

VI. Elections Bylaws

Section A. Mission Statement

The purpose of these Election Bylaws is to ensure that:

- 1) Students of the San Bernardino Community College District are provided equal and unbiased access to information in order to select the elected representatives of their choice, to the Associated Student Government, and that
- 2) Candidates for elected offices have the right to present their platforms to the student body without fear of discrimination or censorship, and that
- 3) Students will be empowered to install their agents and officers responsibly, with autonomy and sovereignty.

Section B. Preamble

- 1) All participants in the election process are charged with the knowledge of the contents of and are to abide by these ASG-SBVC Elections Bylaws.
- 2) Those who fail to do so are subject to the penalties set forth in the Bylaws, and to the Student Conduct Bylaws and all appropriate Disciplinary Action portions of the Bylaws for any proven action that violates either Election Bylaws.

Section C. General Statements for the ASG-SBVC Elections

- 1) All candidates, whether declared or write-in, are bound by the contents of both the SBCCD Student Election Policy and the ASG-SBVC Elections Bylaws.
- 2) All successful candidates will assume office no later than June 1 and serve no longer than one year, and in any event shall serve no longer than the following May 31.
- 3) Candidates may run for only one position on the ballot for one election period.
- 4) These Bylaws will be included in the Election Packet for each candidate for office, and be made readily available through the Office of Student Life.
- 5) By inclusion, any reference to the Director of Student Life includes any alternate designee of the College President assigned responsibility for student elections.
- 6) The Director of Student Life shall interpret all unclear language and decide all matters not addressed in the content of both Elections Bylaws as those matters that relate to the Associated Student Government election.
- 7) Quorum shall be defined as fifty percent plus one (50% + 1) of the total voting members needed.

Section D. Campaign Timetable

- 1) The Director of Student Life, in conjunction with the ASG Supreme Court, will coordinate the student election process, including establishing the date of the General Election.
- 2) The General Election shall be held no later than April. Any vacancies will be filled by appointment as stated in the ASG-SBVC Constitution.
- 3) Special elections shall be held as needed, upon the death, disability or withdrawal from school of an Associated Student Government Officer.
- 4) A runoff election shall be held the week after the general election, if needed.
- 5) The Timetable for a General Election shall include dates for the following events:
 - i) Election Committees to be formed, Call for Candidates to be posted and published, and Candidate Applications made available
 - ii) Election Packets created
 - iii) Candidates Meeting(s) scheduled to distribute packets and explain materials
 - iv) Forms and Petitions due back from candidates
 - v) Mandatory Candidates Meeting
 - vi) Campaigning and Candidates Forum(s)

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- vii) A minimum of two days (2) of elections scheduled to be held, including poll times to be open a sufficient number of hours that best accommodates the SBVC student population.
 - viii) Scheduled date and time challenges are due. All challenges to the election process and campaigns are due by ~~9:12 Noon:00_-am~~ the day after the polls close.
 - ix) Scheduled date of a runoff election to be utilized if needed. Any runoff election needed is to be held within the week following the General Election. Polling locations and times for a runoff are to be the same as for a general election. Any runoff election shall be a one-day election.
- 6) An ASG BOD meeting is held to receive election results. A special BOD meeting may be called, if necessary, to comply with the timelines set forth in these Bylaws.

Section E. Election Committee

- 1) The ASG Supreme Court in conjunction with the Director of Student Life will serve as the Elections Committee. In the absence of the 3 or more Supreme Court Justices, the Director of Student Life will form a committee of 3 students to form the Elections Committee. Their only authority will be to conduct ASG-SBVC Elections and implement the ASG-SBVC Elections Bylaws.
 - a) No candidate or campaign manager or assistant may serve as a member of the Elections Committee.
 - b) No member of the Elections Committee may endorse a candidate or participate in campaign activities of any kind.
 - c) No individual member of the Elections Committee speaks for the entire Committee. Decisions on elections issues must be made by a quorum of the Committee in a scheduled Committee meeting.
 - d) Only the Elections Committee members and the Director of Student Life have the right to view the personal information of candidates provided within a candidate's records.
- 2) The Elections Committee shall:
 - a) Prepare the Elections Calendar, which shall specify at a minimum, the information set forth in Section V.
 - b) Prepare the Call for Candidates to be posted on the campus.
 - c) Host at least one general Candidates' Meeting to disseminate Elections Packets and assist with the explanation of the materials in the packets. A powerpoint presentation and any other necessary explanatory materials may be utilized.
 - d) Assist candidates in completing the required forms, including the Declaration of Candidacy, Candidate Platform Statement, and Designated Campaign Assistants, and Acceptance of Packet and Acknowledgement of Responsibility forms. *Each candidate is responsible for knowing and understanding the contents of all forms necessary to participate in student elections.*
 - e) Advise candidates of their rights and responsibilities during the campaign and election.
 - f) Oversee the organization and running of one or more Candidates' Forums on the campus and/or any off campus class sites for that campus.
 - g) Administer the general election and any special or runoff elections needed in compliance with the Bylaws set forth in these Bylaws and in the SBCCD Student Elections Policy.
 - h) Oversee the posting of and distribution of any campaign materials in compliance with the college's posting rules, both for content and location.
 - i) Be responsible for all publicity regarding the elections on campus. This shall include:

- i) Notification of the election to be held, including offices available for election, application deadlines, date and location and voting hours for all polls. This information shall be publicized through the campus newspaper (and television station if applicable) and by posters, on the campus marquee and through any other available means, for a minimum of seven class days prior to any deadlines established by the Elections Committee.
- ii) Notification of the results of the election. This information shall be posted within 24 hours of the closing of the polls on the final day of each election – whether regular, general, special or runoff.
- iii) Notification of the need for a special or runoff election.
- j) Confirm the information contained in the “Statement of Accuracy” regarding the tabulation of the ballots of the election.
- k) Oversee the removal of all campaign materials from the campus, and cite any candidate whose materials are not removed within 24 hours from the end of the polling period – unless a runoff or special election has been declared for the race that candidate was involved in, and the candidate is still competing for the position.

SECTION F. Requirements for Associated Student Government Candidates

- 1) Each candidate for an Associated Student Government position must be a resident of California and a currently registered student at San Bernardino Valley College.
- 2) Each candidate for an Associated Student Government position must complete an Associated Student Government Candidate Eligibility Application. The application is available in the Office of Student Life.
- 3) Petitions for all elected positions require fifty (50) signatures, from members of A.S.-S.B.V.C., per candidate. The last 3 digits of the student's student identification number must accompany all signatures.
- 4) Each candidate shall:
 - a) Be enrolled in five or more units when declaring his or her candidacy and during the term of office.
 - b) Hold a cumulative Grade Point Average (GPA) of 2.0 or higher upon the filing of the Associated Student Government Candidate Eligibility Application and maintain a cumulative Grade Point Average (GPA) of 2.0 or higher during the term of office. The student may not be on academic probation at any time from the declaration of candidacy through the completion of the term of office.
- 5) The Director of Student Life will verify that each candidate has met all requirements before a written approval of candidacy is issued.

SECTION IV

CANDIDACY FOR ASSOCIATED STUDENT GOVERNMENT POSITIONS

- A. The Election Calendar will be available in the Office of Student Life at least two weeks in advance of the initial Candidates' Meeting.
- B. Candidates' Meeting: All potential candidates for Associated Student Government positions must attend a Candidates' Meeting at the college where they will run for election. *No candidate may initiate any campaign activities any prior to his or her attendance at the mandatory Associated Student Government Candidates' Meeting* (*Flint v. Price, et al., No. 05-35441, U.S. Court of Appeals for the Ninth Circuit, 2007*).:-

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- C. All candidates will be responsible for knowing and adhering to the Associated Student Government of San Bernardino Valley College Election Bylaws. Candidates shall sign an **Acceptance of Packet and Acknowledgement of Responsibility Form** indicating that they have received a complete packet appropriate for the position they are competing for, that they understand that they are to read the materials in full and that they understand that they will be held responsible for knowing and understanding the contents and the deadlines of the materials in the packet.
- D. Distribution and review of the contents of Election Packets will occur at the Candidates' Meetings. No Election Packets will be available before the initial Candidates' Meeting, unless so ordered by the College President.

