

# Associated Students of Western Washington University 2019 Election Code

## Table of Contents

<b>Section 1: Procedure for Running for Elective Office</b>	<b>2</b>
I. Filing and Mandatory Election Meeting	2
II. Campaigning	3
III. Elections	3
IV. Presentation of Results	3
<b>Section 2: Student Initiative Procedure</b>	<b>3</b>
I. Filing	3
II. Campaigning	5
III. Elections	5
IV. Authority	5
<b>Section 3: Election Policies</b>	<b>6</b>
I. Candidate Eligibility	6
II. Conduct	6
III. Campaigning and Advertising	6
IV. Endorsements	8
V. Campaign Spending, Financial Disclosure Statements and Public Financing	9
VI. Grievances	11
VII. Voter Eligibility	12
VIII. Online Voting, Polling Stations and Poll Workers	12
IX. Ballot Format	13
X. Ballot Counting	13
XI. Disqualification of a Winning Candidate	13
XIII. Referenda	13
XIII. Recall of AS Board Members and Special Elections for the Purpose of Recall	14
XIV. Special Elections for the Purpose of Filling Vacancies on the Board	15
XV. Interpretation of the Election Code	15
XVI. Revision of the Election Code	15
XVII. Deadlines	16
<b>Section 4: Definitions</b>	<b>16</b>
<b>Section 5: Instant Runoff Voting (IRV)</b>	<b>17</b>

## **Section 1: Procedure for Running for Elective Office**

(for a listing of elective offices see the *Bylaws of the Associated Students of Western Washington University*, Article V. Section 4.)

### I. Filing and Mandatory Election Meeting

a. In order to run for elective office, individuals must:

- (1) *be eligible to run for the position desired at the time of filing for candidacy*(see candidate eligibility requirements in Section 3, clause I of this Code).
- (2) *file an official petition to run and all required forms in the candidate packet with the Program Coordinator to the AS Board of Directors by 4:00 p.m. by the last day of the filing period [04/09/2019].* Failure to turn in the filing packet by the deadline will result in disqualification. Official petitions and candidate packets will be available for pick-up from the AS Board of Directors Program Coordinator on the first day of the filing period [03/012/2019].The required forms will include, but are not limited to:
  - i. Registration form,
  - ii.
  - iii. Candidate Conduct Agreement
  - iv. Spring Quarter Schedule
  - v. Candidate Statement
- (3) *attend the Mandatory Election Meeting* (see sub-clause d. of this section).

b. Candidate petitions will only be accepted for filing if they:

- (1) *include a minimum of fifty (50) signatures from currently enrolled, main-campus WWU students.* Signers' WWU student number and printed name must be included alongside their signatures. Illegible, duplicate or incomplete signatures will not be counted. If you feel unsafe with the signature collection process, please notify the Elections Coordinator with proposed alternate activity to engage with students no later than [03/09/2017] at 2:00p.m. to schedule a meeting to take place no later than 5:00 p.m. [03/10/2017]. You will propose the alternate activity to the AS Election Board Chair and the AS Elections Coordinator for a decision. The AS Election Board Chair and AS Election Coordinator reserve the right to not approve of your proposed alternate activity. If at any point you chose to not fulfill your alternative activity if approved, you still have the option of collecting fifty signatures by the end of the filing period.
- (2) *are the official petition forms included in the candidate packet.* Individuals may not use signatures on a petition form which indicates one position to file for a different position.
- (3) *Contain only signatures collected in direct personal interactions by the candidate.*

c. Individuals may only file to run for one elective position in any given election.

d. The Mandatory Election Meeting will take place on [4/12/2019, 5:00-8:00 PM, VU 464 .  
*Candidates who do not attend the meeting will not be eligible to run for office*, and their names will not be placed on the ballot. Exceptions to this rule will only be made if:

- (1) a verifiable, documented illness or emergency is reported to the AS Elections Coordinator *prior* to the meeting.
- (2) extraordinary and unavoidable circumstances (e.g. military reservist activation, etc.) are reported to the AS Elections Coordinator and are reviewed by the Coordinator and accepted as an excuse. The Elections Coordinator's decision may be appealed to the Elections Board.

- (3) unavoidable participation in university events and travel including, but not limited to, Departmentally Related Activities Committee (DRAC) sponsored events, Varsity Athletics, Sport Clubs, and other such events whose date was set prior to the approval of the AS Election Code by the AS Board of Directors. [03/16/2019]
- (4) Unavoidable participation in activities related to academics (e.g. class, testing, etc.)
- (5) all candidates excused by the Elections Coordinator must schedule a make-up meeting with the Coordinator within seven calendar days of the Meeting.

## II. Campaigning

- a. The campaign period shall last from 9:00 a.m. on the second day following the Mandatory Election Meeting [04/12/2019] to 2:00 p.m. on the last day of the elections [05/04/2019]. No physical campaign materials shall be posted, distributed or displayed outside of this period. See Section 3, clause III of this Code for further details.
- b. Certain limited campaign activities are permissible outside of the campaign period. See Section 3, clause III of this Code for further details.
- c. Candidates are eligible for public campaign financing and must file financial statements regarding campaign expenditures. See Section 3, clause V of this Code for further details.

## III. Elections

- a. The elections period for elective office, initiatives, and referenda shall begin at 12:00 a.m. on the last Monday of April [04/30/2019] and last until 2:00 p.m. on the following Friday [05/04/2019]. The Elections Coordinator and Election Board Chair may change the dates and times of the elections with the approval of the AS Board of Directors. In the event of technical issues that may occur the Elections Coordinator, Election Board Chair, and the AS Election Advisor may extend the close of elections.
- b. In order to win election to office a candidate must be elected according to the procedure outlined in Section 5 of this Code.

