

## UCSD Sixth College Election Bylaws

*Adopted 2/17/05*

*Amended 5/04/06*

*Amended 1/14/10*

*Amended 4/12/12*

### Article I. Mission Statement

Section A. The authority to govern Sixth College elections is vested in these bylaws by Article VII of the Constitution of the Sixth College Student Council (SCSC).

Section B. The purpose of these Election Bylaws is to provide procedures to conduct all elections held under the jurisdiction of the Sixth College Student Council (SCSC).

Section C. Elections for all positions as specified in the SCSC Constitution shall be held as part of ASUCSD elections in Spring Quarter. However, special elections may be scheduled and conducted pursuant to these Bylaws on dates and time as approved by SCSC.

Section D. ASUCSD Election Bylaws shall supersede the Sixth College Election Bylaws in the event that a discrepancy shall occur.

### Article II. Elections Manager

Section A. Shall be nominated by the SCSC Appointments Committee no later than fifth week of Winter Quarter and approved by a 2/3 vote of Council and shall serve until the newly elected Council takes office.

Section B. Shall have the responsibility to conduct Sixth College Elections in accordance with these Bylaws.

Section C. Shall not support or oppose any candidate, slate, or referendum, or be eligible to be a candidate in any Sixth College election while serving as the Elections Manager. Failure to comply with this requirement shall be sufficient grounds for removal by the Sixth College Judicial Board.

Section D. Elections Manager duties consist of the following:

1. Shall prepare the Candidacy Application for Sixth College Student Council including the Candidate Intent Form and Candidate Endorsement Petition (in accordance with Article IV Section B) and make this Application available at the front desk of Pepper Canyon Hall, the Commuter Center, the Digital Playroom, the main Residential Life Office, and online at the SCSC website.

2. Publicize the upcoming Sixth College elections to solicit candidates, and inform the Sixth College Student Body (SCSB) of relevant information concerning the dates, times, and locations of voting on Election Days.
3. Submit a complete list of qualified candidates, initiatives, and referenda to campus media.
4. Schedule, coordinate and publicize candidates' speeches and forums.
5. Work with the A.S. appropriate contact and the Sixth College Dean of Student Affairs Office to maintain all Sixth College elections-related financial records, complaints, violations, candidate packets, slate authorization forms, and other documents as appropriate. This shall not apply in the case of special elections.
6. Receive verified election results which include, but are not limited to, the total number of votes for each candidate and/or referenda and transmit them to:
  - a) Sixth College Student Council
  - b) Sixth College Dean of Student Affairs
  - c) Sixth College Student Body
7. Shall serve as a non-voting member of SCSC.

### Article III. Election Committee Representative

Section A. Shall be nominated by the SCSC Appointments Committee no later than third week of Winter Quarter and approved by a 2/3 vote of Council and shall serve until the newly elected Council takes office. SCSC must notify the AS Advocate General of the appointment of the Election Committee representative by the end of week three of Winter Quarter.

Section B. Shall have the responsibility to conduct Sixth College Elections in accordance with these Bylaws.

Section C. Shall not support or oppose any candidate, slate, or referendum, or be eligible to be a candidate in any Sixth College election while serving as the Elections Committee representative. Failure to comply with this requirement shall be sufficient grounds for removal by the Sixth College Judicial Board.

Section D. Elections Committee Representative duties shall consist of the following:

1. Shall serve on the AS Elections Committee
2. Assist the Advocate General with the planning and execution of the election;
3. Work at the main polling location as determined by the Advocate General;

4. Distribute promotional materials campus wide;
5. Perform any other duties as directed by the Advocate General.
6. Collaborate with the Elections Manager to ensure a fair and unbiased campaign and election period at Sixth College.
7. Shall serve as a non-voting member of SCSC.

#### Article IV. Eligibility

Section A. Each candidate for office, for the duration of the election period, must:

1. Satisfy the requirements for eligibility for that office that are articulated in the SCSC Constitution and the appropriate set of bylaws.
2. Be a registered student of Sixth College and be in good academic standing with the college and the University.

Section B. Referenda intended to apply exclusively to Sixth College students may only be sponsored or proposed by Sixth College students.

#### Article V. Filing

Section A. The Election Period shall be defined as the period between the starting date of the initial candidate(s) or slate filing period and the close of the polls on the last day of voting for that election.

