



# Associated Students of Western Washington University

## Election Code

### Table of Contents

|   |           |
|---|-----------|
| <b>Article 1: Procedure for Running for ASWWU Elective Office</b>                     | <b>1</b>  |
| I. Filing and Mandatory Election Meeting  | 1         |
| II. Campaigning   | 1         |
| III. Voting Period  | 2         |
| IV. Presentation of Results   | 2         |
| <b>Article 2: Ballot Measures (Initiatives &amp; Referenda)</b>                       | <b>2</b>  |
| I. Initiative Filing  | 2         |
| II. Referenda   | 5         |
| III. Campaigning  | 6         |
| IV. Authority   | 6         |
| <b>Article 3: Election Policies</b>   | <b>7</b>  |
| I. Candidate Eligibility  | 7         |
| II. Conduct   | 8         |
| III. Campaigning and Advertising  | 8         |
| IV. Endorsements made by AS Entities, RHA, and NRHH                                   | 12        |
| V. Endorsements made by Clubs and Hall Councils                                       | 14        |
| VI. Campaign Spending, Financial Disclosure Statements and Public Financing           | 15        |
| VII. Grievances   | 18        |
| VIII. Voter Eligibility   | 19        |
| IX. Online Voting and Polling Stations  | 20        |
| X. Ballot   | 20        |
| XI. Ballot Counting   | 20        |
| XII. Disqualification of a Winning Candidate  | 21        |
| XIII. Recall of ASWWU Elected Officials and Special Votes for the Purpose of Recall   | 21        |
| XIV. Special Elections for the Purpose of Filling Vacancies on the AS Executive Board | 22        |
| XV. Interpretation of the Election Code   | 23        |
| XVI. Revision of the Election Code  | 23        |
| XVII. Deadlines   | 24        |
| XVIII. Ranked Choice Voting   | 24        |
| XIX. Procedure  | 24        |
| XX. Write-In Voting   | 25        |
| XXI. Tiebreaking  | 25        |
| <b>Article 4: Definitions</b>   | <b>26</b> |
| XIII. General Definitions   | 26        |
| XIII. Ranked Choice and Instant Runoff Definitions                                    | 27        |

## **Article 1: Procedure for running for ASWWU elective office**

### **I. Filing and Mandatory Election Meeting**

- (1) In order to run for elective office, individuals must meet all requirements outlined below:
  - (a) *Be eligible to run for the position desired at the time of filing for candidacy* (see candidate eligibility requirements in Article 3, Section I of this Code).
  - (b) *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*
  - (a) Individuals may only file to run for one elective position in any given election.
  - (b) 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:
    - (i) A verifiable, documented illness or emergency is reported to the AS Elections Coordinator *prior* to the meeting.
    - (ii) 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.
    - (iii) 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.
    - (iv) All candidates excused by the Elections Coordinator must schedule and attend a make-up meeting with the Coordinator within seven calendar days of the missed mandatory candidate meeting.

### **II. Campaigning**

- (1) The campaign period shall last from 9:00 a.m. on the first 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 Article 3, Section III of this Code for further details.

- (2) Certain limited campaign activities are permissible outside of the campaign period. See Article 3, Section III of this Code for further details.
- (3) Candidates are eligible for public campaign financing and must file financial statements regarding campaign expenditures. See Article 3, Section V of this Code for further details.

### III. Voting Period

- (1) 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 Student Representation and Governance Coordinator. 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 the elections.
- (2) In order to win an election to office a candidate must be elected according to the procedure outlined in Article 3 of this Code.

### IV. Presentation of Results

- (1) The Elections Coordinator, Ethics Board Coordinator, and Student Representation and Governance Coordinator 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.

## **Article 2: Ballot Measures (Initiatives and Referendum)**

### I. Initiative Filing

- (1) 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:

- (a) Create a question to be presented to the student body that can be answered in the affirmative or the negative.
  - (b) Secure an ASWWU Elected Student Government Official to evaluate the legality and feasibility of the initiative and bring the question as an Agenda Item before the ASWWU Executive Board.
  - (c) Secure an ASWWU Elected Student Government Official to evaluate the legality and feasibility of the initiative and bring the question as an Agenda Item before the ASWWU Executive Board.
  - (d) Declare under what Authority (see Article 2, Section IV) the initiative is being proposed with the submitted language.
  - (e) Submit the language of the proposed measure, authority, and any supporting documentation to the AS Student Government Program Coordinator and the sponsoring ASWWU Elected Student Government Official by the document submission deadline, which will be the first day of the candidate filing period. Students are advised to submit the language of the measure for review as early as is feasible.
  - (f) Sponsor or delegate must attend the Executive Board Meetings where the question is discussed. The Executive 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.
  - (g) Clubs and more than one student can sponsor one ballot measure
- (2) 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:*