## IV. Presentation of Results

- a. The Elections Coordinator, Election Board Chair, and Elections Advisor shall certify the election results and report the election results as well as public financing statements to the AS Board of Directors at the Board's next regular meeting following the elections. Election results for which a grievance is pending at the conclusion of the elections may be certified by the Elections Coordinator, Election Board Chair, and Elections Advisor after that grievance has been resolved, and presented to the AS Board of Directors at the Board's next regular meeting.

## **Section 2: Student Initiative Procedure**

### I. Filing

- a. Any student eligible to vote in the AS elections may request that a question (hereto referred to as an initiative) to the student body be added to the ballot (see Section 3, clause VII for eligibility requirements). A single student may sponsor no more than one (1) initiative in any one election due to the demands on the sponsor. The sequential process for requesting approval of initiative language requires the sponsor(s) to:
  - (1) create a question to be presented to the student body that can be answered in the affirmative or the negative.

- (2) secure an AS Board Member to evaluate the legality and feasibility of the initiative and bring the question as an Agenda Item before the Board.
  - (3) declare under what Authority (see section 2, clause IV) the initiative is being proposed with the submitted language.
  - (4) submit the language of the proposed measure, authority, and any supporting documentation to the AS Board of Directors Program Coordinator and the sponsoring Board Member by the document submission deadline [4:00 p.m. on Friday 03/02/2019]. Students are advised to submit the language of the measure for review as early as is feasible.
  - (5) Sponsor or delegate must attend the Board Meetings where the question is discussed. The Board must approve, approve with amendments, or reject the language within its next three meetings. The Board of Directors may only reject the proposed measure if its language is deemed misleading, or if there is reasonable concern about the legality of the proposed measure under local, state, or federal law, Western Washington University policy, or relevant AS policies. The Board of Directors may only amend the language of the measure in a way that does not affect its substantive content. If the Board does not take action within three regularly scheduled meetings following the submission deadline [03/02/2019], the submitted language will be considered to have Board approval.
- b. Once the language is passed through the above process, initiative sponsor(s) must *obtain student signatures on an official petition form for the measure totaling a minimum of five percent (5%) of the number of students enrolled at the main campus of WWU in the winter quarter*, as determined by the WWU Registrar. Petition requirements include:
- (1) using the official petition form provided. The AS Board Program Coordinator will provide this form to the initiative sponsor no later than two school days after the passing of the language by the AS Board. This petition form shall include: the name(s) of the sponsor(s) of the initiative, the academic year the forms were distributed, and the exact wording of the proposed initiative.
  - (2) students signing the petition must be currently enrolled, main-campus WWU students. Signers' WWU student number and printed name must be included alongside their signatures. Illegible, duplicate or incomplete signatures will not be counted. If the language of the proposed measure is amended in any way during or after the signature gathering process has begun, then the signatures which were collected in favor of the original language will not be counted.
  - (3) signatures obtained in favor of the placement of a measure on the ballot must be obtained during the winter or spring quarters of the academic year in which the measure is sought to be placed on the ballot only once the language has been approved by the AS Board of Directors.
  - (4) filing the petition and all required forms in the Initiative Packet with the AS Board of Directors Program Coordinator by 4:00 p.m. on the last day of the election filing period [04/09/2019].
- c. Sponsor(s) must *attend the Mandatory Election Meeting* (see Section 1, clause I (d)).
- d. Sponsor(s) of initiative opposition campaigns must meet with the Elections Coordinator before campaigning.
- e. Measures which have met these criteria and have been duly filed with the AS Board of Directors Program Coordinator by the filing deadline [4:00 p.m. on 04/09/2019] shall be placed on the

spring AS elections ballot as a student initiative. The language of the initiative on the ballot must match exactly that of the duly filed measure.

- f. Opposition campaigns shall have an additional week to file and submit oppositional initiative packet (4:00 p.m. on 04/16/2019).
- g. One statement supporting and one statement opposing the initiative may appear on the ballot alongside the initiative, not to exceed 250 words. The supporting statement is the statement submitted by the initiative sponsor and must be submitted by the election filing deadline. An opposition statement must be submitted by an initiative opposition campaign sponsor to the Elections Coordinator by one week after the initiative filing deadline [04/16/2019]. Only one opposition campaign will be permitted, and only the first sponsor to duly file all required oppositional initiative packet documents for an opposition campaign will be accepted. The name of the organization(s) and/or person(s) making the statement shall appear on the ballot alongside the statement.

## II. Campaigning

- a. The student(s) filing the initiative petition or opposition initiative campaign or an organization created and managed by them shall be considered the official campaign on behalf of the initiative or initiative opposition and may campaign for its passage or opposition. Said student(s) and/or organization(s) may spend money, hold campaign meetings, recruit volunteers and post, display or distribute physical campaign materials subject to the same limitations placed on candidates for office and outlined in this Code. Initiative campaigns shall be required to file financial disclosure statements as outlined in Section 3, V of this Code. Initiative campaigns shall be eligible for public financing as outlined in Section 3, V (d) of this Code.
- b. The campaign period shall last from 9:00 a.m. on the second day following the Mandatory Election Meeting [04/14/2019] to 2:00 p.m. on the last day of the elections [05/04/2019]. No physical campaign materials shall be posted, distributed or displayed outside of this period. See Section 3, clause III of this Code for further details.
- c. Certain campaign activities are permissible outside of the campaign period. See Section 3, clause III of this Code for further details.

