will be disqualified.
- 6.15 No campaigning in support or in opposition to a candidate or ballot measure is permitted in the ASUO Executive Office, including the use of mailboxes.

SECTION 7. GRIEVANCES, COMPLAINTS, AND VIOLATIONS

Section 7 was revised to reflect the amendment of ASUO Cons. 12.5, amended by a vote of the students in the 1999 Special Election, February, 1999. The old text has been removed.

- 7.1 The following rules shall govern the filing and processing of grievances regarding Elections Rules. For purposes of this section, “grievance” and “complaint” shall assume the same meaning.
- 7.2 Filing of grievances
- Fill out a grievance form provided by the ASUO Elections Board. Make sure the form is filled out correctly or it may be disregarded. Make sure that when you turn it in it is given directly to a member of the Elections Board. If a member of the Elections Board is not present, the grievance may be given to the ASUO Administrative Assistant.
- 7.3 Review of grievances
- (a) After the grievance has been filed, the Elections Board will review it. After a preliminary review of the grievance, the Elections Coordinator will appoint one of the Elections Board members to act as an Investigative Officer. The Investigative

Officer will collect information. Within three days, the Elections Board will hold an administrative meeting. The Elections Board may allow both parties to the grievance to present their case. After the administrative meeting, the Elections Board will make its decision and issue sanctions if necessary. The decision shall be released as described in Section 7.3, subsection (b), below.

- (b) The Elections Board will issue its written decision to both the plaintiff and the defendant and shall forward a copy to the Constitution Court. Parties to the complaint may appeal the decision within seven calendar days of the release of the decision.

7.4 In order to avoid real or imagined conflicts of interest, elections grievances against the Elections Board or the ASUO Executive shall not be heard by the Elections Board. Instead, they shall be filed directly with the Constitution Court using the grievance form provided for this purpose. This form will be made available by the Elections Board.

SECTION 8. BALLOT MEASURES

8.1 All ballot measures regarding incidental fee funding shall specify an exact figure for the total allocations and an estimate of the per student assessment to be recommended by the Student Senate, except as required by Section 6.15 of the ASUO Constitution.¹

8.2 Ballot measure wording must be approved by the Constitution Court prior to collecting any signatures. Draft wording must be submitted to the Constitution Court (with 5 copies) in their box in Suite 4, no later than (5) school days prior to the filing deadline established by the Elections Board.

8.3 All signatures for a ballot measure must be gathered on the enclosed petition form within the Elections Packet, and signed by the petitioner.

¹6.15 The ASUO recommended incidental fee assessment for each of the following Major Programs:

- 1) ASUO programs,
- 2) the Athletic Department, and
- 3) the incidental fee portion of the EMU budget;

shall not exceed a 7% increase over the previous year's student incidental fee assessment, unless individually approved by an initiative or referendum held under Section 14 of this Constitution. If placed on the ballot, the measure shall specify the exact amount in both percentage and dollars by which the 7% limitation will be exceeded.