



Senate of the Associated Students of the University of Nevada

90th Session, 2022-2023

AN ACT REVISING ELECTION PUNITIVE PROCESSES

Bill Number: 25

Authored By: Senator Kuhl on behalf of Attorney General Taeubel and Chief Justice Taylor

Sponsored By: 2022-2023 Student Government Assembly

Whereas, the ASUN Judicial Council has received an elections complaint that were not fully informed, and¹;

Whereas, the uninform complaint was dismissed by the Judicial Council¹;

Whereas, SAS VII.702.13(h) requires the Judicial Council to consider a charge without a predetermination of charge filing from the Attorney General nor the Directors of Election²;

Whereas, the case Taeubel v. Martin saw the absence of both the Attorney General and the Chair for the Senate Standing Committee on Government Operations due to a conflict of interest and an unavoidable scheduling conflict³ ;

Whereas, the Co-Directors of Elections filed the complaint against Candidate Joel Martin in the case of Taeubel v. Martin³;

Whereas, the ASUN Chief Justice allowed the Co-Directors to prosecute their own case since

neither statutorily required spokespersons were available, allowed by SAS III.301.4(b)^{3,2};

Be it enacted, SAS Titles III and VII are updated to reflect Addendum A;

¹ https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/02/Fixed_Taeubel-v.-Guerra-Alquiza- Notice.pdf

² https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2022/11/90_SAS_10-14-22.pdf

³ https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/02/Fixed_Majority-Taeubl-v.-Martin.pdf

Be it further enacted, this law will enter into force upon the Convening of the 91st Session of the Associated Students of the University of Nevada for the enforcement in subsequent elections as required in SAS VII.702.15(e(2));

Be it further enacted, that this legislation be sent to the following:

- ASUN Co-Directors of Elections, Samuel Kahnke and Liesel Kimmelmeier
- CSE Director, Dr. Sandra Rodriguez
- ASUN Chief Justice, Zane Taylor
- ASUN Attorney General, Brayden Taubel

Adopted in Senate on March 29th, 2023

Attest:

Andrew Thompson, Speaker of the Senate

Dionne Stanfill, President of the Associated Students

I certify that this Act originated in the Senate.

Wyatt Layland, Senate Secretary

1 ADDENDUM A

2 TITLE III: THE

3 JUDICIAL BRANCH

4 CHAPTER 302: THE JUDICIAL

5 RULES OF PROCEDURE

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7 **SECTION 01: ESTABLISHMENT OF RULES**

8 {...}

9 Rule 3: Pre-Hearing Procedures

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11 4) TYPES OF HEARINGS:

12 i) GENERAL HEARING:

13 For a general hearing, the hearing shall take place no sooner than seven business days
14 after the case is accepted and no later than fourteen business days after the day of
15 acceptance.

16 ii) EXPEDITED HEARING:

17 Any form of hearing may proceed according to an expedited schedule if the Council
18 deems it necessary. The hearing will take place after all parties have been notified;
19 however, the hearing must take place within seven business days after a case has been
20 accepted.

21 **iii) HEARINGS OF ELECTION CODE VIOLATIONS**

22 Any Judicial case that is a violation of SAS Title VII.702 - Elections Code shall be
23 subject to all procedures listed in SAS VII.702.13(h) - Filing a Complaint.

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TITLE VII: ELECTIONS

CHAPTER 701: ELECTIONS

SECTION 01: ESTABLISHMENT

There are hereby established elections of the Associated Students of the University of Nevada.

SECTION 02: MISSION

The mission of the facilitation of elections is to provide for a fair and efficient election for the Association. The facilitation of elections provides an avenue for motivated Nevada students to start their understanding of a career in public service. Students become engaged locally as well as nationally and are instilled with a deep sense of leadership and civic responsibility that contributes to the development of engaged citizens.

SECTION 03: FACILITATION

The facilitation of elections of the Association shall be implemented collectively by Director of Elections and Democratic Education hired by the Center for Student Engagement as well as the Attorney General of the Association.

SECTION 04: COMPOSITION OF DUTIES

The Attorney General shall be involved in the ASUN Election Process with their following duties outlined in Chapter 205: Attorney General.

The following shall be considered the duties of the Director of Elections and Democratic Education:

- a) To execute and oversee the facilitation of the elections that are in accordance with the Election Code and the Association’s Constitution.
- b) To refer all Election Code violations to the Judicial Council for adjudication,
- c) To facilitate the logistics of elections, including but not limited to outreach, planning workshops, building connections for the betterment of the elections, and ensuring elections are fair, equal, inclusive, and democratic.
- d) To plan all dates, deadlines, finance dues, marketing, and initiatives pertaining to elections.
 - a. The Director must include the date of the mandatory candidates meeting as well as the date of the mandatory retreat as decided by the Chief of Staff in the candidates’ packet.
- e) To create programming and initiatives that aims to educate students about democratic engagement in local, state, and national politics.

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f) To prosecute violations of this title in the absence of the Attorney General, Chair for the Senate Committee on Government Operations, or a designated spokesperson thereof. The position is to be hired by the Center for Student Engagement Professional Staff. Updates to duties in their position shall be reflected and amended in this section.

