

ARTICLE XIII

ELECTION CODE

Section 1 Authority

The Associated Students, as a representative student government organization under the California Education Code for the student body of San Diego City College, shall have power to codify its election processes within this election code.

Section 2 – Election Board

Clause 1 The Commissioner of Elections (Hereinafter referred to as the “Commissioner”) must be appointed by the President 20 instructional days prior to the first day of actual elections and the Election Committee members, 15 instructional days prior to the first day of actual elections and ratified by the AS Senate.

Clause 2 The Election Board will consist of the Commissioner; and four (4) other Election committee members.

Clause 3 No person who is currently either a member of or a candidate for any branch of the Associated Student Board will sit on the Election Board. No member of any campaign staff may sit on the Election Board.

Clause 4 The Commissioner will be compensated at a rate of \$10 an hour, not to exceed a maximum of \$400; including both the regular and any runoff elections, if necessary. The Election Committee members will be compensated a flat rate of \$100; including both the regular and any runoff elections, if necessary.

Section 3 – Eligibility of Elected Positions

Clause 1 All candidates of the positions must meet the qualifications established by the ASG Constitution and Bylaws by petition deadline.

Clause 2 A students must be in good standing with , with a grade point average of at least 2.0 and at least twelve units completed, and at least five units in progress.

Clause 3 No members or candidates shall be in a probationary status as determined by the College regulation for disciplinary reasons. Clause 4 Running for an executive position such as President, Vice President requires at least one semester of previous experience in the San Diego College ASG.

Sub clause 1 Only In the event that the Associated Student Government is at 33% or less of capacity at petition deadline. Also during a period of 33% or less of capacity, a student may submit a letter of recommendation in lieu of experience from a faculty member and/or advisor demonstrating leadership capability relevant to the ASG relating to the operations of ASG.

Clause 5 Running for other positions, must meet the prescribed requirements as noted in the Constitution and bylaws for eligibility.

Clause 6 No candidate will serve in the same position for more than two consecutive terms in a three year span.

Clause 7 All candidates must have a current AS membership at the point of submission of their election application and throughout their term.

Clause 8 To avoid a conflict of interest, no candidate will simultaneously hold an executive office/and or principal position, in any recognized club or student organization , and hold an Associated Student Board position, if elected. (With the exception of the ICC representatives on the Associated Students Board).

Clause 9 Any and all members of election board who continues to meet the specified qualifications will have 1st consideration to sit the SJRB in case of vacancies.

Clause 10 No candidate may assume office without thoroughly reporting all clubs and organization affiliation and must keep current or it a Violation

Section 4 – Nominations

Clause 1 Candidates must be nominated by a duly authorized petition containing the signatures of one hundred (100) currently registered students for both the Associated Students President and Associated Students Vice President candidates, and a minimum of 50 currently registered students for all remaining candidate positions. Each petition will have the following statement of compliance for all students who sign petitions:

“I am signing in good faith that I am registered student at San Diego City College”

Clause 2 Each petition submitted will have the following statement of compliance: “I the undersigned concur that I meet all qualifications for a San Diego City College ASG position and assume the responsibility for becoming familiar with the Election Code, the San Diego City College ASG Constitution and Bylaws, and the Student Code of Conduct. I also recognize that if I violate any of these regulations that I may be subject to sanctions from any of the above mentioned college policies and procedures.”

Clause 3 Petitions must be submitted to the Office of Student Affairs, no later than 12 instructional days, no later than 3:00pm, prior to the first election date.

Clause 4 Petitions must be revised and their legitimacy determined by the Election Committee in conjunction with the Dean of Student Affairs, a minimum of 10 instructional days prior to the first election date. All petitions and election documentation will remain on the file with the Office of the Dean of Student Affairs.

Clause 5 If during campaigning or post election and prior to swearing in the candidate, where as candidate is no longer meets the eligibility requirements then he or she is disqualified immediately.

Section 5 – Campaigning and Publicity Regulations

Clause 1 All campaigning and publicity done on behalf of a candidate or group of candidates must meet the official school policies governing the students at San Diego City College in addition to the provisions entailed in this Election Code.

Clause 2 All campaign, publicity, and/or advertising materials must be approved and initialed by the Commissioner of Elections or the Office of Student Affairs. Campaign materials must contain the following on each item: “This advertisement is endorsed by [insert the candidate’s name].”

Clause 3 Candidate is responsible for all publicity or campaigning performed in his or her behalf

Clause 4 Elections

Sub clause 1 There is to be no campaigning in San Diego City College rooms containing computers access to the election voting website, included, but not limited to the fifty (50) feet from following facilities: the entire Cafeteria; the entire City College library, the entire Office of Student Affairs, entire English and Math Tutorial Centers and the entire TRIO and MESA centers. Campaigning must include, but is not limited to the presence of a candidate and/or staffer within the above described areas.

Sub clause 2 There shall be no campaign, publicity or advertising materials within the marked polling areas. Campaign, publicity or advertising materials are hereby defined as any materials or objects containing the name(s) or positions of any candidate or group or affiliation pertinent to the election.