## III. Elections

- a. The elections period for elective office, initiatives, and referenda shall begin at 12:00 a.m. on the last Monday of April [04/30/2019] and last until 2:00 p.m. on the following Friday [05/04/2019]. The Elections Coordinator may change the dates and times of the elections with the approval of the AS Board of Directors.
- b. In order to pass, any initiative presented to the students for approval must receive a simple majority (50% +1) of the votes cast for that initiative.

## IV. Authority

- a. In accordance with Articles VI and VIII of the *Bylaws of the Associated Students of Western Washington University*, a student initiative which passes may, subject to the restrictions of WWU policy and other applicable laws:
  - (1) an initiative may instruct that the Board of Directors, within their purview, create, change, or terminate current AS policies.
  - (2) an initiative may instruct the Board of Directors to pursue or not pursue some action.
  - (3) make a declarative statement on behalf of the AS.

- b. Change or termination of AS policies, procedures and actions may be subject to review and approval prior to implementation by an appropriate administrative body or employee(s) of WWU, in accordance with WWU policies.

### **Section 3: Election Policies**

#### I. Candidate Eligibility

- a. : The following eligibility requirements must be met by the end of the filing period, maintained through campaign period and if elected, throughout the term of the position:
  - (1) *be enrolled as a student at the main campus of WWU*, and be taking a minimum of six (6) credits as an undergraduate or four (4) as a graduate student.
  - (2) Have a minimum of a 2.50 cumulative grade point average at the time of election.
- b. Eligibility of candidates shall be verified by the Elections Coordinator and the AS Board Program Coordinator prior to the opening of physical campaigning. The Elections Coordinator may require additional information from candidates in order to ascertain eligibility. The Elections Coordinator's decisions on eligibility may be appealed to the Election Board.
- c. The Election Board Chair, Election Board members and the AS Elections Coordinator are not eligible to pursue an AS elective position or to sponsor an initiative during the academic year in which they serve in their position.

#### II. Conduct

- a. Candidates, measure sponsors, official opposition campaigns, or any person otherwise involved in a campaign will adhere to the Candidate conduct agreement provided in the candidate filing packet.
- b. Under no circumstances are drugs or alcohol to be present, available, or provided at campaign related events, regardless of location or participant age.
- c. Bribes, incentives or compensation in exchange for votes are prohibited.

#### III. Campaigning and Advertising

- a. The following campaign activities *shall be permitted at any time* for students seeking or considering seeking elective office, or seeking to place a measure on the ballot, or campaigning for or against a measure on the ballot, or for students associated with a campaign:
  - (1) declaration or announcement of candidacy or sponsorship of a measure.
  - (2) campaign meetings in which physical campaign material is not distributed, posted or displayed, except where such activities are prohibited by WWU policies, with the exception of reserved table spaces provided by the Elections Coordinator.. For the purposes of this provision, volunteer sign-up sheets and candidate petition forms do not constitute physical campaign materials.
- b. The following campaign activities *shall be permitted only from the first day of the winter quarter of WWU to the close of the elections in the spring quarter*:

- (1) verbal campaigning for a position or for a measure and recruitment of volunteers to work on a campaign, except where such activities are prohibited by WWU policies, with the exception of reserved table spaces provided by the Elections Coordinator .
- c. The following campaign activities *shall be permitted only from the opening of the candidate filing period* [03/12/2019] to the close of the elections [05/04/2019] in the spring quarter:
- (1) online campaigning for a position or for a measure and the establishment of websites or web pages supportive of a candidacy or measure.
  - (2) previously established websites or pages may be reactivated with the approval of the Elections Coordinator so long as all previous content is deleted.
- d. The following Campaign activities *shall be permitted only during the campaign period specified in Section 1, Cl. II (a) of this Code*,:
- (1) the distribution, posting or display of any physical campaign materials, as defined by Section 4 of this Code, on the main campus of WWU, but only in locations specified by this Code and by the Elections Coordinator and excluding where such activities are prohibited by WWU policies, with the exception of reserved table spaces provided by the Elections Coordinator .
  - (2) programs organized by RHA or Residence Hall Councils in which candidates are invited to speak. For such events, all candidates for a given position must be invited and given a minimum of three (3) days' notice. If a candidate declines the invitation, the program is permitted to continue.
- e. During the campaign period specified in Section 1, Cl. II (a) of this Code, physical campaign materials, as defined by Section 4 of this Code, which are to be posted may only be posted on free boards and on spaces on the outside of buildings, as designated by the Elections Coordinator (see Attachment A to this Code). Candidates are limited to posting one poster per free board per candidate. The maximum size of a complete horizontal banner posted at any location shall be three feet by eight feet (3' by 8'). Yard signs or other physical campaign materials which are freestanding and/or anchored in the ground are prohibited. This provision only applies to physical campaign materials posted on WWU's campus.
- f. During the campaign period specified in Section 1, Cl. II (a) of this Code [04/14/2019 to 05/04/2019], physical campaign materials, as defined by Section 4 of this Code, which are to be displayed or distributed but not posted, may be displayed or distributed at any location on the main campus of WWU, except where their display or distribution is prohibited by this Code or by WWU policies, with the exception of reserved table spaces provided by the Elections Coordinator . For the purposes of this provision, apparel, stickers, and buttons are an exception to the rule on displaying physical campaign material. Physical campaign material such as apparel, stickers, and buttons may not be worn by AS employees while acting in their official capacity as AS employees.
- g. The following campaign activities *shall not* be permitted at any time for students seeking or considering seeking elective office, or seeking to place a measure on the ballot, or campaigning for or against a measure on the ballot, or for students associated with a campaign:
- (1) the posting or writing of campaign materials or messages of any sort on classroom chalkboards or whiteboards, or on-screen savers or backgrounds of any campus computer.
  - (2) the distribution, posting or display of any physical campaign materials on the main campus of WWU, except at those times and places permitted by this code.
  - (3) the posting, display, or distribution of any item of physical campaign material that is in support of more than one candidate or ballot measure.