- (a) Using the official petition form provided. The AS Student Government 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.
  - (b) 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.
  - (c) 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.
  - (d) Filing the petition and all required Initiative Filing Forms with the AS Student Government Program Coordinator by 4:00 p.m. on the same day as the candidate filing deadline.
- (3) Sponsor(s) must *attend the Mandatory Candidate Meeting*
  - (4) Sponsor(s) of initiative opposition campaigns must meet with the Elections Coordinator before campaigning.
  - (5) Measures that have met these criteria and have been duly filed with the AS Student Government 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.
  - (6) Opposition campaigns shall have an additional 7 days beyond the candidate filing deadline to file and submit an oppositional initiative filing form.
  - (7) 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. Referendum

- (1) 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 Student Government Program Coordinator by the first day of the candidate filing period. Referenda thus submitted shall be included on the ballot during the regularly scheduled election.
- (2) 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 Student Government Program Coordinator for details.
- (3) 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.
- (4) Opposition campaigns shall have an additional 7 days beyond the candidate filing deadline to file and submit an oppositional referendum filing form.
- (5) All campaigning and advertising for and against referenda shall follow the guidelines set forth for initiatives in Article 2, Section. II of this Code. For the purposes of this provision the elected official(s) sponsoring the referendum shall be considered the official campaign for the referendum. Referendum campaigns shall be required to file financial disclosure statements as outlined in Article 3, Section V of this Code. No operational 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.
- (6) A Referendum's sponsor must attend the Mandatory Election Meeting. Sponsor(s) of referendum opposition campaigns must meet with the Elections Coordinator before campaigning.

- (7) Organizations (AS committees and task forces) cannot campaign on behalf of the referendum they were created by, instead an Elected Student Government Official appointed by the Executive Board and Student Senate will act as the official campaign representative for the referendum.

### III. Campaigning

- (1) The student(s) filing the ballot measure petition or opposition ballot measure, or campaigning for recurring referendum (see Section II, Sub-section g) shall be considered the official campaign and may campaign for its passage or opposition. Said student(s) may spend money, hold campaign meetings, recruit student 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 Article 3, VI of this Code. Initiative campaigns shall be eligible for public financing as outlined in Article 3, VI of this Code.
- (2) The campaign period shall be the same as other elections. No physical, online, etc. campaign materials shall occur outside of this period. See Article 3, Section III of this Code for further details.
- (3) Certain campaign activities are permissible outside of the campaign period. See Article 3, Section III of this code for further details.

### IV. Authority

- (1) 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.
- (2) A ballot measure that passes may be subject to the restrictions of WWU policy and other applicable laws.
- (3) A ballot measure has the following authority if passed by voters:
  - (a) Instruct that the ASWWU Executive Board or Senate, within their purview, create, change, or terminate current AS policies.
  - (b) Instruct the ASWWU Executive Board or Senate to pursue or not pursue some action.
  - (c) Make a declarative statement on behalf of the ASWWU.



- (4) 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.

### **Article 3: Election Policies**

#### **I. Candidate Eligibility**

- (1) The following eligibility requirements must be met by the end of the filing period, maintained through the campaign period and if elected, throughout the term of the position:
- (a) *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.*
    - (i) 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 in **special elections** as long as they become registered for and maintain the minimum credit load stated above during the quarter **(s)** coinciding with **the election and the commencement** of the term of elected office. Newly admitted students elected to office spring quarter do not need to meet the minimum credit load requirement summer quarter as long as they are registered or plan to register for the minimum credit load before the first day of the subsequent fall quarter.
    - (ii) 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.
  - (b) Be in “good academic standing” defined by the Registrar’s Office.
  - (c) Only students enrolled in a college may run for their senator positions. 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.