CHAPTER 702: ELECTIONS CODE

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SECTION 13: CAMPAIGN RULES

a) **NO MALICIOUS ASSAULT:**

The purpose of this subsection is to hold candidates and petitioners responsible for malicious assault on the most fundamental foundation of democracy, and to define and provide equitable remedy for the same. Any person, candidate, proponent, or opponent of a petition found before the ASUN Judicial Council to have committed a malicious assault on the most fundamental foundation of democracy through the following act shall be subject to punishment by the guidelines as set forth by the Election Code:

- 1) Interfering with the proper tallying of votes.

b) **NO ETHICAL BREACHES:**

The purpose of this subsection is to hold candidates and petitioners responsible for serious ethical breaches, which threaten the validity of the ASUN's commitment to fairness, democracy, and the legal institutions empowered to protect that democracy, as well as to define and provide equitable remedy for the same. For this reason, any person, candidate, proponent, or opponent of a petition found before the ASUN Judicial Council to have committed the serious ethical breaches stated in this section through the following acts shall be subject to punishment by the guidelines as set forth by this Election Code:

- 1) Willfully violating a lawful order from the ASUN Judicial Council or the Director of Elections and Democratic Education.
- 2) Intentionally falsifying information on any forms, or in the Voters' Guide.
- 3) Refusing to appear before the ASUN Judicial Council, if subpoenaed by the Council; the candidate shall be exempt from appearing before the Council if the candidate can show a valid excuse. It shall be the Judicial Council's obligation to ascertain the validity of any claim as to the above.
- 4) Soliciting unpaid political advertising in an ASUN-Sponsored Publication.
- 5) Using ASUN authority, facilities, funds, or resources for campaign purposes, including for long term or bulk storage of campaign materials without prior consent.
- 6) Knowingly and actively campaigning within 25 feet of a polling location on the day of an ASUN election.
- 7) Badgering or threatening witnesses subpoenaed for a Judicial Council hearing or Judicial Council members.
- 8) Obstructing an investigation by the Attorney General.
- 9) Exceeding the campaign finance spending limits as defined in the Election Code.
- 10) Potential violation of an election rule announced by the Residence Hall

Association or Department of Residential Life, Housing and Food Services.

c) **INTERFERING AND SAFETY:**

The purpose of this subsection is to hold candidates and petitioners responsible for interfering with the mission of the ASUN, and for threatening the safety of the campus, and to define and provide equitable remedy for the same. For this reason, any person, candidate, proponent, or opponent of a petition found before the ASUN Judicial Council to have interfered with the mission of the ASUN or threatened the safety of the campus through the following acts shall be subject to punishment by the guidelines as set forth by the Election Code:

- 1) Willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers of ASUN groups or business operations which bring revenue to the ASUN.

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- 2) Willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers which advertise functions, meetings, events, or existence of ASUN sponsored student groups and publications.
 - 3) Willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers of other candidates for office in the ASUN Election.
 - 4) Persistently blocking any entrance or tight space, or otherwise significantly restricting the flow of vehicular or pedestrian traffic on campus.
- d) **VIOLATIONS OF INTERNAL PROCESSES:**
- The purpose of this subsection is to hold candidates and petitioners responsible for violations of important legal protocols which transcend the internal processes of the ASUN, and to define and provide equitable remedy for the same. For this reason, any person, candidate, proponent or opponent of a petition found before the ASUN Judicial Council to have committed violations of important legal protocols through the following acts shall be subject to punishment by the guidelines as set forth by the Election Code:
- 1) Filing malicious, frivolous, or bad faith charges against any candidate.
 - 2) If another candidate engages a third party to file such charges, both parties shall be held responsible.
 - 3) Using e-mail lists or posting boards to campaign, with spam, which is defined as e-mail that does not meet any of the following conditions:
 - a. The author has a pre-existing relationship with the recipient(s).
 - b. The author has permission from the leadership of the organization.
 - c. The author is a member of the organization.
 - 4) Candidates may share endorsements of themselves or any other candidate in-person or online without penalty.
 - 5) Claiming an endorsement of an individual, group, or party without consent. Candidates should, but are not required to, obtain endorsements in writing.
- e) **VIOLATIONS OF ELECTIONS CODE, CANDIDATE'S PACKET. OR UNIVERSITY GUIDELINES:**
- The purpose of this subsection is to hold candidates, and petitioners responsible for violations of ASUN Elections Protocol and of University Guidelines, and to provide equitable remedy for the same. For this reason, any person, candidate, proponent or opponent of a petition found before the ASUN Judicial Council to have committed violations of ASUN Elections Protocol and of University Guidelines through the following acts shall be subject to punishment by the guidelines as set forth by the Election Code:
- 1) Candidates are required to adhere to the University of Nevada, Reno's Student Code of Conduct. If the code of conduct is violated offenders will be referred to the Office of Student Conduct by CSE Professional Staff.
 - 2) Failing to file a copy of all campaign material prior to the dissemination of the campaign material.
 - 3) Failing to submit a copy of all campaign materials (i.e., printed materials, digital assets, website URLs, social media accounts, social media ads, etc.) prior to distributing, publishing, or posting the campaign material.
 - 4) Campaigning prior to the campaign start date as stated in the Candidate's Packet.
 - 5) Willfully placing campaign material in any University building, including classrooms, libraries, bathrooms, and on chalkboards, but excluding the posting of campaign material on public access bulletin boards and kiosks within University buildings.
 - 6) Failing to attend and participate in the Mandatory Clean-up day that shall be established by the Director of Elections and Democratic Education on the Saturday following the election, unless campaign materials are cleaned up prior to the Clean-up day.
 - 7) Claiming endorsements without bearing the disclaimer, "Titles for Identification Purposes Only" in the same size font as the majority of the text of the endorsements is written.

