

Elections Code of the Associated Graduate Students of the University of California, Irvine

I. Name

This Code shall be known as the AGS Elections Code.

II. Authority

This Code is established under the Constitution of the Associated Graduate Students of the University of California, Irvine (AGS Constitution).

III. Purpose and Applicability

The purpose of this Code shall be to outline the procedures, guidelines, and regulations which govern all AGS Elections at the University of California, Irvine (UC Irvine) and to define the duties and responsibilities of those who participate in and facilitate AGS Elections. Student Fee Referenda or Initiatives regarding the AGS fee shall be governed by this Code, University policy, and guidelines approved by the Chancellor of UC Irvine. Other Fee Initiatives shall be governed by the guidelines approved by University policy and the Chancellor of UC Irvine. Elections for Council Representative(s) from professional degree schools whose students are AGS members may follow guidelines set by those schools.

IV. Definitions

The term AGS members in the Elections Code shall be used as defined in the AGS Constitution.

The term days in the Elections Code, unless otherwise specified, shall be defined as days that exclude University holidays, state holidays, federal holidays, and weekends.

V. Types of Elections

A. Regular Spring Quarter Elections

AGS regular Spring Quarter elections may include the election for Constitutional Amendments, Initiatives, Referenda, AGS President, and School Representative(s) with write-in option(s).

B. Special Elections

Special elections are held during times of the year other than the regular election for any of the following reasons:

1. Vacancy of more than one-third ($\frac{1}{3}$) of the total existing positions in AGS Council;

2. Vacancy of a Council Representative seat for which more than one (1) eligible individual has expressed interest within 10 days of the vacancy being announced;
3. In the event of a validated petition of Initiatives, Referenda, or recall elections;
4. In the case of the disqualification, removal, or resignation of the AGS President.

C. Run-off Elections

Run-off elections occur in the event that two (2) or more candidates for a position receive the same number of votes (highest for the contested position). In this case, the run-off election determines the winner of that position.

D. Recall Elections

Recall elections can occur for the removal of the AGS President and/or Council Representative(s), in accordance with the policies and procedures for recalls set out in the AGS Constitution.

VI. Timeline for Elections

The timeline for elections shall adhere to the following restrictions:

A. Election Schedule

1. The timing of the appointment of the Elections Officer shall be in adherence with the guidelines outlined in the Elections Officer section of the Elections Code.
2. The timing of an election (Election Schedule) shall be proposed by the Elections Officer as Council legislation after consultation with Student Government Student Media (SGSM). This legislation shall be sponsored by either the Elections Officer or the Vice President of Administrative Affairs (or their designee), and voted on by AGS Council. The Election Schedule must be approved by Council by a simple majority vote at a meeting with quorum no later than four (4) weeks before the election. For a Spring regular election being held in Week 3 of the Spring quarter, this Schedule must be approved by Council no later than the end of Week 6 of the Winter quarter.
3. The Election Schedule shall include deadlines for a Declaration of Candidacy period, a Campaigning period, a Voting period, a Complaints and Appeals period, a Council Ratification Vote date, and a Result Release date.
4. Regular Election Timing:
 - a) Regular elections shall generally be held Week 3 of the Spring Quarter, with voting open from Monday at 9 A.M. Pacific time

through Friday at 5 P.M. Pacific time (available 24-hours online during that period).

- (1) In extenuating circumstances, this schedule can be changed by AGS Council at the recommendation of the Elections Officer, in consultation with SGSM or if directed by the Chancellor.

5. Special Election Timing:

- a) Special Elections cannot be held in the Spring quarter, so as to not interfere with the regular Spring election, except in the case of the disqualification, removal, or resignation of the AGS President.
- b) If a special election is called, the timing of such an election shall be proposed by the Elections Officer to AGS Council. The Elections Officer shall propose the timing after consulting with SGSM.

6. Run-Off Election Timing:

- a) If a run-off election is needed, that election shall take place as soon as deemed possible by the Elections Officer in consultation with SGSM, not to exceed 15 days from the ratification of the previous election.

7. Recall Election Timing:

- a) The timing of recall elections shall be decided by the Elections Officer, in consultation with SGSM.

8. The Elections Packet shall be made available no later than five (5) days prior to the beginning of the Declaration of Candidacy period, and no later than 10 days prior to the beginning of voting. The Elections Packet shall include the Elections Code, the Election Schedule, Endorsement Form, references to applicable University policies, and the contact information for the Elections Officer and AGS Officers.

