



## **Elections Code**

- I. Preliminary Matters
  - A. This code shall be followed during all Rutgers University Student Assembly, hereafter referred to as “the Assembly”, elections administered by RUSA. This code shall serve as the elections guidelines.
  - B. In cases of inconsistency among authorities governing elections, the following order of precedence shall be considered (from highest to lowest): the Constitution, the Standing Rules, this Elections Code, bills or resolutions duly passed by the Assembly, and election regulations issued by the elections committee.
  - C. This Elections Code may only be amended through legislation that explicitly cites this code and indicates the precise form of any amendments. Amendments must consist of deletions, insertions, or substitutions of this document.
  - D. All legislation passed by the Assembly that conflicts with this code shall have no effect on election procedures unless such legislation explicitly references and amends this code.
  - E. In cases of inconsistency between election authorities, inconsistent and unenforceable clauses shall be considered severed from the remainder of the document. All other clauses shall continue to be in effect, unless in fairness, they ought not to be severed.
  - F. These rules should be construed so as to administer every election fairly, eliminate unjustifiable expense and delay, and promote the development of fair and accessible student government elections, to the end of promoting undergraduate student issues and securing legitimacy of the student government.
- II. An Assembly Committee on Elections shall administer Fall and Spring Elections for the Rutgers University Student Assembly Election. This committee may also be referred to as the “Elections Committee”.
  - A. This Committee must consist of at least 5 members, one of which shall be designated as the chair. The chair of the committee may designate another member of the committee to serve as vice-chair and chair any meetings of the committee during absence of the chair. This committee shall be formed prior to each election and dissolved after the committee reports on the election.

1. The chair and other members of the committee shall be chosen by the President, in consultation with the Executive Board of RUSA.
  2. If the RUSA President is a candidate or potential candidate in the Spring Elections, the chair and other members of the committee shall be chosen by the Executive Board.
  3. Within four weeks of the announcement of the Elections Committee members, the Rutgers University Student Assembly may, through appropriate legislation, rescind the choice of members for the elections committee and appoint other members of the committee.
  4. No person may be a member of the committee unless such person waives their right to run in the election the committee is administering.
- B. The Committee shall exist with power to appoint any necessary subcommittees not otherwise inconsistent with this code or other authorities.
- C. The Elections Committee shall:
1. Administer the Assembly Elections,
  2. Issue appropriate regulations, consistent with this code and other authorities,
  3. Propose amendments to this code when necessary,
  4. Enforce this code and any appropriate legislation by investigating potential violations of this code, legislation, or election regulations,
  5. Fill appeals against candidate(s) if there is reasonable suspicion to indicate a violation of this code, legislation, or election regulations, and
  6. Perform other duties as necessary and consistent with this elections code.
- D. Each Elections Committee may delegate and empower its chair to act on its behalf under such rules it deems appropriate. Actions that must be taken by vote of the committee as explicitly specified in election authorities, must be approved by the Elections Committee by such vote.
- E. The chair of the Elections Committee shall give regular reports on the election to the Assembly.
- F. The Assembly hereby allocates on a recurring basis, unless otherwise resolved by the Assembly to suspend such allocation for a set period of time, \$2000 for Spring elections and \$500 for Fall elections. The Elections Committee may use this money to promote elections and other proper election expense.
- G. The Elections Committee shall issue a detailed report on any election within a reasonable amount of time after the conclusion of an election. This report shall include expenditure information.
- H. All substantive actions of the Elections Committee shall either be publicized by the committee or included in the committee's report on the election.
- I. All members of the Elections Committee are forbidden from publicly endorsing and actively campaigning on behalf of any candidate from the beginning of their tenure

on the Elections Committee until the Announcement of Results. Any violation of this commitment to neutrality will result in an investigation by the Internal Affairs Committee of RUSA.

- J. Upon completion of the Assembly Elections, the Elections Committee Chair shall certify the election results consistent with this code.
- III. The Assembly Committee on Election Appeals shall be composed of members who are not members of the Elections Committee. This committee may also be referred to as the “Election Appeals Committee”. This committee shall be formed prior to each election and dissolved after the committee reports on the election, separately or jointly with the Elections Committee.
- A. This Committee must consist of at least 3 members, one of which shall be designated as the chair. The chair of the committee may designate another member of the committee to serve as vice-chair and chair any meetings of the committee during absence of the chair.
    - 1. The chair and other members of the committee shall be chosen by the President, in consultation with the Executive Board of RUSA.
    - 2. If the RUSA President is a candidate or potential candidate in the Spring Elections, the chair and other members of the committee shall be chosen by the Executive Board.
    - 3. Within four weeks of the announcement of the Election Appeals Committee members, the Rutgers University Student Assembly may, through appropriate legislation, rescind the choice of members for the Election Appeals Committee and appoint other members of the committee.
    - 4. No person may be a member of the committee unless such person waives their right to run in the election the committee is administering.
  - B. This committee shall be responsible for interpreting this Elections Code and ruling on all election appeals.
  - C. All rulings of the Election Appeals Committee shall be final, except in circumstances where relevant and newly discovered information would require the Appeals Committee to reconsider a case, subject to the Appeals Committee’s discretion.
  - D. The chair of the Election Appeals Committee shall give regular reports on the status, nature, and disposition of appeals before the Committee to the Assembly.
  - E. All decisions of the Elections Committee may be appealed to the Appeals Committee for review of the consistency of the decision with all applicable authorities on elections.
  - F. All regulations issued by the Elections Committee may be appealed within three (3) days of public notice of issuance, as defined in this code, for review of proper

