

## **ARTICLE V**

### **ELECTION CODE**

#### **Section 1 - Regular Election Code**

##### **Clause I. Election Committee**

- a. The President shall appoint an Election Committee consisting of at least three (3) members and designate the Chairperson of the Election Committee. The Election Committee must be approved by a majority vote of the ASG. The Election Committee shall be responsible for setting up the balloting station, counting the ballots, and carrying out the general duties required at election time.
  1. No student running for election or assisting in the election campaign of a candidate may serve on the Election Committee.
  2. Enforcement of Code. It will be the responsibility of the Election Committee to enforce this Bylaw.
  3. The Director of Student Affairs shall serve as an Ex-Officio member of the Election Committee.

##### **Clause II. Eligibility and Maintenance Requirements**

- a. All prospective candidates for an ASG office shall file an Election Application, so eligibility can be ascertained, no later than 12:00 Noon, five (5) school days prior to the election.
  1. Saturday instructional days shall not be counted for the purposes of determining the deadline for Application submission.
  2. The Election Application can be picked up twenty-four (24) school days prior to the election at the Office of Student Affairs.
- b. To be eligible to run for office, a candidate must meet the following criteria:
  1. A student pursuing office or a position in the ASG must be qualified as a regular-status student as defined in (Article XIV) below, or as otherwise qualified by the Governing Board, pursuant to California Education Code Section 76000 et seq.
  2. Obtain the signatures and student identification numbers of fifty (50) enrolled Palomar College students
  3. Possess a cumulative GPA of at least 2.5 upon initial participation in student government
  4. Notwithstanding any other provision of this Bylaw, the Director of Student Affairs shall have sole discretion in determining the GPA of a potential applicant for an ASG position.
  5. A student shall be ineligible for election or appointment for a period of three (3) semesters if they have previously served as an officer of the Palomar College ASG, and resigned or were subsequently removed from office for disciplinary reasons, or as a result of academic or progress probation.
  6. Any officer who resigns or is disqualified, recalled, or impeached twice within any period is ineligible for election or appointment.

7. Any executive officer who, due to disqualification, recall, impeachment, or resignation shall not be eligible for election or appointment to any executive position at any time thereafter.
  8. If a candidate for a position in the Associated Student Government is employed by Palomar College as a Classified staff member, please refer to (Article V, Section 4) below.
  9. Faculty, both full-time and adjunct, shall be prohibited from serving as members of the Associated Student Government in any capacity other than that of advisor to the Board.
  10. Administrators at any level in the college governance structure shall be prohibited from serving as members of the Associated Student Government in any capacity other than that of advisor to the Board.
- c. For an officer to maintain office in ASG, the following conditions apply:
1. Maintain a semester GPA of at least 2.5 throughout the officer's tenure in office
  2. Enroll in and complete a course load of not less than seven (7) units, plus three (3) units pursuant to (Article V, Section 1, Clause II, [c-5]) below throughout each semester while serving as an officer of the ASG.
  3. Receipt of a grade of "FW" in a course shall not be deemed as satisfactory completion of the requirements of [b] above, unless otherwise determined by the Policies and Procedures Committee in consultation with the Office of Student Affairs.
  4. A grade of "I," if received during the course of a semester and removed before the start of the next semester, will be deemed satisfactory for the completion of [c-2] above, subject to confirmation and at the discretion of the Office of Student Affairs.
  5. All officers are required to enroll in the Leadership and Communication (Speech 165: 3 units) course offered for members of ASG. Subsequent semesters of ASG will be assigned a different course number upon approval.
  6. It shall be at the discretion of the Director of Student Affairs or designee to waive the required coursework noted in [5] above, for financial or other valid reasons as determined by that Office.
  7. No more than six (6) units per semester may be taken credit/no credit during the officer's tenure in office

**Clause III. Candidates' Meeting**

- a. All candidates will be required to attend at least one of three (3) Candidates' Meetings to receive pertinent information on the election, publicity procedures, and Special Rules.
- b. At these meetings, all candidates will be given a statement which they must sign acknowledging that they have read and understand the Election Bylaws.
  1. Statements must be returned to an Election Committee member or the Office of Student Affairs before campaigning can commence.

