I. NAME

This Code shall be known as the "AGS Elections Code".

II. 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 (hereinafter referred to as UCI) and to define the duties and responsibilities of those who participate in and who facilitate all AGS Elections. Student Fee Referenda/Initiatives regarding the AGS fee shall be governed by this Code. Other Fee Initiatives shall be governed by the Guidelines approved by the Chancellor of UCI.

III. AMENDMENTS

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 elections cycle.

V. STUDENT VOTING ELIGIBILITY

All registered graduate students at UCI during the quarter in which an AGS election is to take place shall be eligible to vote in the respective election.

VI. VOTING PROCEDURES

A. All eligible students may vote for open Representative positions in their respective school and AGS President

B. Any efforts to falsify registration or to vote more than once is in violation of this Code and shall be referred to the disciplinary bodies of UCI.

C. Voting shall only take place online and in order to vote online, each voter must enter their UCInetID and password.

D. The order of names of candidates shall be changed at random for each student voter.

E. The ballot order in elections shall be as follows:

   1. Constitutional Amendments
   2. Legislative Initiatives
   3. Legislative Referrals
   4. Legislative Referenda
   5. Fee Referenda
6. Recall Elections

7. AGS President

8. School Representative(s) with write-in option(s)

VII. TIMELINE

A. The Elections Packet shall be available no later than Friday at 11:59 P.M. of seventh week of Winter Quarter.

B. The Declaration of Candidacy is due no later than Friday at 5:00 P.M. of tenth week of Winter Quarter.

C. Public candidate forum(s) will be held during second week of spring quarter, in which all candidates shall have the opportunity to speak according to the following guidelines:

1. Candidates for President: A debate-style forum will be held for at least 30 minutes in which all candidates can participate and speak.

2. Candidates for School Representatives seats: A public candidate forum will be held in which all candidates can participate and speak for at least 2 minutes each.

3. Referenda Representatives: A public forum will be held in which a single person for each the "Yes" and "No" campaigns can participate and speak for at least 3 minutes each.

D. Elections shall be held during third week. Voting shall begin Monday at 9:00am, terminate Friday at 5:00 P.M., and be available 24 hours online within that time period.

E. Deadline for students to file an official complaint electronically to the Elections Commissioner shall be the Sunday of fourth week at 5:00pm. If the Elections Commissioner is a party in the complaint, the complaint should be sent to the sitting AGS President or an AGS Executive who is not a party in the complaint.

F. The Elections Commissioner will have until 5 P.M. of Tuesday of fourth week to release their decisions on the complaints. Individuals have until 5 P.M. of Thursday of the fourth week to appeal the Election Commissioner’s decision to Judiciary Committee by emailing any one Judiciary Committee members, AGS President, VP Internal, or VP Admin. Resolutions to appeal the Judiciary Committee’s decision must be submitted by 12pm of Saturday of the fourth week.

G. Evidentiary Hearings held by the ad hoc Judiciary Committee for Official Complaints shall be held as needed. An Evidentiary Hearing may be held at the request of the Elections Commissioner or mandatorily if the Elections Commissioner in a principal party in the complaint.
H. Results of Challenges and Evidentiary Hearings regarding punitive measures (or lack thereof) after Evidentiary Hearings will be posted within three (3) days of said Evidentiary Hearing on the AGS Elections Website and emailed to the parties involved.

I. An appeal may be made of any decision made by the Elections Commissioner. Appeals are heard by the ad hoc Judiciary Committee. In addition to the results being posted within three (3) days of when the appeal is heard, the Judiciary Committee and Elections Commissioner must issue a report to the AGS Council at the soonest regularly rescheduled meeting. Decisions made by the Judiciary may be overruled by AGS General Counsel if a resolution to do so is submitted by 12pm of Saturday of the fourth week and receives two-thirds or more of the vote.

J. The results of the Elections shall be posted on Wednesday of fourth week following ratification from the AGS Council, except for those races where an official complaint has been filed with the Elections Commissioner.

K. All Elections results must be released by 5 P.M. Tuesday of fifth week.

L. The candidate with the highest number of votes shall be declared the winner, unless disqualified. Candidates do not have to receive the majority of the votes cast to be declared winner.

VIII. RUN OFF ELECTIONS

A. In the event that two or more candidates for a position receive the same number of votes (highest for that contested position), a run-off Election shall be held.