process in issuing the regulations. This clause shall not preclude candidates from alleging regulations were inconsistent with other authorities.

- G. The Elections Committee or any member of undergraduate student body at Rutgers University - New Brunswick may file an appeal with the Election Appeals Committee.
  - H. All members of the Election Appeals Committee are forbidden from publicly endorsing and actively campaigning on behalf of any candidate from the beginning of their tenure on the Election Appeals Committee until the Certification of Election Results. Any violation of this commitment to neutrality will result in an investigation by the Internal Affairs Committee of RUSA.
  - I. The Election Appeals Committee shall decide all findings of fact by clear and convincing evidence. However, the Committee shall be empowered to require testimony from candidates, production of documents, or other effects necessary for a fair hearing by probable cause.
  - J. In order to allow for investigation and due process, the Election Appeals Committee may delay the certification of the Election Results until matters before the committee are resolved, but such delay may not last past three (3) weeks after the conclusion of the election.
  - K. All actions of the Election Appeals Committee shall be taken by majority vote in the presence of quorum. In emergency situations, the chair may issue a temporary ruling, until the Election Appeals Committee can meet, unless such matter has already been decided by the Appeals Committee, or unless the election results have already been certified. Such temporary rulings shall only remain effective for seventy-two (72) hours, unless ratified by the Appeals Committee in accordance with any and all procedures established in this code.
  - L. Quorum of the Election Appeals Committee shall be majority of the members of the Committee.
  - M. The Election Appeals Committee shall decide appeals against candidates in an adversarial proceeding. Other matters that arise before the committee need not be adversarial, but shall be decided in a just and equitable way.
  - N. The Election Appeals Committee may issue regulations on proceedings before the Election Appeals Committee, but no such regulation shall be binding on the Election Appeals Committee unless such regulations are just, equitable, fair, and consistent with all higher election authorities.
- IV. Election Timeline
- A. The clauses in this section shall govern Fall Elections.
    - 1. The fall election period may not commence earlier than the second meeting of the Assembly of the fall semester.

2. The fall election period must end by the start of the fifth regularly scheduled meeting of the fall semester.
  3. The fall election period shall last no more than three (3) days. The Elections Committee may extend the election period by at most twenty-four hours due to an unforeseen event causing substantial disruption to the election process.
  4. There shall be a campaign period that shall last at least three weeks and conclude at the end of the election period.
  5. The deadline to submit election appeals shall be no earlier than a day after the end of the election period and no later than three days.
  6. The deadline to submit budget reports shall no less than 5 days and no more than 7 days after the conclusion of the election.
  7. Results shall be announced within two Assembly meetings after the end of the election period. Certification of results for a particular election shall occur only after all appeals are resolved for particular positions.
  8. The period to declare candidacy for a position in the current election shall last at least ten (10) days, start no earlier than twenty (20) days before an election, and conclude no later than 5 business days before the start of the election.
  9. The Election Committee shall host one to three election information sessions prior to the end of the period to declare candidacy.
  10. Candidates elected shall serve until the conclusion of the transition to newly elected Assembly members after the next Spring election.
- B. The clauses in this section shall govern Spring Elections.
1. The spring election period may not commence earlier than the fifteenth of March.
  2. The spring election period must end by the first of April.
  3. The spring election period shall last no more than three (3) days and shall not occur within three (3) days of or during the spring break period. The Elections Committee may extend the election period by at most twenty-four hours due to an unforeseen event causing substantial disruption to the election process.
  4. There shall be a campaign period that shall last at least four weeks and conclude at the end of the election period.
  5. The deadline to submit election appeals shall be no earlier than a day after the end of the election period and no later than seven days.
  6. The deadline to submit preliminary budget reports shall be no later than the day before the election period starts. The deadline to submit final budget reports shall be no less than 5 days after conclusion of the elections and no more than 7 days after conclusion of the elections.

