

# Associated Students of Western Washington University

## Election Code

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

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### 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).

iii. *file all required forms for declaring candidacy by 4:00 p.m. on the last day of the filing period.* Failure to turn in the filing form(s) by the deadline will result in disqualification. The Candidate Filing Form will be available in an online format on the first day of the filing period.

(2) *attend the Mandatory Candidates Meeting* (see sub-clause **d** of this section).

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

c. The Mandatory Candidate Meeting will take place within five business days of the end of the candidate filing period. *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.
- (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 beginning of the candidate filing period.
- (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 Candidates Meeting to 4:00 p.m. on the last day of the elections. No physical or digital 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. Voting Period

- a. Voting for elective office, initiatives, and referenda shall begin at 12:00 a.m. and last until 4:00 pm for a 5–7-day period, the dates of which to be mutually agreed upon by the Elections Coordinator and the AS Elections Advisor. In the event of technical difficulties with the election, the Elections Coordinator and the AS Election Advisor may extend the date of 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

The Elections Coordinator, Ethics Board Coordinator, and Elections Advisor shall certify the election results and report the election results that do not involve a pending grievance to the AS Executive Board at the Board's next regular meeting following the elections. For election results involving pending grievances, these results shall be certified at the next regular meeting of the AS Executive Board after these grievances have been resolved.

## **Section 2: Ballot Measures (Initiatives & Referenda)**

### I. Initiative 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. 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 ASWWU Executive Board Member to evaluate the legality and feasibility of the initiative and bring the question as an Agenda Item before the ASWWU Executive 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 Governance Program Coordinator and the sponsoring Board Member by the document submission deadline, which will be the same deadline as the candidate filing period deadline. Students are advised to submit the language of the measure for review as early as is feasible.
  - (5) Sponsor or delegate must attend the Executive Board Meetings where the question is discussed. The Board must approve, approve with amendments, or reject the language within its next three meetings. The Executive Board 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 Executive Board 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, 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 most closely preceding fall, winter, or spring quarter*, as determined by the WWU Registrar. Petition requirements include:
  - (1) using the official petition form provided. The AS Governance Program Coordinator will provide this form in person or online to the initiative sponsor no later than two school days after the passing of the language by the ASWWU Executive Board. A combination of both in-person and online petition forms may be used to acquire the needed signature amount. 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 WWU students at the Bellingham campus. 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 current and/or immediately preceding during the academic quarter in which the measure is sought to be placed on the ballot only once the language has been approved by the ASWWU Executive Board.
- (4) filing the petition and all required Initiative Filing Forms with the AS Governance Program Coordinator by 4:00 p.m. on the same day as the candidate filing deadline.

- c. Sponsor(s) must *attend the Mandatory Candidate 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 Governance Program Coordinator by the filing deadline shall be placed on the ASWWU Executive Board 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 7 days beyond the candidate filing deadline to file and submit an oppositional initiative filing form.
- 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 7 days after the initiative filing deadline]. Only one opposition campaign will be permitted, and only the first sponsor to duly file all required oppositional initiative filing forms 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 to 4:00 pm. on the last day of the elections. No physical, online, etc. campaign materials shall occur 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. Referenda

- a. A referendum to the membership of the ASWWU may be initiated by a majority vote of either the AS Senate or the AS Executive Board. Once the referendum question has been approved by the initiating branch of government, all materials required in the referendum filing form must be submitted to the AS Governance Program Coordinator by the candidate filing period deadline. 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 either branch of government. Suggested changes are due by the candidate filing period deadline but should be turned in as early as possible to allow the Executive Board or Senate to complete a full review. Students should contact the AS Governance Program 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. Questions in different formats may be approved if it is technically feasible with the online voting program.
- d. Opposition campaigns shall have an additional 7 days beyond the candidate filing deadline to file and submit an oppositional referenda filing form.
- e. All campaigning and advertising for and against referenda shall follow the guidelines set forth for initiatives in Section 2, Cl. II of this Code. For the purposes of this provision, the elected official(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. Sponsor(s) of referendum opposition campaigns must meet with the Elections Coordinator before campaigning.