- (4) campaigning of any sort in the public spaces of WWU with the exception of reserved table spaces provided by the Elections Coordinator.
- (5) verbal campaigning of any sort in academic classrooms, with the exclusion of the collection of signatures on a filing petition, the announcement of a candidacy and the advertising of election events organized by the Elections Coordinator.
- h. Campaigning of any sort, including campaign activities listed in Section 3, clause III (a) of this Code, shall be prohibited in the following locations during the time of the elections [04/30/2019 at 12:00 a.m. to 05/04/2019 at 2:00 p.m.]
  - (1) in any computer lab or within thirty feet (30') of a stationary computer station on the main campus of WWU,
  - (2) within sixty feet (60') of an official voting booth.
- i. The logos of AS offices, officially recognized AS programs, WWU offices, and AS councils and committees (standing or ad-hoc) may not be used on any campaign materials or campaign websites. For the purposes of this provision, campaign social media sites are able to share items related to the groups listed above, but may not use these logos with any electronic campaign materials (e.g. profile picture, cover photo, etc.). The AS logo is an exception to this rule and may be used on campaign materials.
- j. Physical campaign materials, as defined by Section 4 of this Code, and any adhesive used must be completely removed and cleaned up from any location on campus by the candidates or sponsor(s) of a measure who posted or distributed them by 8:00 a.m. on the third calendar day following the close of the elections [05/07/2019]. Candidates or sponsors of measures who fail to comply with this requirement shall forfeit up to \$25 of their public financing reimbursement or be charged up to \$25 . In extreme cases, failure to comply with this requirement may result in the filing of an official grievance against a candidate or sponsor of a measure.
- k. Intentional tampering with any candidate's or measure's campaign materials by any candidates, sponsors, or anyone affiliated with any campaign shall be prohibited. Intentional tampering includes, but is not limited to: defacing, unapproved removal, crossing out, marking on or covering up of campaign materials. Intentional tampering constitutes grounds for the filing of an official grievance, and may lead to disqualification. Unintentional damage to another candidate's campaign material must be reported to the Elections Coordinator and/or to the party affected immediately, and must be remedied by the party causing the damage within a time frame specified by the Elections Coordinator.
- l. No AS funds or resources may be used to campaign for or against a candidate or measure on the ballot, unless the resource is publicly available to all students or the funds are allocated through the AS public financing mechanism.

#### IV. Endorsements

- a. AS offices, officially recognized AS programs, AS councils and committees (standing or ad-hoc), the Residence Hall Association (RHA), and National Residence Hall Honorary (NRHH) may not endorse candidates or measures, and may not organize events, spend money, or use any AS resources for or on behalf of a candidate or measure. The logos of AS offices, officially recognized AS programs, AS councils and committees (standing or ad-hoc), RHA, and NRHH may not be used on any campaign materials.
- b. Current AS employees, may not, as employees or individuals, endorse candidates.
- c. AS employees may not, even as individuals, work on a campaign for or against a candidate, with the exception of their own as a filed and eligible candidate.



- d. AS clubs and Hall Councils may officially endorse candidates or measures of their choice starting on the first day following the Mandatory Election Meeting [04/12/2019]. AS clubs and Hall Councils may not organize events, spend money or use any AS or residence hall resources for or on behalf of a candidate, but may sponsor events where all candidates for a particular position are invited to participate at least three (3) days in advance. AS Clubs and Hall Councils may organize events on behalf of measures following the Mandatory Election Meeting [04/12/2019] but may not spend funds in support of measures.
- e. Candidates or measures may not be publicly endorsed at an AS sponsored event. Candidates may speak at AS sponsored events for campaigning purposes if, and only if, all candidates for their position have been offered the option of speaking for equal time, at least three (3) days in advance. This Code only requires that the opportunity be offered. The candidate may still speak if their opponents decline. For the purposes of this Code, club meetings do not constitute AS sponsored events.
- f. Candidate use of club materials to imply support/endorsement is prohibited without club consent.
- g. Measures may not be publicly endorsed at an AS sponsored event. AS clubs may not spend money or use any AS resources for or on behalf of a measure. Initiative and referendum sponsors may speak at AS sponsored events for campaigning purposes.
- h. AS Employees, other than Board Members, who are seeking AS elective office, sponsoring a measure or are otherwise affiliated with a campaign must delegate all AS Elections related duties to another employee.