Sub clause 3 Any student approaching the polls while visibly carrying campaign/wearing, publicity or advertising materials is subject to sanction by the Election Committee Board.

Clause 5 – Posting of Campaign Materials

Sub clause 1 All campaign materials shall meet campus posting regulations.

Sub clause 2 All campaign, publicity or advertising materials must be affixed with blue painter’s tape.

Sub clause 3 Must meet banner size specifications of 3 foot by 6 foot or less.

Sub clause 4 Each candidate shall be responsible for the removal of his or her campaign, publicity or advertising materials no later than seventy two hours following the closing of the polls.

Sub clause 5 Campaign materials shall not be made using City College and District materials or use of mechanism therefore, besides the butcher paper.

Sub clause 6 Campaign material that is one 5 inch by 3.5 inch quarter sheet may be utilized and posted in classroom and in elevators.

Section 6 – Voting Procedures

Clause 1 Paper Ballots The date of all San Diego City College ASG elections will be determined by the Office of Student Affairs. There must at least one paper ballot location on campus. The Office of Student Affairs will provide staffing for paper balloting. One member of the Election Board will be available at all times. The polling places will be open for two to five consecutive days, at a minimum of eight hours between 8:00am to 7:00pm.

Clause 2 Online Polls All computers that are on the property of San Diego City College with access to online City College voting shall be considered polling places. All candidates and/or campaign staff, publicity or advertising materials will not be permitted in the poll areas.

Sub clause 1 Candidates or campaign staff shall not use their personal computer or other electronic devices¹ at San Diego City College to solicit votes or provide alternative voting locations. Electronic device are hereby define as smart phones, palm pilots, or any other internet ready device.

Sub clause 2 No electronic device¹ may be in possession of the candidates or staff on elections day

Clause 3 Candidate's legal name will appear on the ballot with nicknames in parenthesis if requested.

Section 7 – Determination of Election Results

Clause 1 Election of the Executive Branch will be determined by a majority vote. Majority is hereby defined as the greatest number of votes. In the event of a tie among the winning candidates, a run-off election will be held between those candidates.

Clause 2 The Election of the Senate shall be filled by the candidates with the greatest number of votes, until the Senate is filled. Senator positions not filled after an election shall be filled through Presidential appointment, by prior incumbent senators. This appointment will not have to fulfill the probationary period requirement. The appointments shall be voted on by a majority approval of the current sitting Board of Directors.

Clause 3 In the case in which the newly seated President resigns after being seated, the Vice President will assume the position as President. In the case in which the newly seated Vice President resigns after being elected, the Vice Presidential candidate with the second highest votes will assume the position as Vice President.

Section 8 – Propositions, and Amendments to Bylaws and Constitution

Clause 1 Qualifying Propositions A petition to place a non-binding initiative on the ballot shall have not less than two percent of the student body’s signatures to qualify. Each proposition so qualified shall be worded in the form of a question that may be answered “yes” or “no,” and the propositions shall be numbered consecutively from the date this Article is adopted, so that each one shall have a unique number i.e. 18,000=360 signature for 2%

Clause 2 Amendments to the Bylaws On the failure by the Board of Directors to pass an amendment to the Bylaws, a petition to place the amendment on a ballot shall have not less than five percent of the student body’s signatures to qualify; the Board of Directors may not prevent any qualified amendment under this Section to be placed on a ballot, and the Board must place it on the next general election ballot and must pass by simple majority. And/or call a special election if more than five (5) matters that needed be voted on.

Clause 3 Amendments to the Constitution The students as prescribed in the Constitution shall ratify all constitutional amendments, after approval by the Board of Directors. All petitions to amend the Constitution shall be submitted to the Student Senate as prescribed in the Constitution, but a petition calling for a constitutional convention shall be submitted to the full Board of Directors.

Section 9 – Special Election

All elections which are not held concurrently with the general elections for Executive Council officers or members of the Student Senate shall be special elections; a special election may be called on three-fourths vote of the Board of Directors or by the presentation of a petition of at least five percent (5%) of the student body.

Section – 10 Violations

Clause 1 In the event of a violation of the Election Code, it is the responsibility of the Commissioner to identify the violation, and take the appropriate measures to resolve it.

Clause 2 If the Commissioner of Elections has not resolved the violation, any individual may present the violation in writing to the Election Board within twenty four hours of the violation.

Clause 3 When presented with a violation, the Election Board must convene within 72 hours to review the complaint. At that time, the person presenting the complaint and the candidate in question must appear before the Board with any witnesses. The Election Board will review the complaint, determine its merit, and decide what actions should be taken at that time. The names of all witnesses, and or any evidence used the in hearing must be provided to the opposing side and the Election Board committee at least 24 hours prior to the Election Board meeting.

Clause 4 Any infraction of the Election Code by a candidate or a member of his or her campaign staff will result in holding in abeyance all votes until a determination is made by the Election Board as to the appropriate course of action.

