



**ELECTION CODE**  
of the  
**AUGUSTANA STUDENT ASSOCIATION**

*(March 10, 2004)*

**Article I. Purpose**

The Election Code of the Augustana Student Association (ASA) is intended to establish clear, proper, and equitable procedures for conducting ASA elections. All provisions of this Code shall be in accordance with the Constitution of the Augustana Student Association, and no provision of the Code is intended to, or shall be construed to deny any student equal opportunity under the law.

**Article II. Creation of the Election Commission**

Section 1. The ASA Treasurer shall serve as Election Commissioner for the fall election.

Section 2. The ASA Secretary shall serve as Election Commissioner for the spring election.

Section 3. Every February, each residence hall senator, one off-campus senator, and the alternative housing senator shall appoint from their constituency one member to the Election Commission. These appointments are subject to Senate approval, and serve one (1) year terms as members of the Election Commission. The Election Commissioner shall serve as Chairperson of the Commission. If, for any reason the Election Commissioner feels that a Commission member is failing to meet his/her responsibilities, and a vacancy occurs in the Election Commission, the Election Commissioner shall appoint another student, subject to Senate confirmation, to serve as a member of the Election Commission.

Section 4. Any election procedures and policies that are not stated in this Code shall be determined by the Election Commission within the limits clearly provided under Article I of this Code. No ruling by the Election Commission may deviate from the provisions of the Constitution of the Augustana Student Association or the Augustana College Student Handbook.

Section 5. The following elections shall be conducted under the provisions of this Code:

Clause A. The fall election of ASA Senators.

Clause B. The spring election of a ticket for ASA President and Vice President.

Clause C. The spring election of the ASA Treasurer.

Clause D. The spring primary election.

Clause E. Senatorial run-off elections.

Clause F. All referenda.

Section 6. The Election Commission shall have, with majority vote, the power to overrule any decision of the Election Commissioner.

- Section 7. The Election Commission shall meet at any time called by the Election Commissioner, or a majority vote of the Election Commission.
- Section 8. No member of the Election Commission shall be a candidate for any Augustana Student Association office while they serve on the Commission, nor shall any member campaign in any way for any candidate for any ASA office.
- Section 9. If the Election Commissioner and/or a member of the Election Commission intend to be a candidate for election, then they shall be required to resign twenty-one (21) calendar days prior to election day.

### **Article III. Scheduling Elections**

- Section 1. The Election Commission, in consultation with the Augustana Student Association President, may set the date(s) for any ASA election.
- Section 2. All elections shall be publicized by any means approved by a majority of the Election Commission at least twenty-one (21) calendar days prior to the date of the election.

### **Article IV. Declaration of Candidacy for ASA Senators**

- Section 1. A candidate for any Augustana Student Association Senate seat shall file a declaration of intent form with the Election Commissioner no later than 5:00 p.m. fourteen (14) days prior to the date of the election. Declaration of intent forms may be obtained from the Election Commissioner at the times and places specified and publicized by the Election Commission.
- Section 2. The Election Commissioner shall determine the declaration of intent forms, and make them available to prospective candidates twenty-one (21) calendar days prior to the first day of elections. The declaration of intent form shall include, but shall not be limited to, space for the candidate's address, telephone number, and signature. The declaration of intent form shall include space for the candidate to indicate which Senate seat he/she is seeking. The form shall also clearly indicate on its face the date and time the form is due.
- Section 3. Candidates for Senator shall be elected by their respective electorate. The Election Commissioner, in conjunction with the Dean of Students Office, shall review the Senate declarations of intent to ensure that each candidate is running for the appropriate electorate. If any candidate's class status as determined by credit is in question, the candidate should be informed by the Election Commission that he or she must, within one (1) day after the original declarations of intent due date, submit fifteen (15) signatures of students within his or her chosen electorate before being allowed to run.
- Section 4. The names of all candidates shall be made public at least ten (10) calendar days prior to the election, at which time campaigning may begin.

### **Article V. Declaration of Candidacy for the ASA President and Vice President Ticket**

- Section 1. A ticket for Augustana Student Association President and Vice President must file a petition with the Election Commissioner no later than 5:00 p.m. fourteen (14) days prior to the date of the spring primary election. Said petition shall include signatures from at least one hundred (100) ASA members validating the ticket's declaration of intent to run. The signatures must be exclusive to one ticket's petition. If a signature is duplicated on the petitions of two or more tickets, the signature is declared void on all petitions. Petitions may be obtained from the Election Commissioner at the times and places specified and publicized by the Election Commission.
- Section 2. The following shall accompany the petition when it is filed with the Election Commissioner: (one) 1 diskette with the ticket's platform saved and clearly titled; and (one) 1 hardcopy of the ticket's platform stapled to the petition.