**SECTION V
ELECTION PACKET
FOR ASSOCIATED STUDENT GOVERNMENT CANDIDATES**

- A. Candidates must complete the Associated Student Government Candidacy Eligibility Application, meet the specific qualifications contained in the Election Bylaws, be declared qualified in writing, and complete all materials (with the exception of the Campaign Expenditure Form) in the Election Packet *before initiating any campaign activities*.
- B. The Election Packet will contain the following documents for Associated Student Government elections:
 - a. Declaration of Candidacy and Compliance with Election Bylaws (Form No. 1.DC)
 - b. Candidate Platform Statement (Form No. 2.PS)
 - c. Campaign Expenditure Report Form (Form No. 3.CEF)
 - d. Designated Campaign Assistants (Form No. 5.DCA)
 - e. A copy of these Bylaws
 - f. A copy of the campus posting policy
 - g. Acceptance of Packet and Acknowledgement of Responsibility (Form No. 7. AP/AR)
- C. All candidates shall complete the **Associated Student Government Candidate Eligibility Application, Declaration of Candidacy, Petition for Candidacy, Compliance with Election Bylaws Form**, the **Candidate Platform Statement Form**, and the **Designated Campaign Assistants Form** prior to the qualification of a candidate, and not two weeks prior to Elections.
 - 1. Each Candidate shall sign an **Acceptance of Packet and Acknowledgement of Responsibility** upon receiving the packet at the Candidates' Meeting. The Acceptance of Packet and Acknowledgement of Responsibility Form indicates that the candidate received a complete packet for the appropriate position, that the candidate understands that he or she is to read the materials in full and that he or she understands that he or she will be held responsible for knowing and understanding the contents and the deadlines of the materials in the packet.
 - 2. Candidates must meet the specific qualifications contained in Sections III and IV of the ASG-SBVC Elections Bylaws and complete all materials (with the exception of the Campaign Expenditure Form, due after the campaign,) in the Election Packet *before initiating any campaign activities*.
 - 3. The **Designated Campaign Assistant Form** contains the name and student identification number of each campaign assistant designated to support a candidate's campaign and indicates agreement to comply with the ASG-SBVC Elections Bylaws and Bylaws. *Candidates are responsible for the actions of their campaign assistants and are accountable for any violations by those*

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assistants of the ASG-SBVC Elections Bylaws, as if the candidate committed the violation. Campaign Assistants:

- a. Must be listed on the Designated Campaign Assistants Form.
 - b. Must be currently enrolled students at San Bernardino Valley College.
 - c. Are required to comply with ASG-SBVC Elections Bylaws at all times.
 - d. The candidate and the designated campaign assistants are the only people permitted to distribute or post the candidate's campaign materials or to engage in campaigning.
4. Violation of an Elections Bylaws by a Campaign Assistant is considered to be a violation on behalf of the candidate and with the candidate's knowledge and approval. The candidate and the assistant may both be held responsible for any such violation.
5. Endorsements are limited to students and members of student organizations at SBVC.
- a. Candidates may use garnered valid endorsements in their campaign materials and at campaign forums.
 - b. Soliciting, receiving and/or utilizing an endorsement from a faculty member, staff person, administrator, outside group, or member of the Board of Trustees is a violation of these Bylaws. No current or previous Student Trustee may endorse any candidate for any student office, including the student trustee office.
 - c. The Elections Committee may require the use of a **Campaign Endorsement Form**, indicating the name, title, term of office, and signature of an individual's and/or a campus organization's approval (shown in its minutes) willing to endorse a specific candidate and to lend its name to be used for campaign purposes.
6. The Elections Committee may require the use of a **Campaign Material Approval Form** prior to the posting of campaign materials. Campaign materials must comply with the requirements set forth below. If a Campaign Material Approval Form is used, the original (if it needs to be stamped) or an example of the campaign material must be attached to the form and submitted to the Elections Committee. The stamped original and a copy of the approval form will be returned to the candidate for their records.

- B-D. All candidates for each office must complete and sign the **Campaign Expenditure Report Form** (documentation outlining all campaign expenditures) and submit it to the Chair of the Elections Committee or the Director of Student Life by the close of the election period as indicated in the Elections Calendar.

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SECTION VI WRITE-IN CANDIDATES FOR ASSOCIATED STUDENT GOVERNMENT POSITIONS

Each write-in candidate must:

1. Meet the general requirements of the candidate for a specific position as set forth in this ASG-SBVC Elections Bylaws and the SBCCD Student Elections Policy;
2. Meet the units and grade point average requirements for the specified position as set forth; and
3. Submit a completed candidate Election Packet, pursuant to Section XVIII of these Bylaws, (in order to document that all qualifications are met) to the Office of Student Life no later than 12:00 p.m. on the Friday following the election.