- (d) Students are able to run for an at-large Senate position regardless of their major status.
  - (e) Candidates running for the Senate President or AS President position must have completed at least fifty credits at Western or be enrolled at Western's main Bellingham campus for five quarters before the candidate filing period closes.
  - (f) Be eligible for employment in the U.S. and at WWU.
- (2) Eligibility of candidates shall be verified by the Elections Coordinator and the Student Representation and Governance 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.
- (3) The Ethics Board Coordinator, Ethics Board members, Elections Advisory Committee voting 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

- (1) 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.
- (2) Under no circumstances are drugs or alcohol to be present, available, or provided at campaign related events, regardless of location or participant age.
- (3) Bribes, incentives, or compensation in exchange for votes are prohibited.

## III. Campaigning and Advertising:

- (1) The permissible and prohibited campaign activities in this Article apply to all students seeking or considering seeking elective office, seeking to place an initiative or referendum on the ballot, or campaigning for or against a measure on the ballot. This also extends to all students associated with a campaign.

(2) The following campaign activities ***shall be permitted at any time:***

- (a) Declaration or announcement of intended candidacy or sponsorship of a ballot measure
- (b) 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.
  - (i) 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.

(3) The following campaign activities ***shall be permitted only during the campaign period:***

- (a) The distribution, posting or display of any physical campaign materials, as defined by Article 4, subsection f of this Code, on the main campus of WWU, in locations specified by this Code and by the Elections Coordinator and excluding where such activities are prohibited by WWU policies.
  - (i) 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.
  - (ii) In the event, Western Washington University is functioning primarily in an on-line capacity during the campaign period, then no physical campaigning will be permitted.
- (b) Online campaigning for elective office or ballot measure and the establishment of websites or web pages supportive of candidacy.
  - (i) All websites and social media campaign pages must be declared via email to the AS Elections Coordinator.
  - (ii) All website and social media campaign pages must be deleted or paused no later than seven calendar days after the voting period has ended.
- (c) Instead of deleting their campaign account, candidates can pause them. In order for a website or social media page to be considered paused it must:
  - (i) No longer post any content after June 1st

- 1) including but not limited to videos, stories, reels, squares, and polls
  - (ii) No longer send or respond to messages after June 1st.
  - (iii) Have a visible disclaimer provided by the Elections Coordinator posted prior to June 1st.
- (d) All previously established websites or pages may be reactivated with the approval of the Elections Coordinator so long as all previous content is deleted
  - (i) Candidates can only use their reactivated social media pages or websites after the campaign period opens.
- (e) 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.
- (f) Funds may begin being spent on campaign activities in accordance with Article 3, VI of this Code.
- (g) During the campaign period specified in Article 1, Section II of this Code, physical campaign materials, as defined by Article 4, section I 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). Each Candidate is limited to posting one poster per free board. 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.
- (h) During the campaign period specified in Article 1, Section II (a) of this Code, physical campaign materials, as defined by Article 4, section f 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.
  - (i) 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 an AS employee is working hours that can be logged into their timesheet.

- (i) Physical campaign materials, as defined by Article 4, section I 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.
- (4) The following campaign activities **shall not be permitted at any time** for all students seeking or considering seeking elective office, seeking to place a measure on the ballot, or campaigning for or against a measure on the ballot. This includes students associated with a campaign.
- (a) 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.
    - (i) For writing on a chalkboard or whiteboard, messages encouraging voting turnout in general are allowed.
  - (b) 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.
  - (c) Campaigning of any sort in the indoor public spaces of WWU.
  - (d) Posting any campaign material on a dating site.
    - (i) Including but not limited to Hinge, Tinder, Bumble, Grindr, etc.
  - (e) Verbal campaigning of any sort inside 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.

- (f) Campaigning of any sort, including campaign activities listed in Article 3, Section III of this Code, shall be prohibited in the following locations during the time of the elections:
- (i) In any computer lab or within thirty feet (30') of a stationary computer station on the main (Bellingham) campus of WWU,
  - (ii) Within thirty feet (30') of an official voting booth
- (g) The logos of AS offices, officially recognized AS programs, WWU offices, and AS councils and committees (standing or ad adhoc) 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 Article 4, section I 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.
- (h) 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 to the party affected immediately and must be remedied by the party causing the damage within a time frame specified by the Elections Coordinator.