- Section 3. Tickets for President and Vice President shall be elected by all members of the ASA. The Election Commissioner, in conjunction with the Dean of Students Office, shall review the ticket's petition to ensure that each candidate is eligible to run for office as per the Constitution of the Augustana Student Association.
- Section 4. The Election Commissioner shall determine the petition forms, and make them available to prospective candidates twenty-one (21) calendar days prior to the first day of the spring primary election. The petition shall include, but shall not be limited to, space for the candidate's address, telephone number, signature, and the date of validation. The petition shall also include space for the signatures of one hundred (100) ASA members. The petition shall also clearly indicate on its face the date and time the petition is due.
- Section 5. The names of all candidates shall be made public at least ten (10) calendar days prior to the spring primary election, at which time campaigning may begin.

#### **Article VI. The Fall Election of ASA Senators**

- Section 1. There shall be in each fall semester an ASA election to elect the following positions:
- Clause A. One (1) Senator from each of the six (6) residence halls on campus (Bergsaker, East, Granskou, Solberg, Stavig, and Tuve)
  - Clause B. Two (2) Senators from off campus privately owned housing. The principle residence of these Senators must be an off-campus address.
  - Clause C. One (1) Senator from college owned alternative housing. This person shall represent residents in Costello Hall, Norse Inn, and the College owned theme houses.
  - Clause D. Two (2) Senators from the Freshman Class.
  - Clause E. Four (4) Senators from the Sophomore Class.
  - Clause F. Four (4) Senators from the Junior Class.
  - Clause G. Four (4) Senators from the Senior Class.
- Section 2. Absentee ballots shall be made available at a time and location specified by the Election Commission.
- Section 3. Only currently enrolled students can vote.
- Section 4. All votes shall be cast by secret ballot.
- Section 5. The candidates or tickets shall be listed under the heading indicating the office or position for which they are candidates. Ballot position shall be determined by a random draw. The Election Commissioner shall determine the form of the ballots.
- Section 6. Write-in votes shall not be allowed. Any ballots so marked shall be considered spoiled.
- Section 7. The Election Commission shall determine the number and location of voting precincts.
- Section 8. No less than two (2) people shall preside at the ballot box(es) of each precinct on the day of the Fall Election. Those eligible to preside at the ballot box(es) are any enrolled students approved and trained by the Election Commissioner. Candidates for election are not eligible to preside at the ballot box. Those students presiding at the ballot box(es) shall remain impartial and unbiased.
- Section 9. Campaign signs within visible range of the ballot box(es) are strictly prohibited. Likewise, campaigning or literature distribution within one hundred (100) feet of the ballot box(es) are strictly prohibited.
- Section 10. Should any candidate or ticket be disqualified from an election, voters shall be informed about the disqualification at the polling place. Ballots cast for a disqualified candidate or ticket shall not be counted.

- Section 11. All votes shall be counted by the Election Commission as soon as possible upon the expired designation time of voting. Votes shall be counted in the presence of the Election Commissioner, at least two members of the Election Commission, and anyone else at the discretion of the Election Commission.
- Section 11. The Election Commission shall certify the results of the election, and they shall be responsible for the accuracy of the certified results.
- Section 12. Senatorial positions shall be determined by a plurality of the votes cast. A run-off election shall be held only in the event that two or more candidates are tied for the last available seat. All candidates who are tied will be included in the run-off.
- Section 13. In the event of a tie in a run-off election for a Senate seat, the following guidelines apply:
- Clause A. Both candidates involved in the tie shall fill the one seat.
  - Clause B. Each person shall have full debate privileges in both Senate meetings and in committee meetings.
  - Clause C. In roll call voting of Senate meetings, each person shall have one-half (1/2) vote, and a full vote in their respective committee meetings. If one party is absent at a Senate meeting, the other party has a full vote.
- Section 14. The terms of office for Senators elected in the fall election shall be approximately one (1) calendar year in length, beginning immediately after election.
- Section 15. Each Senator shall be classified as a member of their respective electorate and shall remain so during the entire term of their office.
- Section 16. Members of the Election Commission will notify all candidates of the results of the election.

