



# Senate of the Associated Students of the University of Nevada

*91<sup>st</sup> Session, 2023-2024*

## AN ACT REVISING ELECTIONS CAMPAIGN MATERIAL PROCESSES

Bill Number: 5

Authored By: Senator Martin, Former Director of Elections Kimmelmeier, Elections Co-Director Moss

Sponsored By: 2023-2024 Student Government Assembly

*Whereas*, SAS.VII.702 establishes the Elections Code for elections of the Associated Students;<sup>1</sup>

*Whereas*, ASUN Elections were historically conducted offline, utilizing paper ballots as the primary mode of voting and with candidates primarily utilizing physical campaign materials;

*Whereas*, SAS.VII.702.20(a) defines campaign materials as “material initiated by a candidate with the intent to contact voters publicly, that explicitly speaks, pleads, or argues in favor of the election or defeat of a candidate”;<sup>2</sup>

*Whereas*, this definition “includes all online web-based mediums (e.g., social media content, websites, listservs, message boards, etc.) that contact voters publicly”;<sup>3</sup>

*Whereas*, candidates for ASUN offices now primarily utilize online platforms, including social media, to conduct campaigning and produce campaign materials;

*Whereas*, the aforementioned definition shall be amended for clarity to include all material published on online-web-based mediums, including social media content;

*Whereas*, the current language in the Elections Code reflects this previous dominance of physical campaign material usage, requiring candidates to submit a copy of each campaign material before dissemination;

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<sup>1</sup> [https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/09/A\\_91\\_SAS\\_09-18-2023.pdf](https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/09/A_91_SAS_09-18-2023.pdf)

<sup>2</sup> [https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/09/A\\_91\\_SAS\\_09-18-2023.pdf](https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/09/A_91_SAS_09-18-2023.pdf)

<sup>3</sup> [https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/09/A\\_91\\_SAS\\_09-18-2023.pdf](https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/09/A_91_SAS_09-18-2023.pdf)

*Whereas*, the Directors of Elections are not responsible for or tasked with approving or denying designs before dissemination, this process helps to keep the Directors of Elections informed of material that candidates are producing and, thus, potential campaign material violations;

*Whereas*, applying this statute to all campaign material was perhaps more applicable during a time when physical campaign materials were more common;

*Whereas*, in a digital age, however, this requirement requires candidates to submit a copy of social media campaign materials, including Instagram stories and posts, before public posting;

*Whereas*, candidates who failed to comply with this measure may be found to have committed a violation of the Elections Code before the ASUN Judicial Council;<sup>4</sup>

*Whereas*, enforcing online compliance with this statute resulted in many insignificant charges being brought before ASUN Judicial Council in the 2023 Elections;<sup>5</sup>

*Whereas*, candidates who failed to comply with these statutes lacked malicious intent;

*Whereas*, enforcing online compliance with this statute proved tedious on behalf of the Directors of Elections and took time away from ensuring compliance with other statutes of the Elections Code;

*Whereas*, a more practical alternative for acknowledging this digital shift and enabling screening for Elections Code compliance would include requiring a list of all social media handles, website URLs, and other locations where the candidate or campaign managers will disseminate campaign material in the candidate filing form and making these accessible to the Directors of Elections;

*Whereas*, this allows the Directors of Elections to still check online campaign materials' compliance with the Elections Code without requiring candidates to individually send the Directors of Elections online content that is otherwise publicly accessible

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<sup>4</sup> [https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/02/Fixed\\_Majority-Taeuebl-v.-Martin.pdf](https://de5u0yfu98nbk.cloudfront.net/wp-content/uploads/2023/02/Fixed_Majority-Taeuebl-v.-Martin.pdf)

<sup>5</sup> <https://nevadaasun.com/documents/>

*Whereas*, candidates shall still be required to submit a copy of all physician campaign material designs, including posters, handbills, sandwich boards, etc., before the dissemination of campaign material;

*Whereas*, this is done to inform compliance with physical posting policies set forth by the University Administrative Manual and other ad hoc policies created by Scheduling Services, including those dictating sandwich boards for ASUN Elections;

*Whereas*, the absence of this requirement may mean that physical campaign material may go otherwise unchecked;

*Whereas*, implementing these changes will enable a more accessible and understandable campaigning environment for those seeking ASUN elected offices;

*Whereas*, implementing these changes will decrease the unnecessary workload for the Directors of Elections in this area and potentially reduce the caseload of non-malicious violation charges filed to the ASUN Judicial Council;

*Be it enacted*, SAS Title VII is updated to reflect Addendum A;

*Be it further enacted*, that this law will enter into force on January 22, 2024, prior to the publishing of the Candidate Filing Form mandated by the required Candidate Filing Period provided for in SAS VII.702.7(a) and SAS VII.702.7(b);

Adopted in Senate on December 6, 2023

Attest:

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Fayza Salah, Speaker of the Senate

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Boris Carpio Guerra, President of the Associated Students

I certify that this Act originated in the Senate.

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Ally Chavez, Senate Secretary

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# ADDENDUMA

## CHAPTER 702: ELECTIONS CODE

### SECTION 01: ESTABLISHMENT

The Elections Code is hereby established.