- c. The dates and times of said meetings shall be established and made known by the Election Committee. Additional meetings may be scheduled at the discretion of the committee.
- d. Should any otherwise qualified candidate fail to attend a Candidate's meeting, he or she will be prohibited from engaging in any kind of publicity or campaigning.
- e. The time and date of the third Candidate's Meeting shall be not less than five (5) school days prior to the election.

**Clause IV.** Election Information Packet

- a. The Election Committee Chairperson will make available to all candidates an Election Information Packet. The Packet shall include the following:
  - 1. An election calendar detailing the time and dates of the campaigning period, the candidates' meetings, any debates, as well as the dates of the election.
  - 2. A copy of Articles I and V of the Associated Student Government Bylaws.
  - 3. A copy of the Palomar College Publicity Regulations.
  - 4. The location of the balloting station(s) and their exact physical boundaries.
  - 5. Other pertinent election information.

**Clause V.** Publicity

- a. All campaign publicity will be governed by the Palomar College Publicity Regulations available in the Office of Student Affairs. In addition, the following regulations apply to Campaigns and Electioneering:
  - 1. Any questions as to the legality of campaign literature, speeches, or events shall be referred to the Election Committee for review.
  - 2. All campaign publicity will meet generally-accepted standards of what is constructed to be fair and in good taste. Each candidate will be held responsible by the Election Committee for any misconduct of campaign publicity.
  - 3. Tampering with authorized campaign literature is prohibited and may result in the disqualification of candidates accused and found guilty of such behavior from the election.
  - 4. Each candidate shall be limited to a total campaign expenditure of one hundred (\$100) dollars. Candidates will be required to turn in all campaign expenditure receipts along with their campaign expenditure receipts along their Campaign Expenditure Form. Candidates found to have exceeded their limit or falsified their campaign expenditures shall be disqualified.
  - 5. All campaign items will be removed by the candidates or his/her representatives from the inside of the Student Union by 4:00pm the day before the commencement of the election.

**Clause VI.** Candidate Publicity Conference

- a. The Election Committee will organize a Public Forum ("Meet the Candidates Day") within the five (5) day period before voting commences. This conference will consist of the following:
  - 1. A public reading of the election calendar.
  - 2. An introduction of the candidates.
  - 3. A period where the candidates may announce their platforms/goals/objectives.
  - 4. A question and answer period between the candidates and the press/public.
  - 5. The election Committee will decide the exact time and date of the forum.

**Clause VII. Ballot**

- a. The Election Committee will draft a ballot. The names of the candidates will appear on the ballot according to a random alphabet drawn by the Election Committee at the first Candidate Meeting.
- b. The preferential treatment of any incumbent officeholder or ASG member who is seeking re-election or election to a new position is specifically prohibited.

**Clause VIII. Balloting Station(s)**

- a. Unless otherwise stated and established by two-thirds (2/3) majority of the sitting ASG Board, all balloting for elections of the ASG shall be conducted via the Internet, to be monitored by the Office of Student Affairs.
- b. Computer access is provided to students at on-campus computer labs, the Library, and at other Internet-accessible locations throughout the main campus and all satellite campuses. Students are further encouraged to vote at home via the online election system. However, the following stipulations shall be applied to on-campus locations:
  - 1. On the days of the Election, no campaigning or electioneering shall be allowed within twenty-five (25) feet of a designated balloting station, on-campus computer lab, or the Student Union.
  - 2. The Election Committee shall establish and maintain a balloting station in the ASG Office (SU-102) for the duration of the election.

**Clause IX. Terms of Office/Election Dates**

- a. The exact dates for elections shall be established by the ASG according to the following criteria:
  - 1. The election for the offices of ASG President and ASG Vice-President will be held not later than the third week in May.
  - 2. Terms of office for ASG President and Vice-President shall commence on the day following certification of the election and end on the date of certification of the subsequent election. Terms of office for all other officers of the ASG will commence on the day of appointment and terminate one (1) year from the date of appointment, starting with Senators appointed after June 2005.