B. Declaration of Candidacy

The Declaration of Candidacy period must last for at least three (3) days and must be closed no later than five (5) days before voting begins. For the regular Spring election, the Declaration of Candidacy period must last for at least ten (10) days and must be closed no later than ten (10) days before voting begins.

C. Campaigning

The Campaigning period shall begin for a candidate as soon as they have declared candidacy, and goes until the beginning of voting. Campaigning must adhere to the guidelines outlined in the Elections Code and any relevant University policy.

1. Candidate Forums

Public candidate forum(s) will be organized by the Elections Officer for elections that include the AGS President position and/or Student Fee Referenda. These forums are governed by the following guidelines:

- a) *Candidates for President*: A debate-style forum will be held for at least 30 minutes in which all candidates for AGS President can participate and speak. The questions asked and whether or not questions will be accepted from the audience will be at the discretion of the Elections Officer, in consultation with SGSM.
- b) *Referenda*: A public forum will be held in which a single person for the “Yes” and “No” campaigns for a referendum can participate and speak for at least three (3) minutes each. The “Yes” campaign representative must be the person sponsoring the referendum on the AGS ballot. The “No” campaign representative shall be selected by the Elections Officer, in consultation with SGSM, among AGS members who express interest to the Elections Officer.

D. Voting

Voting must be allowed for at least three (3) days unless otherwise specified in the Elections Code, AGS Constitution, or University policy. Other details of the voting process are outlined in the Voting Procedures section of this Elections Code.

E. Ratification

1. The results of the election shall not be provided to anyone other than SGSM and the Elections Officer prior to the Ratification of the election.
2. If there are no complaints filed, at the AGS Council meeting immediately following the close of the election, Council will consider ratification of the election results. At this meeting, the Elections Officer shall make a short presentation on how the election was run. Council must approve the election process by a two-thirds ($\frac{2}{3}$) majority vote of Council members present at a meeting with quorum for the results to be ratified, or else the election is invalidated.
 - a) The following are the only causes to invalidate the election results:
 - (1) Violation of the elections procedures.
 - (2) Violation of University policy with regard to elections.
 - b) Council members may vote to ratify election results even if they are running in the election without such a vote constituting a violation of Bylaws provisions about Conflicts of Interest.
3. If there are complaints filed, the results for the positions, Constitution, legislation, or referenda involved in the complaint(s) shall be released only after the resolution of all complaints and appeals related to that complaint.

- a) Council must ratify the election if the election was conducted in a way that adhered to the elections procedures, regardless of whether or not there are pending complaints against individual candidates or Sponsors. Ratification of the election results overall does not preclude the later disqualification of candidates or Sponsors, or prevent candidates or Sponsors from later appealing based on the Elections Officer not adhering to proper Complaint procedures.
4. Timing of the appointment of the Elections Officer shall be in compliance with the Elections Code, AGS Constitution, and AGS Bylaws.

VII. Other Voting Procedures

A. Ballot Order

The ballot order shall be as follows:

1. Constitutional Amendments
2. Legislative Initiatives
3. Legislative Referenda
4. Student Fee Referenda
5. Recall Elections
6. AGS President with write-in option
7. Council Representative(s) with write-in option(s)

B. Student Voting Eligibility

All matriculated graduate students who pay the AGS fee and are considered members during the quarter in which an AGS election is taking place shall be eligible to vote in the respective election. AGS members may only vote for Council Representatives from their own school. Additionally, AGS members may only vote on referenda that would apply to them.

C. Write-Ins

Write-in options shall be made available for the role of AGS President and Council Representative seats in AGS elections. SGSM will, in good faith, compile the write-in times for elected positions. In coordination with the Elections Officer, SGSM will, in good faith, check the write-in names against enrollment records to ensure some aspects of eligibility compliance and will be mindful of reasonable misspellings, alternative spellings of names, and nicknames.

VIII. Elections Officer

A. Appointment

1. The election must be prepared and conducted by the highest ranking AGS Officer who is not running for office in the election, herein known as

the Elections Officer. The ranking shall begin with the President, and continue down the line of succession determined in the AGS Constitution. Should no Officer in the line of succession be eligible to serve as Elections Officer, Council shall appoint an Elections Officer who is a member of AGS who is not running for office to serve in the role. In the case of a recall election for AGS President, the AGS President shall be ineligible to serve as Elections Officer, and the Vice President of Administrative Affairs shall be in charge of fulfilling the duties below normally given to the AGS President.