#### **Article VII. The Spring Election of the ASA Treasurer**

- Section 1. There shall be in each spring semester an ASA election to elect the Treasurer.
- Section 2. Absentee ballots shall be made available at a time and location specified by the Election Commission.
- Section 3. Only currently enrolled students can vote.
- Section 4. All votes shall be cast by secret ballot.
- Section 5. The candidates or tickets shall be listed under the heading indicating the office or position for which they are candidates. Ballot position shall be determined by a random draw. The Election Commissioner shall determine the form of the ballots.
- Section 6. Write-in votes shall not be allowed. Any ballots so marked shall be considered spoiled.
- Section 7. The Election Commission shall determine the number and location of voting precincts.
- Section 8. No less than two (2) people shall preside at the ballot box(es) of each precinct on the day of the Fall Election. Those eligible to preside at the ballot box(es) are any enrolled students approved and trained by the Election Commissioner. Candidates for election are not eligible to preside at the ballot box. Those students presiding at the ballot box(es) shall remain impartial and unbiased.
- Section 9. Campaign signs within visible range of the ballot box(es) are strictly prohibited. Likewise, campaigning or literature distribution within one hundred (100) feet of the ballot box(es) are strictly prohibited.

- Section 10. Should any candidate or ticket be disqualified from an election, voters shall be informed about the disqualification at the polling place. Ballots cast for a disqualified candidate or ticket shall not be counted.
- Section 11. All votes shall be counted by the Election Commission as soon as possible upon the expired designation time of voting. Votes shall be counted in the presence of the Election Commissioner, at least two members of the Election Commission, and anyone else at the discretion of the Election Commission.
- Section 12. The Election Commission shall certify the results of the election, and they shall be responsible for the accuracy of the certified results.
- Section 13. Senatorial positions shall be determined by a plurality of the votes cast. A run-off election shall be held only in the event that two or more candidates are tied for the last available seat. All candidates who are tied will be included in the run-off.
- Section 14. In the event of a tie in a run-off election for Treasurer, the following guidelines apply: Clause A. The Treasurer shall be determined by a majority vote of the Senate. Clause B. If the Senate's decision is equally split, the Treasurer will be determined by the Personnel and Development Committee.
- Section 15. The terms of office for the Treasurer elected in the spring election shall be approximately one (1) calendar year in length, beginning inauguration day.
- Section 16. This Senator shall be classified as a member of their respective electorate and shall remain so during the entire term of their office.
- Section 17. Members of the Election Commission will notify all candidates of the results of the election.
- Section 18. The inauguration of Treasurer shall occur at least twenty-eight (28) calendar days, but no more than thirty-five (35) calendar days after the spring election to allow for a period of transition. During the period between the spring election and the inauguration, the outgoing Treasurer shall remain in office and train the Treasurer-elect. The Treasurer-elect shall hold no other ASA office or position during the transition period.

### **Article VIII. The Spring Primary Election**

- Section 1. In the event that more than two (2) tickets for ASA President and Vice President file petitions declaring their intent to run, a primary election shall be held at least seven (7) calendar days prior to the spring election.
- Section 2. Absentee ballots shall be made available at a time and location specified by the Election Commission.
- Section 3. Only currently enrolled students can vote.
- Section 4. All votes shall be cast by secret ballot.
- Section 5. The ballot position of each ticket shall be determined by a random draw. The Election Commissioner shall determine the form of the ballots.
- Section 6. Write-in votes shall not be allowed. Any ballots so marked shall be considered spoiled.
- Section 7. The Election Commission shall determine the number and location of voting precincts.
- Section 8. No less than two (2) people shall preside at the ballot box(es) of each precinct on the day of the Fall Election. Those eligible to preside at the ballot box(es) are any enrolled students approved and trained by the Election Commissioner. Candidates for election are not eligible to preside at the ballot box. Those students presiding at the ballot box(es) shall remain impartial and unbiased.

- Section 9. Campaign signs within visible range of the ballot box(es) are strictly prohibited. Likewise, campaigning or literature distribution within one hundred (100) feet of the ballot box(es) are strictly prohibited.
- Section 10. Should any candidate or ticket be disqualified from an election, voters shall be informed about the disqualification at the polling place. Ballots cast for a disqualified candidate or ticket shall not be counted.
- Section 11. All votes shall be counted by the Election Commission as soon as possible upon the expired designation time of voting. Votes shall be counted in the presence of the Election Commissioner, at least two members of the Election Commission, and anyone else at the discretion of the Election Commission.
- Section 12. The Election Commission shall certify the results of the election, and they shall be responsible for the accuracy of the certified results.
- Section 13. In the event of a tie for second place in the Primary Election, the three tickets receiving the most votes will be placed on the Spring Election ballot.

Section 14. Members of the Election Commission will notify all candidates of the results of the election.

