

**PERALTA COMMUNITY COLLEGE DISTRICT**

**STUDENT ELECTIONS CODE**

**BOARD POLICY 4.90**

**(Pursuant to Education Code § 76060)**

**Approved by the Board of Trustees: February 14, 2006**

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**I. Elections**

- A. The Associated Students shall conduct annual elections to elect officers and propositions.
- B. Propositions include, but are not limited to, amendments to each Associated Students' Constitution, initiatives as allowed by the Education Code, referendums, recalls, and resolutions.

## II. The Elections Committee

- A. The election process shall be overseen by an Elections Committee which includes:
- The Elections Committee Chairperson;
  - Four Elections Council members; and
  - The Student Activities Advisor or an administrator designated by the College President (hereinafter referred to as “Advisor”)
- B. The Elections Committee Chairperson shall be appointed by the Associated Student Body President at each College. The Chairperson, in turn, shall appoint four members to the Elections Committee.
- C. The Appointments of the Elections Committee shall occur no later than eleven weeks before Election Day as delineated in the Section III of this Code (Timeline For Elections).
- D. Elections shall be under the administrative charge of the Elections Committee Chairperson and be conducted under the guidelines that comply with this Code and the specific Constitution and By-Laws of each College. Election procedures are subject to review by the Advisor.
- E. The Advisor is a non-voting member of the Election Committee. The Advisor may only vote in order to break a tie vote within the Election Committee. The Advisor may veto a decision of the Election Committee. The Committee may override the Advisor’s veto with a two-thirds (2/3) vote.
- F. Members of the Election Committee must not be seeking an Associated Students office in the upcoming General or Special Elections. If any member of the Election Committee plans to seek reelection or declines to sit on the committee, the Election Committee Chairperson shall select a replacement.
- G. Guidelines must be established to ensure that the Elections Chairperson and Elections Committee members are neutral and impartial with regard to candidacy, candidates, and issues involved in the election. No member of the Election Committee shall assist nor endorse or oppose any candidate and/or ballot measure either in writing, verbally, or financially.

### Section III. Timeline For Elections

- A. General Elections shall be held annually on the second Tuesday of April and shall include the Wednesday of the same week. Special elections, which may be held in the fall semester, shall conform to similar timeline and procedures outlined in this Election Code.
- B. The following is the timeline for elections.

<b>Event(s)</b>	<b>Date(s)</b>	<b>Length of Time</b>
Election Committee must have been formed	Eleven weeks before Election Day	Anytime before
Announcement of Election Timeline	Ten weeks before Election Day	
Application Filing Open	Ten weeks before Election Day	For three weeks
Application Filing Deadline for All Candidates and Propositions	Seven weeks before Election Day	
Official Announcement of Candidates and Propositions	Six weeks before Election Day	
Candidates meetings	Five weeks before Election Day	For one week
Campaign period	Four weeks before Election Day	For four full weeks
Ballots must be printed	One week before Election Day	
Election Days (Tuesday/Wednesday)	Second Tuesday of April and the accompanying Wednesday of the same week	For two days
Announcement of election results	The following Monday after Election Day(s) by 5 p.m.	
Turn in Student Protest Form to challenge election results	Third Tuesday of April by 5 p.m.	
Certification of Election Results	One week following announcement of election results (the following Monday by 5 p.m.)	

- C. The Elections Committee, by the time it announces the official start date for filing applications, shall announce the official timeline for that election cycle. The timeline outlined in this Code is intended as the ideal. Extenuating circumstances could require a change in these timelines, but all changes should conform as close as possible to the timeline in this Code.
- D. Candidates must file for official election candidacy with the proper forms available in the Advisor's office during the established filing period.