Terms of office for Senators appointed prior to June 2005 shall terminate on December 31st of that year.

3. The fourteen (14) Senator positions will be appointed from a list of applicants stating a desire to serve, who have met all requirements as set forth in these bylaws. Appointments will be made by a majority vote of a committee comprised of the ASG President, Vice-President, another ASG Senator currently serving on the Board, the Director of Student Affairs (or his/her designee), and the Coordinator of Student Activities. Vacancies among the fourteen senator positions will be filled as they become available from the list of qualified applicants for the position. All applicants must be interviewed by at least three members of the appointing committee prior to being considered for appointment.
4. Senators who are appointed by this process throughout the year shall be introduced and appointed to the ASG at the meeting subsequent to the meeting of the appointment committee. Those senators assume all duties and responsibilities at that time, and are subject to ratification at the ASG General Session two (2) weeks following their initial appointment.
5. Senators who apply for reappointment subsequent to immediate active membership and are reappointed to their Senatorial position shall have their second probationary period waived, notwithstanding any other provision of this Bylaw.

**Clause X.** Tabulation of Votes

- a. Tabulation of all ballots by the Election Committee shall be completed as quickly as possible, but not later than two (2) school days after the close of the balloting.
  1. Official notice of the tabulations shall be certified by the signature of the Election Committee Chairperson and the Director of Student Affairs.
  2. Results shall be posted in the Comet Center, Student Union, Office of Student Affairs, and the ASG Office by 8:00 am on the first day following tabulation and remain posted for five (5) school days.
  3. Requests for a recount must be filed with the Election Committee within twenty-four (24) hours after election results are posted.

**Clause XI.** Enforcement of Code

- a. The Election Committee will be responsible for upholding and enforcing all articles of the Election Code.
- b. Any candidate or member of the candidate's committee accused of a violation of the Election Code will appear before the Election Committee at an Open Hearing. The Election Committee will decide if the charges filed are of significant magnitude to warrant disqualification.
  1. Should a candidate be disqualified by the Election Committee for whatever reason before the date of the election, the name of the disqualified candidate shall be struck from the ballot.

2. Should a candidate be disqualified by the Election Committee for whatever reason while the election is being conducted, a public notice of disqualification shall be immediately posted at all physical balloting stations, in the glass case at the north wing of the Student Union, and on the election website. Votes cast for a disqualified candidate shall be deemed invalid if cast subsequent to the date of disqualification.
3. Should the Election Committee determine that a disproportionate number of students are disenfranchised by the disqualification of a given candidate, the Committee may choose to order a special election for the specific office for which the disqualified party declared candidacy.
4. Should a candidate be disqualified by the Election Committee following an election, and that candidate prevailed in obtaining office in the ASG, the Chairperson of the Election Committee shall be required to declare the contested seat vacant at the subsequent General Session of the ASG, pursuant to the provisions of this Bylaw.
5. If a seat is declared vacant by the Election Committee, a special election shall be held to fill the seat, within the time provisions as otherwise outlined in (Article V, Section 3) below of this Bylaw.
6. If there is but one other candidate for the contested office, it shall be at the discretion of the Election Committee to enforce the Special Election described in Section 3 of this Bylaw by a two-thirds (2/3) majority. The Committee may instead opt to declare the remaining candidate the winner of the seat, subject to confirmation by a two-thirds (2/3) majority of the sitting ASG board, and with careful consideration of (Clause XI, [b-3]) above.
7. Notwithstanding any other provision of this Bylaw, the Director of Student Affairs, acting in his or her capacity as the advisor to the ASG, may make the declaration of disqualification in consultation with the President and the Chairperson of the Election Committee, should he or she find a student otherwise unqualified for candidacy at any time.