### SECTION 02: PURPOSE

The purpose of the Elections Code is to provide for the conduct of all Association elections. Nothing in the Election Code shall presume authority over the unsolicited actions of individuals not considered members of ASUN (e.g., NSHE faculty, staff, administrators, graduate students, and members of the public) that may violate the Election Code, ASUN Constitution and any other ASUN governing or operational documents. However, candidates and/or agents of candidates shall be held responsible for their part in engaging individuals in activities that violate the Election Code, ASUN Constitution and any other ASUN governing or operational documents.

### SECTION 03: EQUAL PROTECTION

The Election Code is intended to ensure that each candidate is afforded an opportunity for election equal to that of any other candidate for that office, and proponents and opponents of initiatives, referenda, and other petitions are afforded an equal opportunity for their respective victory.

### SECTION 04: MECHANICS OF THE ELECTION

a) ELECTION DATES:

ASUN Elections shall be held in accordance with the ASUN Constitution and laws. b)

POLLING LOCATIONS:

All polling locations are classified as either a “physical polling location” or an “electronic polling location.”

1) Definitions:

i) PHYSICAL POLLING LOCATION:

Any location on-campus in which CSE facilitates voting in an election. ii)

ELECTRONIC POLLING LOCATION:

Any active device (laptop computer, mobile phone, workstation, etc.) through which ASUN Elections Ballots may be obtained.

2) POLLING LOCATION:

i) Any election of ASUN may have a physical polling location within the Student Union, which shall be open for voting at a minimum between the hours of 8 a.m. and 5 p.m., each day voting is taking place.

ii) Upon approval from the Office of Residence Life and Housing, any election of ASUN shall have a physical polling location within a Residence Hall building, which shall be open for voting for at least four (4)

consecutive hours each day voting is taking place. 3) The Director of Elections and Democratic Education may determine, if necessary, another

on-campus location in the interests of the student body provided that such additional locations are open:

i) On each day of polling; ii) To all members of the campus community; and iii) For no fewer than four hours each day.

4) The Director of Elections and Democratic Education shall place the physical polling locations so as to avoid congestion and provide easy access to the voter.

5) The locations of the polling locations shall be well-publicized before and during the election.

c) CLOSING OF PHYSICAL POLLING LOCATIONS:

No person in line to vote at the time the physical polling location closes shall be prevented from voting at that place and time.

1) CONDUCT OF POLL(S): The Director of Elections and Democratic Education shall determine areas where campaigning is not allowed prior to the Candidates' Meeting.

2) The area(s) shall not have campaign signs, posters, or other literature and candidates shall not be allowed to campaign in it.

3) All further guidelines as defined in this section shall only be enforced on days during which any election of ASUN may occur.

4) Conduct of the poll(s) is further limited as follows:

- Physical Polling Locations:

- There shall be no loitering at the physical polling locations. • The Director of Elections and Democratic Education shall provide sufficient, but not less than one, electronic devices at each physical polling location.

- No candidate or agent of a candidate shall actively or passively campaign to any voter from within 25 feet of a physical polling location except if the campaign material falls under one of the following:

- Social Media

- Website

- Email

- Electronic Polling Locations:

- No candidate or agent of a candidate shall actively campaign to any individual accessing an electronic polling location.

d) STAFFING OF THE POLLS:

1) Each physical polling location shall be staffed with at least two poll workers selected by the Director of Elections and Democratic Education. 2. Any person who claims, represents, affirms, or is staffed by a candidate cannot be selected as a poll worker.

3. Candidates cannot be selected as poll workers.

## **SECTION 05: VOTERS' GUIDE**

### **a) PURPOSE:**

The Voters' Guide shall provide an opportunity to candidates, and proponents and opponents of petitions to express their opinions on the Elections, and for information to be disbursed to the electorate about ASUN, voting procedures, candidates, and petitions.

### **b) SPECIFICATIONS:**

The Voters' Guide shall include

- 1) Candidate statements or platforms,
- 2) The full text of all petitions and constitutional amendments,
- 3) An explanation of voting procedures, and
- 4) A description of the duties of the Senate and Executive Officers.

### **c) DISTRIBUTION:**

The distribution of the Voters' Guide shall include, but is not limited to:

- 1) Physical polling locations
- 2) Living areas (such as Residence Halls)
- 3) The Nevada Sagebrush,
- 4) The Disability Resource Center, and
- 5) Other areas deemed by the Director of Elections and Democratic Education.

## **SECTION 06: CANDIDATES**

### **a) ELIGIBILITY:**

- 1) Each candidate must meet the requirements of eligibility at the time of filing, for the office for which the Candidate is running as stated in the ASUN Constitution.
- 2) The Associate Director of the Center for Student Engagement, or designee, shall verify each candidate's eligibility.
- 3) All candidates declared ineligible to run shall be notified by the Associate Director of the Center for Student Engagement, or designee.
- 4) Candidates for Senate who are members of multiple colleges or schools shall file under only one college or school of their preference. 5) Candidates can only file for one office.