### IV. Authority

- a. In order to pass, any initiative or referendum presented to the students for approval must receive a simple majority (50% +1) of the votes cast for that ballot measure.
- b. A ballot measure which passes may, subject to the restrictions of WWU policy and other applicable laws:
  - i. instruct that the ASWWU Executive Board or Senate, within their purview, create, change, or terminate current AS policies.
  - ii. instruct the ASWWU Executive Board or Senate to pursue or not pursue some action.
  - iii. make a declarative statement on behalf of the ASWWU.
- c. 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 WWU (Bellingham) campus* and be taking a minimum of six (6) credits as an undergraduate or four (4) as a graduate student.
- A. Newly-admitted students who have confirmed their enrollment with the Admission Office prior to the candidate filing deadline but have not yet registered for courses are eligible as candidates as long as they become registered for and maintain the minimum credit load stated above during the quarter coinciding with the start of the term of elected office. This applies to elections taking place at any time of the year and means that newly-admitted students elected in a spring election must be enrolled for the minimum credit load during summer quarter.
- B. Candidates who are already degree-seeking Western students and are enrolled for the minimum number of credits during spring quarter do not need to be enrolled in courses during summer quarter in order to remain eligible as a candidate for elected office and to begin the term in summer, as long as they will be a returning student in fall quarter

- (2) Have a minimum of a **2.00 cumulative grade point average** .

- (3) If running for a college-specific Senate position, be enrolled in said college by the end of the filing period. If a candidate either drops or switches their major (in a different college) before the end of the filing period, the candidate must run for the new college-specific Senate position that they are declared in. If a candidate either drops or switches their major (in a different college) after the end of the filing period, the candidate is no longer eligible for the election.

- (4) If running for an at-large Senate position, the student's academic major must be undeclared by the end of the filing period. If a candidate declares their major after the end of the filing period, the candidate must still run for an at-large Senate position.

- (5) Be eligible for employment in the U.S. and at WWU.

- b. Eligibility of candidates shall be verified by the Elections Coordinator and the AS Governance Program Coordinator prior to the opening of physical campaigning. The Elections Coordinator may require additional information from candidates in order to ascertain eligibility. Students found to be ineligible are subject to immediate removal from the ballot or immediate disqualification without the need for an Ethics Board hearing. The Elections Coordinator's decisions on eligibility may be appealed to the ASWWU Ethics Board.

- c. The Ethics Board Coordinator, Ethics 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 or any person otherwise involved in a campaign, including for ballot initiatives or referenda, will adhere to the Candidate conduct agreement provided in the candidate filing form.
- 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 permissible and prohibited campaign activities in this section apply to 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.

b. The following campaign activities ***shall be permitted at any time***:

(1) declaration or announcement of intended candidacy or sponsorship of a ballot measure.

(2) campaign meetings for the purpose of organizing the campaign or recruiting volunteers in which physical campaign material is not distributed, posted or displayed. For the purposes of this provision, volunteer sign-up sheets and candidate petition forms do not constitute physical campaign materials.

A. In the event of required or necessary social distancing or a natural disaster, people must follow laws required by state, local and federal governments, Western Washington University policies and Associated student policies.

- c. The following campaign activities **shall be permitted only during the campaign period**:
- (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.
    - a. In the event of required or necessary social distancing or a natural disaster, people must follow laws required by state, local and federal governments, Western Washington University policies and Associated Student policies when campaigning.
    - b. In the event, Washington University is functioning primarily in an on-line capacity during the campaign period, then no physical campaigning will be permitted.
  - (2) Online campaigning for elective office or ballot measure and the establishment of websites or web pages supportive of candidacy.
    - a. All websites and social media campaign pages must be declared via email to the AS Elections Coordinator.
    - b. All previously established websites or pages may be reactivated with the approval of the Elections Coordinator so long as all previous content is deleted.
  - (3) events organized by campus organizations or departments 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 any candidates decline the invitation or fail to respond, the event is permitted to continue without their presence.
  - (4) Funds may begin being spent on campaign activities in accordance with Section 3, Cl. VI of this Code.
- d. 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 piece of physical campaign material 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.
- 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 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.
- (1) For the purposes of this provision, apparel, stickers, and buttons are an exception to the rule on displaying physical campaign material while they are on one's person. 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, including office hours, club meetings and any other general position meetings. "Official capacity" is any time in which AS employee is working hours that can be logged in their time sheet.

