

**SENATE Bill #2384**

**TITLE:** ASUW Changes to Election Procedure: Elimination of Primary Election

**DATE:** January, 22 2013

**AUTHOR:** President Defebaugh

**SPONSORS:** Vice President Kahler; Senators Brink, Dinneen, Hasley, Messer, Powell, Rawlings, Reinicke, Sheehan, and Unangst

1. WHEREAS, the Student Government of the Associated Students of the University of
2. Wyoming (ASUW) is charged with the accurate representation of our fellow students, and;
3. WHEREAS, the ASUW should pursue the most effective form of representative government
4. through the annual election process, and;
5. WHEREAS, a vast majority of students on campus are infrequently persuaded to vote twice
6. in one month for student government representation, and;
7. WHEREAS, the time frame for elections on campus with a Primary and General election
8. have proved to outlast an engaged and informed student body, and;
9. WHEREAS; ASUW records show that, historically, there has been a greater voter turnout
10. for a primary election, and;
11. WHEREAS, an increase in voter turnout will improve the accurate representation pursuant
12. to the stated mission of ASUW, and;
13. WHEREAS, there has been growing concern in ASUW over the growth in campaign
14. finances for candidates in both election cycles, and;
15. THEREFORE be it enacted by the ASUW that Article IV of the ASUW By-Laws be
16. amended to reflect the changes outlined in Addendum A.

Referred to: Elections Committee

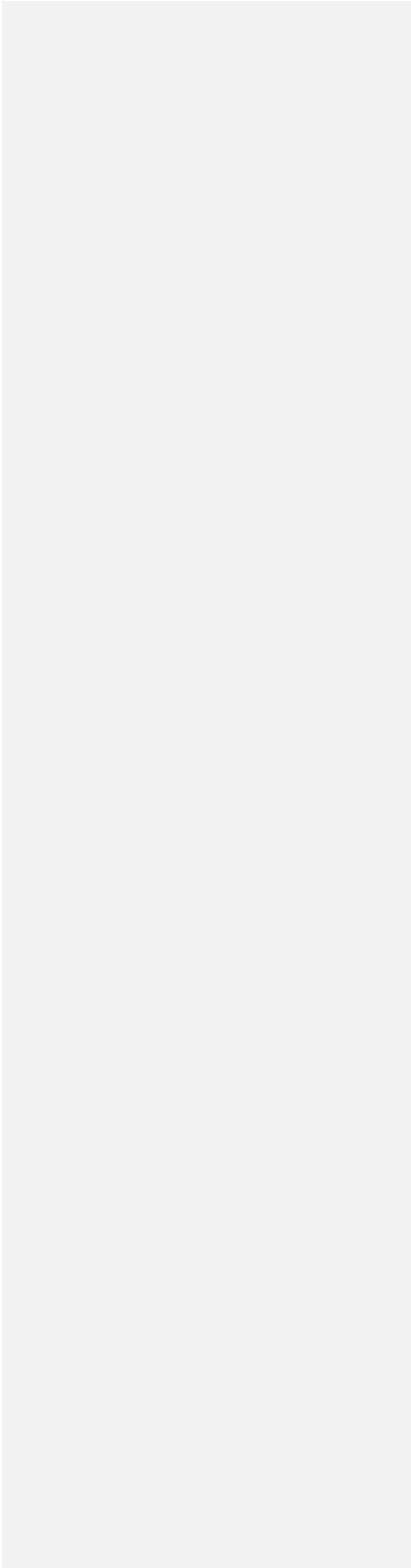
Date of Passage: \_\_\_\_\_ Signed: \_\_\_\_\_

(ASUW Chairperson)