### **b) CANDIDATE NAME:**

- 1) In any election, the name presented on a ballot must be either the candidate's given name and surname, or the candidates preferred name as reflected in MyNEVADA.

#### **2) NICKNAME**

- i. A contraction or familiar form of the candidate's given name can be used followed by the candidate's surname.

ii. A nickname may be incorporated into the name of a candidate. The nickname must be in quotation marks and appear immediately before the surname of the candidate.

iii. A nickname must not be vulgar or threatening and must not indicate any political, economic, social, or religious view, or affiliation and must not be the name of any person, living or dead, whose reputation is known on a campus-wide, statewide, nationwide, or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which the individual is voting.

3) In any election if two (2) or more candidates have the same surnames or surnames so similar as to be likely to cause confusion, the candidate's middle initials, if any, of the candidates must be included in the names of the candidates as presented on the ballot and in the Voter's Guide.

4) The Associate Director of the Center for Student Engagement shall verify the validity and legality of all candidate names, as submitted on the filing form by the candidates. The Director of Elections and Democratic Education shall inform all affected candidates of any problems or inconsistencies.

i. This shall be done, as far as possible, prior to the submission of information for the Voter's Guide, in order to permit corrections.

## **SECTION 07: CANDIDATE FILING PERIOD**

### **a) TIME FRAME**

1) The Filing Period for candidates shall open at 8:00 a.m. on the eighth Monday before General Elections commence.

2) The Filing Period for candidates shall close at 5:00 p.m. on the second Friday after the Filing Period opens.

3) The Director of Elections and Democratic Education can alter the dates for the opening and/or closing of the Filing Period for candidates in dire circumstances with due notice to the ASUN Senate and all candidates.

i. Notice to the Senate will be given through public comment by the Director of Elections and Democratic Education ii. The Director of Elections and Democratic Education must give notice to the ASUN Senate the meeting of or prior to "Prep Day" (as determined by the University) of the previous academic semester.

### **b) CANDIDATE FILING FORM:**

1) Each candidate shall file a Candidate Filing Form by the deadline. 2) Candidate filing Forms shall be available online via the ASUN Elections website.

3) Candidate Filing Forms may be filed online via the ASUN official website. 4) The Candidate Filing Form shall include:

i. The Candidate's name as it will appear on the election ballot and the Voters' Guide; ii. The office the Candidate is seeking; iii. Contact information of the candidate;

iv. A list of campaign managers or individuals who are directly affiliated with the candidate's campaign; Eligibility Requirement Verification: An electronic signature or acknowledgement confirming the candidate consent to having their GPA, enrollment and college membership verified by a CSE professional staff member;

v. A list of all social media handles, website URL's, and other online locations where the candidate or campaign managers will disseminate campaign material as defined in Section 20: Campaign Finance Rules and Regulations.

. Candidate Platform or Statement vii. A statement informing the candidate that they are responsible for all information presented in the Elections Code, Candidate's packet and any Candidates' Meetings.

c) DEADLINE FOR WITHDRAWAL:

1) Candidates may withdraw their name from the election by submitting a written notice to the Director of Elections and Democratic Education or the Associate Director of the Center for Student Engagement, or designee stating their withdrawal.

2) The deadline to withdraw from any election shall be 48 hours prior to the start of voting for that election (i.e., Primary Election, General Election or Special Election).

d) ELECTIONS FINE:

1) By filing for candidacy, all candidates consent to have a hold placed on their student account if a fine is levied against the candidate by the Judicial Council for violating the Election Code.

2) Candidates have 10 business days from the date of notification to pay their fine at the Center for Student Engagement. If a candidate does not pay the fine by the deadline unless otherwise noted by proof of financial hardship, a hold will be placed on their student account and if elected will not be hired. 3) Any candidate that accrues charges totaling fifty dollars (\$50.00) will be disqualified from ASUN elections due to noncompliance of the Elections Code.

## SECTION 08: QUALIFICATIONS OF VOTERS

a) Students shall present their Nevada University Student ID card at a physical polling location prior to voting to verify voter eligibility.

b) For legislative elections, enrolled undergraduate students are eligible to vote in every college or school they belong.



- c) The student must be a member of the college or school by 5:00 p.m. on the “last day to add or swap classes with instructor permission” (as determined by the University) of the semester the election is held in order to be eligible to vote in a particular college or school.
- d) Students cannot vote more than once on Executive Officer positions, initiatives, referendums, and constitution amendments.
- e) Voters may not submit more than one ballot per election.

## **SECTION 09: PETITIONS FOR INITIATIVE AND REFERENDUM**

### a) DEFINITIONS:

#### 1) PETITION:

A petition is any initiative or referendum which will be placed before the student body in an ASUN Election, in pursuance of constitutional definitions of initiative and referendum.

i) Initiative is defined as any item of enactment may be put to a vote of the students by petition. No measure repealing a prior action shall be done by initiative. ii) A referendum shall be used to repeal any item of enactment of the Senate.

#### 2) PRIMARY PROPONENT(S) OF A PETITION:

i) A Primary Proponent of a petition is any student that submits a petition. The Primary Proponent(s) of any petition is responsible for the conduct of the campaign in support of the petition.