- f. 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 screensavers or backgrounds of any campus computer.
    - A. For writing on a chalkboard or whiteboard, messages encouraging voting turnout in general are allowed.
  - (2) the distribution, posting or display of any physical campaign materials on the main (Bellingham) 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 indoor public spaces of WWU.
- (5) verbal campaigning of any sort in academic classrooms, with the exception of the announcement of a candidacy or the election events organized by the Elections Coordinator. One-on-one conversations of a personal nature regarding candidacy or election events are permitted in academic classrooms.
- g. 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:
- (1) in any computer lab or within thirty feet (30') of a stationary computer station on the main (Bellingham) campus of WWU,
- (2) within sixty feet (60') of an official voting booth.
- h. 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.
- i. 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 4:00 p.m. on the third calendar day following the close of the elections. 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.
- j. Intentional tampering with any candidate's or measure's campaign materials by any candidates, sponsors, or anyone affiliated with any campaign is strictly 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.
- k. 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. Candidates for election, sponsors of ballot measures and oppositional campaigns, and current ASWWU elected officials may make endorsements and may speak for or against any candidate or measure. Furthermore, students in these roles may identify themselves by their position when doing so.
    - (1) Public financing made available through the Elections process is the only WWU or ASWWU resource that may be used by students in these roles to create communications for or against a candidate or measure.
    - (2) Current ASWWU elected officials, shall not use any WWU or ASWWU resources when speaking for or against a candidate or measure, including but not limited to work email accounts, AS social media accounts, work computers, office space, office supplies, or anything of material value supplied by the university or ASWWU. The one exception to this clause is when an elected official is acting in their official capacity as a sponsor of a referendum campaign.
  - c. In their roles as individuals or students, current AS employees who are not elected officials may speak in support of or in opposition to candidates or measures, though they shall not identify themselves as an AS employee, identify their position within the AS, or speak on behalf of the AS when doing so.
    - (1) Regarding the use of social media for endorsements, AS employees shall not make an endorsement on behalf of the AS, their position, or their office, and shall not use any AS social media accounts for endorsements. Any endorsements, including any statement for or against a candidate or measure, must clearly originate from the individual and not appear to be related to the AS or any AS positions.
    - (2) AS employees shall not use any WWU or ASWWU resources when speaking as an individual who is for or against a candidate or measure, including but not limited to work email accounts, work computers, office space, office supplies, or anything of material value supplied by the university or ASWWU.
  - d. AS employees, may, as individuals, work on a campaign for or against a candidate or a measure. AS Executive Board Members and Student Senators may work in their official capacity on a referendum campaign for which they are the official sponsor(s).
  - e. AS clubs and Hall Councils may officially endorse candidates or measures of their choice starting on the first day following the Mandatory Election Meeting. AS Clubs or Hall Councils may not spend money or use any AS or residence hall resources on behalf of or against a candidate or measure.
- V. AS Club or Hall Council events are not required to be held for the endorsement of candidates.
- A. For the purposes of this Code, an "event" is a gathering, either online or in person, with an invitation extended to, or promoted to, the general campus community. Regular meetings of clubs or hall councils do not constitute an event.
  - B. If an event does occur, all candidates for that position must be invited and be notified at least

(I) 3 days in advance. Candidates may reach out to clubs and hall councils to seek endorsement with or without an event occurring to secure that endorsement. However, if an event does occur, the candidate who reached out to the club or hall council must make sure to invite all candidates for that position to the event at least 3 days in advance. Ensuring the invitations are sent with the proper advance notice is the responsibility of the candidate who initiates the request for endorsement and the upcoming event.

(II) If clubs or hall councils reach out to endorse candidates and decide to hold an event, it is the responsibility of the club to invite all candidates for that position at least 3 days in advance (it is not the responsibility of any candidate).

(III) Ultimately, it is the responsibility of whoever reaches out to make sure all candidates are invited to an endorsement event (if an event does occur, although it is not required).

(IV) If an event does occur, as long as all candidates for that position have been invited (they may decline) and the AS Elections Coordinator approves the event, then the event may proceed.