B. The Election shall take place as soon as deemed possible by the Elections Commissioner, not to exceed two weeks from the previous Election.

C. Run-off Elections shall last two consecutive days as determined and pre-announced by the Elections Commissioner.

IX. SPECIAL ELECTIONS

A. A special election may be called in the event of one or more of the following circumstances:

1. Vacancy of more than ⅓ of the total existing positions in the Senate.

2. In the event of a validated petition of either legislative initiatives, fee initiatives, recall elections, or legislative referenda.

B. In the event that all candidates are disqualified for a particular office, the Elections Commissioner shall re-open applications. All registered graduate students at UCI are eligible to run in the Special Elections including those individuals disqualified in the previous Elections.

C. The Elections Commissioner shall set the date and time for Special Elections, subjected to the approval of the Senate.
X. ELECTIONS COMMISSIONER

A. Once appointed, the Commissioner waive their constitutional right to file a declaration of candidacy until the beginning of the next academic year.

B. The Elections Commissioner shall review all violations, and all official complaints filed by individuals.

C. The Elections Commissioner shall have the authority to penalize candidates for Elections Code Violations.

D. The Elections Commissioner shall investigate alleged violations or infractions committed by any candidate. In addition, they shall be responsible for acknowledging and verifying within two (2) school days all endorsement statements.

E. Facilitate and supervise all AGS Elections. This includes making all elections information publically available for prospective candidates, declared candidates, and the student body.

F. Request Evidentiary Hearings by the ad hoc Judiciary Committee to review official AGS Complaints, as well as any official complaints submitted by students or candidates. All decisions on official complaint(s) shall be in writing and posted on the AGS Elections website. The Elections Commissioner may not serve as a voting member on the Judiciary Committee during an Evidentiary Hearing.

G. Attend any AGS council meeting and AGS Executive Meeting as requested by the current AGS President.

H. Require that upon declaration of candidacy that candidates agree to the Elections Code, the University policy, and UCI Principles of Community, and acknowledge that they may face sanctions, including disqualification, if they violate these policies.

I. Update Elections Packet and all of its mandatory components to be available online. The packet shall include:
   1. Cover Letter
   2. Elections Timeline
   3. University Policy and Principles of Community
   4. Endorsement Form
   5. AGS Elections Code

J. The Elections Packet will be available on the AGS Elections Website. Candidates must have read and agree to abide by the Elections Code and university policies in order to officially declare their candidacy.

K. The Elections Commissioner or a selected representative shall be present at all Judiciary Committee hearings that concern the candidate(s) and/or the Elections process.
L. The Elections Commissioner shall work with AGS council and university partners to promote all elections, including advertising in the campus media.

M. Ensuring that minutes in all Evidentiary Hearings are recorded for the purpose of presentation to Judiciary Committee should candidates challenge the decision of the Elections Commissioner.

XIII. CANDIDATE REQUIREMENTS

A. A candidate shall be defined as any graduate student of UCI who has filed a Declaration of Candidacy with the Elections Commissioner, is not on University disciplinary probation, and must be in good standing with the University in compliance with the UCI Code of Student Conduct.

B. Any candidate for a School Representative seat must be in the academic unit for the school that they are running to represent.

C. Any candidate may withdraw from an Election by presenting a letter of withdrawal to the Elections Commissioner.

D. Candidates may declare candidacy for both AGS President and School Representative.

XIV. CANDIDATE RESPONSIBILITIES

A. All candidates must file a declaration of candidacy in accordance with the elections timeline.

B. All candidates must adhere to the AGS Elections and all UCI policies.

C. All candidates shall be responsible for meeting all deadlines of the Elections Timeline.

D. All candidates shall familiarize themselves with this Elections Code.

E. Any candidate can be endorsed by an organization registered with the Dean of Students and must submit the Candidate Endorsement Form signed by the leading student 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 Commissioner 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.

F. Candidates may not coordinate with organizations not registered with the Dean of Students to further their campaign or to receive aid for their campaign for elected office. Candidates may not coordinate with outside organizations regardless of an official endorsement received by them, which are invalid due to Section E. Such collaboration by any candidate with an outside organization is strictly prohibited. If violated, the candidate(s) involved will face action from the Elections Commissioner and/or Judiciary Committee.