#### 3) PROPONENT OF A PETITION:

i) A Proponent of a petition is any person, including the Primary Proponent(s) of a petition, who acts in support of a petition by delegation, either explicitly or implicitly, of one or more of the Primary Proponents of that petition. ii) This shall include any person who circulates or attempts to circulate a petition.

iii) This shall not be construed as to include individuals who act in support of a petition independently and without the knowledge of the Primary Proponent(s).

#### 4) PRIMARY OPPONENT(S) OF A PETITION:

i) After the verification of a petition for an initiative petition or referendum, the Attorney General shall inform the following individuals, in the following order, that the individual may claim the role of Primary Opponent:

1. The President.
2. All other ASUN Elected or Appointed Officers.
3. Any signatory of an ASUN sponsored Club or Organization.
4. Any member of the Association.

ii) The Primary Opponent may then submit to the Director of Elections and Democratic Education a statement for the Voters’ Guide and submit to the Attorney General a statement acknowledging that the individual is responsible for the conduct of the campaign in opposition to the petition.

#### 5) OPPONENT OF A PETITION:

i) An Opponent of a petition is any person, including the Primary Opponent(s) who acts in opposition to a petition by delegation, either explicitly or implicitly, of one or more of the Primary Opponents of that petition.

- ii) This shall not be construed as to include individuals who act in opposition to a petition independently and without the knowledge of the Primary Opponent(s).

b) DATE OF VOTING:

The vote on an initiative or referendum shall take place at the next spring semester election following receipt of the petition, provided that the date of receipt is before the end of the candidate filing period for the spring election; otherwise, the vote shall take place at the next spring election thereafter.

c) PETITION STATEMENT REQUIREMENTS:

- 1) The statement of each petition must be at most two (2) sentences in length.
  - i) The first sentence may state the issue to be voted on in an unbiased manner.
  - ii) The last sentence shall be a neutrally worded question to which an answer of “yes” or “no” is appropriate.
- 2) The Attorney General shall be available to assist any student interested in writing a petition.

d) NOTIFICATION TO THE DIRECTOR OF ELECTIONS AND DEMOCRATIC EDUCATION:

It shall be the responsibility of the Attorney General to provide all of the petitions for each election to the Director of Elections and Democratic Education before the Candidates’ Meeting.

e) REQUIRED VOTES FOR PETITIONS:

Unless otherwise stated in the Constitution or laws, (or in the case of student fee questions, applicable to University Policies), a favorable vote of a majority of the votes cast for and against the petition shall be necessary for adoption of the petition.

f) POSITIONS CHANGED BY CONSTITUTIONAL AMENDMENT:

- 1) In the case where a constitutional amendment will delete an elected position and create a different one with substantially the same duties, a person elected to the old position shall be considered elected to the new position if the constitutional amendment passes.
- 2) The Director of Elections and Democratic Education shall indicate that such a case exists by titling the position, on the ballot and in its other literature, with a juxtaposition of the old and new titles (e.g., “Officer Title X/Officer Title Y”).

g) SUBMISSION OF PETITION TO ATTORNEY GENERAL:

- 1) Prior to circulating any petition, the Proponent(s) shall submit to the Attorney General the proposed question.
- 2) The Proponent(s) shall submit a statement to the Attorney General that declare the Primary Proponent of the petition, and who is responsible for the conduct of the campaign in support of the petition.
- 3) The Attorney General shall certify that the question is an impartial and accurate description of the proposal and shall assign the petition an Official Name and Number.

- i) If the petition creates a law, the Attorney General shall prepare an Official Summary of the petition.
- ii) The Attorney General shall confer with the office of Legal Counsel or designee for approval of language on questions of student fees. 4) The Attorney General shall create the petition and return to the Primary Proponent three (3) copies of the petition.

h) CONTENT OF PETITIONS:

- 1) The petition shall contain the full title and statement of the petition as it is to appear on the ballot on each page on which signatures are to appear. 2) The petition shall contain the Official Summary of the petition on each page on which signatures are to appear in Roman type not smaller than 12-point. 3) The petition must have room for the signature of each petition signer and the printed name. Signature spaces must be consecutively numbered commencing with the number 1 for each page.
- 4) Attached to each page of the petition on which signatures are to appear shall be any other material not in the text of the petition which is directly relevant to the petition.

i) CIRCULATION OF PETITION:

- 1) The petition may be circulated by many different people carrying separate, identical Sections.
- 2) Petitions may be circulated only by registered University of Nevada, Reno, undergraduate students.
- 3) Each petition circulator who obtains signatures must complete a declaration attached to the petition stating:
  - i) The petition circulator is a registered University of Nevada, Reno, undergraduate student; ii) The petition circulator witnessed the appended signatures being written; iii) To the best of the petition circulator's information and belief, each signature is the genuine signature of the individual whose name it purports to be; and iv) The printed name, address, and telephone number of the petition circulator soliciting the signatures.
- 4) If any information given under this statement is false, the entire Section of the petition shall not be used. ij) PETITION SIGNATURES:

1) Each signer must personally place on the petition a signature, printed name,

and NO INFO HERE

2) None of the above may be preprinted on the petition.