## **Section 2 - Recall Election Code**

### **Clause I. Recall Election Committee**

- a. The Recall Election Committee shall consist of three (3) members of the ASG and two (2) members of the ICC. These members shall be chosen by random selection to serve on the committee, and cannot be named in the recall or be actively supporting or opposing the recall effort.
- b. The Recall Election Committee must be approved by a majority vote of the ASG.
- c. The Recall Election Committee shall elect a chairperson from their membership.
- d. The Recall Election Committee shall be responsible for the setting up the balloting station, counting ballots, and carrying out the general duties required at election time, pursuant to the same provisions outlined in (Section 1) above.

- e. No ASG Officer who is being recalled or any student actively involved with the recall effort can serve on the Recall Election Committee.
- f. It shall be the responsibility of the Recall Election Committee to ensure that the Recall is valid pursuant to (Article IV) of these Bylaws.
- g. Enforcement of Code. It will be the committee's responsibility to enforce this Bylaw.
- h. The Director of Student Affairs shall serve as an ex-Officio member of the Recall Election Committee.

**Clause II.** Recall Election Procedure Meeting

- a. The Recall Election Committee shall meet twice within five (5) days of the recall petition's verification to discuss election procedures and campaign regulations.
- b. All members being recalled and any students actively campaigning for the removal of the Officers must attend one of these meetings.
- c. The exact date and time of the meetings shall be set by the Recall Election Committee. Copies of (Article V, Section 2) of the Bylaws shall be made available at these meetings.

**Clause III.** Election Information

- a. The Recall Election Committee shall supply all participants in the recall with a list of the date and time of the campaigning period, the recall election procedure meetings, and the recall forum.

**Clause IV.** Campaign and Electioneering

- a. All campaign publicity will be governed by the Palomar College Publicity Regulations available in the Office of Student Affairs. In addition the following regulations apply to election campaigns:
  - 1. Any questions as to the legality of campaign literature, speeches, or events shall be referred to Recall Election Committee for review.
  - 2. All campaign publicity will meet generally accepted standards of what is construed to be fair and in good taste. Each candidate will be held responsible by the Recall Election Committee for any misconduct of campaign publicity.
  - 3. Tampering with authorized campaign literature is prohibited.
  - 4. All campaign items will be removed from the inside of the Student Union by 4:00pm the day before the commencement of the election.

**Clause V.** Recall

- a. The Recall Election Committee will organize a Recall Forum not less than five (5) days before voting commences. This forum shall provide an opportunity for all the candidates to give a presentation, debate, and/or answer questions from the student body.
  - i. The Recall Election Committee will decide the Forum's exact time and date, as well as the rules and format.

**Clause VI. Publicity Expenditures**

- a. The costs of producing publicity or any "recall material" will be assumed by the students campaigning to recall ASG officers, not to exceed one hundred dollars (\$100) expended or received.
- b. Associated Student Government funds shall not be used to purchase/copy materials or pay for any other activities in relation to the support or opposition of the recall.

**Clause VII. Ballot**

- a. The Recall Election Committee will draft a ballot.
- b. The ballot shall contain language directing the voter to either approve or deny the recall of the specified officer(s), and shall also provide a listing of available candidates to succeed to the positions indicated should the recall be successful.
  1. Multiple officers to be recalled should be listed separately, to allow the electors an opportunity to vote on each officer individually.
  2. The listing of qualified candidates shall be randomly ordered in accordance with (Article V, Section 1, Clause VII).

**Clause VIII. Tabulation of Votes**

- a. Tabulation of all ballots by the Recall Election Committee shall be completed as quickly as possible, but not later than two (2) school days after the closing of the election.
  1. Official notice of the tabulations shall be certified by the signature of the Inter-Club Council Chairperson and the Director of Student Affairs.
  2. Results shall be posted in the Comet Center, Student Union, Office of Student Affairs, and the ASG Office by 8:00 am on the first day following tabulation and remain posted for five (5) school days.
  3. Requests for a recount must be filed with the Recall Election Committee within twenty-four (24) hours after election results are posted.