“Being enacted on \_\_\_\_\_, I do hereby sign my name hereto and

approve this Senate action.” \_\_\_\_\_

ASUW President



**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 inconsistent 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 9:00 a.m. on the second Wednesday of February. If this date falls on a non-school day, they shall be available the school day immediately ~~proceeding~~~~preceding~~ February 8.
- C. All candidates must submit applications to the ASUW Office by 4:30 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 the elections 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 required 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 Elections Committee with the approval of the ASUW Senate.
- F. The results of the voting in ~~each the~~ election, including the number of votes received by each candidate, shall be released by the Committee as soon as possible after the polls close.
- G. The Elections Committee shall annually proscribe and disseminate to all official candidates for ASUW elective office the Election Code, which shall summarize the manner in which ~~the student elections shall~~ election shall be administered, the consequences for the failure of candidates to abide by such rules, and all other rules and regulations seen as prudent and necessary by the Elections Committee in accordance with Article II, Section 10, Subsection A, Clause 3 and Article IV of the ASUW By-Laws and with the consent of two-thirds of the ASUW Senate.

Section 2. Voting

- A. Voting shall be conducted using the voting method outlined below:
  - ~~i. In the event of a Primary Election, students will be allowed, in any election they are allowed to vote in and for any office, to cast a number of votes up to, but not to exceed, the number of candidates or tickets advancing to the General Election.~~
  - ~~a. For the ASUW Senate, the number of advancing candidates shall be double the number of senate seats allotted to each college (as outlined in Article II, Section 6 of these By-Laws and the ASUW Constitution.)~~
  - ~~b. For ASUW President and Vice President, the number of advancing tickets is outlined in Section 4, Subsection C of this Article.~~

- ~~ii. In the General Election, students will be allowed to cast a number of votes up to, but not to exceed, the number of senate seats allotted to his/her college and only one (1) President and Vice President ticket.~~
- B. 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.
- C. 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.
- D. Write-in votes will be permitted.
- E. Thirty total senators will be elected. These seats will be divided among the seven colleges as stipulated by the Article II, Section 6 of these By-Laws and the ASUW Constitution.
- F. Polling places will be considered as any university-operated computer lab, any computer station set up by the ASUW Elections Committee for the purpose of voting, and any other locations determined polling areas by the Elections Committee.
- G. Such stations will be clearly identified and all candidates will be informed of what constitutes such polling areas. Students will be able to cast votes from any computer connected to the Internet with access to the University of Wyoming website.
- H. All voting will be conducted with electronic online ballots unless technical difficulties make an online election impossible. Students with disabilities and who have been certified by University Disability Support Services (UDSS) will be afforded the opportunity to use paper ballots. These ballots will be available on the Wednesday-Friday 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

- ~~i. 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 President and Vice President, a Primary Election will be used to determine whose names will appear on the General Election ballot.~~
  - ~~a. In the case of a Primary Election for President and Vice President the number of positions available to be contested in the General Election shall be in accordance with Section 4 of this Article.~~
- ~~ii. The names of all qualified president and vice president tickets and senatorial applicants will appear on the ballot.~~

~~B.A.~~ General Election

- i. The names to be listed on the ballot will include all qualified President and Vice President tickets and all qualified senate candidates. (In the event of a tie for the last advancing position in the Primary Election, the names of those tied and qualifying senate candidates and those tied and qualifying President and Vice President tickets will appear on the General Election ballot).

~~C.B.~~ Paper Ballots

- i. In the case that the use of paper ballots is necessary (because of technical difficulties or to meet the needs of disabled students) the order of candidates on the primary and general ballots will be determined by a random drawing to be conducted by the Elections Committee as soon as the previously mentioned circumstances become apparent. Candidates who fail to attend the candidate workshop will be placed in alphabetical order at the end of the ballot.

- ~~D.ii.~~ Senate candidates shall not be allowed to change the college for which they wish to run after the final filing date of his/her application. If senate candidates wish to change

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colleges after the submission of his/her application, they shall be required to run as a write-in candidate for his/her respective new college.