3) Any signature line which is not legible or complete shall not be counted. jk) PRESENTATION OF COMPLETED PETITION:

- 1) A petition shall be considered presented when it has been physically presented to the Attorney General.
- 2) To prevent unauthorized petitions from circulating and unauthorized persons from filing petitions, only the Primary Proponent(s) of a petition, and persons authorized in writing by one or more of the Primary Proponent(s) may submit Petitions to the Attorney General.

- ii) Any other petitions submitted will be disregarded by the Attorney General.
- 3) Once submitted, petitions may not be amended except by order of the Judicial Council.

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1) VERIFICATION OF THE PETITION:

- 1) The Attorney General and the Ballot Coordinator shall verify that there are a sufficient number of valid signatures on each petition, by checking the student status of each person who signed the petition.
- 2) Any signatures or pages of signatures not in compliance with this section shall not be counted towards the minimum number of signatures necessary for qualification.
- 3) If the verifying official discovers that the petition submitted lacks sufficient valid signatures, the Attorney General shall immediately notify the Primary Proponent(s) and no further action is taken on the petition.
- 4) The Attorney General must preserve the petition for the same time period as the Director of Elections and Democratic Education preserves the ballots for the election for which the petition qualified or attempted to qualify for placement on the ballot.
- 5) If a petition has not been verified in time for the Candidates' Meeting, the petition shall be treated as valid until the verification is complete.

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1) PLACEMENT OF PETITION ON BALLOT:

Once a petition has qualified for the ballot, the Attorney General shall transmit the petition to the Ballot Coordinator for inclusion on the election ballot.

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n) ADDITIONAL PROVISIONS FOR CONSTITUTIONAL AMENDMENTS:

- 1) A petition for a constitutional amendment shall be filed with the Attorney General in the same manner as a petition for initiative or referendum, who shall submit it to the Senate of the Associated Students once it has been qualified.
- 2) No constitutional amendment shall be placed on the ballot without action of the Senate.

**SECTION 10: RECALL ELECTIONS**

- a) Before a petition to recall a public officer is circulated, the individuals proposing to circulate the petition must file a notice of intent with the Attorney General.
- b) After the notice of intent has been filed, the petitioner may begin collecting the constitutionally required number of signatures to initiate a recall election.
- c) If the number of signatures is achieved the special election shall be held in accordance with the ASUN Constitution by the Director of Elections and Democratic Education.
- d) The Recall Election shall be held in compliance with the Election Code as deemed appropriate by the Director of Elections and Democratic Education.

## **SECTION 11: THE INFORMATIONAL SESSION**

a) The Director of Elections and Democratic Education must hold a non-committal, Informational Session one week preceding the Filing Period. The date, time, location, and agenda of this meeting shall be posted on the official ASUN Election website. b) FUNCTION OF THE INFORMATIONAL SESSION:

- 1) Acquaint all students with the basic structure, functions, and authority of the ASUN;
- 2) Inform students about the election process; and,
- 3) Answer questions, students may have about ASUN and how to become involved.

## **SECTION 12: THE CANDIDATES MEETING**

a) The Director of Elections and Democratic Education shall hold a minimum of one (1) mandatory Candidates' Meeting on the first Tuesday of classes following the end of the Filing Period. The date of this mandatory meeting will be included in the candidate packet. b) Candidates unable to attend must send a proxy in their place. Written notification must be provided to the Director of Elections prior to the meeting. c) All candidates (whether in attendance or not) are responsible for information presented at the meeting.

d) FUNCTION OF THE CANDIDATES' MEETING:

- 1) To acquaint all candidates with the basic structure, functions, and authority of the ASUN and of the Election Code.
- 2) To discuss problems which have arisen in past elections. 3) To discuss ASUN Judicial Council decisions and policies regarding elections, specifically the list of punishable infractions and their respective punishments.
- 4) To discuss administrative details of the election.
- 5) To explain requirements for each candidate statement for the Voters' Guide. 6) Answer questions, candidates may have about ASUN and the election process.

## **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.
- 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:
  - i. The author has a pre-existing relationship with the recipient(s).
  - ii. The author has permission from the leadership of the organization.
  - iii. 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 physical campaign material designs (i.e., for posters, handbills, sandwich boards, etc.) prior to the dissemination of the campaign material.
- 3) Failing to submit on the candidate filing form a list of all social media handles, website URL's, and other online locations that will be used by the candidate or campaign managers to disseminate campaign material, or to otherwise provide the Director of Elections and Democratic Education an updated list of these in the event of a change. 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.
- 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 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 the Attorney General.
- 2) The Director of Elections and Democratic Education shall receive all Election Complaint forms and forward each complaint to the 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 and Democratic Education deems Judicial Council action is needed. This shall happen no later than two (2) business days from the referral of the Director. The charge sheet shall be accompanied by the full text of the online Election Complaint submission including, but not limited to:
  - a. Complainant name
  - b. Date of alleged violation
  - c. Time of alleged violation
  - d. Location of alleged violation
  - e. Statement of complaint
  - f. Statement confirming the complaint is filed in good faith and will be handled in accordance with this title of Statutes of the Associated Students.
- 6) The Judicial Council shall review the charge sheet and decide whether to accept the case within five (5) business days of receiving the charge sheet.
- 7) If the case will be heard, the hearing shall be held within seven (7) business days of the decision to accept the case.
- 8) The hearing shall be conducted in accordance with Rule 4: Hearing Procedures of Chapter 302: Judicial Rules and Procedures.
- 9) The Council shall reach a decision and provide a ruling no later than five