#### **Section IV. Eligibility for Elections**

- A. Each candidate may campaign for only one Associated Students office at no more than one college.
- B. Pursuant to California Education Code Section 76061, a student who is elected to serve as an officer in Associated Students government shall meet both of the following requirements:
  - 1. The student shall be enrolled at the college in which the candidate intends to run for office at the time of election, and throughout his/her term, with a minimum of five (5) semester units.
  - 2. The student shall meet and maintain a minimum G.P.A. of 2.0 on a four (4) point scale.
- C. To qualify for the ballot, a candidate must meet the above requirements. A candidate must also meet the following requirements:
  - 1. Candidate must collect a minimum of 50 valid signatures of current students and submit these to the Student Activities Office or a location designated by the Election Committee.
  - 2. Candidate shall be a student in good standing, and not on academic probation, disciplinary probation, financial aid probation, and/or library hold.
  - 3. Candidate must attend the mandatory candidates' meeting.
- D. Write-in candidates must also meet the minimum qualifications in Section IV.A-C in order to be declared a winner of an Associated Students election.
- E. Candidates shall be given a signed receipt by the Elections Committee Chair or his/her designee, at the time of the submission of an election petition, this following a review of the submitted candidacy petitions for legibility and accuracy of petition signatures.
- F. Each candidate is solely responsible for complying with all the requirements for candidacy. Should an issue arise that the

candidate did not fully comply with the application requirements, the candidate has the burden of proving full compliance to the Election Committee.

G. Propositions

1. In order to appear on the ballot, all propositions must be signed by no less than one hundred (100) registered students, unless the proposition is an amendment to the Associated Students Constitution.
2. If the proposition is an amendment to the Associated Students Constitution, the proposition shall only need to meet the requirements set forth in the respective Associated Students Constitution or By-Laws.
3. The students must submit the last four digits of their social security numbers or student identification numbers with the petition, and the Election Committee must verify that the petitioners are current Peralta Community College District students.
4. The proposition must be presented to the Elections Committee before the official announcement of election candidates and propositions.

## **Section V. Publicity for Elections**

I. The student body must be informed of an upcoming election by the beginning of the tenth week during the semester in which an election is to be held. Publicity should be widespread, including communication to students by publication in the Laney Tower and other information literature at each college and by communication to faculty and staff at each college.

J. The campus community should be informed about the time and place, the offices and candidates, and the propositions and initiatives that will be on the election ballot.

K. The Elections Committee may make a Voter's Guide available to the campus community four weeks before Election Day. This guide shall include party and candidate statements, the full text of all propositions and initiatives, pro and con statements regarding propositions and initiatives, and an explanation of voting procedures.

## **Section VI. The Elections Process**

### **A. Candidates' Meeting**

1. The Election Committee or Advisor shall conduct a minimum of two mandatory candidates' meetings following the official announcement of the candidates, but before the official campaign period in accordance with Section III of this Code. Candidates will be given the option to attend one these two meetings.
2. If a candidate fails to attend the mandatory candidates' meeting, unless due to extenuating circumstances as determined by the Election Committee, the candidate shall be disqualified from the General Election.
3. At the mandatory candidates meetings, the Election Committee or Advisor shall explain campaign procedures, dates, rules, and laws and provide each candidate with a copy of the Peralta Community College District Student Elections Code.

### **B. Campaign Period**

1. The Election Committee or Advisor may coordinate open forum, speech events, and any other events deemed necessary during the campaign period. The Election Committee Chairperson will draw numbers from a container to determine the order of those speaking at the event(s).
2. Candidates may seek prior approval from faculty to enter and speak to students in the classroom.

### **C. Ballots**

1. The ballot for the election must be printed by the Elections Committee or Advisor a minimum of one week prior to Election Day.
2. In case of a proposition that is an amendment to the Associated Students Constitution, any part(s) to be added, subtracted, or changed, shall be included on the ballot with the old sections affected.
3. No candidates shall be placed on the ballot as a slate.

4. The Election Committee chairperson shall draw numbers from a container in order to determine ballot placement without showing bias. This should be done during the first mandatory candidates' meeting.