(V) If a violation does occur, refer to Grievances under Section 3, part VI.

a. Candidates or measures may not be publicly endorsed at an AS sponsored event. For the purposes of this Code, club meetings do not constitute AS sponsored events.

- b. Candidate use of club materials to imply support/endorsement is prohibited without club consent.
- c. 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.
- d. Any AS Employee whose position involves election-related duties and who is seeking AS elective office, sponsoring a measure or is otherwise affiliated with a campaign must delegate all AS Elections-related duties to another employee.

VI. Campaign Spending, Financial Disclosure Statements and Public Financing

- a. Each candidate or sponsor of any 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.
  - (6) any funds spent on online advertising and social media campaigning.
- 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 deadline for submitting financial disclosure statements, which is to be set no more than 3 business days prior to the close of the election period and no later than the final day of the election.
- d. All candidates and sponsors of initiatives, referendum, and oppositional campaigns must file a financial disclosure statement, even if no funds are spent or requested, to be submitted to the Elections Coordinator and to the VU Finance Office by 4:00 p.m. on the stated due date for financial disclosure statements. 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 of up to \$25 of public financing reimbursement or administrative charges of up to \$25. In serious instances of non-disclosure of financial expenditures or spending in violation of this Code, especially when the outcome of the election could have been affected, the Elections Coordinator may refer the matter to the Ethics Board for adjudication.
- 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 fifty dollars (\$50) 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 \$50 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.
- a. In order to receive public financing in the form of a refund, candidates and sponsors of initiatives and referenda must:
    - i. file a Request for Public Financing form with the AS Governance Program Coordinator by 4:00 p.m. on the last day of the filing period.
    - ii. 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 campaign finance disclosure deadline.

- h. If a public financing request is filed, printing costs up to \$50 may be reimbursed and paid for during the campaign period, given such request is done through a form filed and certified by the Elections Coordinator and the Assistant Director of Student Representation and Governance.
- i. Requests for refunds shall be reviewed by the Elections Coordinator and if approved shall be issued on a rolling basis by the VU 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.
- j. The following campaign expenditures shall be eligible for public financing only if original receipts (or screenshots of proof of payment) are supplied:
  - (1) the costs of purchasing, printing and shipping physical campaign materials, as defined by Section 4 of this code.
  - (2) stationary, paper and office supplies purchased during the campaign period primarily in order to create and display physical campaign materials.
- l. The following expenditures shall not be eligible for public financing, but still must be filed in the financial disclosure form:
  - (1) food or beverages of any sort.
  - (2) payments for labor associated with any campaign.
  - (3) any expenditure for which an original receipt (or screenshots of proof of payment) is not provided.
- m. Campaign expenditures which do not fall into categories identified in the preceding two subclauses 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 staff advisor for AS Elections.
- n. 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.

## VII. 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 form(s) 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 AS Governance Program Coordinator, who will forward them to the Ethics Board Coordinator. If the Ethics Board Coordinator has not yet been hired at the time of the filing, grievance forms shall be forwarded to the Office of Civic Engagement Director, who shall be authorized to assume the duties of the Ethics Board Coordinator 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 Executive Board 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 form(s) allegedly violated. Grievances filed that do not meet these requirements will not be accepted. Official grievances will be accepted only until the closing of the polls on the final day of the election period. Only the Elections Coordinator may file grievances outside of the time constraints of this section.
- e. The Ethics Board will adjudicate grievances according to the procedures set forth in its Charge & Charter and in any adopted rules of operation. The Ethics Board may take any action deemed appropriate and necessary to ensure fair elections. All actions by the Ethics 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 by sending a written request for appeal to the AS Governance Program Coordinator within one (1) school day of the date of disqualification. Appealed disqualification decisions will be heard by The AS Ethics Appeals Panel which will convene a hearing as soon as possible and no later than four (4) school days after the date of appeal. Decisions on disqualification by the Ethics 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 Ethics Appeals Panel.
- g. The Elections Coordinator may not serve on the Ethics Board or Ethics Appeals Panel, but may be required to provide information, reports, documentation, or to serve as a witness during the proceedings of these bodies.

- h. Penalties for violation of the Election Code and/or filing forms may include, but are not limited to, forfeiture up to \$25 of public financing reimbursement or administrative charges of up to \$25; disciplinary action; or disqualification.

