

# **Western Student Association Student Election Code**

## **Preamble**

The Election Promotion Committee, herein referred to as EPC, in conjunction with the Western Student Association Judicial Council, is charged with promoting, operating, and maintaining procedures for fair elections of the Western Student Association, herein referred to as WSA. The general election consists of electing a President, Vice President, College Senators of the Senate, and any ballot initiatives. Below are the bylaws and guidelines for ensuring a proper election for the Spring 2017 Senate session. The Student Election Code, herein referred to as the SEC, becomes effective immediately following the approval of the Student Senate by a two-thirds ( $\frac{2}{3}$ ) vote.

## **Article 1 Student Election Code**

### **Section One: The Student Election Code as Western Student Association Bylaws**

- a. Previously published student election bylaws shall be null and void with the Senate's approval of these bylaws by two-thirds vote. Once approved, the Student Election Code, herein referred to as the SEC, shall be made public and available to any interested party.
- b. The provisions of the SEC, except where otherwise specified, shall apply uniformly to all elections.
- c. Any provision of the SEC found by the Judicial Council to be in contradiction with any provision of the Constitution of the WSA shall be null and void. Provisions within this SEC are severable for the sake of amendment and revision.
- d. Any rule or regulation enacted by the WSA or agencies thereof, other than provisions contained within the Constitution, found by the Judicial Council to be in contradiction to any provision of the SEC, shall be null and void.

## **Article 2 Election Promotion Committee**

### **Section One: Purpose and Composition of the Elections Promotion Committee**

- a. The explicit purpose of the Elections Promotion Committee, herein referred to as the EPC, is to coordinate, promote, and execute a free, fair, and unbiased student election.
- b. The co-chairs of the Elections Promotion Committee consist of the Rules, Bylaws, and Administration chairperson along with one currently serving Cabinet member, appointed by the Chief Justice and the current President, approved with two-thirds vote of the Senate.

- c. The EPC co-chairs are allowed to form a committee composed of Western Michigan University students, with approval of two-thirds approval of the Senate.

### **Section Two: Powers and Duties Afforded to the Elections Promotions Committee**

- a. The EPC shall have the sole authority to conduct the WSA election. No candidate or agent of any candidate shall have the authority to administer or enforce these regulations or to otherwise attempt to operate the election.
- b. The EPC shall be tasked with advertising or otherwise publicizing the election itself in a neutral, unbiased, and nonpartisan manner.
- c. The EPC shall set the dates and deadlines pertaining to all student elections and referenda, prepare and count ballots, receive petitions for candidacy, make a preliminary determination of the eligibility of the candidates and the legitimacy of petitions, and publish election results. Dates and deadlines shall be made public as soon as they are finalized.
- d. The co-chairs of the EPC shall be responsible and regularly available for answering questions about the SEC and other relevant election procedures for all Western Michigan University students.
- e. The EPC shall collect all evidence of campaign complaints, will investigate further into such complaints, and will prepare an official report for the Judicial Council of the WSA.

### **Section Three: Rules Governing Members of the Elections Promotion Committee**

- a. No member of the EPC shall be a candidate for elective office, nor involved with any campaign, in any WSA election during that semester.
- b. The EPC, collectively or individually, shall not endorse any candidate for elective office. This includes all social media endorsements.
- c. Each chairperson of the EPC shall hold one office hour per week, to be available to the candidate, as well as to the student body.
- d. The members of the EPC shall hold a minimum 2.5 GPA and be in good academic standing with the university.
- e. Invested in the Judicial Council is the power to overrule any decision or procedure of the EPC, following a call for investigation of malfeasance, or a claim of unconstitutionality.

## **Article 3 Candidates**

### **Section One: Elected Offices of the Western Student Association**

- a. Current Western Michigan University students meeting all eligibility requirements may appear on the ballot for an elected office of the Western Student Association. Candidates for elective office must submit an "Intent to Run" form and a letter of intent describing their motivation for running for office, and their goals for that

office to the EPC no later than Friday, February 17th at 5:00pm. Completion of the form shall be construed to authorize Western Michigan University to inform the EPC of the candidates' academic standing and status.