(5) business days of the hearing.

i) **PUBLIC POSTING OF CHARGES AND RESPONSIBILITY FOR CORRECTING VIOLATIONS:**

- 1) Reported election violations, Judicial Council decisions, and out-of-council settlements related to violations shall be posted on the official ASUN website.
- 2) Election complaints submitted to Judicial Council shall not be filed under seal.
- 3) Candidates, and all others cited, shall be notified by the Chief Justice of all Judicial Council decisions. Involved parties are responsible for correcting all violations (if possible to correct) by the designated deadline set by the Judicial Council.

**SECTION 14: PUNISHMENT FOR ELECTION VIOLATIONS**

- a) The Judicial Council shall be vested with the authority to hear and decide allegations of election violations, pursuant to its rules and regulations as set forth in ASUN Constitution and laws.
- b) All candidates are warned of the consequences of these censures at the Candidates' Meeting.
- c) A finding of violation of the conduct prohibited by this Election Code shall be punishable by charging a candidate no less than five dollars (\$5.00) to be paid to the Center of Student Engagement. A hold will be placed onto the candidate's student account if the charge is not paid within 10 business days. The hold will remain until the charge is paid in full.
- d) The Judicial Council may also choose to disqualify a candidate depending on the severity of the misconduct.
- e) In addition to the authority granted the Judicial Council herein, it shall have equitable power to assure that the punishment levied fits the violation found to occur so as to assure a fair and just result.
  - 1) Sanctions for any acts or violations by a candidate, whether before, during, or after the Judicial Council hearing, which are not specifically addressed in the ASUN Constitution and laws shall not be imposed by the ASUN Judicial Council at any time.
- f) **DEFINITIONS:**
  - 1) Badgering is defined as "interfering with a witness testimony, attempting to prevent a witness from providing honest testimony, or interfering with the processes that the Judicial Council abides by to arbitrate a case in a fair manner".
  - 2) Failing to file a copy of all campaign material prior to dissemination of the campaign material.
  - 3) Intentional is defined as "Committed deliberately".
  - 4) Willfully is defined as "Having prior knowledge of the consequences of the violation and intentionally committing it in such a way as to undermine the fairness of an election".
  - 5) Malicious is defined as "Deliberately harmful or spiteful".
  - 6) Frivolous is defined as "Inappropriately silly or trivial".
  - 7) Bad faith is defined as "Intentional dishonesty or deception".

- 8) Failing to turn in campaign finance receipts as required by section 20.
- g) A candidate will be disqualified if they receive charges totaling fifty dollars (\$50.00).

## **SECTION 15: ASUN JUDICIAL COUNCIL**

### **a) JURISDICTION:**

The ASUN Judicial Council shall have sole jurisdiction to adjudicate election violations. Unless the Election Code explicitly states a candidate will be disqualified for a specific violation.

### **b) SANCTIONS:**

The ASUN Judicial Council shall be empowered to impose sanctions up to and including disqualification for violations of the Elections Code, election processes, and the ASUN Constitution and laws.

### **c) CONTEMPT OF COUNCIL:**

The imposition of sanctions for contempt of council for violations of this Elections Code shall be imposed by the Judicial Council after a hearing at which the offending party appears and is heard.

### **d) SETTLING OUT OF COUNCIL:**

- 1) For a violation of this Election Code a sanction can be imposed by mutual written agreement of the Attorney General and the individual being charged rather than having a Judicial Council hearing.
- 2) The agreement must contain a waiver preventing any of the signatories or parties in which the Council may represent from bringing the case before Judicial Council in the future.
- 3) Any such agreement must be accompanied by a written explanation of the circumstances surrounding the violation and must be approved by the Judicial Council.

### **e) STATUTE OF LIMITATIONS:**

- 1) Sanctions may be assessed against an individual for violating the Election Code at any time, whether the individual has filed for candidacy yet or not. Any sanctions imposed shall be accumulated only until the regularly scheduled ASUN election of that year.
- 2) The Senate may amend these rules at any time during the year.
- 3) It is the responsibility of the campaigner to obtain the current rules and procedures for campaigning.
- 4) No amendment to this Election Code approved after the Candidates' Meeting shall take effect until after the Regular ASUN Election for that semester.
- 5) All ASUN Officers shall be obliged ex-officio to answer subpoenas issued by Judicial Council or shall be barred from running in future elections. This stipulation shall apply to any case arising under their term in office. The officer subpoenaed shall be exempt from appearing before the Council if the officer can show a valid medical excuse, out-of-town commitment, death in family, employment obligations or exam or paper due 24 hours following the case. It shall be the Judicial Council's obligation to ascertain the validity of any claim as to the above.