#### V. Campaign Spending, Financial Disclosure Statements and Public Financing

- a. Each candidate, and the sponsor(s) of each measure on the ballot, shall be limited to making up to fifty dollars (\$50) in campaign expenditures during the course of any election. Campaign expenditures shall include:
  - (1) any funds spent directly by the candidate or measure sponsor(s) in the course of a campaign;
  - (2) any funds spent on behalf of a candidate or a measure by a third party;
  - (3) any donated contributions to the campaign of a candidate or a measure by the candidate, by the measure sponsor(s), or by a third party. Valuation for any items donated to the campaign must be approved by the Elections Coordinator;
  - (4) Any funds spent in support of a public or private campaign related event;
  - (5) any campaign expenditures refunded through public financing.
- b. The following items shall not constitute campaign expenditures:
  - (1) volunteered labor.
  - (2) donated campaign related photography or design.
  - (3) tools used in a campaign that were not acquired specifically for the campaign. For instance, if a personal printer is used for printing posters, the cost of the printer need not be included as an expenditure.
- c. Candidates, initiative and referendum sponsors may only make campaign expenditures, or have them made on their behalf, from the opening of the candidate filing period to the close of the elections.

- d. All candidates and sponsors of initiatives, referendum, and oppositional campaigns must file a financial disclosure statement, even in the event that no funds are spent or requested, with the VU Finance Office by 4:00 p.m. on the last day of the elections [05/04/2019]. Financial disclosure statements must include:
- (1) an itemized listing of all campaign expenditures by candidates and campaigns, as well as those made on behalf of candidates and campaigns by third parties.
  - (2) copies of receipts (or screenshots of proof of payment) for all campaign expenditures, unless they have already been submitted through the public financing process.
- e. Penalties for failing to file a financial disclosure statement and fully disclose all campaign spending may include, but are not limited to, forfeiture up to \$25 of their public financing reimbursement or be charged up to \$25; disciplinary action; and disqualification.
- f. Public financing shall be available for approved campaign expenditures to candidates who have duly filed to run for elective office, as well as to the sponsor(s) of initiatives, referenda, and sponsor(s) of initiative and referendum opposition campaigns which have been duly filed and which are to appear on the ballot in elections. Each candidate shall be eligible for a maximum of **fifty dollars (\$50)** in public financing. Each initiative and referendum campaign and opposition campaign shall be eligible for a maximum of one hundred dollars (\$100) in public financing. The total level of public financing for all candidates and measure campaigns shall be capped at three thousand dollars (\$3,000). In the event that more candidates and campaigns duly file to run in the elections than the \$3,000 will cover, eligibility for the total amount of public financing shall be divided as follows:
- (1) initiative and referendum campaigns shall have first priority to the funds, and will each be funded \$100 if requested. An equal amount of money will be reserved for opposition campaign(s) in case campaign(s) are filed, since their filing deadline is a week later than the election filing deadline.
  - (2) if any funds remain after the full allocation of funds to referendum and initiative campaigns and opposition campaigns, the remaining funds will be divided equally among the candidates.
- g. Public financing shall be issued as a refund for approved campaign expenditures by candidates and campaigns. In order to receive public financing, candidates and sponsors of initiatives and referenda must:
- (1) *file a Request for Public Financing form with the Program Coordinator to the AS Board of Directors by 4:00 p.m. on the last day of the filing period [04/09/2019].*
  - (2) *submit original receipts (or screenshots of proof of payment) for all campaign expenditures for which public financing is sought to the VU Finance Office by 4:00 p.m. on the last day of the elections [05/04/2019].*
- h. Candidates may choose to receive refunds for expenditures duly submitted by the deadline in one of two ways:
- (1) in two partial cash refunds of up to seventy-five dollars (\$75) each (the sum of which shall not exceed the total amount of public financing available to the candidate according to Section 3, Cl. V (d) of this Code), or;
  - (2) as one refund for the entire amount the candidate is eligible to receive in the form of a check.
- i. Requests for refunds shall be reviewed by the Elections Coordinator and if approved shall be issued on a rolling basis by the AS Finance Office during and after the campaign period specified in Section 1, Cl. II (a) of this Code. All requests for refunds must be submitted together with

original receipts (or screenshots of proof of payment) documenting the expenditures for which a refund is being sought. i. The following campaign expenditures shall be eligible for public financing only if original receipts (or screenshots of proof of payment) are supplied: a. the costs of purchasing, printing and shipping physical campaign materials, as defined by Section 4 of this code.

b. stationary, paper and office supplies purchased during the campaign period primarily in order to create and display physical campaign materials.

j. The following expenditures shall not be eligible for public financing:

(1) food or beverages of any sort.

(2) payments for labor associated with any campaign.

(3) payments for online services of any kind, including payments for online advertising and website or web-page design, with the exception of online printing services and social media banners.

(4) any expenditure for which an Original receipt (or screenshots of proof of payment) is not provided

k. Campaign expenditures which do not fall into categories identified in the preceding two sub-clauses may be approved for public financing at the discretion of the Elections Coordinator. Decisions by the Elections Coordinator regarding the eligibility of campaign expenditures for public financing may be appealed to the Election Board.

l. In the event that physical campaign materials belonging to a candidate or measure sponsor are intentionally tampered with (as defined by Section 3, Cl. III (k)), the candidate can, with the Elections Coordinator's permission, report this item as a \$0.00 expense on their financial disclosure statement.

m. Recycled materials used for campaign purposes must be reported on financial disclosure statements at a fair price established by the Elections Coordinator.