**Clause IX. Enforcement of Code**

- a. The Recall Election Committee will be responsible for upholding and enforcing all articles of the Recall Election Code.
- b. Any officer indicted by the recall or any participant campaigning for the removal of an officer who is accused of a violation of the Recall Election Code will appear before the Recall Election Committee at an Open Hearing. The Election Committee will decide if the charges filed are of significant magnitude to warrant nullification of the recall effort or immediate removal of the offending ASG member from office.

**Section 3 - Special Election in the Event of Disqualification**



**Clause I.** Conditions Required for a Special Election

- a. Should there be a disqualification as noted in (Article V, Section 1, Clause XI, [b-3] to [b-7]), a Special Election shall be held to determine a replacement for the office otherwise vacated by the disqualified candidate.
- b. The Election Committee named to oversee the original election shall maintain control over the subsequent Special Election.

**Clause II.** Eligibility

- a. Candidates for the seat left vacant by the disqualification must file an Election Application to the Office of Student Affairs no later than 12:00 Noon five (5) school days prior to the scheduled date of the Special Election.
  1. A candidate who was originally qualified for the original election need not file a new application; rather, a Statement of Requalification must be signed and submitted to the office of Student Affairs no later than 12:00 Noon five (5) school days prior to the Special Election.
  2. The disqualified candidate(s) from the previous election is/are specifically prohibited from reapplying for the position(s) in question in the Special Election.
  3. Saturday instructional days shall not be counted for the purposes of determining the deadline for Application submission.
  4. Special Election applications shall be made available on the Monday immediately following declaration of disqualification and vacancy at the ASG General Session subsequent to the original General Election.
  5. Should the Monday immediately following the declaration of disqualification and vacancy at the ASG General Session be a recognized school holiday, applications shall be made available on the first regular school day after the Monday described in [a-4] of (Section 3, Clause II) above.
- b. Eligibility for candidacy and for office shall be the same as for other candidates, as described in (Section 1, Clause II) of this Bylaw.

**Clause III.** Candidates' Meeting

- a. All candidates shall be required to attend a meeting to receive pertinent information on the election, publicity procedures and other Special Rules.
- b. A signed statement shall be required of all candidates, acknowledging receipt and understanding of the entirety of this Election Code and an Election Information Packet as described in (Section 1, Clause IV) of this Bylaw.

**Clause IV.** Election Calendar and Forum

- a. The Special Election shall be held in a timely and expedient manner, with the date of election not later than thirty (30) days, but no earlier than fifteen (15) days, following the close of the previous General Election

- b. A Special Election Forum shall be held not earlier than five (5) school days prior to the scheduled date of the Election, to discuss issues of relevance to the campus community and to allow candidates an opportunity to meet with constituents of the campus community.

**Clause V.**     Publicity

- a. All campaign publicity shall be conducted in accordance with (Section 1, Clause V) of this Bylaw.

**Clause VI.**    Ballot and Balloting Stations

- a. All balloting provisions for the Special Election shall be done in accordance with (Section 1, Clause VII through VIII) of this Bylaw.

**Clause VII.**   Tabulation

- a. All tabulation of votes for the Special Election shall be done in accordance with (Section 1, Clause X) of this Bylaw.

**Clause VIII.** Enforcement of Code

- a. Notwithstanding any other provision of this Bylaw, the Election Committee shall be responsible for upholding and enforcing this Section.

**Section 4 – Regarding Employee Participation in the Associated Student Government**

**Clause I.**     Introduction

- a. The participation of all students at Palomar College is encouraged by the Associated Student Government; however, the Board recognizes that some students serve additional functions in the campus community that may be perceived as presenting a conflict of interest, regardless of whether or not a true conflict exists.
- b. In particular, the participation of classified employees who are also qualified students as defined in the preceding sections, specifically (Article V, Section 1, Clause II), shall not be abridged in any manner or through any means other than that which is defined herein this section.

**Clause II.**    Limitations to Classified Participation

- a. Classified employees who carry a contract position defined as more than fifty (50) percent by the Human Resources Office [i.e. those classified employees who are employed by the College for twenty (20) or more hours per week], shall be held to the following conditions:
  - 1. Not more than three (3) such classified staff members as defined in [a] above of (Article V, Section 4, Clause II), shall be eligible for appointment to the Board as Senators through the appropriate channels and after having demonstrated the required eligibilities

set forth in this Bylaw. Classified staff members shall not be permitted to hold a quorum majority of the ASG.