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4. Comply with filing a complete, signed Campaign Expenditure Report Form as required by the Elections Calendar.
5. Comply with all campus regulations.

SECTION VII CAMPAIGNING FOR ASSOCIATED STUDENT GOVERNMENT POSITIONS

A. No candidate for an Associated Student Government position may begin campaigning prior to having *(Flint v. Price, et al., No. 05-35441, U.S. Court of Appeals for the Ninth Circuit, 2007)*:

- ~~2-1.~~ Completed the Application Form,
- ~~3-2.~~ Been qualified as a candidate,
- ~~4-3.~~ Received written approval as a candidate from the Office of Student Life.
- ~~5-4.~~ Attended a Candidates' Meeting and having completed all required forms as set out in the Bylaws.

~~a-B.~~ Campaigning is defined as:

1. Handing out flyers
2. Talking to students about the candidate, the issues or campaign platforms
3. Making a speech
4. Presenting a recorded message
5. Posting signs and posters
6. Making signs, posters, flyers, buttons, cards or other campaign memorabilia available to students
7. Leaving such materials in locations available to students
8. All forms of paid publicity, including advertisements in the student newspaper

C. All candidates, whether formal or write-in, are responsible for being familiar with all information contained in these Bylaws and the SBCCD Student Elections Policy.

D. A candidate may name another student as a Campaign Manager. *However, the candidate is responsible for the actions of any Campaign Manager or Campaign Assistant and is not relieved of that responsibility by the designation of a Campaign Manager.*

E. The Election Committee may organize one or more events (Campaign Forums) on the campus before voting begins to promote the election and provide an opportunity for students to meet the candidates. The Election Committee is solely responsible for publicity related to such event(s).

F. Campaign literature posted at San Bernardino Valley College for ASG-SBVC_Elections purposes is subject to the following posting guidelines. Posting of campaign materials is permitted ONLY on bulletin boards that are open to public on campus. *(Outside of North Hall and inside the Cafeteria)*.

1. Candidates shall not "paper" any bulletin board, kiosk or other specified campaigning area - no more than two campaign materials for a candidate may be posted adjacent to one another or on any one side of a bulletin board, kiosk or other specified campaigning area.
2. Posted or displayed campaign materials may be no larger than 11" x 17". In a series of duplicate posters, the Director of Student Life or designee must stamp the original poster. The Elections Committee may remove materials not previously approved.
3. Elections materials may not be posted on any painted surfaces or glass surfaces.
4. Elections materials may not be placed on vehicles parked on campus.

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5. Any materials being disseminated to students, faculty, staff or administration must have prior approval from the Elections Committee by submitting a **Campaign Material Approval Form**.
6. Candidates must receive the approval of the instructor or professor to campaign in a classroom.
7. Destruction or removal of a candidate's publicity by another student, candidate or campaign assistant is a violation of the Student Conduct Code and subject to the Student Conduct Code and all appropriate disciplinary action portions of the Student Conduct Code.
8. No candidate may campaign within a ~~100-foot radius~~20 feet of the entrances and windows of any building of a designated polling site enduring the day(s) of the ~~Election~~times that polls are open. ~~Said radius shall be clearly designated by the Elections Committee.~~
 - a. The only exception would be that posters may remain on the designated public bulletin boards (Outside of North Hall and in the Cafeteria).
9. Candidates are responsible for removing all posted campaign materials within twenty-four hours following the last day of the election. Any candidate who fails to remove all posted campaign materials within the time frame may be charged with the reasonable cost to clean up and remove the materials.

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SECTION VIII CAMPAIGN EXPENDITURES FOR ASSOCIATED STUDENT GOVERNMENT CANDIDATES