## VI. Grievances

a. In the event that a candidate or any person associated with a candidate, initiative or referendum campaign (for or against) violates the Election Code and/or filing packet before or during the elections, an affected party, another candidate who has observed the violation, or the Elections Coordinator may file an official grievance against that person.

b. Grievances may not be filed anonymously and all witnesses cited in a grievance must be named explicitly.

c. Official grievances may be filed by submitting an official grievance form to the Board of Directors Program Coordinator, who will forward them to the Election Board Chair. If the Election Board Chair has not yet been appointed at the time of the filing, they shall be forwarded to the Elections Coordinator, who shall be authorized to assume the duties of the Election Board Chair until the time of their hiring. The date and time that the grievance is received shall be recorded upon filing. Grievance forms may be obtained from the AS Board of Directors' Office throughout the academic year.

d. Official grievances must be filed between 8 a.m. and 5 p.m. within one school day of the time of discovery of the alleged violation, and must cite the specific section of the Election Code and/or filing packet allegedly violated. Grievances filed that do not meet these requirements will not be accepted. Official grievances will be accepted only until 5:00pm on the Tuesday following the close of the elections [05/08/2019]

- e. The Election Board will hold a grievance hearing within three (3) school days of the grievance being forwarded to the Board. Each party to the grievance shall have the option of confidentially disqualifying one member of the Election Board from a grievance hearing, with the exception of the Election Board Chair. The Election Board may take any action deemed appropriate and necessary to ensure fair elections. All actions by the Election Board are final and may not be appealed, with the exception of disqualification.
- f. In the event of disqualification from an election, the disqualified party may appeal their disqualification to the AS Board of Directors Program Coordinator within one (1) school day of the date of disqualification. The Program Coordinator shall notify the AS Board of Directors immediately, and the AS Board of Directors shall convene the Elections Appeals Panel, which shall consist of any AS Board Member not running in the elections and of a non-voting advisor. The Elections Appeals Panel will convene a disqualification hearing within two (2) school days of the date of appeal. Decisions on disqualification by the Elections Appeals Panel are final, and may not be appealed. Candidates appealing a disqualification may not campaign for office until a decision about their disqualification is reached by the Election Appeals Panel.
- g. The Elections Coordinator may not serve on the Election Board.
- h. Penalties for violation of the Election Code and/or filing packet may include, but are not limited to, forfeiture up to \$25 of their public financing reimbursement or be charged up to \$25 disciplinary action; and disqualification.

#### VII. Voter Eligibility

- a. Any matriculated student enrolled at the main campus of WWU or studying abroad during the academic quarter in which elections take place is eligible to vote in those elections (must be registered for classes by the last day to add/drop classes online spring quarter).

#### VIII. Online Voting, Polling Stations and Poll Workers

- a. All voting in AS elections shall take place online, unless the Elections Coordinator deems it impractical to do so, such as in the case of a special election [page 15]. Eligible voters may vote online at any time between 12:00 a.m. on the first day of the elections [04/30/2019] to 2:00 p.m. on the last day of the elections [05/04/2019].
- b. At least one official polling station shall be located in Red Square. The Elections Coordinator must make their best effort to maintain at least one other polling station on South Campus.
  - (1) polling stations shall be open continuously from 9:30 a.m. to 3:00 p.m. on designated election days. On the last day of the elections, polling stations shall close at 2:00 p.m.
  - (2) the Elections Coordinator is to submit the planned location of the polling stations as well as a contingency plan to be used in case of inclement weather to the Board of Directors and all candidates before the beginning of the campaign period [04/08/2017]. Candidates and sponsors will be notified of any necessary changes to polling locations within twelve (12) hours.
  - (3) poll workers shall be recruited or hired by the Elections Coordinator and shall be publicly neutral. They shall refrain from discussing any aspect of the elections within sixty feet of the polling station(s), with the exception of the process of voting itself and election procedures and policies. Aspects of the elections that may not be discussed include, but are not limited to, the estimation of voter preference or voting behavior; any opinion on the candidates, initiatives or referenda; and anything that might be construed by a reasonable person to constitute campaigning for or against candidates, initiatives or referenda.

- c. In the event that the Elections Coordinator deems it impractical to use online voting in an upcoming election, paper balloting shall be used for voting.
- d. Candidates, Initiative sponsors, Referendum sponsors, opposition initiative sponsors, or opposition referendum sponsors, or any person otherwise affiliated with a campaign may not establish or operate a polling station.

#### IX. Ballot Format

- a. The names of candidates running for election shall appear vertically under the title of the position for which they are running. If possible, the candidate order shall be randomized on every individual ballot. If this is not possible, the candidates shall appear on all ballots in order drawn by lot. There shall be no write-in candidates.
- b. The names on the ballot shall read exactly as they appear on the candidates' approved registration form. If this is not possible, the candidate will be notified and appropriate changes will be made by the Elections Coordinator before the ballots are published. The Elections Coordinator reserves the right to alter the name on the ballot if the candidate's provided name is misleading.
- c. Ballots shall include duly filed initiatives and referenda.

#### X. Ballot Counting

- a. Ballots shall not be counted until polls have closed on the last day of the elections. The Elections Coordinator, Election Board Chair and the REP advisor or the advisor's designee shall count and/or supervise the counting of the ballots once polls have closed.
- b. During the voting period the Elections Coordinator shall be locked out of the voting software. Administrative control of the software shall be turned over to the REP advisor or to the advisor's designee.
- c. In order to protect the privacy of voters, ballots, once cast, shall not be viewed by any candidate, initiative sponsor, referendum sponsor, poll worker, or person otherwise involved in a campaign until the official counting after the close of the elections.

(1) In the event of legal right to view ballots, names and other means of personal identification shall be stricken from the ballot.

#### XI. Disqualification of a Winning Candidate

- a. If, after the conclusion of the elections, a candidate who has satisfied the requirements for winning a position specified in Section 1, III (b) of this Code is disqualified by the Election Board or by the Elections Appeals Panel and chooses not to or is unable to appeal the decision, then the candidate receiving the second-highest number of votes for that position shall be declared the winner of the election, even if that candidate has not satisfied all of the requirements for being elected to the position specified in Section 5 of this Code.