~~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 (3) weeks after the filing deadline (as outlined in Section 1(C) of this Article) from 12:00 a.m. Wednesday 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.
  - ~~i. 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.~~
  - ~~ii. Under no circumstances shall the number of tickets able to enter the General Election fall below two (2), unless only one ticket has filed consistent with the deadline in Section 1 of this Article.~~
  - ~~iii. Under no circumstances shall the number of tickets able to enter the General Election be above three (3).~~
  - ~~iv. All votes cast shall be tabulated in accordance with the method provision as proscribed in Sections 2 and 10 of this Article.~~
  - ~~v. Voters shall be able to cast their vote for up to, but not to exceed the number of advancing tickets as outlined in the above clauses.~~~~
- ~~D. In the event of a Primary Election for senators, each student shall be permitted to vote for up to, but not to exceed double the senate seats allotted to his/her college (as outlined in Sections 2 and 10 of this Article).~~
- ~~E. Write-in candidates shall be permitted, but any candidate must submit an application and itemized expense statement (in the case of a write-in President and Vice President ticket) to be declared a winner. Such application and expense statement shall be due at noon the Tuesday following his/her winning in order to advance to the General Election. Write-in candidates must have abided by all election and campaigning rules to be considered eligible to advance to the General Election ballot.~~
- ~~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 54. 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 of any college.
- B. General elections will be held five-three weeks after the filing deadline (as outlined in Section 1(C) of this Article) from 12:00 a.m. Wednesday 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.
- D. Each student may vote for up to, but not to exceed, the number of senate seats allotted to his/her college (as outlined in Section 2 and 10 of this Article).

- E. President and Vice President tickets 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 consistent with Section 6, sub section B.~~ (except in the case of a tie).
- F. Write-in voting shall be permitted; any write-in candidate or ticket must submit an application and expense statement at noon the Tuesday following his/her notification of winning an election. Write-in candidates must have met all the requirements for nomination and abided by all election and campaigning rules to be considered eligible for office.

Section 6.

Candidate Requirements:

- A. A candidate for Senator must meet the following requirements:
  - i. He/she must be a full-time ASUW fee paying student.
  - ii. He/she must have and maintain a minimum 2.0 cumulative grade point average as an undergraduate and a minimum 3.0 cumulative grade point average as a graduate or professional student or a 2.0 if the program does not require it.
  - iii. He/she must have completed no less than thirty (30) hours of University credit at the beginning of the academic year of his term of office.
  - iv. He/she must have completed no less than twelve (12) of those hours at the University of Wyoming.
  - v. He/she must submit an application by the required deadline (as outlined in Section 1, Subsection C of this Article) provided by the Elections Committee.
  - vi. He/she cannot be a currently serving member of the ASUW Judicial Council. In the event that an individual who wishes to declare his/her candidacy for Senator and is currently serving as the ASUW Chief Justice or a Justice, he/she must resign as a member of the ASUW Judicial Council in order to officially declare his/her candidacy when filing closes.
  - vii. All candidates for Senator will run individually.
- B. Both candidates on a ticket for ASUW President and Vice President must meet the following requirements:
  - i. He/she must be a full-time ASUW fee paying student.
  - ii. He/she must have and maintain a minimum 2.0 cumulative grade point average as an undergraduate and a minimum 3.0 cumulative grade point average as a graduate or professional student or a 2.0 if the program does not require it.
  - iii. He/she must submit an application by the required deadline (as outlined in Section 1, Subsection C of this Article) provided by the Elections Committee.
  - iv. He/she must have completed no less than sixty (60) hours of University credit by June 10 of the calendar year in which he/she was elected as an undergraduate student, or, as a graduate or professional student, he/she must have completed no less than eighteen (18) hours of University credit by June 10 of the calendar year in which he/she was elected.
  - v. Candidates for President and Vice President will run jointly, on a combined ticket; through ~~both the primary and~~ general elections. Students will not be able to vote for a President and Vice President individually, but must instead vote for a ticket. All election rules will apply jointly to candidates for President and Vice President running on the same ticket.