- a) For elections that do not involve the recall of the AGS President, the current AGS President shall be responsible for determining the highest ranking AGS Officer who is not running in the election by the end of Week 1 of the Winter Quarter.
 - b) Once the AGS President has determined the highest-ranking Officer, that person shall be appointed Elections Officer through Council legislation the meeting immediately following Week 1 of the Winter Quarter. The Vice President of Administrative Affairs or their designee shall be responsible for drafting and publishing the legislation.
2. Once appointed through Council legislation, the Elections Officer waives their constitutional right to file a Declaration of Candidacy until the beginning of the next academic year.

B. Duties of the Elections Officer

1. The Elections Officer shall perform all duties assigned to the Elections Officer in this Elections Code, including (but not limited to):
 - a) Creating the Elections Schedule, in consultation with SGSM, to present to AGS Council;
 - b) Creating the Elections Packet;
 - c) Ensuring the Elections Packet is posted to the AGS Elections website within the appropriate timeframe;
 - d) Making elections information publicly available for prospective candidates, declared candidates, and the graduate student body, including (but not limited to) sending out a campuswide email notifying the graduate student body about the election;
 - e) Planning and running candidate forum(s);
 - f) Ensuring that all candidates agree to abide by the Elections Code, University policy, UCI Principles of Community, and all local, state, and federal laws;
 - g) Reviewing all alleged violations and complaints filed by eligible individuals;
 - h) Penalizing candidates for Elections Code violations when appropriate, as outlined in the Elections Code;

- i) Attending AGS Council meetings with agenda items involving the election;
 - j) Attending AGS Council meetings or other meetings at the request of the AGS President.
2. The Elections Officer for a regular election waives their constitutional right to file a Declaration of Candidacy until the beginning of the academic year following the election. The Elections Officer for a non-regular election waives their right to file a Declaration of Candidacy for the election for which they are serving as Elections Officer.
3. Elections Officers cannot campaign on, for, or against anyone or any issue on the ballot.

IX. Candidate Eligibility

The following requirements apply to candidates in AGS elections:

- A. All voting AGS members in good standing (as defined by the Graduate Council of the Academic Senate, a student's school, and/or appropriate University disciplinary offices) who have a good-faith belief that they will be enrolled for the term of the role of AGS President shall be eligible to declare candidacy for AGS President in a presidential election.
 1. While candidates for AGS President do not need work authorization in order to assume the role, payment of any stipend for the role of President is contingent upon a student having valid work authorization.
- B. All voting AGS Members in good standing (as defined by the Graduate Council of the Academic Senate, a student's school, and/or appropriate University disciplinary offices) shall be eligible to declare candidacy for a Council Representative seat in the academic unit in which they are enrolled, if such a seat is available.
- C. Someone is not considered a candidate until they have filed a Declaration of Candidacy during the appropriate period.
- D. Candidates may withdraw at any time by sending a letter of withdrawal to the Elections Officer.
- E. Candidates may declare candidacy for both AGS President and Council Representative, but if elected to both positions, must relinquish one of those positions by notifying the Vice President of Administrative Affairs and Elections Officer within three (3) days of the election results being posted. If a candidate elected to both positions fails to notify the Vice President of Administrative Affairs and Elections Officer of which role they are relinquishing within three (3) days, their Council Representative seat will be automatically relinquished.

X. Candidate Rules and Responsibilities

Candidates are responsible for adhering to all sections of this Elections Code, including the responsibilities outlined below:

1. All candidates must file a Declaration of Candidacy in accordance with the elections timeline.
2. All candidates must adhere to University policies and state, local, and federal law.
3. All candidates are responsible for meeting all deadlines outlined in the Elections Schedule and Elections Code.
4. No person can campaign prior to having declared candidacy. If someone who becomes a candidate is found to have campaigned prior to declaring candidacy, that shall constitute a violation of the Elections Code.
5. Acts of voter intimidation by candidates or their supporters are strictly prohibited. Intimidation includes, but is not limited to: threatening, coercing, or any other means of harassing, as described in the UC Irvine Code of Student Conduct, any person for voting or attempting to vote. Voter intimidation includes standing over or directly beside someone as they vote to pressure them to vote for or against a specific candidate or referendum.
 - a. Intimidation or harassment of candidates, potential candidates, or referenda representatives is also strictly prohibited. Intimidation and harassment includes (but is not limited to) in any way threatening, coercing, or otherwise harassing a candidate, potential candidate, or representative to deter them from declaring candidacy, campaigning in accordance with the Elections Code, or otherwise participating fully in an election.
 - b. Intimidation or harassment of the Elections Officer, the AGS President, AGS Staff, and AGS Council members, including but not limited to any behavior intended to deter someone from participating in their duties to enforce the Elections Code, is also strictly prohibited.
 - c. Candidates can be held responsible under the Elections Code for violation of these policies done in furtherance of their campaign by a third party since this can still materially benefit the candidate.
6. Any candidate can be endorsed by an organization registered with the Dean of Students (or equivalent at a candidate's school for professional degree students). In such cases, candidates must submit the Candidate Endorsement Form signed by the leading officer(s) of the organization, stating that the organization (not the individual) has officially endorsed them. No publicity of an endorsement can be made until the Elections Officer has acknowledged receipt of the endorsement. In the event that an umbrella organization endorses a candidate, the endorsement will only represent the umbrella organization and not its constituent organizations and vice-versa.
 - a. Registered organizations that have had their endorsement acknowledged by the Elections Officer may provide support that is consistent with University policies and the AGS Elections Code.
7. Candidates may not coordinate with organizations not registered with the Dean of Students (or equivalent at a candidate's school for professional degree students) to further their campaign or to receive aid for their campaign. This includes, but is not

limited to, receiving endorsements, advertising, and monetary support. This clause includes coordination prior to a person formally declaring candidacy.

8. Candidates may not receive monetary aid or purchasable materials from the University administration (excluding Student Fee Referenda campaign materials, as described in the Initiatives and Referenda section of the Elections Code and applicable University policy).

XI. Initiatives and Referenda

A student fee initiative or referendum shall have declared candidacy by receiving a petition of support from eight (8) percent of AGS members or being passed through legislation with a two-thirds ($\frac{2}{3}$) vote in favor from AGS Council at a meeting with quorum by the end of Week 8 of the Winter Quarter. The referendum may not be campaigned for until candidacy has been declared.

The regulations for declared initiatives and referenda must adhere to the applicable University policies (including, but not limited to, the University of California Policy on Student Fee Initiatives) and the following restrictions:

- A. Upon official declaration of candidacy, an individual shall present themselves to be the official Sponsor of the campaign. The Sponsor shall be the primary point of contact for the Elections Officer on behalf of the referendum. The Sponsor shall be responsible for submitting endorsement forms, representing the referendum at a Candidate Forum, and any other duty delegated to candidates by the Elections Officer. While the Sponsor need not be an AGS member for joint referenda, having an AGS member sponsor is highly encouraged for referenda seeking to be put on the AGS ballot.
- B. Non-student University staff and/or faculty may advise the Sponsor of the referendum but may not campaign for the referendum or be the official representatives for the campaign as per University policy.
- C. Unlike candidates running for positions, a student fee referendum may receive money from a campus unit or department if an equal amount of money is made publicly available to run both "Yes" and "No" campaigns. Guidelines for use of these monies are outlined in the Current Guidelines for Compulsory Campus Based Fees signed by the Chancellor.
- D. Acts of voter intimidation are strictly prohibited. Intimidation includes, but is not limited to, threatening, coercing, or any other means of harassing, as described in the UC Irvine Code of Student Conduct, any person for voting or attempting to vote. Voter intimidation includes standing over or directly beside someone as they vote to pressure them to vote for or against a specific candidate or referendum.
 1. Intimidation or harassment of candidates, potential candidates, or referenda representatives is also strictly prohibited. Intimidation and harassment includes (but is not limited to) in any way threatening, coercing, or otherwise harassing a candidate, potential candidate, or

representative to deter them from declaring candidacy, campaigning in accordance with the Elections Code, or otherwise participating fully in an election.