- b. No person shall be a candidate for more than one elective office of the Western Student Association.
- c. Candidates seeking office in the Western Student Association's general election must be enrolled in no fewer than 6 credit hours at Western Michigan University during the Spring 2017 semester and be in good academic standing with the university.
- d. The student elections conducted by the EPC in accordance with the SEC shall be the sole mechanism of the selection of candidates for the executive offices of President and Vice President for the Western Student Association, herein referred to as a presidential slate.
- e. Presidential slate candidates must have a 2.5 GPA at the time of filling out the "Intent to Run" form.
- f. College senator seats of the Western Student Association shall also be open for election in accordance with the SEC.
- g. Senate Candidates must have a 2.3 GPA at the time of filling out the "Intent to Run" form.
- h. All candidates, including those in a presidential slate and those running for a college senator seat, shall be responsible for reviewing and understanding the SEC. Candidates are responsible for presenting issues of confusion or contention to the EPC before taking action that may be determined to be in violation of the SEC.
- i. A candidate may withdraw from an election by submitting a written request to the EPC no later than Friday, March 10th at 5:00pm.

## **Section 2: Candidate Representatives**

- a. Presidential slates and candidates for college senator seats may have Candidate Representatives.
- b. Candidate Representatives must be enrolled in no fewer than 6 credit hours at Western Michigan University during the Spring 2017 semester and be in good academic standing with the university.
- c. In order to be a Candidate Representative a "Candidate Representative" form must be filled out.
- d. Candidate Representatives must abide by all rules candidates must abide to.
- e. Candidate Representatives may attend all required event or meetings that candidates are required to attend.
- f. Candidate Representatives cannot replace a candidate at any required event or meeting.

## **Article 4 Referenda**

### **Section One: Student Initiated Referenda**

- a. Student Referenda may gain access to the ballot in two ways, through the WSA Senate and through Petition.
- b. Referenda may pursue both ballot access through the WSA Senate and through Petition simultaneously.
- c. The submission of a student referendum must have at least one enrolled Western Michigan University student acting as an agent for the referendum, herein referred to as a student agent, for contact purposes with the members of the EPC.
- d. The student agent for a referendum shall be responsible for reviewing and understanding the SEC, and also are responsible for presenting issues of confusion or contention to the EPC before taking action that may be determined to be in violation of the SEC.
- e. The student agent may withdraw their referendum no later than Friday, March 10th at 5:00pm.
- f. Individuals or student groups actively campaigning to oppose an approved student ballot referenda must complete an "Opposition of Referenda" by 5:00pm on Friday, March 10th. Campaigns of opposition to a referendum must have at least one student agent.
- g. Opponents of referenda are subject to abiding by the same campaign rules as proponents for student initiated referenda.

### **Section Two: Ballot Access through WSA Senate**

- a. All initiatives requiring a student body referendum seeking to appear on the ballot through the WSA Senate for the WSA election must be submitted to the EPC via email or in the Elections Mailbox by 5:00pm on Friday, February 21st.
- b. Any student referenda seeking to appear on the student ballot through the WSA Senate must have approval of the WSA Senate with 3/5 affirmative vote. The vote must happen no later than Wednesday, March 1st.

### **Section Three: Ballot Access through Petition.**

- a. All initiatives requiring a student body referendum seeking to appear on the ballot through petition for the WSA election must be submitted to the EPC via email or in the Elections Mailbox by 5:00pm on Friday, February 28th. This submission must include all original Official Signature Forms used and the referenda.
- b. The minimum amount of valid signatures required to gain ballot access is two-hundred and fifty (250).
- c. All signatures must be from Western Michigan University Students, collected on Western Michigan University property, and on the Official Signature Form.