- A. Each candidate, whether successful or unsuccessful in his or her campaign, must complete a **Campaign Expenditure Report Form** listing all campaign expenditures. Associated Student Government candidates must submit the completed and signed Report to the Office of Student Life. The deadline for submitting completed and signed Campaign Expenditure Report Forms is the close of the polls on the final day of elections. Even if a runoff is declared in an individual race, the forms are due at the close of the final day of the initial election (*Flint v. Price, et al., No. 05-35441, U.S. Court of Appeals for the Ninth Circuit, 2007*).
- B. Campaign expenditures shall not exceed \$500 for an individual Associated Student Government candidate, including any Runoff Election.
- C. Candidates may not utilize supplies or equipment belonging to the District or the colleges (including the Associated Student Government organization) to prepare or deliver campaign materials.
- D. Candidates may not use Associated Student Government, College or District funds for any campaign purpose.
- E. All material preparation costs will be included in the Campaign Expenditure Report.
 1. Attach original, detailed receipts for all campaign expenses to the Campaign Expenditure Report Form.
 2. Donations to the Campaign must be listed on the Campaign Expenditure Report Form, count towards the total amount a candidate may spend on the campaign, and the candidate must identify the donor, specify the amount received, and the use of the donation.
 3. In-kind donations, whether of goods or services, must be reported on the Campaign Expenditure Report and valued at their fair market value.
 4. Candidates are responsible for the actions of their campaign assistants during the preparation and distribution of campaign materials.

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5. A candidate may choose to utilize a translator in the preparation of campaign materials. The cost of utilizing a translator is not chargeable as a campaign expense and need not be listed on the Campaign Expenditure Report.

SECTION IX CAMPAIGN ENDORSEMENTS FOR ASSOCIATED STUDENT GOVERNMENT CANDIDATES

- A. Candidates may solicit endorsements from students and members of student organizations. Candidates may use valid endorsements in their campaign materials and at campaign forums at the discretion of the Associated Student Government Elections Committee.
- B. Soliciting, receiving or utilizing an endorsement from a faculty member, staff person, administrator, outside group, or member of the Board of Trustees is a violation of the ASG-SBVC Elections Bylaws. No current or previous Student Trustee may endorse any candidate for any student office, including the student trustee office

SECTION X CAMPAIGN FORUMS FOR ASSOCIATED STUDENT GOVERNMENT CANDIDATES

- A. Candidate Forums may be held at the discretion of the Director of Student Life and/or the Elections Committee, if so designated. Candidate Forums are for the presentation of all candidates (or a candidates' assistant if the candidate cannot attend) and discussion of their issues and platforms.
- B. The Election Calendar created by the Elections Committee will include the dates, locations and times of all Candidate Forums. The Committee may provide an emcee for the event so that each candidate shall have an equal opportunity to address those present.
- C. A Candidate Forum is an official, scheduled event hosted by a student organization that permits all candidates who have been approved to run for a position to address or debate student issues relevant to the office they are seeking. Student organizations are encouraged to host Candidate Forums. The Election Committee should be informed of all Candidate Forums scheduled prior to the creation of the Election Calendar, so that all candidates may be notified of all Forums and plan to attend. A candidate may obtain additional opportunities to speak on campus by filing a request with the Elections Committee for additional Forums (for all candidates for a specific position) or by seeking permission of a student organization to speak at their authorized meeting or event. Clubs and organizations that host candidates are encouraged to invite all candidates for the same position so that all may be heard.
- D. A candidate may choose to utilize a translator for all or part of a Candidate Forum or while campaigning. The cost of utilizing a translator is not considered campaign expenditure and need not be listed on the Campaign Expenditure Report.

SECTION XI COMPOSITION OF BALLOTS FOR THE ASSOCIATED STUDENT GOVERNMENT ELECTION

The composition of election ballots shall be as follows:

- ~~7)A.~~ The Associated Student Government positions will be on a ballot and will be listed alphabetically (last name first, then first name) under the office for which they are seeking election, beginning with Associated Student Government President position.

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- ~~B.~~ If a candidate for an Associated Student Government position is unopposed, there will still be an election for the position, and the sole candidate will be listed on the ballot.
- ~~C.~~ There will be space for write-in votes for each position on each ballot.