G. Candidates may not receive monetary aid or purchasable materials from the university administration (Excluding Initiative and Referenda Candidate, See "XV. Initiatives and Referenda").
H. Registered organizations that have had their endorsement acknowledged by the Elections Commissioner may provide donations consistent with Section XVI. They may also advertise on the digital media platforms, during their events and meetings, organize Get Out the Vote (GOTV) efforts, and in other forms that are consistent with university policy, the AGS Elections Code, and do not incur a monetary cost.

XV. INITIATIVES AND REFERENDA

A. A fee initiative or referendum shall have declared candidacy by receiving a petition of support from 8% of the graduate student body or by receiving a 2/3 vote in favor from at least ¾ of the filled seats of AGS Council and the Student Fee Advisory Committee (SFAC).

B. The referendum may not be campaigned for until candidacy has been declared.

C. Upon official declaration of candidacy, a graduate student shall present themselves as the official representative of the campaign. This representative shall be commensurate with the other candidates, with the purpose of being the primary point of contact for the Elections Commissioner on behalf of the referendum. Furthermore, the representative shall be responsible submitting endorsement forms, and any other duty delegated to the whole of the candidates by the Elections Commissioner.

D. Non-student university staff and/or faculty may advise the graduate student representing the referendum, but may not campaign for the referendum or be the official representative of the campaign.

E. Those running the referendum shall be responsible for complying with the University of California Policy on Student Fee Initiatives. This is to be made available by the Elections Commissioner.

F. Unlike candidates running for position, a referendum may receive money from a department if an equal amount of money is made publicly available to run a campaign against the referendum. Moreover, the department must make available all materials that are granted use to the referendum campaign team.

G. Upon presenting the referendum to the Student Fee Advisory Committee (SFAC), the referendum team shall present a series of unbiased pros and cons to the Committee. The Committee shall have the ability to publish the list of pros and cons in the student newspaper. If the Committee feels that the list is not unbiased, they have the ability to modify the list for the sake of removing bias.

XVI. DONATIONS

A. In conformity with the laws of the State of California and the policies of UCI, campaign candidates, with the exception of referendum representatives, may not receive funding from the University, its departments, or AGS funds. For the purposes of this Code, the term “donor” means any individual (except an immediate family member) or who makes any monetary or non-monetary contributions including goods but not including services rendered, up to $75, to a candidate. All referendum representatives shall be exempt of this $75 limit.
B. Each Executive Office or Senate candidate is restricted from accepting more than seventy five dollars ($75) per donor during any regular, special, and run-off Election.

C. All material donations must be valued at a fair market price and claimed as donations.

D. Each candidate is prohibited from spending more than $1500 on their campaign.

E. All Candidates are required to maintain a donor's list with the contact information of all organizations and/or individual donors and the amount donated as well as an expenditures list including the amounts and copies of receipts of all expenditures along with their Financial Statement. This information may be required if a challenge is brought to the Elections Commissioner or Judiciary Committee.

XVIII. CAMPAIGNING AND PUBLICITY

A. No campaigning will be allowed until after the submission of the Declaration of Candidacy.

B. All acts of voter intimidation are expressly prohibited. Intimidation includes, but is not limited to: threatening, coercing, or any other means of harassment, as described in the UCI Code of Student Conduct, any person for voting or attempting to vote.

C. The Elections Commissioner has the right to remove all campaign materials and literature that do not comply with University Posting Regulations and as stipulated in the Elections Code.

D. No candidate is allowed to store campaign material in AGS working space, including but not limited to: the AGS student suite, the Student Government and Student Media business offices, and professional staff offices. Any campaign material found in these spaces will be disposed of and candidates will face punitive measures as deemed fitting by the Elections Commissioner.

E. The use of AGS and/or University equipment purchased or funded by student funds allocated to AGS (incl. telephones, computers, printers, papers, copy machines, fax, scanners, cameras, projectors, tables, chairs, canopies, etc.) or any other property not available to the entire graduate student population for campaigning is prohibited.

F. Student Government and Student Media 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.

XIX. PROHIBITED CAMPAIGNING LOCATIONS DURING ELECTIONS WEEK

A. No candidate is allowed to provide any polling location under any circumstance other than official polling locations as designated by the Elections Commissioner. This includes offering an electronic device for a student to use to cast their vote.