- d. The Official Signature Form shall be created by the EPC and be released on Wednesday, January 25.
- e. The Official Signature Form will include, "Student Name (Printed)", "Student Signature", "Date", and "WINS" for each signature. Each signature must have each section complete and legible to be considered a valid signature
- f. The Official Signature Form shall also include, "Referenda", "Signature Collector", "Signature Collector's University Email", "Student Agent's Name", "WIN" and "Student Agent's University Email". All of these sections must be complete and legible in order to be a valid Official Signature Form. If the form is not valid, all signatures on the form are not valid.
- g. Signature Collectors must be taking at least one credit hour at Western Michigan University.
- h. The SALP Office shall check for validity of all signatures and the validity Official Signature Form within three (3) business days of submission. The EPC shall contact the student agent within twenty four hours of the completion of signature verification if enough valid signatures were collected.
- i. The Student Agent can Appeal to the Judicial Council within forty-eight (48) hours of the EPC contacting them. The Judicial Council will review the validity of all signatures and validity of all Official Signature Forms and notify the Student Agent of their ruling within forty-eight (48) hours of the appeal.

## **Article 5 Elections**

### **Section One: Election Procedures**

- a. Student elections shall be conducted for pertinent student initiated referenda, and for selection of candidates for elected offices of the Western Student Association, which includes a presidential slate and college senators.
- b. Any student currently registered for classes at Western Michigan University shall be eligible to vote once per election.
- c. Voting will be conducted electronically from 8:00 a.m. Monday, March 20th to 4:00 p.m. Friday, March 24th.
- d. When voting via electronic device, the system or device must be tested by a third party for ease of use and clarity prior to the commencement of voting for the election.
- e. Space for write-in candidates will be provided for executive offices.
- f. Election results will not be reviewed until the close of voting on Friday, March 24 at 4:00 p.m.
- g. The presidential slate with the majority of votes is elected to office.
- h. The top vote recipients of College Senator candidates corresponding to the number available seats in the college shall win seats in the WSA Senate.
- i. If a referendum receives the majority of votes, it will pass.

- j. The EPC and SALP staff will verify all election results. No less than one member of the WSA Judicial Council will supervise the vote tally. Election results will not be announced or authorized until reviewed and certified by the EPC.
- k. Following the election, all results will be reviewed by the EPC, they will be reviewed for certification by the Chief Justice of Western Student Association within three days of completion of the vote tally. They shall remain secret until the EPC announces the results.
- l. All valid ballots shall be retained for thirty days after the announcement of election results.
- m. The EPC and the Office of Student Activities and Leadership Programs have the power to exclude, and demand recall by candidates of any campaign materials deemed in violation of the SEC.
- n. The EPC will be responsible for contacting each candidate with the election results by Monday, March 27th no later than 8:00 p.m.
- o. Each candidate or agent of referenda has the right to request a manual recount. Candidates or agents requesting a manual recount shall submit their request, including their reason for the request, to the Judicial Council within three days of the end of voting.
- p. The EPC will be responsible for publicly announcing the results of each referendum, senator, and presidency at the next WSA meeting immediately following the vote tally.
- q. All candidates are responsible for accepting their position in writing to the EPC within one week of the public election announcement.

## **Article 6**

### **Election Promotion**

#### **Section One: Election Events**

- a. The EPC shall be solely responsible for organizing and coordinating all official election events. This does not ban EPC from collaborating with other RSOs and/or WSA committees to promote or otherwise coordinate unbiased election events.
- b. Presidential candidates shall be required to attend all election events as planned by the EPC. At least one EPC member shall attend and oversee each election event. The EPC shall endeavor to coordinate class schedules of the candidates so reasonable accommodations may be reached for times that are convenient for the candidates, will maximize the attendance, and visibility of the WSA.

#### **Section Two: Debates**

- a. There shall be at least two presidential debates preceding the close of the election, with at least one on or before March 1<sup>st</sup>. All presidential and vice presidential candidates shall be required to participate.

- b. The first debate shall be a debate between candidates for Vice President and the second being a debate between candidates for President.
- c. The EPC shall create and publish debate rules to participants no later than one week prior to the event.
- d. Debates shall be considered Election Events.
- e. In the event of only one Presidential slate, there shall be one town hall style meeting, in place of two debates, where the slate will be available to meet the community and answer questions. This shall be considered an Election Event.

