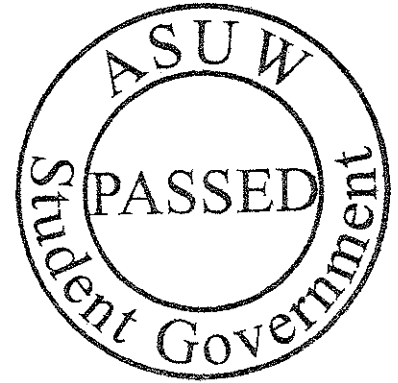


Senate Bill #2275



Title: ASUW Election By-Laws Revision

Date: February 18, 2010

Authors: Senator Fuentes

Sponsors: Senators Dugas and Wallace

1. WHEREAS, it is necessary to clear confusion that may exist between the ASUW By-Laws
2. and the Elections Code passed by the ASUW Senate; and,
3. WHEREAS, further corrections must be made to ensure that the elections are viewed as
4. procedurally correct in all aspects; and,
5. WHEREAS, it has become apparent that there may be a specific section of the By-Laws
6. currently in conflict with the recently approved Elections Code; and,
7. WHEREAS, the possibility of a multi-candidate primary election has given rise to concerns
8. over the possible necessity of a procedural change in our Primary and General Election; and
9. THEREFORE, be it enacted that Article IV of the ASUW By-Laws be amended to reflect the
10. language contained in Addendum A.

Referred to: Constitution Committee

Date of Passage: 3-8-2010 Signed: Damee Hunzic

(ASUW Chairperson)

"Being enacted on 3-8-2010, I do hereby sign my name hereto and

approve this Senate action." M. Haig
ASUW President

ADDENDUM A

ARTICLE II

Legislative Branch

Section 6.

Membership in the ASUW Senate shall consist of:

- A. Thirty (30) elected Senators apportioned using Hamilton's method as outlined below, and in accordance with Article 6, Section 1 of the ASUW Constitution.
 1. Each of the University's seven (7) colleges is allocated one (1) student senator.
 2. The remaining twenty-three (23) senators shall be allocated to those colleges with more than one-thirtieth ($1/30$) of the total fee paying University students using Hamilton's method as follows.
 - a. Compute the natural quota for each college with more than one-thirtieth ($1/30$) of the total fee paying University students using the formula: $NQ = \frac{(23)E}{T}$ where
 - NQ = a college's natural quota
 - E = the number of fee paying students enrolled in that college
 - T = the total number of fee paying students enrolled in those colleges with more than one-thirtieth ($1/30$) of the total fee paying University students.
 - b. Allocate to each college with more than one-thirtieth ($1/30$) of the total fee paying University students a number of student senators equal to the whole number portion of their natural quotas.
 - c. If all twenty-three (23) student senators are not allocated in the previous step the remaining student senators are allocated one by one in order to the colleges with the largest fractional portions in their natural quotas.
 3. The total allocation for each college is the sum of the student senators allocated in steps 1. and 2.
- B. The presidential and vice presidential candidates that receive the second highest number of votes in the preceding ASUW General Election shall have the opportunity to hold Senator-at-Large positions.
- C. All University organizations seeking an ex-officio position on the ASUW Student Senate must have that position approved by the Constitution Committee and further approved by the ASUW Student Senate by a two-thirds ($2/3$) majority.
 1. Organizations seeking an ex-officio position must exhibit all of the following qualifications:

- a. The organization must provide a diverse array of co-curricular activities including cultural, international, athletic, and/or student life programs.
 - b. The organization must utilize educational opportunities, which promote growth and involvement enriching daily life.
 - c. The organization must be a University Recognized Student Organization, but special exemptions may be granted for the representative bodies of University faculty and staff.
 - d. The organization must demonstrate inadequate representation by the existing ex-officio's.
 - e. Any organization that has lost its ex-officio position on the student senate will enter a period of probation and may not reapply for said position until a period of one semester has passed. Upon reapplication, the organization must provide a detailed account of activities conducted during this period of probation.
2. The ex-officio position cannot be represented by current senators, executives or other ex-officio representatives.
 3. If an ex-officio position representing a student organization goes unrepresented for 4 consecutive senate meetings they will be notified of their absences and potential consequences by the ASUW Vice President in writing; if the organization is absent for another 4 consecutive senate meetings they will lose their ex-officio position. After the loss of an ex-officio position the organization may petition to gain representation by following ASUW By-Laws Article II, Section 6, Paragraph C-1, a-d.
- D. Ex-officio members who shall enjoy all rights of Senate membership, except the right to vote include:
1. President of ASUW
 2. ASUW Executive Assistants
 3. Representatives from organizations approved by the ASUW Senate.

ARTICLE IV

Elections

Section 1. Specific responsibilities and authorities of the ASUW Elections Committee throughout the duration of the election process include the following:

- A. There shall be a General Election with a Primary Election not consistent with the provisions of this Article..
- B. Applications, financial statements, and election rules shall be provided by the Elections Committee, and be made available in the ASUW Office by 4:00 p.m. the first Wednesday of February. If this date falls on a non school day, they shall be available the school day immediately preceding February 1.

- C. All candidates must submit applications to the ASUW Office by 4:00 p.m. on the first Wednesday of March to be considered. Candidates who submit applications after that date will not have their names placed on the ballot. Candidates will be required to attend a workshop to explain these rules on the first Wednesday of March at a time and place to be announced by the ASUW Elections Committee. Reasons constituting legitimate excuses for missing the workshop will be determined in advance by the Committee. Candidates with valid excuses must submit them to the Committee prior to the workshop and will be asked to attend an alternate session with members of the Committee.
- D. It will be at the discretion of the Elections Committee each year to set the maximum amount of money that may be spent by the candidates for President, Vice President, and Senator for both the primary and general elections, with the approval of the ASUW Senate.
- E. Campaigning and publicity rules shall be established by the Committee with the approval of the ASUW Senate.
- F. The results of the voting in each election, including the number of votes received by each candidate, shall be released by the Committee as soon as possible after the polls close.

Section 2.

Voting

- A. Any ASUW fee paying student will be permitted to vote at the polling places or by voting online. The vote of the students will determine the winners of the election.
- B. Students will only be allowed to vote for candidates in their college, excluding presidential and vice-presidential candidates. Undeclared students will vote for candidates in the College of Arts & Sciences.
- C. Each student will be permitted a number of votes equal to the number of senators being elected from his/her college. Write-in votes will be permitted.
- D. Thirty total senators will be elected (excluding at-large senators). These seats will be divided among the seven colleges as stipulated by the ASUW Constitution.
- E. Polling places will be considered as any university-operated computer lab and any computer station set up by the ASUW Elections Committee for the purpose of voting.
Such stations will be clearly identified. Students will be able to cast votes from any computer connected to the Internet with access to the University of Wyoming website.
- F. All voting will be conducted with electronic online ballots unless technical difficulties make an online election impossible. Students with disabilities will be afforded the opportunity to use paper ballots. These ballots will be available on the Wednesday of the primary election (if needed) and/or general election in the Union from 8:00 a.m. to 4:00 p.m.

Section 3.

Ballots and Elections:

- A. Primary Election
 - 1. If there are more candidates running for Senator than twice the number of allotted positions in a particular college, or if there are more than two tickets running for the executive positions, a primary election will be used to determine whose names will appear on the general election ballot.
 - i. In the case of a Primary Election for the Executive Branch the number of positions available to be contested in the General Election shall be in accordance with Section 4 of this Article.
 - 2. The names of all qualified presidential, vice-presidential, and senatorial applicants will appear on the ballot.
- B. General Election
 - 1. The names to be listed on the ballot will include the presidential and vice presidential candidates, in order of ticket, and all qualified senate candidates. (In the event of a tie in the primary election, the names of candidates from all qualifying tickets will appear on the ballot.)
- C. Paper Ballots
 - 1. In the case that the use of paper ballots is necessary (because of technical difficulties or to meet the needs of disable students) the order of candidates on the primary and general ballots will be determined by a random drawing at the mandatory candidate workshop. Candidates who miss the workshop will be placed in alphabetical order at the end of the ballot.