#### Section B. Candidates

1. The filing period for candidates shall begin at noon on Monday of fifth week Winter Quarter and end noon on Wednesday of ninth week Winter Quarter. If either of these days are a holiday, the deadline shall be the next day.
2. Candidates for all SCSC offices, including candidates for AS Senate, must submit the items listed below to the Dean of Student Affairs Office in person by 12-noon on the final day of filing:
  - a) Candidate Intent Form, including a statement that they acknowledge receipt of the Sixth College Election Bylaws and agree to adhere to them.
  - b) Candidate Endorsement Petition: Petitions must have 50 Sixth College undergraduate printed student names, signatures, and college affiliation.
  - c) Candidate statement must be submitted via the online form.

3. Candidates for AS Senate may file a copy of the AS candidate endorsement petition form with the Sixth College Dean of Student Affairs Office in lieu of the Sixth College form.
4. All candidates that fail to meet the necessary filing requirements as stated in these Bylaws shall be ineligible to be placed on the election ballot and shall be so notified by the Sixth College Elections Manager within twenty-four hours from the determination of ineligibility.
5. A candidate may withdraw from the election at any time during an election period by notifying the Elections Manager in writing. In the event that a candidate withdraws after their name has been printed on the ballot, none of the votes that he or she received will be counted toward them. Every effort will be made to delete the candidate's name from the ballot including striking through the candidate's name on the ballot.
6. Candidate order may not be changed after the close of the ASUCSD Mandatory Candidates Meeting.
7. A candidate may file for only one (1) Sixth College office per election.

#### Section C. Slates

1. Shall be defined as any group of two or more candidates who mutually agree to use the same slate/group name and conduct a joint campaign.
2. All candidates who wish to run as a slate must file the Slate Authorization Form (SAF) that includes candidate positions and signatures of members with the Sixth College Dean of Student Affairs Office.
  - a) Candidates running for AS office must also submit the SAF to the AS offices as well.
3. All Sixth College candidates who file as members of a slate will be held accountable for the actions, conduct, and expenditures of the slate and for any violations of these Bylaws by any member of the slate.
4. Candidates for AS Senate may run on both a Sixth College slate and an AS slate. However, to satisfy these bylaws, they are only required to file the Slate Authorization Form for the Sixth College slate with the Sixth College Dean of Student Affairs Office.
5. Slate name shall not be changed and no candidate shall be added to any slate after the close of the ASUCSD Mandatory Candidate's Meeting.
6. To withdraw from a Slate, a candidate must provide written notice to the Elections Manager.

## Section D. Referenda

1. The filing period for referenda shall be a minimum of one week with the starting dates and times to be determined by the Elections Manager.
2. All referenda must be submitted to the Sixth College Dean of Student Affairs Office by 12-noon on the final day of filing with the appropriate number of valid signatures.
3. All referenda sponsors that fail to meet the necessary filing requirements as stated in these Bylaws shall be ineligible to have their referenda placed on the election ballot and shall be so notified by the Sixth College Elections Manager within twenty-four hours from the determination of ineligibility.
4. A referenda sponsor may withdraw a referendum from the election by notifying the Elections Manager in writing only with the consent of Council.
5. Referendum order shall not be changed after the close of the ASUCSD Mandatory Candidate's Meeting.

## Article VI. Campaign Procedures

### Section A. Campaign Period

1. The campaign period for candidates begins at the conclusion of the Mandatory Candidates Meeting ninth week of Winter Quarter and ends when the polls close on the final day of voting. Candidates and any person acting on behalf of a candidate may only campaign during the campaign period. Violation of these rules shall result in a Revocation of Time or Location Privileges.

### Section B. Conduct of Campaign

1. All campaign materials must include a clearly discernible phrase which shall be composed of "VOTE", followed by either "ON" or "AT" or "USING" or "VIA" or "THROUGH" or "THRU", followed finally by either "TRITONLINK" or "TRITONLINK.UCSD.EDU" or "HTTP://TRITONLINK.UCSD.EDU". Violation of this rule shall result in a warning. If the warning is willfully and repeatedly violated, a sanction such as Proscribing Advertising may be imposed.
2. It shall be a violation of these Bylaws for any candidate, referendum sponsor, and/or slate, to:
  - a) Willfully destroy, deface, move, and/or remove from their places posters, signs, flyers, banners, or campaign literature of any candidate or slate.
  - b) Violate UCSD or Sixth College Posting Policies in the distribution of campaign literature.