- (i) 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 made by AS Entities, RHA, and NRHH

- (1) AS offices, officially recognized AS programs, AS councils and committees (standing or ad hoc), the Residence Hall Association (RHA), and the 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. Except for candidate forums. 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.
- (2) Measures may not be publicly endorsed at an AS sponsored event. Initiative and referendum sponsors may speak at AS sponsored events for campaigning purposes.
- (3) 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.
  - (a) 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.
  - (b) 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 Section is when an elected official is acting in their official capacity as a sponsor of a referendum campaign.
- (4) 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.
  - (a) 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.

- (b) 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.
  - (c) 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).
- (5) 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.

#### V. Endorsements made by Clubs and Hall Councils

- (1) Clubs and Hall Councils may officially endorse candidates or measures of their choice starting on the first day following the Mandatory Election Meeting. Clubs or Hall Councils may not spend money or use any AS, department, or residence hall resources on behalf of or against a candidate or measure.
- (2) 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 72 hours in advance via an email to their WWU student email which can be obtained from the Elections Coordinator. 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 72 hours 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.

- (c) If clubs or hall councils reach out to endorse candidates and decide to hold an event, it is the responsibility of the club to reach out to the Elections Coordinator five school days in advance of the event.
  - (i) Following the request from a club or hall council, it is the responsibility of the Elections Coordinator to invite all candidates for that position via their school email at least 72 hours in advance of the event.
- (d) An event can only occur, as long as all candidates for that position have been invited (they may decline), and the AS Elections Coordinator verifies the event is in accordance with the Elections Code.
- (e) If a violation does occur, refer to Grievances under Article 3, part VII.
- (3) 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.
- (4) Candidate use of club materials to imply support/endorsement is prohibited without club consent.

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

- (1) 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:
  - (a) Any funds spent directly by the candidate or measure sponsor(s) in the course of a campaign;
  - (b) Any funds spent on behalf of a candidate or a measure by a third party;
  - (c) 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;
  - (d) Any funds spent in support of a public or private campaign related event;
  - (e) Any campaign expenditures refunded through public financing.
  - (f) Any funds spent on online advertising and social media campaigning.
- (2) The following items shall not constitute campaign expenditures:
  - (a) Volunteered Labor
  - (b) Donated campaign related photography or design.

- (c) 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.
- (3) Candidates, sponsors of initiative and referendum, and sponsors of initiative and referendum oppositional campaigns 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.
- (4) All candidates, sponsors of initiatives or, referendum, and sponsors of initiative or referendum 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 AS Business Office by 4:00 p.m. on the stated due date for financial disclosure statements. Financial disclosure statements must include:
- (a) 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.
  - (b) Copies of receipts (or screenshots of proof of payment) for all campaign expenditures, unless they have already been submitted through the public financing process.
- (5) 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.
- (6) 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:

- (a) 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.
  - (b) 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.
  - (c) If there are insufficient funds to fully fund all initiative and referendum campaigns and their oppositional campaigns, the funds shall be dispersed equally among all campaigns, including oppositional campaigns.
- (7) Public financing shall be issued as a refund for approved campaign expenditures by candidates and campaigns.
- (8) In order to receive public financing in the form of a refund, candidates and sponsors of initiatives and referenda must:
- (a) Submit an AS Expenditure Request with all relevant information filled out by 4:00 p.m. on the last day of the filing period.
  - (b) File a Request for Public Financing form with the Student Representation and Governance Coordinator by 4:00 p.m. on the last day of the filing period.
  - (c) 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.
- (9) If a public financing request is filed, printing costs up to \$50 may be reimbursed and paid for during the campaign period, given such a request is done through a form filed and certified by the Elections Coordinator and the AS Student Representation and Governance Coordinator.
- (10) 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 Article 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.
- (11) 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 Article 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.
- (12) The following expenditures shall not be eligible for public financing, but still must be filed in the financial disclosure form:
  - (a) Food or beverages of any sort.
  - (b) Payments for labor associated with any campaign.
  - (c) Any expenditure for which an original receipt (or screenshots of proof of payment) is not provided.
- (13) Campaign expenditures which do not fall into categories identified in the preceding two sub-sections 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.
- (14) In the event that physical campaign materials belonging to a candidate or measure sponsor are intentionally tampered with (as defined by Article 3, Section 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

- (1) In the event that a candidate or any person associated with any campaign, initiative or referendum campaign (for or against) or any AS employee violates the Election Code and/or filing form(s) before or during the elections any student (including an affected party, student who observed the violation, and/or the Elections Coordinator) may file an official grievance against that person.
- (2) Grievances may not be filed anonymously, and all witnesses cited in a grievance must be named explicitly.
- (3) Official grievances may be filed by submitting an official grievance form to the AS Student Representation and Governance Coordinator, who will forward them to the Ethics Board Coordinator. If the Ethics Board Coordinator has not yet been hired at the time of 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.