- vi. He/she cannot be a currently serving member of the ASUW Judicial Council or the ASUW Elections Committee. In the event that an individual who wishes to declare his/her candidacy or is currently serving in one of these capacities, he/she must resign as a member of the ASUW Judicial Council or the ASUW Elections Committee in order to officially declare his/her candidacy when filing closes.
- C. Candidates for President and Vice President who wish to be eligible as candidates for Senator must submit a separate application (by the required deadline as outlined in Section 1, Subsection C of this Article) to run for Senate and must be among the winning primary candidates to reach the General Election ballot for Senate.

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 and the filing deadline has passed. Posted campaign 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 fifty (50) UW e-mail accounts within a 24-hour period (list serves shall count only as one account; third-party list serves are prohibited). 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 definition of 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:
  - i. All election materials must be given to the front desk to be stamped and hung by residence life staff.
  - ii. Only one poster, not to exceed 8 ½ inches by 11 inches in area, may be hung in the main lobby of each hall.
  - iii. Candidates may put one (1) flyer in each resident mailbox for election campaigning in both the Primary and General Elections, for a total of two (2) flyers during the duration of the ASUW Elections.
- 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 signs, posters, or other writings 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 will 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 Monday 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 4:30 p.m. the Tuesday following the Primary Election (in the case of no Primary Election, the fourth Tuesday following the filing deadline) by all President and Vice President tickets and~~ by 4:30 p.m. of the Tuesday following the General Election for all candidates (President and Vice President tickets and Senate candidates). All expenditures and expense statements must conform to the following criteria:
  - i. 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.
  - ii. 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.
  - iii. 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 president position.
- L. Expense statements filed after the aforementioned deadline are subject to discretionary review by the Elections Committee and discretionary sanctions by the Judicial Council.
- M. No campaign material shall be displayed or stored in the ASUW Office.
- 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 any polling places 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 at least two weeks prior to the event.
- R. Candidates will be held responsible for making their associated supporters aware of all election rules.

Section 8.

Complaints and Violations

- A. All written complaints must be referred to the Judicial Council following the method prescribed in the ASUW By-Laws. A copy of the written complaint must be submitted to the ASUW Secretary in the ASUW Office.
- B. Verbal complaints shall be referred to the Election Committee for their discretionary review.



- C. The Judicial Council may impose sanctions for all officially written complaints and violations.

Section 9. Sanctions

- A. No sanctions reached by the Judicial Council Committee will be final unless approved by the University of Wyoming Vice President for Student Affairs (as stipulated in the ASUW By-Laws).
- B. Any candidate who fails to abide by the verdict and sanctions of the Judicial Council may be disqualified from the election or from the position won in the election as decided by a Judicial Council ruling.
- C. No candidate shall be disqualified from a currently elected position or appointed office for a campaign violation for the most recent election; nor shall a candidate be disqualified from running for or serving in another ASUW position.
- D. If sanctions were imposed by the Judicial Council, appeals may be made in accordance with the ASUW By-Laws.
- E. Sanctions may include, but are not limited to, placing that candidate's/ticket's name at the bottom of the ballot, removal from the ballot, or disqualification from office.

Section 10. Results

- A. Results shall be tabulated using the method proscribed in Section 2 of this article.
- B. No information shall be available until the Elections Committee has finished tabulating all ballots.
- C. The results of voting in each election shall be announced outside the Senate Office and posted in the ASUW Office and the Campus Activities Center office windows as soon as they are available.
- 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 President and Vice President 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 4:30 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 11. Student Initiatives

- A. Any ASUW member may put an item to a referendum vote of the student body through during either a general or special election.
  - i. The exact language of the question to be placed upon the ballot, framed in a "yes or no" format, may be eligible.
  - ii. The question to be considered shall be accompanied by student signatures representing at least 10% of the currently enrolled, fee paying students of the University of Wyoming.