## **SECTION 17: THE BALLOT**

### **a) NAMES ON BALLOT:**

The order of the names on the ballot shall be arranged in alphabetical order by last name, first name, middle initial (if available).

### **b) FORM OF BALLOT:**

1. The ballot shall primarily be administered using an online voting mechanism. The selected online voting mechanism shall meet University accessibility requirements.
2. Provisional paper ballots shall be available in limited quantity at all physical polling locations, to students eligible to vote but unable to access the online ballot at a physical and/or electronic polling location due to a technical error.
3. In the event the online voting system is unavailable or becomes unavailable at any time during the voting period, the Director of Elections and Democratic Education shall adopt temporary rules to carry out the elections using paper ballots. The Director of Elections and Democratic Education in consultation with the Attorney General and CSE Associate Director, or their designee may determine whether there is sufficient cause to extend the voting period.

### **c) PAPER BALLOT:**

Paper ballots may be used in the event of a technological issue or failure occurs during the elections period. d) PETITIONS:

Ballots for petitions shall be presented separately, as not to include multiple petitions on one page or screen.

1. Ballots shall begin with the petition title and petition question, as approved by the Attorney General
2. Ballots for petitions shall include options, vertically, for yes, no, and abstain.
3. Voters shall not be able to proceed without marking one of the options on the ballot.
4. No option will be selected by default when the ballot is presented to the voter

## **SECTION 18: TALLYING OF VOTES**

### **a) BALLOT TABULATION:**

- 1) This section does not prohibit the filing of new charges by the Attorney General for Campaign Violations occurring after the commencement of ballot tabulation.
- 2) If any candidate(s) is disqualified prior to the results being read into the Minutes at a Senate meeting, additional ballot tabulations will commence following all decisions and settlements of lawsuits regarding elections by the Judicial Council.
- 3) Election results automatically tabulated by the software or platform used shall be reviewed and published online by a Center of Student Engagement Professional Staff member. The Director of Elections and Democratic

Education, Attorney General, or their designee shall supervise the process. 4) The results shall be posted on the ASUN website. The results shall be clearly marked as preliminary and uncertified results.

5) The election results shall become effective after being read into the Minutes of a Senate meeting.

b) HANDLING OF INCOMPLETE AND INVALID VOTES:

1) A vote shall be declared invalid, and excluded from the counting in a particular race, if a voter is deemed ineligible to vote for that particular race. 2) Individuals who cast multiple ballots in a particular race, shall have both of their ballots disqualified and not tabulated in the final count.

c) TABULATION OF VOTES:

1) For Executive officer positions, the candidate that receives the plurality vote shall be determined the winner. In the Senate the number of seats available for each college or school shall be given to the same number in rank of most votes received by candidates.

2) In the event of a tie in a contested race, the current session of the ASUN Senate shall have a majority vote to determine the winner.

d) TALLYING OF BALLOT PETITION:

The “Yes” and “No” votes for each petition shall be counted.

## **SECTION 19: SAFEGUARDS AND ELECTION PROTESTS**

a) STORAGE OF ELECTION RESULTS:

1) An electronic file of the election results and all paper ballots, tally sheets, and relative election tabulation documents shall be held permanently by CSE Professional staff and/or the ASUN Office of the Secretary. The results shall be marked with the time at which the election results were finalized.

b) THE TWO-LOCK SYSTEM:

1) Each ballot box, as well as all other boxes where current paper ballots are stored, must be locked at all times by a two-lock system. Each ballot box must be locked during the entirety of the voting period.

2) The Director of Elections and Democratic Education and the Associate Director for Center for Student Engagement, or designee, shall each possess one of the two keys to the locks. During the elections, none of these officials may surrender the key to their charge to any other person unless the official is unable to perform their duties. The ASUN Attorney General must be notified of any surrendering of these keys.

c) ADDITIONAL SAFEGUARDS:

1) The ASUN Attorney General shall have the privilege of attending or sending a representative to all physical polling locations and places where election results are being reviewed for posting by CSE Professional Staff, provided such representative is not a candidate or agent of a candidate in the election.

d) VOID AN ELECTION:

- 1) Any student may petition the ASUN Judicial Council to void an election, on grounds of the integrity of the Director of Elections and Democratic Education, its mismanagement of the election, or the mechanism of the count, prior to the expiration of the Statute of Limitations stated in this Election Code 2) The Judicial Council shall review the case and submit its finding to the Senate.
- 3) If the ASUN Judicial Council rules that there was mismanagement, or that there was an unpunished violation, the ASUN Judicial Council may void the election on the grounds that the mismanagement or the unpunished violation substantially affected the outcome of the election.
- 4) The ASUN Judicial Council may not void an election on any other grounds or by any other procedure, as stated in the Election Code. 5) Only the ASUN Judicial Council may void an election.
- 6) If the Judicial Council voids a general election, the Judicial Council shall provide for a new special election to be held on a Wednesday and Thursday of instruction no later than one week from the Council's decision to settle the outcome of the affected portion of the elections.
- 7) If the Judicial Council voids a primary election, the Judicial Council shall order a new special primary election to be held on a Wednesday and Thursday of instruction no later than one week from the Council's decision and possibly in conjunction with the general election to settle the outcome of the affected portion of the primaries. Additionally, the Judicial Council shall order a new special election to be held on a Wednesday and Thursday of instruction no later than one week from the special primary to settle the outcome of the affected portion of the elections.