7. Results shall be announced within two Assembly meetings after the end of the election period or before the end of the spring semester, whichever occurs first. Certification of results for a particular election shall occur only after all appeals are resolved for those particular positions.
  8. The period to declare candidacy for a position in the current election shall last at least ten (10) days, start no earlier than forty (40) days before an election, and conclude no later than ten (10) business days before the start of the election.
  9. The Election Committee shall host at least two election information sessions prior to the end of the period to declare candidacy, and at least two of these sessions shall be held on different days of the week.
  10. The Election Committee shall host at least one election debate at least twenty four hours prior to the start of the Spring election period.
  11. The transition to the newly elected candidates shall occur at most one weeks after the certification of the election results.
  12. Candidates elected shall serve until the conclusion of the transition to newly elected Assembly members after the next Spring election.
- C. The precise timeline of elections shall be specified by the Elections Committee through a temporary regulation.

## V. Election Rules

### A. Qualifications of Candidates

1. All candidates shall have a GPA of at least 2.5, be full time undergraduate students, and not be on Restrictive Probation (as defined by the Office of Student Conduct).
  - a) There shall be no GPA requirement for students who are first semester students, i.e. transfer students or first year students.
2. Candidates for the At-Large Representative positions are not class specific. Candidates for class year positions shall be limited to students who are declared as part of that class year.
3. Candidates for a campus-specific position must:
  - a) reside on that specific campus, OR
  - b) plan to reside on that specific campus for the next academic year for candidates in spring elections.
4. Candidates for a Representative position may belong to any of Rutgers--New Brunswick college or school.
5. Candidates for any Senator position allocated to the School of Arts and Sciences shall be students enrolled in the School of Arts and Sciences at the time of their election.

6. Candidates for Vice President shall have the same qualifications to be elected as candidates for President.
  7. There shall be no additional qualifications for candidates, unless provided for in the Constitution, Standing Rules, or this code.
  8. Each candidate shall be required to file a Declaration of Intent to run by the deadline established by the Elections Committee through a temporary regulation.
- B. Winners will be determined by those with the most number of votes, qualified to be elected. Any ties will be decided by a coin flip, with an opportunity for both candidates or their designee to witness the flip. Ties among more than two candidates shall be decided by a random method.
- C. All candidates shall abide by all election authorities. The Elections Committee shall provide all binding authorities upon request of any candidate.
- D. Budgetary Rules
1. Each candidate will be required to maintain a list of all campaign expenses, and retain all receipts to document those expenses. This documentation shall be submitted as part of the budget report.
    - a) This list shall individually identify the source of all contributions over \$20. This list shall identify the name and amount of the contribution.
    - b) This report shall also list the total amount of money raised and spent by the campaign.
    - c) Failure to file, forgery, or intentional misinformation on these reports shall subject a candidate or ticket to disqualification. Reports may be amended prior to the deadline for filing reports. If an amended report concedes to an error on the original report, this action shall be an affirmative defense to this subsection.
    - d) Regardless of other filing deadlines, the Elections Committee shall have at least two days after filing of budgetary reports to bring charges of forgery or intentional misinformation on the reports against candidates.
  2. Each candidate or ticket will be required to maintain a list of all campaign expenses, and retain all receipts to document those expenses. Absolutely any purchase made by a candidate that directly or indirectly benefits his or her campaign will be considered a campaign-related expense. This includes, but is not limited to, purchases of supplies, photocopies, and advertising. Candidates who decide to run on a ticket must pool their funding with other members of their ticket, and will be required to share a list of campaign

expenses for their ticket. Each ticket shall specify a person who must approve all expenditures.

3. Candidates may not spend more than \$200. A ticket may collectively not spend more than \$3,000, however, a ticket with less than fifteen (15) people may not spend more than \$200 per person.
4. Candidates may only solicit donations or in kind contributions from Rutgers University--New Brunswick undergraduate students. Each student (including the candidate) is entitled to contribute up to \$50 to an individual campaign or up to \$50 per candidate to a ticket.
  - a) As an exception to the above rule, candidates and tickets may accept up to \$50 total from other sources than explicitly allowed above. Such sources, regardless of amount, shall be included on budget reports.
5. All campaign reports shall be public. In the fall election period each ticket or candidate shall file a final report. In the spring, each candidate or ticket shall file a preliminary report prior to the start of the election and a final report after the end of the election. Such reports shall be kept on file for at least four years.
6. All individuals who are not candidate but are empowered by a candidate or ticket to spend money on behalf of that candidate or ticket shall be registered as an agent of the campaign and included in any budgetary report.
7. The financial caps on donations and expenditures in this section shall be adjusted, prior to the Spring election, for inflation by the same percentage as the New Jersey minimum wage was adjusted the year of the Spring election. The adjusted numbers shall be promulgated through temporary regulations.