#### XII. Referenda

- a. A referendum to the membership of the ASWWU may be initiated by a majority vote of the AS Board of Directors. Once the referendum question has been approved by the AS Board of Directors, all materials required in the referendum filing packet must be submitted to the Program Coordinator for the AS Board of Directors by the candidate filing period deadline [4:00 p.m. on 04/09/2019]. Referenda thus submitted shall be included on the ballot during the regularly scheduled election.

- b. Students may submit suggestions for referenda, including bylaw changes, to the Board. Suggested changes are due by [03/02/2019] at 4:00pm, but should be turned in as early as possible to allow the Board of Directors to complete a full review. Students should contact the AS Board Programs Coordinator for details.
- c. Ballot referenda must be in the form of a question presented to the student body that can be answered in the affirmative or the negative. The AS Board may approve a question in different formats if it's technically feasible with the online voting program.
- d. Opposition campaigns shall have an additional week to file and submit oppositional referenda packet [4 p.m. on 04/16/2019].
- e. All campaigning and advertising for and against referenda shall follow the guidelines set forth for initiatives in Section 2, II of this Code. For the purposes of this provision, the Board member(s) sponsoring the referendum or an organization created by them shall be considered the official campaign for the referendum. Referendum campaigns shall be required to file financial disclosure statements as outlined in Section 3, V of this Code. No AS funds or resources shall be used to campaign for or against a referendum with the exception of funds allocated through the AS public financing mechanism. Referendum campaigns shall be eligible for public financing.
- f. A Referendum's sponsor must attend the Mandatory Election Meeting on [04/12/2019]
  - a. Sponsor(s) of referendum opposition campaigns must meet with the Elections Coordinator before campaigning.
  - b. In order to pass, any referendum presented to the students for approval must receive a simple majority (50% +1) of the votes cast for that referendum

### XIII. Recall of AS Board Members and Special Elections for the Purpose of Recall

- a. Any member of the ASWWU may be recalled by a majority vote in a special election. Recall is initiated by a petition containing the verified signatures of no less than forty percent (40%) of the number of votes cast in the last general election. Any student enrolled at the main campus of WWU may file a petition seeking to end an AS Board Member's term of office. To do so, the student must:
  - (1) *obtain an official petition form from the AS Board of Directors Program Coordinator. Official petition forms must be made available for pick-up within 3 school days of the date of request.*
  - (2) *gather signatures on the official petition forms equal to forty percent (40%) of the number of students that voted in the last general election. Signers must be students enrolled at the main campus of WWU. Signers' WWU student number and printed name must be included alongside their signatures. Illegible, duplicate or incomplete signatures will not be counted.*
  - (3) *submit the official petition forms with the requisite number of signatures to the AS Board of Directors Program Coordinator within twenty-one (21) calendar days of the date the petition forms were obtained.*
- b. Official recall petition forms must include:
  - (1) the date on which they were distributed;
  - (2) the name and position of the AS Board Member for which recall is sought;
  - (3) the reasons for the proposed recall;
  - (4) the name(s) of the sponsor(s) of the proposed recall.

- c. The recall of a member of the AS Board of Directors may also be initiated by a vote of the Board of Directors. See *Bylaws of the Associated Students of Western Washington University*, Art. VI Sec. 5.
- d. In the event that a duly filed recall petition with the requisite number of verified signatures is submitted or the Board of Directors votes to initiate a recall for one of its members, special elections for the purpose of recall shall be scheduled by the Elections Coordinator. The special elections shall begin no earlier than fourteen (14) calendar days and no later than twenty-one (21) calendar days after the date of filing or vote. If this period falls during a time when WWU is not in session or during summer quarter, the elections shall be scheduled for immediately after the break, or at the beginning of fall quarter.
- e. The campaign period for the special elections for the purpose of recall shall last from the day of the filing of the recall petition or the recall vote to the last day of the elections. All regulations pertaining to campaigning in the regular elections shall apply to the special elections, to the degree that they are applicable.
- f. The election period, election procedures and certification requirements for the special elections shall be **determined by the last passed Recall Election Code.**
- g. A member of the AS Board of Directors shall be recalled, and their employment with the AS terminated, in the event that a majority (50%+1) of eligible voters voting in the special election for the purpose of recall vote for recall.

#### XIV. Special Elections for the Purpose of Filling Vacancies on the Board

- a. Special elections may be called in order to fill a vacancy on the AS Board of Directors. In this event, the Elections Coordinator shall schedule special elections to begin no earlier than **fourteen (14) days** after the date of the vacancy.
- b. Filing requirements for the special elections shall be the same as those for the regular elections outlined in Section 1, clause I of this Code.
- c. The campaign period for the special elections shall last from 9:00 a.m. on the day following the Mandatory Election Meeting until 4:00 p.m. on the last day of the elections. All campaigning policies in this Code shall apply to the special elections as well, to the degree that they are applicable.
- d. The election period, election procedures and certification requirements for the special elections shall be **the same as the Election Code when possible, and modified by the Elections Coordinator and the Elections Advisory Board when it is not,**
- e. AS Board Members elected in a special election shall be installed in their position immediately upon certification of the results of the special election. The certification procedure shall follow those laid out in Section 1, clause IV of this Code.