### **Section Three: Voters' Guide**

- a. The EPC shall create a Voters' Guide.
- b. The Voters' Guide questioner shall be created by the EPC. The questioner may have word limits for each question and be different for presidential slates, college senators and referenda. The questioner shall be released on Friday, February 24th.
- c. Each presidential slate, college senator candidate, referenda student agent, and opposition of student referenda agent may fill out a Voters' Guide questioner. The questioner will be due Friday, March 10th at 5pm.
- d. The Voters' Guide shall be released on Monday, March 13th on all WSA social media and the WSA website. This does not limit other locations the Voters' Guide maybe released as long as it is on or after Monday, March 13th.

### **Section Four: Other Promotion**

- a. The EPC may promote the election in ways not listed in Article 6 as long as the promotion does not violate the SEC, Constitution and Bylaws of the Western Student Association, SALP Guidelines and the RSO Handbook, Western Michigan University Student Code, Ordinances of the City of Kalamazoo, and State and Federal Laws.

## **Article 7 Campaigning**

### **Section One: Campaign Procedural Rules**

- a. Campaigning is to be conducted in a reasonable and ethical manner in accordance with the SEC, Constitution and Bylaws of the Western Student Association, SALP Guidelines and the RSO Handbook, Western Michigan University Student Code, Ordinances of the City of Kalamazoo, State and Federal Laws. Any candidate that attempts to exploit the SEC will be referred to the Judicial Council, or other relevant authorities.
- b. Candidates and student agents of referenda may not commence campaign operations prior to filing an "Intent to Run" form, nor prior to the final passage of the Student Election Code effective for the appropriate academic year.
- c. No candidate or student agent of referenda shall interfere with or obstruct the campaign activities of another candidate or student agent of referenda.

- d. No candidate or student agent of referenda may influence a voter while voting. The mere presence of a candidate or student agent in the vicinity of voting shall not constitute violation of this rule.
- e. Inappropriate use of email is prohibited. Agents of referenda or candidates and/or their representatives are prohibited from: utilizing a university position to send out mass emails, harvesting addresses from an online directory, or sending emails to the membership of an organization without written consent of the majority of the executive board. This enumeration is not exhaustive.
- f. Soliciting votes inside of any university building is prohibited, unless during meeting or attending an event at which the candidate or agent of referenda has been invited to as a presenter.
- g. All postings, campaign materials, and chalking must follow Western Michigan University posting guidelines. Specific policies may be found in the RSO Handbook through the SALP website. No more than one demerit shall be assessed per day for multiple violations.
- h. Fliers approved by SALP may be posted within university buildings only in designated areas. Fliers approved by Residence Life may be posted within residence halls only in designated areas. No more than one demerit shall be assessed per day for multiple violations.
- i. Candidates are prohibited from active campaigning during election week, including but not limited to holding campaign events, social media activities, mass emailing, assembling an audience for the purpose of campaign advocacy, chalking, promotional item distribution, or other events deemed to promote the individual candidate rather than the electoral process. All promotional material used for the promotion of voting must be only the official material used by the EPC.
- j. All Violations will result in one demerit.
- k. If a candidate reaches three demerits, they are disqualified from the election and must cease all campaign activities.

## **Section Two: Campaign Promotional and Expenditure Rules**

- a. The maximum campaign expenditures by either candidates or on their behalf, is \$1,000. Candidates are required to submit receipts of any campaign expenditures with an expense report to the EPC no later than one week after the date of purchase, or by the close of voting, 4:00 p.m. Friday, March 24th, whichever occurs sooner.
- b. Candidates may not distribute any campaign or otherwise promotional material with a purchase value of more than \$3.00. Violation will result in the assessment of one demerit for every five items distributed. No more than two demerits will be assessed per day. Receipts should be available for possible audit.
- c. Candidates may not distribute materials or incentives in exchange for vote promises.
- d. No piece of campaign material may be considered a violation of more than one rule.
- e. All violations will result in one demerit.in one demerit.