#### E. Endorsements

1. Any undergraduate student organization at Rutgers University -- New Brunswick may endorse a specific candidate, ticket, or endorse the election. Endorsements for specific candidates or tickets shall not be recognized if they are by a governing body, any organization to which the primary officer(s) is/are not undergraduate students, any organization which sends External Representatives to the Assembly, or any organization not funded by the student activities fees allocated by student governments within the Rutgers University - New Brunswick undergraduate system, or organizations as otherwise defined by the Office of Student Involvement as a directly advised organization. The Elections Committee shall use part of their allocated funds in the Springs to promote endorsements by organizations.

## F. Campaign Rules

1. No candidate may intentionally ask a student to vote more than once.
  - a) If a specific candidate asks repeatedly for a student to vote for them after the student has asked to not be disturbed, that candidate may be disqualified from the race.
2. No candidate may observe a student vote in the elections.
  - a) A candidate may ask a student to vote for them and provide a computer or similar device with which to vote; however, at no time may both the candidate and the voter be able to see the same screen while voting is occurring.
3. Candidates may not go door to door in residence halls to ask for votes.
4. There are no restrictions to candidate's use of social media or other web based programs, as long as candidates do not violate federal, state, local law and/or university policy and/or procedure.
5. Candidates may not violate Federal, State, or local laws and regulations. Candidates additionally must comply with all university policies and procedures.
6. These rules apply at any time even prior to a candidate's submission of a Declaration of Intent.
7. During the election any attempt to unduly influence or view a specific voter's vote shall be grounds for disqualification from the election. In the event a candidate is provided with a table in a student center, residence hall, or dining hall, the candidate must remain in the vicinity of the table while they are campaigning in that location.
8. Candidates are encouraged to be courteous and respectful to one another. Libel and slander are prohibited. True statements or one's opinions shall not be considered libelous or slanderous.
9. No candidate shall use money or other item of value to induce a student to vote for them. This rule shall not be construed to prohibit promotion of the election by candidates using items worth at most \$15 as long as such promotion does not have a requirement to vote for any candidate in the election.
10. Any attempt or conspiracy to violate this Elections Code is also prohibited. Instructing an agent of the candidate or ticket to violate this code is also prohibited.
11. Any violation of the rules contained in the Elections Code, or as clarified by the Elections Committee, may result in the disqualification of the candidate from the race.

## G. Tickets

1. Ticketing is defined as the following: the pooling of funds and joint campaigning. A ticket is further permitted to include all representatives who wish to associate themselves with the aforementioned entity by forming a larger ticket. Candidates who choose to run on a given ticket must indicate this on their Declaration of Intent by providing a common name. No ticket name will be ascribed to groups consisting of less than three RUSA candidates. Registration must include at least 3 members. A candidates may also ask to join a ticket after a candidate fills out their Declaration of Intent, but such request must be emailed to the Elections Committee prior to the Declaration of Intent deadline. Ticket names shall be assigned on a first come first served basis.
2. The election of President and Vice-President shall be joint. Each candidate for President must jointly run with another candidate for Vice-President. The joint Presidential and Vice-Presidential candidates may in addition be part of a ticket.

#### H. Voting Eligibility

1. All current undergraduate students are eligible to vote. Students will be able to vote for any university wide positions as well as for the campus they reside on. Class year position elections shall be limited to that class year. The election of the SAS Senator at Large and other SAS Senators shall be limited to SAS students.

### VI. Election Regulations

- A. There shall be two classes of regulations issued by the Elections Committee: temporary and permanent.
- B. Temporary regulations shall:
  1. Only be issued under authority explicitly stated in this code, to specify timelines, to specify dates, to specify positions available to be elected, to specify eligible voters, or procedures unique to a particular election, AND
  2. Be binding only for one RUSA election or parties to it.
- C. The primary purpose of permanent regulations must be to clarify the Elections Code or other election authorities. These permanent regulations shall continue to be binding upon future Assembly elections.
- D. Regulations may not be issued less than a week prior to the start of an election voting period.
- E. All issued regulations must indicate their type, be adopted by the majority of the Election Committee, and indicate the authority under which the regulation is issued.
- F. There shall be at least a one week comment period before any permanent regulation goes into effect. This period shall begin once the RUSA Secretary is notified of intent to issue such regulations or notice is given at a meeting of the Assembly by a

member of the Elections Committee. Comments given must be considered by the Elections Committee and after due consideration the Elections Committee may, by majority vote, immediately rescind the regulation issued in full or in part.

- G. The Elections Committee shall use the above procedures to amend or repeal election regulations.
- H. A regulation shall have no force or effect if the Assembly, by simple majority vote, disapproves or declares null and void a particular regulation.
  - 1. If a permanent regulation is declared void, no substantially similar regulation may be issued without approval of the Assembly.
  - 2. If a temporary regulation is declared void, no substantially similar regulation may be issued without approval of the Assembly for the current election.