**SECTION XII
VOTING BYLAWS FOR THE
ASSOCIATED STUDENT GOVERNMENT ELECTION**

- ~~A.~~ ~~At the request of the Director of Student Life, each college Election Committee may appoint a third party to assist during all hours that each campus or off-campus polling place is open. All students registered no later than March 1st of the academic year will be eligible to vote.~~
- ~~B.~~ ~~All ballots used for ASG-SBVCElections are to be either online (via a third party provider), scantron, typed/computer-generated ballots or marked by hand.~~
- ~~B.~~ ~~The Director of Student Life will work with District Computing Services to establish passwords and logins for such students, in collaboration with the third party online elections provider.~~
- ~~C.~~ ~~Voting shall be by secret ballot. Each ballot must be so marked as to be identifiable as a valid ballot. Ballots will be regulated by the total number created, compared with the number cast, the number destroyed and the number remaining at the end of the election period.~~
- ~~D.~~ ~~All voting students must present a valid photo ID to the poll worker who will verify that the picture matches the likeness of the student. Any photo ID acceptable to qualify for an Associated Student Government identification card is acceptable identification for voting in a student election.~~
- ~~E.~~ ~~The voting student must record his or her college ID number and signature on the campus Voter Registration List.~~
- ~~F.~~ ~~Each authorized voter will receive one ballot packet, be allowed to cast one electronic ballot.~~
- ~~G.~~ ~~Voters must vote in a booth at the polling location.~~
- ~~H.~~ ~~A locked ballot box must be maintained for the Associated Student Government Election. All ballot boxes must remain locked from the opening of the polls on the first day until they are opened for counting the ballots. Failure to maintain the lock on a ballot box will invalidate all ballots in the box, and invalidate the election, requiring a special election to occur. The Director of Student Life shall hold the keys to the ballot boxes during the period of the election. Ballot boxes will be secured in an office near the polling place at any time the poll must close temporarily. The Elections Committee will designate secure places.~~
- ~~I.~~ ~~Leaving the polling area with a ballot is a violation of the ASG-SBVCElection Bylaws. Ballots completed in violation of these Bylaws will be invalid.~~
- ~~J.~~ ~~The Director of Student Life must receive written, signed notification of any violation of the Bylaws no later than 12:12 Noonpm the next working day after the close of the polls on the last day of voting.~~
- ~~K.~~ ~~Only members of the Elections Committee, the Director of Student Life, or Chancellor's designee shall move the ballot boxes at the end of balloting. will have administrative access to the online voting system.~~
 - ~~a.~~ ~~The online voting system shall have an audit function whereas, all actions performed under the administrative access will be recorded and may be reported on.~~
 - ~~b.~~ ~~A candidate may request up to one (1) audit of the administrative function during the elections process.~~

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**SECTION XIII
TABULATING THE BALLOTS FOR THE
ASSOCIATED STUDENT GOVERNMENT ELECTION**

A. Tabulating the ballots for Associated Student Government positions:

1. Ballot counting for Associated Student Government positions shall be completed no later than 5:00 p.m. on the day following the final day of the election.

~~2. The Elections Committee will tabulate the votes either online (via a third party provider), scantron or paper ballot, whichever is appropriate for the method of voting used by the student voters at that college. If the names are counted by hand:~~

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~~a. Candidates' names will be listed on a master tally sheet.~~

~~b. One committee member will call out the vote from the ballot to another committee member, who will accurately mark the master tally.~~

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~~c. A third member of the committee will observe both committee members.~~

~~d. If there are a large number of ballots, the committee members may be divided in groups of three — each taking a portion of the ballots to count in a like manner.~~

~~e. All ballots will be recounted to verify accuracy. Recounts will continue until discrepancies are resolved. The master tally sheet will be turned into the Director of Student Life to assist with the creation of the "Statement of Accuracy" and shall be kept with the ballots in the Election Committee File.~~

~~3. Only members of the Election Committee, the Director of Student Life, and the College President or President's designee may be present during the tabulation of ballots.~~

~~a. Only properly marked votes shall be tallied.~~

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b. The decision to count or not to count a specific ballot shall be made by the Chair of the Election Committee, under the supervision of the Director of Student Life or third party provider.

c. Votes not included in the tally for any reason shall be kept and identified as such until all challenges to the election for the Associated Student Government positions are resolved.

d. A ballot may be invalid if it is blank; contains votes for every candidate on the ballot; contains multiple votes for fictitious persons; or is sufficiently unclear in its mark for any specific candidate or candidates.

e. A ballot may be partially invalid if more candidates are voted for in a specific race than is permitted under the instructions.

~~4-2. _____~~ The candidate receiving the majority of votes cast (plurality) for each office will be the winner.

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~~5-3. _____~~ The Chair of the Election Committee and the Director of Student Life will prepare and sign a "Statement of Accuracy" regarding the results of the tabulated ballots for the Associated Student Government positions.

a. The original "Statement of Accuracy" and tabulation summary for the Associated Student Government election shall be delivered to the College President or the President's designee.

