

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 Article VI of the Constitution of the Associated Graduate Students of the University of California, Irvine.

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 (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.

IV. 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 and AGS fee-paying 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 be identified by 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 the seventh week of Winter Quarter. These packets can be made available either online and/or in printed form. (See X.I for required contents).

B. The Declaration of Candidacy is due no later than Friday at 5:00 P.M. of the tenth week of Winter Quarter. Candidates will have a minimum of two weeks to submit their Declaration of Candidacy to the Elections Officer in the manner that it has been advertised once the Elections Packet has been released.

1. No person can campaign prior to having declared candidacy. This includes for or against a referendum and another individual.

C. Public candidate forum(s) will be organized by the Elections Officer and volunteers and held during the first two weeks of Spring Quarter, in which all candidates shall have the opportunity to speak. Any potential funding for the forums will be subject to AGS's normal request and oversight procedures. Forums will run 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. At the discretion of the Elections Officer, there may be one university-wide event or there may be one for each school.

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

D. Elections shall be held during the third week of the Spring Quarter. Voting shall begin Monday at 9:00 A.M., 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 Officer shall be the Sunday after the elections ends in the fourth week of Spring Quarter at 5:00 P.M. If the Elections Officer is a party in the complaint, the complaint should be sent to the sitting AGS President or an AGS Officer who is not a party in the complaint.

F. The Elections Officer will have until 5 P.M. of Tuesday of the fifth week of Spring Quarter to release their decisions on the complaints. Individuals have until 5 P.M. of Thursday of the fifth week of Spring Quarter to appeal the Election Officer's decision to the Judiciary Committee by emailing any one of the following: Judiciary Committee members, AGS President, VP Internal, or VP Admin.

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 Officer or mandatorily if the Elections Officer is 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. In addition to the results being publicly posted within three (3) days of when the appeal is heard, the Judiciary Committee and/or Elections Officer must issue a report to the AGS Council at the next Council meeting. AGS Council may overrule decisions made by the Judiciary Committee if a resolution to do so is submitted by 2pm of Monday of the sixth week of the Spring Quarter and adheres to the general resolution posting guidelines as stipulated in the Bylaws, and receives two-thirds or more of the vote.

J. The results of the Elections shall be posted on Wednesday of the fifth week of Spring Quarter following ratification by the AGS Council, except for those races where an official complaint has been filed with the Elections Officer.

K. 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 Officer, not to exceed three weeks from the previous Election.

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

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 1/3 of the total existing positions in the AGS Council.
2. In the event of a validated petition of either legislative initiatives, fee initiatives, recall elections, or legislative referenda.
3. In the case of disqualification or removal of the AGS President.

B. In the event that all candidates are disqualified for a particular office, the Elections Officer shall reopen applications. All registered and AGS fee-paying graduate students at UCI are eligible to run in the Special Elections including those individuals disqualified in the previous Elections.

C. The Elections Officer shall set the date and time for Special Elections, subject to the approval of the AGS Council.

X. Elections Officer

A. The Elections Officer will be appointed by resolution no later than the second week of the Winter Quarter for the annual elections in Spring Quarter, and will recruit their deputy Election Officers by the end of the Fall Quarter. The Elections Officer has discretion over how many deputies to appoint to the Election Council.

B. Once appointed, the Elections Officer waives their constitutional right to file a declaration of candidacy until the beginning of the next academic year. The Elections Officer cannot campaign on, for, or against anyone or any issue on the ballot.

- C. The Elections Officer shall review all violations, and all official complaints filed by individuals.
- D. The Elections Officer shall have the authority to penalize candidates for Elections Code Violations.
- E. The Elections Officer shall investigate alleged violations or infractions committed by any candidate. In addition, they shall be responsible for keeping and making easily accessible all endorsement statements.
- F. Facilitate and supervise all AGS Elections. This includes making all elections information publically available for prospective candidates, declared candidates, and the graduate student body.
- G. Request Evidentiary Hearings by the ad hoc Judiciary Committee to review official AGS Complaints that have the Elections Officer as a party in the complaint or when an appeal of the Elections Officer's ruling is requested. All decisions on official complaint(s) shall be in writing and posted on the AGS Elections website. The Elections Officer may not serve as a voting member on the Judiciary Committee during an Evidentiary Hearing.
- H. Attend any AGS Council meeting and AGS Executive Meeting as requested by the current AGS President.
- I. Require that upon declaration of candidacy that candidates agree to the Elections Code, the University policy, UCI Principles of Community, and acknowledge that candidates may face sanctions, including disqualification, if they violate these policies.
- I. Update Elections Packet and make all of its mandatory components to be available online. The packet shall include:
1. Cover Letter
 2. Elections Timeline
 3. Reference to University Conduct Policies, and specific mention of relevant policies
 4. Endorsement Form
 5. AGS Elections Code
 6. Contact Information of the Elections Officer and the AGS Officers.