Section 4.

Primary Election:

- A. The names of all qualified candidates shall appear on the ballot.
- B. Any necessary primary elections will be held three weeks after the filing deadline in Section 1(C) of this Article from 12:00 a.m. Wednesday in March through 5:00 p.m. the following Friday.
- C. In the event of a Primary Election for President and Vice President, half the number of filed candidate tickets shall be allowed to move on to the General Election.
 - 1. If there are an odd number of candidate tickets appearing on the Primary Election ballot, the number of candidate tickets allowed to enter the General Election shall be half of the number of filed candidate tickets rounded down to the nearest whole number.
 - 2. Under no circumstances shall the number of candidates able to enter the General Election fall below two, unless only one ticket has filed consist with the deadline in Section 1 of this Article.
 - 3. Voters shall be able to cast their ballot for the number of candidate tickets able to enter the General Election.
- D. In the event of a primary for senators, each student shall be permitted to vote for up to twice the number of senators being selected from his/her college.

- E. Write-in candidates shall be permitted but any candidate must submit an application to be declared a winner. Such application shall be due within twenty-four (24) hours of his/her winning.
- F. In accordance with the number of seats in any particular office, a tie in the primary election shall increase the number of candidates normally to be carried into the general election.

Section 5.

General Election:

- A. The candidates for ASUW Office who receive a plurality of the votes for any position shall be declared the winners of those positions. The number of winning candidates shall not exceed the number of apportioned seats for any college.
- B. General elections will be held five weeks after the filing deadline in Section 1(C) of this Article from 12:00 a.m. Wednesday in April through 5:00 p.m. the following Friday
- C. In the case of a tie in the general election, a run-off election shall be called to resolve the tie and determine the winner. The run-off election shall occur no later than five (5) school days following the general election. The candidate who holds a plurality of votes for any one (1) position in the run-off election shall be declared the winner of that position.
- E. Each voter may vote for as many senatorial candidates as he/she chooses, not to exceed the number of senate seats allotted to his/her college.
- F. Executive candidates to be listed on the ballot will be consistent with the number of candidates allowed to enter the General Election consistent with Section 4 of this Article (except in the case of a tie).
- G.
- H. Write-in voting shall be permitted. Any write-in candidate must submit an application and expense statement within 24 hours of notification of winning an election and meet all the requirements for nomination in order to be elected. Write-in candidates must also abide by all election and campaigning rules to be considered eligible for office.

Section 7.

Rules for campaign materials shall be as follows:

- A. Campaign materials regulated by these rules shall not include non-broadcast spoken words, with the following exceptions: non-broadcast spoken words shall be considered campaign materials in the event they are used within an identified polling place during an election.
- B. Campaign materials may not be posted until after the ASUW Secretary has received the candidate's application. Posted material will include: e-mails, internet websites, posters, fliers, hand-outs, and all other formal campaign materials. No candidate may send campaign e-mails to more than 50 UW e-mail accounts within a 24-hour period (list serves shall count only as one account). Candidates must account for any costs incurred by the use of these campaign materials. All materials displayed must conform to the restrictions placed on them by the administrator of that area. It will be at the discretion of the Elections Committee to

determine the definitions of some campaign materials, should the issue arise.