2. Intimidation or harassment of the Elections Officer, the AGS President, AGS Staff, and AGS Council members, including but not limited to any behavior intended to deter the Officer or a Council member from participating in their duties to enforce the Elections Code, is also strictly prohibited.
3. Referenda Sponsors (and by extension, a referendum campaign itself) can be held responsible under the Elections Code for violation of these policies done in furtherance of their campaign by a third party, even without the Sponsor's express approval, since this can still materially benefit the referendum campaign.

XII. Campaigning and Publicity

Upon declaring candidacy, candidates are permitted to campaign in accordance with the policies outlined in this Election Code; University policy; and state, local, and federal laws. Candidates are responsible for ensuring their behavior complies with all appropriate policies and laws. No campaigning is allowed until after the submission of the Declaration of Candidacy.

The following additional regulations apply to campaigning and publicity:

A. Posting

1. All postings must comply with all University policies, including applicable Graduate & Family Housing policies.
2. The Elections Officer has the right to remove all campaign materials and literature that do not comply with UC Irvine's posting regulations and/or regulations in the Elections Code.

B. Materials

1. No candidate is allowed to store campaign material in SGSM and/or the AGS working space, including but not limited to the AGS student suite, the SGSM business offices, and professional staff offices. Any campaign materials found in these spaces will be disposed of and candidates may face punitive measures as enumerated in the Election Code.
2. The use of AGS and/or University equipment purchased or funded by student funds allocated to AGS (e.g., telephones, computers, printers, papers, copy machines, fax, scanners, cameras, projectors, tables, chairs, canopies, etc.) or any other resource not available upon request to all declared candidates for campaigning is prohibited.
3. Any use of a University good or service must be used within University policy and come with the written assurance of the relevant administrator

overseeing the good or service that any candidate would have access to that good or service if they were to request it.

C. Campaign Locations

1. No candidate is allowed to provide any polling location under any circumstance. This includes offering an electronic device for a student to use to cast their vote or voting for a student on a student's device.
2. "Get out the vote" (GOTV) boothing or tabling locations may be designated and supervised by the Elections Officer or their designee.
3. Candidates are prohibited from campaigning inside and within 50 feet of any GOTV location as set by the Elections Officer or their designee.
4. No candidate is allowed to actively campaign within SGSM and/or the AGS working space, including, but not limited to, the AGS student suite, the SGSM business offices, professional staff offices, or SGSM common spaces.

D. Donations and Resources

1. SGSM staff shall not be defined as AGS and/or University equipment and may be used as a resource to all candidates, with all standard fees for services requested.
2. In conformity with the laws of the State of California and UC Irvine policies, campaign candidates, with the exception of referendum representatives, may not receive funding from the University, its units and departments, or AGS funds.

XIII. Violations of Elections Rules and Penalties

A. Grounds for Discipline

The purpose of the Elections Code is to protect the rights of the student body to make informed and independent decisions about candidate(s) and ballot measures, as well as to ensure that all candidate(s) have an equal opportunity to garner votes. Therefore, punitive measures, up to and including disqualification, are reserved for instances where there are violations that impede students' ability to fairly or fully participate in the democratic process.

The following violations are grounds for punitive measures, depending on the severity of inappropriate conduct:

- a) Any violation of this Elections Code by a candidate or referendum Sponsor, or an individual or group endorsing (officially or unofficially) that candidate or referendum;
- b) Failure to comply with University policies, including Housing policies, or the UC Irvine Principles of Community;
- c) Failure to comply with local, state, and/or federal law;
- d) Falsifying Candidate Endorsement forms or endorsements on any advertisement (e.g., posters, leaflets, social media postings).

B. Penalties

A candidate may face one (1) or several sanctions if found responsible under one (1) of the Grounds for Discipline in the Elections Code. Each of these restrictions may come with the AGS Elections Officer issuing a public statement condemning the rule violation at issue. The different types of punitive measures include, but are not necessarily limited to:

1. **Censorship:** Under this penalty, the Elections Officer will review and approve any publicity methods and content that the disciplined candidate or referendum wishes to utilize over the duration of their censorship period.
2. **Restrictions on Posting:** Restrictions on posting will include a moratorium on any type of posting of campaign material for a candidate or referendum on any surfaces outlined in UC Irvine's posting policies, including in Graduate & Family Housing. This moratorium shall last for anywhere from three (3) days to five (5) days.
3. **Suspension of Campaign:** This shall include the full suspension of a said candidate's campaign. This includes (but is not limited to) boothing, posting of campaign material, soliciting about one's campaign/candidacy on UC Irvine's grounds, and the distribution of campaign material to the general populace.
4. **Disqualification:** The measure of disqualification can be invoked both during the election cycle and when it has ceased. Disqualification shall be reserved as the highest form of punishment for violating the Elections Code, such as for (but not limited to) cases involving intimidation or harassment, cases in which candidates or referenda received support from outside organizations, and repeat violations of the Elections Code or University policies during the course of the election.