- iii. The Question to be considered shall be presented to the Senate during a regularly scheduled meeting as “New Business”
- iv. At least fifty percent (50%) of the accompanying signatures shall be verified by the ASUW Elections Committee with the Assistance with the ASUW Student Outreach and Policy Committee, using whatever method the committees jointly decide will most efficiently reach the goal of verifying the signatures. The verification process shall extend no more than thirty (30) days beyond the date the question to be considered has been presented to the Senate. At the end of the verification process or at the end of thirty days, the ASUW Elections Committee Chairperson shall report the results of the verification process to the Senate.
- v. The preferred forum of any such ballot measure shall be a regularly scheduled General Election of ASUW. In the instance that the feasibility of waiting until the next General Election does not exist, a special election may be called by a two-thirds (2/3) vote of the ASUW Senate, at the time of presentation of the question to the Senate. Failure to acquire the necessary votes will result in the measure automatically being relegated to the ballot of the next General Election.
  - a. Any special election shall be publicized by the ASUW Executive Staff by advertising the special election for at least two (2) weeks prior to the special election utilizing the executive advertising budget. The venues for such publication shall include the Branding Iron and the Student List serve. Any additional means of publicity shall be at the discretion of the Executive Branch. All such notifications must include the exact wording of the question as it will appear on the ballot.
- vi. The ASUW Executive Branch shall work to enact any such measure passed by a majority of the voting student body, so long as the measure is under the direct control of the ASUW Student Government. Any measure passed that is not under the direct control of the ASUW Student Government shall be the subject of a report by the ASUW President to the University Of Wyoming Board Of Trustees at their next meeting. In the case that such a question relates to off campus entities, the ASUW Executive Branch shall inform the appropriate body of the vote of the students.

Section 12. Senate Initiatives

The ASUW Senate may place any item of concern upon the ballot of a Special or General Election.

- A. Any such request shall come to Senate in the form of legislation.
- B. The exact language of the question to be considered shall be included as a part of the legislation, in the form of an addendum. All such questions shall be framed in a “yes or no” format.
- C. Legislation to place a question upon a ballot shall require a two-thirds (2/3) vote of the Senate.
- D. The preferred forum of any such ballot measure shall be a regularly scheduled General Election of ASUW. In the instance that the feasibility of waiting until the next General Election does not exist, a special election may be called by a two-thirds (2/3) vote of the ASUW Senate. If a special election is being called for, the legislation presenting the question to be considered shall reflect it. Failure to acquire the necessary votes will result in the measure automatically being relegated to the ballot of the next General Election.

- i. Any special election shall be publicized by the ASUW Executive Staff by advertising the special election for at least two (2) weeks prior to the special election utilizing the executive advertising budget. The venues for such publication shall include the Branding Iron and the Student List serve. Any additional means of publicity shall be at the discretion of the Executive Branch. All such notifications must include the exact wording of the question as it will appear on the ballot.
- E. The ASUW Executive Branch shall work to enact any such measure passed by a majority of the voting student body, so long as the measure is under the direct control of the ASUW Student Government. Any measure passed that is not under the direct control of the ASUW Student Government, but is relevant to the UW campus community, shall be the subject of a report by the ASUW President to the University of Wyoming board of Trustees at their next meeting. In the case that such a question relates to off campus entities, the ASUW Executive Branch shall inform the appropriate body of the vote of the students.

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 are responsible to make themselves aware of any other university regulations or policies that might affect their campaign.

Section 14. Disclosures

- A. Any person who is a candidate or official for ASUW shall have to file a disclosure form granting the ASUW Advisor permission to verify that a candidate or student government officer is not on Conduct Probation as assigned by the Assistant Dean of Students for Judicial Affairs or designee in the Dean of Students Office while running for office or while serving in office.
- B. No person shall be required to submit this form for any reason. However, if a candidate fails to submit the required disclosure form then such individual shall be barred from candidacy.