2. Classified staff members as defined in (Section 4, Clause II, [a]) shall be required to submit to their respective supervisors a detailed listing of the requirements of Associated Student Government participation, as outlined throughout these Bylaws, and shall secure written approval from such supervisor as necessary for participation in shared governance.
3. Classified staff members as defined in (Article V, Clause II, [a]), above shall be prohibited from holding the offices of President or Vice-President within the Associated Student Government.

**Clause III. Other Classified Employees**

- a. Classified employees who hold a position defined by Human Resources as being forty-nine (49) percent or less [that is, less than nineteen (19) hours per week] shall not be subject to the Bylaw criteria outlined in (Section 4, Clause II) above.
- b. Such classified employees are, however, advised that they should clear with their respective supervisors all requirements and commitments as defined throughout these Bylaws, and also should obtain the same written approval from their supervisors.
  1. Such approval, however, shall not be required by this Bylaw, and shall not be used to disqualify an otherwise qualified candidate for a position within the Associated Student Government.
- c. Classified employees as defined in (Section 4, Clause III, [a]) above, shall not be prohibited from holding elective office.

**Clause IV. Other Requirements**

- a. Classified staff members of any sort shall be required to sign an affidavit concerning their comprehension of the necessity of separating their student status from their classified status; to wit, such members of the Associated Student Government must affirm by their affidavit that they shall be acting solely as students in their capacity on the ASG Board and not as representatives of the Classified Unit or the Council of Classified Employees on any campus shared governance committee.
- b. The Appointment Committee for ASG Senators shall be advised that classified staff members may not hold a majority on the ASG Board, nor shall they be allowed to comprise a quorum solely of those members who are defined in this section.

**Clause V. Retroactive Application of Bylaw**

- a. The retroactive application of this Section of the Bylaws is strictly prohibited.
- b. Members who have served with distinction prior to the application of this Bylaw, and who would otherwise have their status changed by the application of such, shall not have their rights abridged or otherwise changed subsequent to the approval of this Bylaw.

- c. Members who have had their status changed by outside action or influence in anticipation of a Bylaw such as this shall be restored to their former position with all rights and privileges ascribed thereto; and to their prior title, if such title was eliminated from their position.

**Clause VI. Enforcement of Code**

- a. It shall be the sole responsibility of the Associated Student Government in General Assembly to enforce this Bylaw.

**Section 5 – Regarding Extraordinary Vacancies in Office**

**Clause I. Line of Succession**

- a. Should the office of President become vacant for any reason whatsoever, the Vice President shall assume the office of President immediately, with all the rights and privileges ascribed thereto, in accordance with the provisions of (Article I, Section 2, Clause II, [b]).
- b. Upon the succession of the Vice-President to the Presidency of the ASG, a Senator shall be nominated among the ASG board to the office of Vice-President, to be confirmed by a majority vote of the Senators in office at the time.
- c. In the event of a subsequent vacation of the office of the President, the ASG board shall refer to (Article V, Section 5, Clause I) Line of Succession.

**Section 6 – ASG Presidency and Palomar College Student Trustee**

**Clause I. Eligibility of Palomar College Student Trustee**

- a. Should the ASG President be ineligible for any reason whatsoever, to serve as Palomar College Student Trustee, the role and duties of Student Trustee shall be assumed by the Vice President of the ASG.
- b. If for any reason whatsoever, the ASG President and Vice President are both ineligible to serve as Palomar College Student Trustee, it shall be the responsibility of the ASG board to nominate the Palomar College Student Trustee from among its board, to be confirmed by a majority vote Senators in office at the time.

ADOPTED 12/14/1993

REVISED 05/2000

REVISED 01/23/2002

REVISED 08/19/2004

REVISED 08/03/2005

REVISED 04/11/2007

REVISED 12/02/2009