## **SECTION 20: CAMPAIGN FINANCE RULES AND REGULATIONS**

### a) INTENT AND DEFINITIONS:

- 1) The Rules contained in this section are intended to implement the campaign finance regulations.
- 2) Campaign material is defined as material initiated by a candidate, with the intent to contact voters publicly, that explicitly speaks, pleads, or argues in favor of the election or defeat of a candidate. This includes all **material** **platforms** **content** **published on** online web-based mediums (e.g., social media, websites, listservs, message boards, etc.) that contact voters publicly. 3) Further, materials that are controlled by a candidate's campaign that mention a candidate's name, or the office a candidate is seeking, shall be defined as explicitly speaking, pleading, or arguing in favor of the election of a candidate. Therefore, it will be included in the definition of campaign material.
- 4) Electronic mail, free social media accounts and telephone calls will be assessed a zero cost.
- 5) News or editorial articles in a publication not run by a candidate, not controlled by candidate, not receiving a significant portion of their funding from a

candidate, or not operating under a specific agreement between the publication and a candidate, shall not be included in the definition of campaign material.

6) Any material produced by a group or organization not run by a candidate, not controlled by a candidate, not receiving a significant portion its funding from a candidate, or not operating under a specific agreement between the group or organization and a candidate, shall not be included in the definition of campaign material.

7) Material in which a voter initiates contact, such as a website, instant message, away message, or telephone request for information, shall not be included in the definition of campaign material.

8) Any funds used for the purposes of designing content on a Website that falls under this Election Code shall be included in the definition of campaign material.

9) Any negative campaigning shall count toward the budget of the candidate that produced the material.

b) ENFORCEMENT:

1) The Director of Elections and Democratic Education is responsible for informing candidates of the campaign finance regulations, ensuring candidates are compliant, and reporting violations for adjudication by the Judicial Council.

2) The public has the right to obtain any candidate's spending information, but the information is not required to be widely disseminated by the Director of Elections and Democratic Education.

3) It shall be the responsibility of the candidate to provide one copy of all physical campaign material designs to the Commission before dissemination any campaign materials have been disbursed. , as well as a list of online locations where digital campaign materials will be distributed.

4) It shall be the responsibility of the candidate to provide proof of purchase or proof of donation of campaign materials prior to dissemination. If unable to provide a receipt, they may indicate so and instead provide an estimate of fair market value. Receipts must be provided beginning with the Candidates' Meeting and thereafter. Receipts must be provided beginning with the first

Candidates' Meeting and thereafter. The Director of Elections and Democratic Education has the power to set a deadline for all proofs of donation and proofs of purchase.

5) The Director of Elections and Democratic Education shall have the responsibility of determining a fair market value for any campaign material not accompanied by a receipt of purchase. The interpretation of fair marketvalue may be appealed to the Judicial Council.

6) Campaign materials that count as part of a candidate's spending, must have been produced, or authorized, by the candidate.

- 7) Any campaign material advocating, by name, office seeking, or ballot number, more than one candidate, shall have its cost divided equally among all candidates listed on the material.
- 8) The candidates or parties involved in the election shall have the responsibility of providing the Director of Elections and Democratic Education with all documentation and receipts. Receipts must be itemized.
- 9) As with any other violation of the ASUN campaign rules, the ASUN Attorney General shall be responsible for investigating alleged violations of these rules and prosecuting them before the ASUN Judicial Council. 10) All disputes or arbitration that arise over these rules shall be handled by the Judicial Council.

**c) CAMPAIGN FINANCE LIMITS:**

Candidates running for election are limited to spending as follows:

- 1) Presidential candidates, \$600.00.
- 2) Vice Presidential candidates, \$500.00. 3) Senate candidates, \$200.00.

**d) CAMPAIGN DONATIONS:**

- 1) Donations consist of any item or service granted to the candidate which will be recorded as half the going rate for said item or service on the candidate's spending budget.
- 2) Candidate's running for election are not permitted to donate to other candidates who are also running for election.

**SECTION 21: PRIMARY ELECTION**

- a) In the event there are more than two candidates running for an Executive Office there will be a primary election held on the Wednesday and Thursday one week prior to the General Election.
- b) Top two candidates who receive the most votes, shall move onwards to the General Elections
  - 1) In the event of a tie, the two candidates may be forwarded to the General Elections for three candidates to be placed on the General Elections ballot.

**SECTION 22: POSTING POLICY**

Material as defined in the Elections Code is prohibited from being posted before the Wednesday following the mandatory Candidates' Meeting.

**SECTION 23: ADMINISTRATION OF ELECTRONIC FILING OF DOCUMENTS**

The Director of Elections and Democratic Education may allow for the electronic filing of documents and shall provide such regulations as may be necessary.

**SECTION 24: SEVERABILITY**

If any provision of this Elections Code, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of the Elections Code, and the application



of the provisions of this Elections Code to any other person or circumstance, shall not be affected by such holding.