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b. The Associated Student Government President shall receive the election results for the Associated Student Government positions and a copy of the signed "Statement of Accuracy".

c. Copies of the signed "Statement of Accuracy" and all Associated Student Government ballots will be placed with the Director of Student Life or

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College President's designee in the Election Committee file to be maintained for a period of one year.

~~6-4.~~ If a tie vote occurs for any office, a one-day runoff election will occur during the following week.

~~7-5.~~ The Election Committee chairperson will refer to the previously identified date, time and locations for polling places for the runoff election specified on the Election Calendar, and will designate campaign Bylaws for the runoff election after approval by the Director of Student Life.

~~8-6.~~ The Chair of the Elections Committee or Director of Student Life shall post the election results for the Associated Student Government positions and notify the college newspaper for that campus of the election results within four days of the last day of the election. ~~The newspaper shall also be notified of any upcoming runoff election, should a runoff be necessary.~~

B. Any allegation of election misconduct must be presented in writing, be signed and presented to the appropriate parties in a timely fashion as set forth below (See Section XIV, B 1 and B 2). Election misconduct that may cause an election to be challenged may include but not be limited to the following.

~~2-1.~~ An allegation that a student voted more than once

~~3-2.~~ An allegation that a voter was not a registered student

~~4-3.~~ An allegation that ballots were tampered with

~~5-4.~~ An allegation that a signature of a voter was forged

~~6-5.~~ An allegation that the Election Bylaws, college policy, or state, local and federal laws relating to elections were violated.

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SECTION XIV CHALLENGES TO THE ASSOCIATED STUDENTS ELECTION AND APPEALS

A. A candidate who is proven to have violated any section of these Bylaws or the SBCCD Student Elections Policies may be disqualified.

B. Alleged Violations of the Associated Student Government election:

1. The Director of Student Life and the Elections Committee Chair must receive written, signed notification of any alleged violation of the ASG-SBVC Elections Bylaws related to the Associated Student Government election ~~within 24 hours by 12 Noon the day after polls close of the final day of the initial election~~, excluding holidays and weekends – regardless of the need for any runoff election.

2. The complainant will submit a copy of any charge of alleged violation of the ASG-SBVC Elections Bylaws to the Director of Student Life and the Elections Committee Chair on the same day. The Director of Student Life or the Chair of the Elections Committee if so designated will notify any student or candidate charged in the complaint of the allegations the same day, if at all possible, but at the very latest within 24 hours of receiving the copy from the complainant.

3. The campus Elections Committee shall have initial jurisdiction over the enforcement of the ASG-SBVC as the Bylaws relate to the Associated Student Government election.

a. Each charge of an alleged elections Bylaws violation shall be decided by a simple majority vote of a quorum (50%+1) of the Election Committee members with the Director of Student Life present. A candidate charged with a violation shall have an opportunity to refute the charge prior to a decision by the Elections Committee. The burden of proof shall be on the complainant. The Election Committee shall render, in writing, their

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decision on each allegation within two days, excluding holidays and weekends.

- b. A candidate may appeal a ruling by the Election Committee in a matter of a charged violation of the ASG-SBVC_Elections Bylaws related to the Associated Student Government election within 48 hours to the Dean of Student Development. The appeal must be in writing, setting forth the alleged illegal action by the candidate, the section of the Bylaws alleged to have been violated, and the ruling being appealed, and a copy provided within four hours to the Director of Student Life. The Director of Student Life shall notify any student involved in an appeal of such a ruling by the Election Committee within 24 hours, so that the student shall have a right to fully participate in the appeal. The Dean of Student Development shall have two days, excluding holidays and weekends to rule in writing on the appeal and notify the complainant of their decision in the matter. The Director of Student Life shall be present for all discussions related to the appeal, including the final decision on the appeal. The candidate or student charged with the violation shall have an opportunity to refute the charge prior to a decision by the Dean of Student Development. The burden of proof shall be on the complainant. The Dean of Student Development shall be the final opportunity for appeal for all issues related to Associated Student Government elections, shall consider the evidence presented by both sides, and shall attempt to rule on any appeal brought forth to that level with all reasonable speed.
- c. At any level of reviewing a charge of an election Bylaws violation, the hearing body (Elections Committee or Dean of Student Development) may determine that:
- d. The violation was *de minimus* (minimal) and that the candidate is not to be disqualified, or
- e. The charged violation was significant and that the Bylaws set forth in Sections XV. C and D will apply.
4. A candidate may be referred to the appropriate Dean for action pursuant to the SBCCD Board Policy 5500- Standards of Conduct and all appropriate Disciplinary Action portions of the Bylaws for any proven activity that violates either Elections Bylaws.