L. Write-In Candidates

1. There shall be one space for write-ins for each vacant office in the General Election.
2. A write-in candidate must be verified of eligibility by the Chairperson before campaigning. Any individual campaigning for an office without approval by the Election Committee or Advisor shall be subject to disqualification.
3. There shall be no write-ins eligible or counted in a run-off election.

M. Political Parties

1. All candidates have the right to campaign in association with other candidates.
2. Two (2) or more persons who wish to band together for an election as a political party must be registered with Election Committee if not already a member of the Inter-Club Council (ICC) as a political organization. No such organization may use the name of any existing organization or past organization.

N. Conduct

1. Candidates may begin campaigning on the official start date as determined by the Election Committee. Campaigning at any other times may be grounds for disqualification. Campaigning may consist of flyers, posters, giveaways, any other form of public advertising, or public speaking regarding a candidate's run in an election.
2. Campaigning shall conform to the Student Code of Conduct and to the established guidelines contained within the Elections Code, Constitution and By-Laws of each of the Peralta Colleges.

3. Any action of a candidate that impedes a member of the Election Committee or a poll watcher in the discharge of his/her duties shall be grounds for disqualification.

O. Campaign Posting

1. The Election Committee will designate the areas used for campaigning.
2. The Student Bulletin and Student Newspaper shall present adequate space for candidates in a non-partisan manner.
3. The Election Committee shall designate the maximums of campaign materials that may be distributed by each candidate.
4. All candidate campaign material must contain the candidates' name and the position in which he/she is running.
5. No candidate shall interfere with the campaigning of any other candidate, nor shall he/she interfere with the dissemination of information by any student publication. Failure to obey this provision shall be grounds for disqualification.
6. No candidate shall publish or post campaign materials featuring factually inaccurate information about any Associated Students candidate or their endorsements. Failure to obey this provision shall be grounds for disqualification.
7. Candidates shall remove all signs, posters and/or displays within forty-eight (48) hours of notification of the official closing of the General Election. Failure to do so may result in the college imposing fines for clean up and a hold on candidates' records.
8. Violations of these provisions may be grounds for disqualification.

P. Campaign Expense Limits

1. Each Candidate shall not spend more than \$150.00 on campaign activities for the General Election. Any donated materials must be assessed at full retail value and clearly itemized as part of the \$150.00 limit.
2. Each candidate shall submit an expenditure report, which must include receipts clearly itemizing any personal funds and donations to be used in the General Election.
3. Expenditure reports shall include all sources of gifts, donations, and/or other services to be used in the General Election.
4. Each candidate shall submit an expenditure report to an Election Committee co-chair no later than the end of the last day of the General Election. Failure to submit a report may be grounds for disqualification.
5. The Election Committee shall review all candidates' expenditure reports prior to official certification of the General Election results. Any substantial inaccuracies in an expenditure report may be grounds for disqualification.
6. All candidates who campaign in association with other candidates must still turn in individual expenditure reports.

## **Section VII. Election Day**

- A. The elections shall be held under the auspices of the Elections Committee, with the assistance of neutral elections observers/workers, e.g., Student Activities staff and League of Women Voters.
- B. The elections shall be held on no less than two consecutive days and for a minimum of seven hours each day, with specific poll-opening times dictated by each college. Every opportunity to vote must be made available to evening students.
- C. There shall be at least one polling place on each campus.
- D. Each polling place shall be staffed by no less than two neutral poll workers.
- E. Twenty copies of the official Voter's Guide must be available at the polling location for review by potential voters.
- F. Prior to the opening of each poll site the poll workers shall remove all campaign materials, all student publications containing endorsements, and any campaign materials that are clearly visible and legible from within one hundred (100) feet of the polling site.
- G. Any campaigning, or any distribution of student publications within one hundred (100) feet of an open polling site shall be grounds for disqualification. This shall include the posting of any literature related to the campaign.
- H. Upon presentation of either a student identification card or valid state identification, any currently registered student at the college at which the elections are held may vote. The voter must sign an official voter registration list available at the polling location.
- I. Ballots shall be maintained in a locked ballot box and in a secure location during the election.
- J. No student shall vote at more than one college. Students enrolled in more than one college may select their home college, as long as they are taking at least one unit at their home college.