Clause 5 The Election Board has the authority and must impose sanctions upon candidates for violating the Election Code. Those sanctions may include, but are not limited to written warnings, written citation, restitution and disqualification.

Clause 6 Three (3) or more Violations of election code by a candidate, staff, or running mate(s) is immediate disqualification of candidate and any and all running mate(s). Candidates may appeal decision of election code violations.

Section 11 – Election Board Duties and Responsibilities

Clause 1 The general responsibilities and authority for all San Diego City College ASG sponsored elections will lie with the Election Board. The Election Board is the interpreter of the Election Code, but is bound by the provisions in the San Diego City College ASG Constitution and By-laws.

Clause 2 The Election Board has the responsibility for policing the campaign. It is the responsibility of the Election Board to sit as a hearing body as deemed necessary.

Clause 3 The Election board will be responsible for the general adherence of the candidate's campaign to the Election Code. Any member of the election board may inform the parties involved in writing when a violation of the Election Code occurs and require them to adhere to the election Code. If the violation is not rectified immediately; the violation will be brought before the Election Board for sanction.

Clause 4 The Election Board may make decisions regarding areas not covered by the Election Code within the scope of their roles as the Election Board members, and will seek consultation with the Dean of Student Affairs when necessary.

Clause 5 The Election Board will abide by Robert's Rules of Order.

Section 12 – Responsibility of the Commissioner of Elections

Clause 1 The Commissioner of Elections and the AS President will identify the Election Committee members. The Committee will consist of one representative appointed by the AS President, AS Senate, and one representative appointed by the Dean of Student Affairs and the other two members appointed the election committee. It is the responsibility of the Commissioner to ensure that the meetings are run fairly, and must be responsible for the conduct of the members of the Election Board during the election.

Clause 2 The safe keeping of the ballots, ballot boxes and marking devices will be the sole responsibility of the Dean of Student Affairs and the Commissioner.

Clause 3 If any individual feels that the Commissioner has not carried out his/her responsibilities within direct accordance of the Election Code, the matter may be taken to the Senate Judiciary Review Board for their review and direction.

Clause 4 Anything not specified in the Election code must be cleared and approved by the Commissioner of Elections prior to action by the candidate. Failure to adhere to the Election Code could result in the candidate being disqualified and must be punished.

Clause 5 Anything not reference in the San Diego City College Election code shall still be subjected and accordance to with federal, state, county, election code(s), local policies and laws, and the Election Committee shall be the final imputation of such election codes.

Section 13 – Student Code of Conduct and Ethics

Students who violate any of the above mentioned provisions, may be subject to not only the Election Code violations, but also may be subject to a SDCCD Policy 3100 Student Code of Conduct violation, which may include, but not limited to, a written reprimand, restitution or suspension from the San Diego Community College District and result in the loss of current office and the privilege of rejoining the ASG at any future date.

Section 14 – Definitions

Clause 1 Associated Students Government (ASG) Student Governing body of San Diego City College as defined in CA Education Code 70902(b) (7) required the Board of Governors to adopt regulations that “. . . ensure faculty, staff, and students . . . the right to participate effectively in district and college governance.” The regulations are contained in Title 5, sections 53200 et seq., 51023.5. And 51023.7. (Hereinafter referred as the San Diego City College ASG).

Clause 2 Associated Students Government Board of Directors is defined as the: AS Senate, AS Executive Council, and the Three Inter-Club Council (ICC) Representatives. (Hereinafter referred as the Board of Directors)

Clause 3 ASG Senate is defined as the: collective body of the Student Senators and the ASG Student Senate President. (Hereinafter referred as the Senate).

Sub clause 1 The Board of Directors shall fix the number of Senate seats that will be declared, open for the spring elections, in a ratio of one per fifteen hundred regularly enrolled students, based on the number of students enrolled on the last day to add during fall semester classes.

Clause 4 ASG Executive Council is defined as the Student President/Trustee, Vice President and other executive officers as defined by the ASG Constitution and Bylaws. (Hereinafter referred as the Executive Council)

Clause 5 Students Judicial Review Board (SJRB) is defined as the judicial branch of the student government. (Hereinafter referred as the Students Judicial Review Board or the SJRB).

Clause 6 ICC is defined as the body made up of Student Organizations or Student Clubs representatives. The three ICC representatives who act as liaisons between the ASG and the Clubs and, sit on the ASG Board of Directors are three ICC executives and each have a single voting power at the Board of Directors meeting and any other powers, rights, privileges, responsibilities as defined by the ASG Constitution and Bylaws and/or ICC Bylaws and/or Constitution. (Hereinafter referred as Inter-Club Council or the ICC).

Clause 7 Active is defined as an AS member who fulfills his/her office hour requirement, responsibilities as directed by the San Diego City College ASG Constitution and Bylaws, maintains good academic standing, probation Accepted, and has a good standing attendance record at the ASG meetings ,and holds a Current ASG Sticker.

Clause 8 Semester: is defined as a full 80 days of academic period, as scheduled by the district.