### **Article IX. The Spring Election of a Ticket for ASA President and Vice President**

- Section 1. There shall be in each spring semester, an ASA election to elect one (1) ticket for ASA President and Vice President.
- Section 2. Absentee ballots shall be made available at a time and location specified by the Election Commission.
- Section 3. Only currently enrolled students can vote.
- Section 4. All votes shall be cast by secret ballot.
- Section 5. Ballot position shall be determined by a random draw. The Election Commissioner shall determine the form of the ballots.
- Section 6. Write-in votes shall not be allowed. Any ballots so marked shall be considered spoiled.
- Section 7. The Election Commission shall determine the number and location of voting precincts.
- Section 8. No less than two (2) people shall preside at the ballot box(es) of each precinct on the day of the Fall Election. Of these two, at least one (1) shall be an ASA Senator that is not up for election. Others eligible to preside at the ballot box(es) are any enrolled students approved and trained by the Election Commissioner.
- Section 9. Campaign signs within visible range of the ballot box(es) are strictly prohibited. Likewise, campaigning or literature distribution within one hundred (100) feet of the ballot box(es) are strictly prohibited.
- Section 10. Should any ticket be disqualified from an election, voters shall be informed about the disqualification at the polling place. Ballots cast for a disqualified ticket shall not be counted.
- Section 11. All votes shall be counted by the Election Commission as soon as possible upon the expired designation time of voting. Votes shall be counted in the presence of the Election Commissioner, at least two members of the Election Commission, and anyone else at the discretion of the Election Commission.
- Section 12. The Election Commission shall certify the results of the election, and they shall be responsible for the accuracy of the certified results.

- Section 13. The ticket for ASA President and Vice President that receives a plurality of votes cast in the contest shall be elected.
- Section 14. In the event of a tie, a run-off election shall be held within two (2) days of the spring election. Only the tickets that tie for first place will be included in the run-off election.
- Section 15. Members of the Election Commission will notify all candidates of the results of the election.
- Section 16. The terms of the ASA President and Vice President shall be approximately one (1) calendar year in length, beginning inauguration day.
- Section 17. The inauguration of ASA President and Vice President shall occur at least twenty-eight (28) calendar days, but no more than thirty-five (35) calendar days after the spring election to allow for a period of transition. During the period between the spring election and the inauguration, the outgoing ASA President and Vice President shall remain in office and train the President-elect and Vice President-elect. The President-elect and Vice President-elect shall hold no other ASA office or position during the transition period.

#### **Article X. Referenda**

- Section 1. All referenda shall be made public by the Election Commission, (7) seven calendar days prior to the election.
- Section 2. Voters shall cast ballots either “for” or “against” the issue in question, and “for” shall be listed before “against.”
- Section 3. The Augustana Student Association may have a referendum placed on the ballot by passing a resolution in the Senate with a two-thirds vote at a regular Senate meeting.
- Section 4. Students may submit proposed referendums with a petition of at least two hundred fifty (250) student signatures.
- Section 5. At least fifty (50) percent of the ASA membership must vote in a referenda election in order for the outcome of the election to be certified by the Election Commission.

#### **Article XI. Violations of the Election Code**

- Section 1. Should the Election Commission find a basis for charging an individual with a violation of this Code, the Dean of Students shall be notified, and that person shall be taken before the Election Commission for possible disciplinary action. The Election Commission will act as a trial court. Disqualification from the election, or the disqualification of the candidate for whom they acted shall punish any person determined to have violated this Code by the Election Commission.
- Section 2. Any student may protest an alleged violation of election policies in written form with the Election Commission up to forty-eight (48) hours after the closing of the polls. The Election Commission shall convene within two (2) school days to consider the protest and to determine what action shall be taken to ensure an orderly and fair process.
- Section 3. Slander or libel against any candidate shall be illegal and the Election Commission shall investigate any charges of slander or libel. If the Election Commission deems necessary, the accused student must stand trial by the Election Commission. The Election Commissioner shall serve as prosecutor. The accused student shall be allowed to defend himself or herself.
- Section 4. Destruction of campaigning materials or any other violation of this Code, shall be dealt with as outlined in this Code.

- Section 5. Should a candidate be aware of any illegal action being committed by his or her supporters without attempting to halt that action and without reporting that action to the Election Commissioner, the candidate shall be charged with the same offense.
- Section 6. A decision by the Election Commission pursuant to either Section 1 or Section 2 of this Article may not be appealed unless facts may be presented that show either:
- Clause A. An error in procedural due process by the Election Commission which prejudiced the outcome to the extent that the candidates or students in question were denied a fundamentally fair hearing as a result of the error, or
  - Clause B. The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the Election Commission.

**Article XII. Validity of the ASA Election Code**

- Section 1. This Code shall go into effect immediately upon its passage by the ASA Senate.
- Section 2. All previous election documents and legislation shall be null and void.