#### VIII. Voter Eligibility

- a. Any matriculated student enrolled at the main (Bellingham) 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 for that quarter).
- b. All eligible students will vote by ranked choice voting and will have four votes to cast for At-Large Senators, two votes for college-specific Senators that they are affiliated with by their declared major, and will be able to rank as many, or as few, Executive Board candidates as preferred.

#### IX. Online Voting and Polling Stations

- 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. Eligible voters may vote online at any time between 12:00 a.m. on the first day of the elections to 4:00 p.m. on the last day of the elections.

(1)

- b. 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 and polling stations may be implemented.
- c. 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.

#### X. 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.

- a. In the event of not enough candidates running to fill a position, then a candidate nomination box will be permitted. This box is not to be used for electing a candidate, its purpose is to help nominate people to apply for the unfilled position.
- 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.

#### XI. Ballot Counting

- a. Ballots shall not be counted until polls have closed on the last day of the elections. The Elections Coordinator, Ethics Board Coordinator and the AS Governance Advisor or the advisor's designee shall count and/or supervise the counting of the ballots once polls have closed.
  1. The Elections Coordinator is not permitted to use the voting software to reveal candidate standings or vote count numbers to anyone during the time of the election. Voting software should only be used for the purposes of working on the election and staying informed on voter engagement.
- b. 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.
- c. On the ballots for Executive Board and Student Senate positions, winners will be determined through the process of ranked voting and the Instant Run-off Process described below in this Code. This means that voters are able to rank as many, or as few, preferred candidates as they wish.
- d. Initiatives and referenda will pass or fail based on whether the negative or affirmative choice receives the majority of votes.

#### XII. 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 Ethics Board or by the Ethics 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.

XIII. Recall of ASWWU Elected Officials and Special Elections for the Purpose of Recall

- a. Any member of the ASWWU Government may be recalled by a majority vote in a special election. Recall is initiated by a majority vote of the Executive Board, a three-fourths majority vote of the Student Senate, or by a petition containing no less than forty percent of the number of votes cast in the last election. Any student enrolled at the main campus of WWU may file a petition seeking to end an ASWWU elected official's term of office. To do so, the student must:
  - (1) *obtain an official petition form from the AS Governance 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 Governance 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 ASWWU Government 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. In the event that a duly filed recall petition with the requisite number of verified signatures is submitted or the Executive Board or Senate 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.
- d. 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.
- e. The election period, election procedures and certification requirements for the special elections shall be determined by the last passed Election Code.
- f. A member of the ASWWU Government 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 AS Executive Board

- a. Special elections may be called in order to fill a vacancy on the AS Executive Board. 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 Candidate 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 Advisor when it is not.

- e. AS Executive 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 Ethics Board or the Ethics Appeals Panel are in session, their respective chairs are the final authority on the interpretation of this code in regard 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 Executive Board. 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 Executive Board. 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.
  - a. In the event of a natural disaster or mandated social distancing, any necessary provisions to the code that need to be made after the opening of the filing period can be brought to the AS Executive Board. This code cannot be changed after the campaign period has officially opened, regardless of circumstance.

#### XVII. Deadlines

- a. Failure to adhere to any deadline in this code may 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 a potential violation of the Election Code 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. By “Work on a campaign”, as used in Section 2, Cl. IV (d), for the purpose of this code, is defined as, but is not limited to, distribution of physical campaign materials, verbal campaigning, and management or active participation in a social media pages or use of personal resources.
  - a. “Work” is not defined as advice and conversation about the position, or campaigning in general.
- h. “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.
- i. “Declarative Statement”, for the purpose of this code, is the statement of an official position. It is not a policy change or policy action.
- j. 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.
- k. “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.
- l. “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.
- m. “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.
- n. “Individual” as used in Section 3, IV (c) is defined as a person acting in their student capacity without any attachment to the AS or an AS position title.
- o. “Event” as used in Section 3, sub-section 4 is a gathering either online or in person with an invitation extended to, or promoted to, the general campus community. Regular meetings of club or hall council do not constitute an event.

**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 by the ASWWU Executive Board on

May 6<sup>th</sup>, 2021 by Motion ASB-21-S- .The complete Election Code

contains the following:

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