XIV. Process of Complaints and Appeals

A. Complaints

Any AGS member or University affiliate, including the Elections Officer, may make a complaint regarding alleged violations of the Elections Code. All complaints must be submitted through the form on the AGS Elections website. If the Elections Officer is a party in the complaint, the written complaint should be sent via email to the current AGS President or a current AGS Vice President, and copy the Executive Director of Student Government Student Media (SGSM). Complaints must be filed in accordance with the timelines outlined in the Election Schedule.

Complaints must include the following:

1. The Article, Section, and Part of this code, University policy, or law that has allegedly been violated;
2. The name of the candidate or measure accused of a violation;

3. Any supporting evidence of the alleged violation (e.g., images, audio, video, documents);
4. Where the alleged violation occurred;
5. When the alleged violation occurred.

B. Complaint Process

The following process exists for complaints filed in accordance with the Elections Schedule that do not involve the Elections Officer as a party:

1. The Elections Officer shall review all complaints in accordance with the timeline set out in the Election Schedule and this Elections Code.
2. If the Elections Officer determines there is an allegation of a violation of the Elections Code or other policy or law, the Elections Officer shall notify the accused party in writing about the complaint within one (1) day. This notification shall include:
 - a) A list of the policies allegedly violated;
 - b) The actions alleged that may have violated these policies, including dates and times (if provided).
3. Parties accused in the complaint will have the option to meet with the Elections Officer and/or their designee, in-person or virtually, to view evidence submitted in support of the complaint. The Elections Officer shall make this opportunity available to these parties within two (2) days of notifying the parties. The Elections Officer may, at their discretion, have a designee or SGSM staff member accompany them to this meeting. This meeting will not be an opportunity for parties to argue their case; it is solely for the parties to see the evidence submitted against them.
4. Parties accused in the complaint will have five (5) days from the notification of the complaint to respond to the complaint in writing to the Elections Officer. These responses are optional. The Elections Officer shall work with SGSM and/or the Disability Services Center to make reasonable accommodations if the accused party has a disability that would inhibit their ability to submit a response in writing. The party in the complaint may submit relevant evidence along with their response that they would like the Elections Officer to consider.
5. The Elections Officer shall have up to five (5) days after the party written response deadline to release a decision.
 - a) The Elections Officer shall rule based on the evidence presented.
 - b) The decision shall include:
 - (1) A summary of the allegations investigated, including the parts of the Elections Code or policies allegedly violated;
 - (2) A summary of the evidence considered;
 - (3) A summary of the response from the accused party (if applicable);

- (4) The Elections Officer's finding of whether or not a policy violation occurred, using a standard of preponderance of the evidence (more likely than not);
 - (5) If a policy violation was deemed to have occurred, the proposed sanction and a brief rationale for the selected sanction.
- c) The Elections Officer shall transmit their decision via email to the accused party and the Executive Director of SGSM.
 - d) Within three (3) days of when an appeal is heard in cases involving an appeal or after the appeal deadline (whichever comes later), the Elections Officer shall post their report (including any appeal information) on the AGS Elections website.
 - e) Rights to appeal are outlined under Appeals below.

The AGS Council will hear any complaint made against the Elections Officer during the meeting involving appeals of other complaints, or at the meeting immediately after if time does not permit both to be heard. The AGS President can, at their discretion, call for a special Council meeting for the purpose of hearing a complaint or appeal, in accordance with procedures for the AGS President calling a meeting outlined in the AGS Constitution and/or AGS Bylaws.