#### XV. Interpretation of the Election Code

- a. The interpretation of this Code is primarily the responsibility of the Elections Coordinator, and all questions or matters of uncertainty should be directed to the Elections Coordinator. When the Election Board or the Election Appeals Panel are in session, their respective chairs are the final authority on the interpretation of this code in regards to business that is before their respective bodies.

#### XVI. Revision of the Election Code

- a. The Election Advisory Committee (EAC), convened by the Elections Coordinator, may propose revisions to this Code during the academic year, pursuant to the Committee's charge and charter. All proposed revisions by the EAC must be approved by the AS Board of Directors. The Elections Coordinator may also propose revisions to this Code without convening the EAC if those changes are either: (1) corrections of minor grammatical, spelling or syntax errors; or (2) changes to the year-specific dates, times and figures in this Code (i.e. dates, times and figures enclosed in square brackets). All proposed revisions by the Elections Coordinator must be approved by the AS Board of Directors. The Election Code may not be revised in any other way.
- b. The Election Code may not be revised between the opening of the candidate filing period and the close of the elections.

#### XVII. Deadlines

- a. Failure to adhere to any deadline in this code will result in the filing of a grievance (Section 3, Cl. VI).
- b. It is the full responsibility of the candidate to keep in contact with the Elections Coordinator, should something occur. All candidates are given up to 36 hours to respond to the Elections Coordinator. Failure to do so will result in the filing of a grievance. The official form of communication is email.

#### **Section 4: Definitions**

- a. By "WWU", this Code refers to Western Washington University.
- b. The "main campus" of WWU is the university campus located in Bellingham, Washington.
- c. By "AS", this Code refers to the Associated Students of Western Washington University.
- d. A "school day" is a weekday (Mon.-Fri.) during which classes are in session on the main campus of WWU. A day during which all classes are cancelled on the main campus of WWU for any reason, even if such a day falls during a regularly scheduled academic quarter, does not constitute a school day for the purposes of this Code.
- e. By "academic year" this Code refers to the period extending from the first day of the fall quarter of WWU to the last day of its subsequent spring quarter.
- f. "Physical campaign material", for the purposes of this Code, includes, but is not limited to, posters, handbills, fliers, signs, banners, buttons, T-shirts or other clothing and any physical object which may be deemed by a reasonable person as constituting campaign material for or against a candidate or a measure.
- g. "Polling Stations", for the purpose of this code, are defined as instruments made available or advertised to the general public that enable an eligible voter to cast a ballot for the AS Elections.
- h. "Declarative Statement", for the purpose of this code, is the statement of an official position. It is not a policy change or policy action.
- i. A candidate's "Name" is defined in this code as the candidate's legal or preferred name as registered with Western Washington University. A candidate reserves the right to alter certain elements of their name such as withholding a hyphenated surname or middle name with the approval of the Elections Coordinator.
- j. "Misleading" for the purpose of this code is defined as, but not limited to, inaccurate information, language that is inaccessible or serves to obscure the intent of the initiative, language which includes conflicting or separate proposals with no logical connection between proposals, or which misrepresents current AS policy or procedure.



- k. "Tampered" as used in Section 2, Cl. IV (k) is defined as the active destruction of campaign materials whether by removal, obfuscation, or defacement in such a way that the materials can no longer be clearly interpreted or are inappropriate.
- l. "Lot" as used in Section 5, II (i) is defined as the use of objects in making a determination or choice. Ex: A coin toss, computer/calculator random number generator, etc.

### **Section 5: Instant Runoff Voting (IRV)**

#### I. Definitions

- a. A candidate shall be deemed "continuing" if the candidate has not been eliminated.
- b. Each position voted for shall constitute a "ballot."
- c. A ballot shall be deemed "continuing" if it is not exhausted.
- d. A ballot shall be deemed "exhausted" if all of the choices have been eliminated or there are no more choices indicated on the ballot.

#### II. Procedure

- a. The first choice marked on each ballot shall be counted initially. If a candidate receives a majority of the first choices, that candidate shall be declared elected. If no candidate receives a majority of first choices, an instant runoff consisting of additional rounds of ballot counting shall be conducted. Voters may rank as many or as few candidates as they desire on each ballot.
- b. In every round of counting, each ballot is counted as one vote for that ballot's highest ranked continuing candidate. A candidate receiving a majority of valid votes in a round is declared elected.
- c. If no candidate receives a majority of valid votes in a round, the candidate with the fewest votes shall be eliminated, and all ballots shall be recounted.
- d. If the total number of votes of the two or more candidates credited with the lowest number of votes is less than the number of votes credited to the candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next-ranked continuing candidate on each ballot in a single counting operation. Such a situation can only arise with four or more candidates on a ballot.
- e. This process of eliminating the candidates with the fewest votes and recounting all ballots shall continue until one candidate receives a majority of the valid votes in a round.
- f. If a ballot has no more available choices ranked on it, that ballot shall be declared "exhausted" and not counted in that round or any subsequent round.
- g. Ballots skipping one ranking shall be counted for that voter's next clearly indicated choice, but ballots skipping more than one ranking will be declared exhausted when this skipping of rankings is reached.
- h. Ballots with two or more of the same ranking shall be declared exhausted when such duplicate rankings are reached unless only one of the candidates with the duplicate ranking is an advancing candidate.
- i. If in any round of counting there is a tie that would affect the outcome of the elections, the tie shall be resolved in public by lot.

Revised and Approved February 28, 2019 by Motion ASB-16-W-24.

The complete Election Code contains the following:

- Attachment A: Approved Building Posting Locations
- Attachment B: University Residences Solicitation Policy