### **Section Three: Endorsements**

- a. Individuals may endorse candidates or a referendum on the ballot. Campaigns wishing to claim individual endorsements must submit record of that individual's written consent to the EPC before announcing or publishing such endorsement.
- b. Registered Student Organizations may endorse candidates or a referendum on the ballot. A two-thirds majority of the RSO's executive board must sign an official endorsement affidavit, which campaigns must submit to the EPC prior to announcing or publishing such endorsement.
- c. A campaign may not claim an unauthorized endorsement. No more than one demerit will be assessed per violation per day.
- d. All violations will result in one demerit.

### **Section Four: Violation of the Student Election Code and Following Procedural Methods**

- a. The Judicial Council shall have the power to disqualify candidates either for reasons of ineligibility or for violations of the provisions of the SEC.
- b. Any student(s), with the exception of EPC or Judicial Council members, may submit a complaint to the EPC alleging violation of SEC rules or guidelines that must include documentation including, but not limited to, photo evidence or witness statements.
- c. The burden of evidence lies with the complainant(s), meaning the alleged candidate or agent of a referendum is considered innocent unless shown otherwise by a preponderance of evidence.
- d. The receipt of a complaint will be forwarded to all members of the EPC, the Chief Justice of the Western Student Association, and the alleged candidate or agent of referendum, herein referred to as pertinent parties, within 24 hours.
- e. At any time during the complaint process, the complainant may withdraw their complaint.
- f. Upon receiving a complaint, the EPC is tasked with reviewing documentation provided by complainant(s) and following up with any documented witnesses in order to determine legitimacy of complaint in accordance with the SEC.
- g. If a complaint is not found to be in violation of the SEC, it will be dismissed, and a report will be sent to all pertinent parties.
- h. If the complainant(s) disagrees with the EPC's decision for the complaint's dismissal, they may file an appeal to the Judicial Council no later than 48 hours following dismissal.
- i. If a complaint has merit of a violation of the SEC, the EPC will be tasked with furnishing a report of the preponderance of evidence, which will be sent to all pertinent parties.
- j. The Judicial Council will investigate a complaint, and can take statements from both parties.

- k. The Judicial Council can decide to make a ruling or to further investigate through a trial through prosecution by the complainant.
- l. If a candidate is found to be in violation with campaign rules of the SEC, a demerit may be assessed by majority vote of the Judicial Council.
- m. Once a candidate or agent of a referendum achieves warning status, all complaints will be automatically deferred to the Judicial Council, to be prosecuted by the petitioner, for trial.
- n. All demerit assessments must be published within twelve (12) hours of the assessment on the WSA website, Facebook page, and Twitter. All Demerits received before the release of the Voters' Guide shall be published in that. This does not limit the locations in which demerit assessments can be published.

### **Appendix A: Definitions**

- 1. "Candidate" is defined as an individual seeking office in an election.
- 2. "Campaigning" is defined as supporting, advertising, or assisting in an organized and active way toward the election of a particular candidate with their supervision or approval.
- 3. "Campaign Events" are either formal or informal gatherings, activities, interactions or assemblies of persons with the intent to encourage the election of a particular candidate.
- 4. "Presidential Slate" is defined as two candidates who are running together with one candidate running for President and the other running for Vice President.
- 5. "Agent of candidate" is defined as any person working with an individual candidate to promote them and further their campaign.
- 6. "Polling Place" is defined as any site whereby an apparatus is made either temporarily or permanently available for the purpose of allowing registered voters to vote. The apparatus becomes a polling location while an individual is registered on the official election website.
- 7. "Endorsement" is defined as the official, publicly stated, support of a candidate from an individual or a registered student organization (RSO).
- 8. "Complaint" is defined as documentation alleging violation of the SEC from an individual provided to the EPC.
- 9. "Warning Status" is assessed to a campaign that has accrued two demerits.
- 10. "Grievance" is defined as a documented claim objecting to the results of assessed demerits, election results, disqualification of a candidate, or any other concern levied that the Judicial Council shall address, the remedy of which is outside the bounds of EPC enforcement.