- c) Falsify information on Election Candidacy forms or campaign materials.
- d) Commit libel or slander against another candidate or slate.
- e) Refuse to appear within three (3) days before the Sixth College Judicial Board when so requested by the Board.
- f) Fail or file on time any of the Election Candidacy forms specified in these Bylaws.
- g) Tamper with or improperly influence the distribution, collection, tabulation, and/or storage of the election ballots.
- h) Use of, offer for use of, or sale of alcoholic beverages, controlled substances, weapons, or dangerous objects as campaign materials.
- i) Campaign on election days within 50 feet of the official polling stations.
- j) Use at any time of Sixth College or ASUCSD offices, services, resources, enterprises or equipment including, but not limited to, computers, paints, stationary and/or logo for advocating in favor of or against a candidate, referendum, or slate.
- k) University department services or phone numbers shall not appear on any campaign literature produced by candidates.
- l) Actively campaign in any classroom or computer lab, except when they are being used for student organization meetings.
  - i. Wearing clothing as “actively campaigning”.
- m) Use their position in a media organization, program, activity, or event that is sponsored, funded, or administered by Sixth College to campaign.
- n) Violate an order of the Sixth College Judicial Board.

#### Section C. Sixth College Media

1. The Sixth College Elections Manager, in collaboration with Sixth media organizations, shall ensure that all candidates, referenda and slates listed on the ballot have equal access to Sixth College media resources.
2. No candidate shall use any Sixth College media without the prior written approval of the Elections Manager.

#### Article VII. Qualification of Voters

Every Sixth College student enrolled for Spring Quarter, not on academic probation, shall be eligible to vote.

#### Article VIII. The Ballot

Refer to the ASUCSD Election Bylaws.

#### Article IX. Mechanics of the Election

The General Spring Election shall occur concurrently with the ASUCSD General Election.

#### Article X. Tallying of Votes

Refer to the ASUCSD Election Bylaws

#### Article XI. Grievance Resolution

##### Section A. Violation Grievances

1. Any members of the SCSB may file a Violation Grievance against a candidate, slate or procedure for violating campaign procedures, obtainable from the Sixth College Dean of Student Affairs Office or on the SCSC website.
  - a) The signed Violation Grievance form must be filled out in full and shall consist of the following:
    - i. The contact information of the student filing the complaint (not to be made public);
    - ii. The specific line of election code violated;
    - iii. The logistical (date, time, location) information regarding the alleged violation;
    - iv. A detailed description of the alleged violation;
    - v. Any relevant evidence of the alleged violation.
  - b) All Violation Grievances must be completed and filed with the Sixth College Dean of Student Affairs Office within two days of evidence of the violation emerging to the complainant.
2. The Sixth College Judicial Board shall publicly announce regularly scheduled hearing times at the beginning of the campaign period including at least two separate days during Spring Quarter weeks one and two.
  - a) These bylaws shall take precedence if any conflict should arise between these bylaws and the Bylaws of the Sixth College Judicial Board.

- b) The Elections Manager shall notify all parties to the complaint in writing of the time, date, and place of the hearing and provide a copy of the Violation Grievance Form to the person(s) filing the Violation Report to the SCSC Judicial Board Chair, the person(s) and/or group(s) charged with the alleged violation.
- c) The hearing will be heard by a quorum consisting of the SCSC Judicial Board, the Elections Manager, the complainant, and the student alleged violation.
  - i. If a member of the Sixth College Judicial Board is a candidate in the Sixth College elections, they shall be disqualified to sit before cases arising under the jurisdiction of these bylaws.
  - ii. If the Elections Manager or the complainant(s) is unable to attend the hearing can progress.
  - iii. If the student is alleged violation is unable to attend the hearing can progress at the discretion of the SCSC Judicial Board Chair.
- d) If a member of the Sixth College Judicial Board is a candidate in the Sixth College elections, they shall be disqualified to sit before cases arising under the jurisdiction of these bylaws.
- e) The Judicial Board shall provide means for keeping a record of all proceedings:
  - i. A tape recorder may be used for recording all hearings.
  - ii. Records of all proceedings including the minutes and copies of all relevant documents and other items submitted in evidence, shall be available to the individuals or parties involved for use in the preparation of arguments for appeals, However, all disclosures of information from any files, records, or recordings of any kind shall comply with all UCSD policies relating to University and/or student records, such as but not limited to UCSD PPM 160-2.
- f) All hearings shall be closed unless the Judicial Board Chair, with the Board's approval, mandates an open hearing for reasons of maintaining order and/or compliance with right to privacy regulations.
- g) The Judicial Board Chair, with the Board's approval, shall have the authority to take any action necessary to preserve the integrity and decorum of the hearing.
- h) The agenda of the hearing shall be as follows:



- i. Reading of the Violation Report by the Elections Manager.
  - ii. Statement of complainant(s), including witnesses
  - iii. Cross examination of witnesses by the accused(s).
  - iv. Statement of accused(s), including witnesses
  - v. Cross examination of witnesses by the complainant(s)
  - vi. Questioning of complainant(s), student(s) in alleged violation by Judicial Board
  - vii. Closing statements of complainant(s), and then those of the accused(s)
  - viii. The Elections Manager, the complainant(s), and the student(s) in alleged violation will be excused to allow SCSC Judicial Board to deliberate.
  - ix. Before midnight on the day of the hearing the Judicial Board Chair shall inform all parties of the outcome of the hearing and sanctions.
- i) The complainant shall be entitled to:
- i. Being provided with all of the evidence submitted by the accused at least twelve hours prior to the hearing, such that a defense may be prepared.
  - ii. Being assisted in the case by a representative of their choice and at their expense. Neither the A.S. Student Advocate Office nor the Sixth College Student Advocate shall represent either party.
  - iii. Question all witnesses at the hearing.
- j) The accused(s) shall be entitled to:
- i. A copy of the completed Violation Grievance Form at least one academic day prior to the scheduled hearing.
  - ii. Be provided with all of the evidence submitted by the complainant at least twenty-four hours prior to the hearing, such that a defense may be prepared. If the complainant refuses to comply with this requirement, the Judicial Board Chair may dismiss the case.
  - iii. Be assisted in the case by a representative of their choice and at their expense. Neither the A.S. Student Advocate Office nor the Sixth College Student Advocate shall represent either party.

- iv. Question all witnesses at the hearing.
  - v. Refuse to answer any questions that might incriminate them.
- k) In determining if a bylaw was violated and the penalty for any violation, the Judicial Board may consider the points listed below, but are not required to use them as a check list in the deliberation process:
- i. Kind of Violation.
  - ii. Degree of Severity.
  - iii. Knowledge of involvement of the person(s) alleged violation
  - iv. Intent of the person(s) alleged violation
  - v. Acknowledgement of the violation by the person(s) alleged violation
  - vi. Number of counts
  - vii. Precedent.
- l) If a candidate, slate, or referenda sponsor is found in violation of violating these Bylaws during the Election Period, they may be penalized.
- i. For disqualification to be considered as a penalty, the complainant(s) must show one of two things:
    - a. Malicious intent on the part of the student(s) in alleged violation, or
    - b. The actions of the student(s) in alleged violation changed the outcome of the election.
  - ii. The maximum penalty shall be disqualification, but less severe penalties such as shortened campaign time may be imposed.
- m) The Judicial Board shall, after consideration of all testimony and evidence presented at the hearing, render its decision immediately.
- n) A copy of all the decisions (majority, concurring, and dissenting) shall be distributed to the following parties:
- i. Accused(s)
  - ii. Complainant(s)
  - iii. Sixth College Dean of Student Affairs

#### iv. Elections Manager

- o) Decisions of the Sixth College Judicial Board are final. If extraordinary circumstances arise, either party may request a review of the case by SCSC Rules Committee, who will call for a rehearing or uphold the decision of the SCSC Judicial Board.

#### Section B. Protest of an Election

1. The Sixth College Judicial Board may void the election if they find that:
  - a) The procedures governing the election were not followed, and
  - b) Because of this, the outcome of the election was substantially affected.
2. The Judicial Board may not void the election on any other grounds, for any other reason, or by any other procedures.
3. The Sixth College Judicial Board shall be the only body with the authority to void any election. The Council, or any member thereof, shall have no such authority.
4. In the event of an invalidation of the election, the Elections Manager shall schedule a new election.