- C. Signs hung on the outside of the Union or on the fences surrounding it must be approved by the Wyoming Union.
- D. Campaign materials in the residence halls must follow the rules and regulations set forth by the residence hall director:
 - 1. All election materials must be given to the front desk to be stamped and hung by residence life staff.
 - 2. Only one poster, not to exceed 8 ½ inches by 11 inches in area, may be hung in the main lobby of each hall.
 - 3. Candidates may put one flyer in each mailbox for election campaigning.
- E. According to the ASUW-recommended addition to UNIREG 178 (4) (b) (vii): “An internal user may not attach posters to or write on with any substance, the exterior or interior of any building or structure except at designated locations. Outside signs may be displayed on the kiosks provided at various locations on the campus for that purpose. Trees, sidewalks and signposts or lamp posts shall not be used for the display of signs, posters, or any writings.” If posters are found in any of the prohibited areas, the candidate will be subject to University fines.
- F. All political advertisements, including banners, posters, and Branding Iron ads, must include a disclaimer identifying the sponsor or may be subject to removal. The disclaimer must state either “paid for by” or “sponsored by.”
- G. There shall be no defacing or removal of another candidate’s campaign materials by a candidate or a candidate’s campaign staff.
- H. The use of the ASUW logo on campaign materials is prohibited.
- I. All candidates are responsible for removing all election materials by 10 a.m. on the day following the election.
- J. Any campaign material in violation of any of the above rules will be subject to removal by the Elections Committee. Candidates in violation will be subject to sanctions by the Judicial Council.
- K. An itemized statement of expenses incurred during the election must be submitted to the ASUW Office by 4:00 p.m. the business day following the general election. All expenditures and expense statements must conform to the following criteria:
 - 1. Items or services that are donated to the candidate must be included in the expense statement at retail value. All copying and printing costs (including those made in University labs or on personal printers) must be included.
 - 2. Attached to the expense statement must be receipts for all expenditures. If, for any reason, a receipt is unavailable, the candidate must note the lack of receipt on the expense statement. If the exact amount for expenditures is not known, candidates are expected to accurately estimate the cost involved.

3. All candidates must submit a signed expense statement, even if no costs were incurred. Separate signed expense statements must be submitted for each campaign if a candidate is running for a senate position, as well as a president/vice presidential position. Expense statements must be submitted to the ASUW Secretary no later than 4:00 p.m. on the business day following the general election.
- M. No campaign material shall be displayed in the ASUW Office. Violations will be subject to removal or some other exclusion. Individuals in violation are subject to referral to the Elections Committee.
- N. Use of the University radio station for campaigning shall be limited by the policy of the station.
- O. There shall be no posters hanging within 30 feet of the polling areas on the dates of the elections. There shall also be no active campaigning within 30 feet of these polling places on the dates of the elections; campaigning includes, but is not limited to possession of campaign materials such as buttons, flyers, clothing, etc.
- P. There shall be no disruptive campaigning in class. This will be at the discretion of the presiding instructor and the Elections Committee.
- Q. Candidates wishing to sponsor parties or barbeques on campus must complete an Activities Notification Form, obtain a noise and/or a food permit if necessary, and include the cost incurred by or donations given to these events on the aforementioned itemized statement of expenses. A copy of the Activities Notification Form must be filed with the Elections Committee in the ASUW Office two weeks prior to the event.
- R. Candidates will be held responsible for making their associated supporters aware of all election rules.

Section 10. Results

- A. No information shall be available until the Elections Committee has finished tabulating all ballots.
- B. The results of voting in each election shall be announced outside the Senate Office and posted in the ASUW Office and the Campus Activities office windows as soon as they are available.
- C. At-large seats on the Senate will also be given to the Presidential and Vice-Presidential ticket that receives the second highest number of votes in the General Election.
- D. If any person is elected to more than one position in the election, that person must resign from all but one position.
- E. In the case of a tie in the General election for Presidential ticket or last elected Senate seat, a run-off election shall be called to resolve the tie and determine the winner.
- F. The run-off election shall occur no later than five school days following the general election. The candidate who holds a plurality of votes for any one position in the run-off election shall be declared the winner of that position. An additional itemized cost statement must be submitted to the

ASUW Office no later than 4:00 p.m. on the day following the run-off election.

- G. In the case of a tie for those candidates not receiving a senate seat, the order of replacement seats in the case of a resignation in the Senate shall be determined by lottery with all parties present. The procedure for the lottery shall be determined by the Election Committee.

Section 13. Changes to Election Rules

- A. No changes will be made less than two weeks before the general election and candidates will be given written notice of the changes. Candidates should make themselves aware of any other university regulations or policies that might affect their campaign.