- (4) Official grievances must be filed between 8 a.m. and 5 p.m. within two school days of the time of discovery of the alleged violation and must cite the specific Article 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 two school days after 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 Article.
- (5) 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.
- (6) In the event of disqualification from an election, the disqualified party may appeal their disqualification by sending a written (digital or physical) request for appeal to the AS Student Government Program Coordinator within three (3) school days of the initial notification 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.
- (7) 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.
- (8) 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

- (1) Any 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).

- (2) All eligible students will vote by ranked choice voting.

#### IX. Online Voting and Polling Stations

- (1) All voting in AS elections shall take place online, unless the Elections Coordinator and AS Student Representation and Governance Coordinator deem 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.
- (2) In the event that the Elections Coordinator and AS Student Representation and Governance Coordinator deem it impractical to use online voting in an upcoming election, paper balloting shall be used for voting and polling stations may be implemented.
- (3) 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

- (1) 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.
- (2) In the event of no 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.
- (3) 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.
- (4) Ballots shall include duly filed initiatives and referenda.

#### XI. Ballot Counting

- (1) Ballots shall not be counted until polls have closed on the last day of the elections (with the exception of staying informed on voter engagement). The Elections Coordinator, Ethics Board Coordinator and the AS Student Representation and

Governance Coordinator or the advisor's designee shall count and/or supervise the counting of the ballots once polls have closed.

- (2) 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.
- (3) 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.
  - (a) In the event of legal right to view ballots, names and other means of personal identification shall be stricken from the ballot.
- (4) 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 in Article 3 of this code.
- (5) 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

- (1) If, after the conclusion of the elections, a candidate who has satisfied the requirements for winning a position specified in Article 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 Article 3 of this Code.

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

- (1) Any member of the ASWWU Government may be recalled by a majority vote in a special vote. 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:

- (a) Obtain an official petition form from the AS Board Program Coordinator.  
Official petition forms must be made available for pick-up within 3 school days of the date of request.
  - (b) *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.
  - (c) *Submit the official petition forms with the requisite number of signatures to the AS Student Government Program Coordinator within twenty-one (21) calendar days of the date the petition forms were obtained.*
- (2) Official recall petition forms must include:
- (a) the date on which they were distributed;
  - (b) the name and position of the ASWWU Government for which recall is sought;
  - (c) the reasons for the proposed recall;
  - (d) the name(s) of the sponsor(s) of the proposed recall.
- (3) 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 vote for the purpose of recall shall be scheduled by the Elections Coordinator. The special votes 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 vote shall be scheduled for immediately after the break, or at the beginning of fall quarter.
- (4) The campaign period for the special vote 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 vote. All regulations pertaining to campaigning in the regular elections shall apply to the special to the degree that they are applicable.
- (5) The election period, election procedures and certification requirements for the special elections shall be determined by the last passed Election Code.
- (6) 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 vote for the purpose of recall vote for recall.



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

- (1) 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.
- (2) Filing requirements for the special elections shall be the same as those for the regular elections outlined in Article 1, Section I of this Code.
- (3) 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.
- (4) 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 AS Student Representation and Governance Coordinator when it is not.
- (5) 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 Article 1, Section IV of this Code.

#### XV. Interpretation of the Election Code

- (1) 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 in collaboration with the Election Coordinator 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

- (1) The Election Advisory Committee (EAC), convened by the Elections Coordinator or their designee, 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 or their designee may also propose revisions to this Code without convening the EAC if those changes are either:
  - (1) corrections of minor grammatical, spelling, format 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 or their designee must be approved by the AS Executive Board. The Election Code may not be revised in any other way.

- (2) The Election Code may not be revised between the opening of the candidate filing period and the close of the elections.
- (3) In the event of a natural disaster, mandated social distancing or any other event that delayed the EAC, 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

- (1) Failure to adhere to any deadline in this code may result in the filing of a grievance.
- (2) 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.