B. Candidates are prohibited from campaigning inside and within fifty (50) feet of any official polling location as set by the Elections Commissioner.
C. No candidate is allowed to actively campaign in the AGS working space, including but not limited to: the AGS student suite, the Student Government and Student Media business offices, and professional staff offices. The act of active campaigning shall be defined by the Elections Commissioner.

XX. VIOLATIONS OF ELECTIONS REGULATIONS AND PENALTIES

A. The purpose of the elections code is to protect the rights of the student body to make informed and independent decisions about candidates and other ballot measures, as well as to ensure that candidates have an equal opportunity to garner votes. Therefore, disqualifications should be reserved for instances where there are serious violations of student rights that impede students’ ability to fairly or fully participate in the democratic process. Considerations of fairness shall include the equal availability of public resources and equal constraints to all declared candidates by the AGS Elections Code and university policies.

B. Disqualification: The measure of disqualification can be evoked both during the election cycle and when it has ceased. Disqualification shall be reserved as the highest form of punishment for a violation of the AGS Elections Code. Its use shall be evoked at the discretion of the AGS Elections Commissioner and/or the Judiciary Committee.

C. The following violations are grounds for punitive measures of a candidate, depending on the severity of inappropriate conduct as determined by the Elections Commissioner:

1. Receiving donations or endorsements in violation of this Elections Code.

2. Falsifying Candidate Endorsement forms or endorsements on any advertisement, poster, leaflet, or other campaign materials.

3. Failure to comply with University Policy, which includes Housing Complex Rules and State and Federal Law.

4. Failure to comply with University Posting Policy.

5. Campaigning or public announcement of candidacy prior to filing a declaration of candidacy.

6. Failure by parties or individuals who endorse/support a candidate to abide by the Elections Code.

7. Solicitation of votes inside or within fifty (50) feet of unofficial polling locations.

8. Failure to comply with the UCI Principles of Community.

D. All complaints must be submitted in writing to the AGS Elections Commissioner via elections@ags.uci.edu

E. Complaints by individuals shall be in writing and shall include the following:
1. The Article, Section, and Part of this code or university policy that has been violated and supporting evidence (e.g. images, audio, video, documents, etc.).

2. Who allegedly is in violation.

3. Where the alleged violation occurred.

4. When the alleged violation occurred.

F. The Elections Commissioner may initiate a complaint. Upon issuance, the Judiciary Committee will determine the results.

G. The Elections Commissioner shall review all official complaints, and if requested or necessary the Judiciary Committee hold Evidentiary Hearings to try the complaints. Decisions rendered by the Elections Commissioner and/or Judiciary Committee will be published as specified in the Elections timeline.

H. The Elections Commissioner and/or Judiciary Committee shall provide the accused candidate with an opportunity to respond to the charges in writing or a recorded meeting. The Elections Commissioner will meet with the accused candidate and the complainant. This meeting is an Evidentiary Hearing and official minutes will be taken by someone designated presiding entity. These minutes will be presented to the Judiciary Committee if an appeal of the Elections Commissioner’s decision is made.

I. Deadline for submitting complaints and its procedure is outlined in Article VII, Timeline.

XXI. PROCESS OF APPEAL

A. Any candidate may appeal any decision of the Elections Commissioner to the AGS Judiciary Committee within two (2) school days following the announcement of the Commissioner’s decision (See Section VII. 8 and VII. 10)

   1. The right to appeal shall be forfeited if a candidate fails to file a petition within two (2) school days of the written decision made by the Elections Commissioner.

B. The petition must explain all charges and contentions, cite the rule, principle or constitutional clauses at issues, and state the remedy sought. The candidate may not introduce new evidence, as the purpose of the hearing is to determine the soundness of of the Elections Commissioner’s decision, not a re-trial of the evidence previously tried.

C. Any decision of the Judiciary Committee may be challenged by a resolution sponsored by a sitting AGS council by submitting a resolution stipulating the challenge(s). For a challenge to be successful it must receive two-thirds or more of votes.

D. No appeals will be accepted after the posting of results.

XXII. PROCESS OF WRITE-IN
A. The Office of Student Government and Student Media will, in good faith, compile the write-in names for elected positions. They 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.