## **Section VIII. Election Results**

### **A. Tallying the Votes**

1. Ballots shall be counted by the Elections Committee Chairperson, representatives from the college administration, elections workers, or neutral observers, e.g. League of Women Voters. The counting of ballots shall occur immediately following the completion of the voting process. All ballots by students who voted at more than one college shall not be counted.
2. A candidate for President or Vice-President must receive a majority of the valid votes cast. If no one receives a majority, a run-off will be held between the top two (2) candidates.
3. The candidate who receives the highest number of votes in the runoff election shall be the winner of the contested position.
4. In a case where someone is running unopposed, the unopposed candidate shall be declared the winner.
5. Propositions shall be approved only if a majority of the votes cast on the issue support the proposal unless otherwise required by California State Law, District policy, or the respective Associated Students Constitution and By-Laws. In the case of a proposed Constitutional amendment, the amendment shall be approved only if two-thirds (2/3) of the votes cast on the issue support the amendment unless otherwise required by the Associated Students Constitution and By-Laws.

### **F. Announcing the Results**

1. Election results shall be announced twenty-four hours following an election in accordance with Section III (Timeline).

### **G. Protesting the Results**

1. Any and all alleged violation(s) of the Associated Students Election Code must be submitted, in writing, using the appropriate General Election protest form, to

the Election Committee within three days of the announcement of election results in accordance with Section III (Timeline). Any and all alleged violation(s) of the Peralta Community College District Student Elections Code submitted afterwards may be considered by the Election Committee as invalid.

2. The General Election protest form must contain a clause stating that the signature(s) of the griever(s) on the form constitute(s) an acceptance of any decision made by the Election Committee regarding the specified grievance.
3. The griever must state whether the alleged violation(s) of the Associated Students Elections Code require a specific remedy. If a specific remedy is necessary, the griever must specify both the nature and provisions of the remedy.
4. The Election Committee shall review all alleged violation(s) of the Peralta Community College District Student Elections Code.
5. Any decision made by the Election Committee to disqualify any candidate shall require a two-thirds (2/3) vote of the entire Election Committee.
6. All decisions made by the Election Committee regarding the alleged violation(s) of the Peralta Community College District Student Elections Code by any candidate shall be final and binding to any and all parties involved.
7. The Election Committee may refer to the appropriate College office for possible disciplinary action for any candidate found in violation of campaign rules and regulations.

#### H. Violations

- i. Any attempt by a candidate to violate the Student Elections Code and directives by the Election Committee shall be grounds for disqualification as determined by the Election Committee.

- ii. Violations of campaign procedures shall be subject to review and censure by the Elections Committee of each College. Violation of campaign rules shall be subject to review and adjudication by the Elections Committee of each College. Violations of campaign rules may lead to disqualification from the election.
- iii. Any deliberate violation of any ruling of the Election Committee shall be grounds for disqualification.
- iv. A plea of ignorance shall not be considered a valid defense to an infraction of the Peralta Community College District Student Elections Code or any ruling of the Election Committee.
- v. Disqualification may only be based on violation of rules specified in the Peralta Community College District Student Elections Code and/or rulings of the Election Committee. The Election Committee shall have the discretion to determine the applicability or enforceability of any reported or discovered violations.

I. Certifying the Results

- 1. Following review and deliberation of any protests to the election results, the Elections Committee and the Administration of the College shall certify election results as official.

F. Swearing In/Affirming of All Newly Elected Officers

- 1. All newly elected officers must be sworn/affirmed into office by the Associated Students Chief Justice in accordance with Associated Students Constitution and By-Laws of each College.