### Article XII. Special Elections

#### Section A.

At least 4 weeks before the date of the special elections, SCSC shall vote by a simple majority whether or not to hold a special election and must specify the dates on which the special election is to be held and the type of ballot to be used.

#### Section B.

Individual ballot items shall be approved separately from the motion to hold a special election by a simple majority of the SCSC at least 3 weeks before the special election.

#### Section C.

SCSC shall provide sufficient funds to conduct the election in a fair, unbiased manner.

#### Section D.

Eligible voters are all Sixth College students who are enrolled for the quarter in which the special election is being held.

#### Section E.

The Special Elections Manager shall be nominated by the SCSC Appointments Committee at least 3 weeks before the date of the special election and approved by a 2/3 vote of the Council.

#### Section F.

The Special Elections Manager shall have all the duties and responsibilities of an Elections Manager as detailed in Article II (Election Manager) of these bylaws.

#### Section G.

The campaign period shall begin on the day and time designated by the Elections Manager, and shall continue until the polls close on the last day of voting for that election.

Section H. There shall be at least two polling places:

1. At least two people shall operate each polling place at all times the polls are open.
2. Polling place operators shall be appointed by the Special Elections Manager and shall not publicly support or oppose any candidate, slate, or referendum, nor shall they run for office in that year's Sixth College special election. Failure to comply with that requirement shall be sufficient grounds for removal by the Sixth College Judicial Board as a polling place operator or from a ballot as a candidate.
3. The list of polling place operators shall be presented to SCSC for their review and approval at least one week before the special election begins.

#### Section I. Paper Ballots

1. If SCSC decides to use paper ballots, they shall print at least as many ballots as the average percent of students who voted in the last three elections plus ten percent, time the current number of eligible voters.
2. The Special Elections Manager shall be responsible for ballot security, counting of the ballots, and the prevention of ballot tampering.
3. The polling places shall each have complete lists of all eligible voters and shall maintain constant contact to check off those voters who have already voted.
4. Voters shall be required to present their UCSD Student Identification Card to verify their identity, eligibility to vote, and personal ID number.

Section J. Any special election shall be conducted for five (5) consecutive academic days.

#### Article XIII. Referenda

Section A. Placement of a referendum on the ballot shall require a two thirds (2/3) vote of SCSC or a petition of 10% of registered Sixth College students.

Section B. For referenda voted on during the annual general election, the minimum voting pool shall be defined as the average number of students who cast ballots in the three (3) previous general elections.

Section C. Special referenda shall not be considered valid unless fifteen percent (15%) or more of the eligible voters cast ballots on the specific referendum question.

#### Section D. Advocacy Organizations

1. An advocacy organization is a group of students that officially supports or opposes any ballot initiative or referendum and has registered its members with the Elections Manager.
2. Any organization that receives funding from SCSC for supporting or opposing an initiative or referendum must register as an advocacy organization with the Elections Manager.
3. SCSC shall make available funds in equal amounts to campaign in support of and in opposition to initiatives and referenda.
4. SCSC funds provided to advocacy organizations shall be not be used for any activity or purpose that violates these Bylaws, including but not limited to:
  - a) Deviation from the budget presented to SCSC Finance Committee in organization's request for funds.
  - b) Changing the organizations' stated purpose or position during the campaign.
  - c) Uses unrelated to the campaign.
5. Complaints alleging misuse of SCSC funds must be submitted to the Election Manager who shall assess such complaints in collaboration with the SCSC VP of Finance who is responsible for ensuring the proper use of SCSC funds by advocacy organizations. If improper uses of SCSC are found, the Elections Manager shall forward the complaint to the Sixth College Judicial Board with a report of the findings from the assessment conducted jointly by Elections Manager and the Vice President Finance.
6. Funds used improperly, as determined by the Sixth College Judicial Board, shall be reimbursed by the advocacy organization to SCSC.
7. These Bylaws apply to advocacy organizations and their members in like manner and to the same extent as they apply to the candidate or referendum that is supported by the advocacy organization.

#### Article XIV. Amendments

The Election Bylaws may be amended in accordance with Article VII, Section B of the SCSC Constitution. These bylaws cannot be amended within two weeks of any Election Period as defined herein.