#### XVIII. Ranked Choice Voting

- (1) All ASWWU elected positions qualify for Instant Runoff Voting.
- (2) When a race for ASWWU elected office has at least three candidates ranked choice voting will be used.
- (3) The Elections Coordinator shall print the contest on the General Election ballot in a manner that will allow voters to rank their top three candidate choices.
- (4) Each voter shall have the opportunity to rank as many or as few candidates as they desire on each ballot.
  - (a) Voters will also be provided an opportunity for one Write-In option in the ranked contest if there are no other candidates on the ballot.
- (5) 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.
- (6) If no candidates run for a position the seat will be decided through a special election in the fall or appointment by the Executive Board and the discretion of the Elections Coordinator and AS Student Representation and Governance Coordinator.

## XIX. Procedure

- (1) Initially, the first choice votes in the ranked choice contest are tallied.
  - (a) If no candidate receives more than 50% of the votes, the candidate with the fewest first choice votes is eliminated.
- (2) Next, the votes that had been cast for the defeated candidate are then recast for the next choice remaining candidate selected on those ballots; or until the vote is nullified, if no subsequent choice is for a remaining candidate.
- (3) This process continues until a candidate has received more than half of the votes cast.

## XXI. Tiebreaking

- (1) If the top Write-In candidate receives less votes than the top two candidates whose names are printed on the ballot, all Write-In votes will be recast for the next choice remaining candidate or until the vote is nullified if no subsequent choice is for a remaining candidate.
- (2) After the tie-breaker process is complete, the tie vote candidate in the scenario that generates the most votes received for that candidate shall be retained for the next round of Ranked Choice Voting. The other tie vote candidate(s) shall be deemed defeated and the next available ranking from those ballots shall be applied to the remaining candidates.
  - (a) If a tie vote remains amongst the originally tied candidates after the tie-breaker process, all tied candidates shall be eliminated and the next available ranking from those ballots shall be applied to the remaining candidates.
- (3) If two candidates are tied with the highest votes received after all other candidates have been eliminated and neither has received 50% +1 of the total ballots cast then the remaining two candidates will advance to a special election.

## **Article 4: Definitions**

### I. General Definitions

- (1) By "WWU", this Code refers to Western Washington University.
- (2) The "main campus" of WWU is the university campus located in Bellingham, Washington
- (3) By "AS", this Code refers to the Associated Students of Western Washington University.

- (4) 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.
- (5) 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.
- (6) “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.
- (7) By “Work on a campaign”, as used in Article 2, Section IV, Sub-section (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.
- (8) “Work” is not defined as advice and conversation about the position, or campaigning in general.
- (9) “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.
- (10) “Declarative Statement”, for the purpose of this code, is the statement of an official position. It is not a policy change or policy action.
- (11) 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.
- (12) “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.
- (13) “Tampered” as used in Article 2, Section 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.
- (14) “Individual” as used in Article 3, IV (c) is defined as a person acting in their student capacity without any attachment to the AS or an AS position title.

- (15) "Event" as used in Article 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.
- (16) "Initiative" as used in Article 2, Section I is defined as a question brought forward by any student eligible to vote in the AS elections asked to the student body on a ballot.
- (17) "Referendum" as used in Article 2, Section II is defined as a question initiated by a majority vote of either the AS Senate or the AS Executive Board asked to the student body on a ballot.

## II. Ranked Choice and Instant Runoff Definitions

- (1) Tallied Vote - When the voter selects a candidate that has not been eliminated, without over voting the ranking to be counted, the vote is cast and tallied for that candidate.
- (2) Remaining Candidate - A candidate that has NOT been defeated.
- (3) Defeated Candidate - A candidate that HAS been eliminated.
- (4) Skipped Ranking - When a voter chooses to NOT select a candidate whose name is printed on the ballot or write-in a candidate name in one or more of the available rankings.
- (5) Over Vote - When the voter selects more than one candidate as their first choice or any subsequent choice that is to be counted, the vote is nullified and tallied as an over vote.
- (6) Under Vote - When voter skips all rankings, with no first, second or third choice candidate or write-in selected, the vote is nullified and tallied as an under vote.
- (7) Exhausted Vote - When all the choice selections made by the voter in the RCV contest have been eliminated, the vote is nullified and tallied as exhausted.
- (8) Nullified Vote - Over Votes, Under Votes and Exhausted Votes are considered nullified RCV votes and are not utilized to determine the 50% plus one number of votes needed to win.

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 Policies