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- 8) Failure to attend and participate in the Mandatory Clean-up day that shall be established by the Director of Elections and Democratic Education on the Saturday following the election, unless campaign materials are cleaned up prior to the Clean-up day. 9) Failure to attend and/or send a proxy to the Mandatory Candidate's meeting.
 - 10) Claiming endorsements without bearing the disclaimer, "Titles for Identification Purposes Only" in the same size font as the majority of the text of the endorsements is written. Excludes retweets, likes, reshares, comments, etc., on social media platforms.
 - 11) Failing to submit campaign finance receipts, as required by Section 20.
 - 12) Interfering with, or campaigning within 10 feet of any of the Center for Student Engagement or the University's official sandwich boards or banners.
 - 13) Unintentionally falsifying information on any forms or in the Voters' Guide. 14) Failure to meet the deadline for withdrawal.
- f) TEMPORARY RULES:
- 1) Temporary rules may be implemented by the Center for Student Engagement Staff where an urgent situation necessitates temporary additions, amendments, or a suspension of a portion of the Election Code, provided all candidates are affected equally.
 - 2) A Temporary Rule shall not take effect until approved by a majority vote of the ASUN Judicial Council with at least three (3) members present.
 - 3) These new rules must be sent electronically to each candidate and posted in a designated area of the Joe Crowley Student Union so that all candidates have access to them.
- g) CONDUCT OF CAMPAIGN:
- 1) It is the intent of this subsection to hold a candidate responsible for violations committed by the candidate's agents if those agents are involved in that general area of the campaign.
 - 2) A candidate shall be charged with violating Campaign Rules if an agent of the candidate acting on the candidate's authority violates Campaign Rules.
 - 3) The alleged violation shall be referred to Judicial Council for adjudication upon review and submission by the ASUN Attorney General and Director of Elections and Democratic Engagement
 - 4) If any Proponent of a petition is found to have violated the Election Code, the petition shall be assessed the corresponding sanction, up to and including the disqualification of the petition.
- h) FILING A COMPLAINT
- 1) If a candidate is found and/or suspected of violating any provision of the Elections Code, Candidate's Packet, ASUN Constitution and/or Bylaws a compliant complaint against the candidate can be submitted using the online Election Complaint Form.
 - a. The Director of Elections and Democratic Education shall not file a case using the complaint form, but defer to filing a charge sheet directly with the Judicial Council after consulting with the Attorney General.
 - 2) The Director of Elections and Democratic Education shall receive all Election Complaint forms and forward each complaint to the ~~Chief Justice and~~ Attorney General no later than two (2) business days, from the date the complaint was submitted.
 - 3) The Attorney General shall be responsible for notifying all parties included in the complaint no later than two (2) business days, from the date the complaint was received by the Attorney General. Notification shall at least include statement of complaint submitted with the online Election Complaint Form.
 - 4) The Director of Elections and Democratic Education shall consider, no later than two (2) business days from the date the complaint was submitted, if the Attorney General files a charge.
 - 5) The Attorney General shall submit a corresponding charge sheet to the Judicial Council, if review by the Attorney General in addition to recommendation by the Director of Elections

1 and Democratic Education deems Judicial Council action is needed. This shall happen no
2 later
3 than two (2) business days from the referral of the Director. The charge sheet shall be 3
4 accompanied by the full text of the online Election Complaint submission including, but
5 not
6 limited to:
7 a. Complainant name
8 b. Date of alleged violation
9 c. Time of alleged violation
10 d. Location of alleged violation
11 e. Statement of complaint
12 f. Statement confirming the complaint is filed in good faith and will be handled in
13 accordance with this title of the Statutes of the Associated Students.

12 6) The Judicial Council shall review the ~~complaint~~ charge sheet submitted by the Attorney
13 General and decide whether to accept the case within five (5) business days of receiving the
14 ~~complaint~~ charge sheet.

15 7) If the case will be heard, the hearing shall be held within seven (7) business days of the
16 decision to accept the case.

17 8) The hearing shall be conducted in accordance with Rule 4: Hearing Procedures of
18 Chapter 302:
19 Judicial Rules and Procedures.

20 9) The Council shall reach a decision and provide a ruling no later than five (5) business
21 days of
22 the hearing.

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