- a) A meeting involving a complaint against the Elections Officer shall be chaired by the highest ranking AGS Officer not involved in the complaint.
- b) The Elections Officer shall have the right to review submitted evidence against them at least three (3) days prior to the Council meeting.
- c) The Elections Officer has the right to submit a written response to Council for consideration at least one (1) day prior to the Council meeting.
- d) The AGS Council will hear the complaint at their Council meeting. The time allotments and procedures will be set by the highest-ranking Official who is not the Elections Officer. These procedures shall include: the ability to hear from the complainant and the Elections Officer verbally or in written form, the presentation of submitted evidence, and the ability for the Council to deliberate in closed session after reviewing the materials.
 - (1) If the complaining party is a current Council member, that member cannot participate in deliberations or voting regarding the complaint due to Conflict of Interest. That Council member is encouraged to leave the room during deliberations and voting. If the complaining party is a Council member and elects to stay in the room during

deliberations, the Elections Officer shall also have the right to stay in the room during deliberations.

(2) The threshold for a finding against the Elections Officer shall be a two-thirds ($\frac{2}{3}$) vote of sitting Council members, or three-quarters ($\frac{3}{4}$) of Council members present at a meeting with quorum.

- e) If it is determined that the Elections Officer violated the Elections Code or other policy, the AGS Officer presiding over the meeting shall confer with the Executive Director of SGSM to determine any potential sanctions.
- f) The AGS Officer overseeing the meeting shall be responsible for, within three (3) days of the vote, writing a summary of the complaint, evidence, deliberation, and finding to be posted on the AGS Elections website, along with the vote count. This report must be submitted to the Executive Director of SGSM via email.

C. Appeals (General)

If there is a finding of responsibility in a case not against the Elections Officer, the individual(s) found responsible have until 5 P.M. Pacific time on the date two (2) days from the release via email of the complaint decision to appeal the decision to AGS Council by emailing any one (1) of the following: AGS President, Vice President of Internal Affairs, or Vice President of Administrative Affairs. If the Elections Officer's decision is released on a Saturday, the appeal will be due at 5 P.M. Pacific time on the Monday following the decision (or, if Monday is a University holiday, the first business day after Monday).

The following are valid grounds for appeal:

- a. Violation of the Elections Code or AGS Constitution by the Elections Officer during the complaint process in a way that could have affected the outcome of the original complaint decision.

The following rules govern appeals:

1. No appeals will be accepted after the posting of election results.
2. The appeal petition must cite the rule, principle, or constitutional clauses at issue and state the remedy sought.
3. The candidate or Sponsor may introduce evidence of the violation alleged, but may not introduce new evidence related to the underlying complaint, as the purpose of the hearing is to determine any procedural issues. The Elections Officer must have the opportunity to review any evidence submitted at least three (3) days prior to the Council meeting where the appeal will be discussed.
4. The AGS Council will hear any appeal at their Council meeting as outlined in the Election Schedule. The time allotments and procedures will

be set by the highest-ranking Official who is not the Elections Officer. These procedures shall include: the ability to hear from the appellant and the Elections Officer verbally or in written form, the ability to present considered evidence, and the ability for the Council to deliberate in closed session after reviewing the materials.

5. Decisions of the Elections Officer can be overturned by a two-third ($\frac{2}{3}$) majority vote of sitting Council members or a three-quarter ($\frac{3}{4}$) majority vote of Council members present at a meeting with quorum. Council can decide to overturn the finding of responsibility entirely, find responsibility but lower the severity of the proposed sanction, or uphold the finding and sanction.
6. If the Elections Officer's decision is overturned, the report the Elections Officer posts shall summarize their decision, the evidence submitted during the appeal process, and the finding from the appeal.

For cases in which Council has made a finding of responsibility against the Elections Officer in a case in which the Elections Officer was a/the responding party, the appeal must be made directly in writing to the Executive Director of Student Government Student Media (SGSM) within two (2) days of the release of Council's report on the AGS Elections website. The Executive Director of SGSM and/or their designee shall review the appeal and Council report and make a decision on the appeal within 10 days. That decision shall be final.

XV. Amendments

Amendments to the Elections Code can be made by a vote of two-thirds ($\frac{2}{3}$) of sitting members of AGS Council, or three-quarters ($\frac{3}{4}$) of Council members at a meeting in which there exists a quorum. These proposed amendments must be reviewed and approved by Student Government Student Media (SGSM) prior to passage by Council. Any amendments to the Elections Code, which are to be applied to an upcoming election, must be made prior to the publication of the Elections Packet preceding any student election. Any amendments made subsequent to this date will not be binding until the following election.

As of January 27, 2026: R26-04