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

K. The Elections Officer 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 Officer shall work with AGS Council and university partners to promote all elections, including advertising in the campus media.

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

XI. Candidate Requirements

A. A candidate shall be defined as any registered and AGS fee-paying graduate student of UCI who has filed a Declaration of Candidacy with the Elections Officer, 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 registered 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 Officer.

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

1. If a candidate is elected to both positions and chooses to claim the President position, they are ineligible to serve as a School Representative and will be required to relinquish the seat by notifying the Vice President of Administrative Affairs.

XII. 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 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.

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.

G. Candidates may not receive monetary aid or purchasable materials from the university administration (excluding Initiative and Referenda campaign materials, See "XV. Initiatives and Referenda").

H. Registered organizations that have had their endorsement acknowledged by the Elections Officer may provide support that is consistent with UCI policies and the AGS Elections Code.

XIII. Initiatives and Referenda

A. A fee initiative or referendum shall have declared candidacy by receiving a petition of support from 8% of the eligible AGS fee-paying graduate student body or by receiving a two-thirds vote in favor from at least three-fourths 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 Sponsor of the campaign. The Sponsor shall be commensurate with the other candidates, with the purpose of being the primary point of contact for the Elections Officer on behalf of the referendum. Furthermore, the representative shall be responsible for submitting endorsement forms, and any other duty delegated to the whole of the candidates by the Elections Officer.

D. 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 representative of the campaign.

E. The Sponsor and individuals running the referendum shall be responsible for complying with the University of California Policy on Student Fee Initiatives. This is to be made available upon request by the Elections Officer.

F. Unlike candidates running for position, a referendum may receive money from a campus unit or department if an equal amount of money is made publicly available to run both the “yes” and “no” campaigns. Moreover, the unit or department must make available all materials that are granted use to both the “yes” and “no” parties.

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 SFAC. The SFAC shall have the ability to publish the list of pros and cons in the student newspaper. If the members of the SFAC feel that the list is not unbiased, the SFAC will have the ability to modify the list for the sake of removing bias.

XIV. Donations

A. In conformity with the laws of the State of California and UCI policies, campaign candidates, with the exception of referendum representatives, may not receive funding from the University, its units and departments, or AGS funds.

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 Officer has the right to remove all campaign materials and literature that do not comply with UCI's posting regulations and as stipulated in the Elections Code.

D. No candidate is allowed to store campaign material 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. Any campaign material found in these spaces will be disposed of and candidates will face punitive measures as deemed fitting by the Election Officer that may include but are not limited to an official written warning and disqualification.

E. 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.

F. Any use of a university good or service must come with the written assurance of the administrator of that good or service that any candidate would have access to that good or service if they were to request it.

G. 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.

H. Violations of the Elections Code will result in punitive measures as deemed fitting by the Elections Officers that may include but are not limited to filing an official Elections Complaint and disqualification as stipulated in Section XV.

XIV. Prohibited Campaigning Locations During Elections

A. 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.

B. Official polling locations may be designated and supervised by the Election Officer.

C. Candidates are prohibited from campaigning inside and within fifty (50) feet of any official polling location as set by the Election Officer.

D. 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.

XV. Violations of Elections Regulations and Penalties

A. The purpose of the Elections Code is to protect the rights of the graduate 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 Officers 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 Officers:

1. Falsifying Candidate Endorsement forms or endorsements on any advertisement, poster, leaflet, or other campaign materials.
2. Failure to comply with university policy, which includes Housing Complex Rules, State and Federal Law.
3. Failure to comply with UCI's official posting policies.
4. Campaigning or public announcement of candidacy prior to filing a declaration of candidacy.
5. Failure by parties or individuals who endorse/support a candidate to abide by the Elections Code.
6. Solicitation of votes inside or within fifty (50) feet of official polling locations.
7. Failure to comply with the UCI Principles of Community.

D. All complaints must be submitted in writing to the AGS Elections Officer via elections@ags.uci.edu. If the Elections Officer is a party in the complaint, then the written complaint should be sent via email to current the AGS President and AGS Officers.

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 Officer may initiate a complaint. Upon issuance, the Judiciary Committee will determine the results.

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

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

1. In the event that a party is unable to meet in-person, reasonable accommodations will be made to allow all parties the ability to participate.

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

XVI. Process of Appeal

A. Individuals have until 5 P.M. of Thursday of the fourth week of Spring Quarter to appeal the Election Officer's decision to Judiciary Committee by emailing any one of the following officers: Judiciary Committee members, AGS President, Vice President of Internal Affairs, or Vice President of Administrative Affairs. (See Section VI, F-J for details on process and timeline)

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 Officer.

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 the Elections Officer's decision, not a re-trial of the evidence previously tried.

C. No appeals will be accepted after the posting of election results.

XVII. 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.