C. Disqualification of a candidate:

1. If a candidate is charged with a violation of ASG-SBVC_Elections Bylaws during the Associated Student Government election, and
2. If that candidate is found to have violated either (or both) Bylaws(s), and
3. If the candidate's appeals have been exhausted or abandoned, then the candidate may be disqualified for the violation(s),
4. If the final level appealed to (Elections Committee or Dean of Student Development) decides that is the appropriate resolution for the matter.

D. Bylaws with a Challenged Candidate:

1. If a candidate is disqualified and the appeal process is exhausted prior to the start of the voting, the disqualified candidate's name will not be placed on the ballot. ~~If the disqualified candidate then campaigns as a write-in candidate, completes all the requirements of the write-in candidates (Section XIX) and is not found to have committed any additional violation of the Election Bylaws, then said election shall stand.~~ Any allegations of additional violations of the Election Bylaws shall be treated as set forth in these Bylaws.
2. If the challenged candidate has not exhausted the appeal process prior to the start of the voting, the challenged candidate's name will appear on the ballot and voting will proceed as set forth on the Election Calendar.

3. If a candidate is challenged, or if a challenged candidate's appeal is completed after the voting, resulting in both a final decision against the challenged candidate, and the disqualification of the challenged candidate, all votes cast for the disqualified candidate will be voided. If the disqualified candidate would have won the election, the candidate with the next highest vote total shall be declared the winner.
4. If all candidates for an Associated Student Government position are successfully challenged for violations of the Bylaws, a new election will be held.

E. Other allegations of violations:

1. If a violation is alleged that does not involve inappropriate activity by a specific candidate, but rather alleges a violation of procedure by the Election Committee, or other students or parties attempting to disrupt the election, the allegation must be made in writing, signed by the complainant and delivered to the appropriate party, as set forth in Section XIV, B1. and B2.).
2. The complaint will be reviewed in a manner consistent with this section of the Bylaws.
3. If the complaint is found to be valid, the final body involved in the appeal of the matter in an Associated Student Government position election, may:
 - ~~e-a.~~ Determine that the violation was *de minimus* (minimal) and the election stands; or
 - e-b. Determine that the violation was significant and invalidate all results of any position in the election affected thereby, resulting in a new election being scheduled pursuant to the rules set forth herein.
4. The final body involved in the appeal of the matter in an Associated Student Government position election may recommend that any party involved in the violation, whether ruled *de minimus* or significant, be prosecuted pursuant to SBCCD Board Policy 5500 – Standards of Conduct and all appropriate Disciplinary Action portions of the Bylaws.

- F. Any candidate, and only a candidate, with the sole exception of the College President, may request a recount of the position sought by that candidate in the election, if such request is made in writing and signed by the candidate ~~within 24 hours of the last~~ by 12 Noon the next working day ~~of after the election polls close~~ and delivered to the appropriate party. Only one recount may be requested for each office, unless the requestor is the College President.

SECTION XV CONTINUING ACADEMIC REQUIREMENTS FOR ELECTED ASSOCIATED STUDENT GOVERNMENT OFFICERS

Associated Student Government elected officers must maintain a cumulative Grade Point Average (GPA) of 2.0 or higher during their term of office. The student may not be on academic probation at any time from the declaration of candidacy through the completion of the term of office. The Director of Student Life will verify each elected Associated Student Government official's academic standing at the end of each semester. Failure of the elected official to maintain the required academic standards for office holders will result in automatic removal from office, with no action required by the College President, the Associated Student Government or the Board of Trustees. If an elected official is removed from office pursuant to this section, that office shall be declared vacant, and the position shall be filled as follows:

1. A vacancy in the Office of the President of the Associated Student Government shall be filled by the Vice President of the Associated Student Government, and a vacancy declared in the Vice President position.

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| ~~4~~2. _____ A vacancy in an Associated Student Government position shall be filled pursuant to the Associated Student Government' Constitution.

