

**SENATE BILL #2778**



**TITLE:** Amending Article 5 of the ASUW By-Laws to Allow for an At-Large Senate Election

**DATE INTRODUCED:** January 24th, 2022

**AUTHORS:** President Swilling

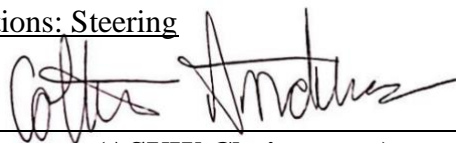
**SPONSORS:** Senators Castronovo, Ewalt, Laverell, Rhymes, and Smith

1. WHEREAS, the purpose of the Associated Students of the University of Wyoming (ASUW)
2. Student Government is to serve our fellow students in the best manner possible; and,
3. WHEREAS, in accordance with the principles of democratic governance, the ASUW
4. elects student representatives yearly to fill seats on the ASUW Senate; and,
5. WHEREAS, SB #2769 expressed and outlined the ASUW's plan to transition to an at-large
6. Senate election model; and,
7. WHEREAS, as it currently stands, Article 5 of the ASUW By-Laws is not set up to allow for
8. this to occur in the Spring 2022 elections.
9. THEREFORE, be it enacted that the Associated Students of the University of
10. Wyoming (ASUW) By-Laws be amended to reflect the changes outlined in Addendum A;
11. and,
12. THEREFORE, be it further enacted that these changes take effect immediately upon passage
13. of this legislation; and,
14. THEREFORE, be it further enacted that should the ballot referendum outlined in Addendum B
15. of SB #2769 fail to pass, this legislation shall be rendered null and void in its entirety.

**Referred to:** Advocacy, Diversity, and Policy: Elections: Steering

**Date of Passage:** February 1<sup>st</sup>, 2022

**Signed:**

  
(ASUW Chairperson)

**"Being enacted on** February 1<sup>st</sup>, 2022**, I do hereby sign my name hereto and**  
**approve this Senate action."** 

**ASUW President**

## Addendum A

### Article 5. Elections Policy

#### Section 5.01 ASUW Outreach, Programming, and Elections Committee

##### Responsibilities and Authorities

- A. The Elections Committee shall annually prescribe and disseminate to all official candidates in an ASUW Student Representative Elections the Elections Code. The Elections Code will include but is not limited to:
  - a. All election and associated dates will be determined by the Committee to fit the current academic calendar following the guidelines set forth in this article. Every effort shall be made to swear in the newly elected candidates on the first Monday in May, unless this date is not a business day, or in such cases where this date falls after the end of the Academic Year, or during finals week, in which case the Elections Committee shall modify the date to conform as closely as possible to this ideal.
  - b. Campaigning and publicity rules which shall be established by the Elections Committee.
  - c. Seat allocation will be calculated by the Committee with the help of the ASUW Advisor using the methods described by the Article 2, Section 2.02, Subsection 6 of the ASUW By-Laws and in Article VI, Section 1 of the ASUW Constitution. ~~The calculations and results of the seat allocation must be included in the Elections Code.~~
  - d. The ~~Elections Committee Outreach, Programming, and Elections~~ committee will be allowed to determine the amount of quantity of funds included in the candidate printing fund and they will determine the amount of money each candidate will be eligible for.
  - e. Any other information deemed relevant to elections by the same Committee.

##### 2. Composition

- A. The Chair of the ~~Elections Committee~~ Outreach, Programming, and Elections Committee cannot run for any position in a General Election they are overseeing.
  - a. Should the Chair of the Committee decide to run for a Senate position they can remain Chair with the approval of the ASUW Senate before the filing deadline. This approval will require a 4/5 vote of confidence by the Senate.
- B. No member of the Committee can run for President or Vice President in the ASUW Student Representative Elections.
- C. If a member of the Committee wishes to declare their candidacy for

President or Vice-President, they must resign as a member of the Committee in order to officially declare their candidacy before filing closes.

## Section 5.02 ASUW Advisor

### 1. Responsibility and Authority

- I. The ASUW Advisor can delegate any of their responsibilities within this Article to the Chair of the ~~Elections Committee-Outreach, Programming, and Elections Committee~~ to any members of the ASUW Business Office who are not running in the ASUW Election. If the ASUW Advisor position is vacant, the members of the ASUW Business Office will assume the responsibilities outlined for the ASUW Advisor.
- II. The ASUW Advisor along with the ~~Elections Committee-Outreach, Programming, and Elections~~ authorized to determine the software needed to count all ballots of the elections according to Instant-Runoff Voting for President and Vice President.
- III. The ASUW Advisor will be responsible for compiling the list of eligible voters prior to the opening of voting.
- IV. The ASUW Advisor shall ensure that no speech, advertisement, or any other related activity pertaining to the current election and its respective races occurs inside the ASUW Office or at official ASUW functions, other than those sponsored and conducted by the ~~Elections Committee-Outreach, Programming, and Elections Committee~~
- V. The ASUW Advisor will work in collaboration with the ~~Elections Committee-Outreach, Programming, and Elections Committee~~ to ensure that all candidates adhere to the Elections Code.
- VI. All votes will be counted, tabulated, and announced by the ASUW Advisor following the procedures outlined in Section 5.03 of this Article .
- VII. The ASUW Advisor will be responsible for hosting the candidate workshop to explain the elections rules on the date applications are due at a time and place to be announced by the ASUW Elections Committee.
- VIII. The ASUW Advisor will be responsible for enforcing any sanctions put on candidates by the Judicial Council.
- IX. Other responsibilities and authorities of the ASUW Advisor are outlined throughout this Article.

## Section 5.03 Criteria for General Elections

### 1. Definition:

- A. An ASUW Election shall be considered a General Election if it conforms to all of the following criteria: A general election must be initiated by the ASUW Senate with a two-thirds (2/3) vote in affirmation. Matters to be considered in a general election can be brought before the ASUW Senate by any student. Whereupon a general election is initiated, the Elections Committee shall be vested with both the power to determine when the election will be held and the

responsibility of coordinating the election.

- B. All University of Wyoming **fee-paying** students shall be able to vote.
  - C. Voting shall be open for a minimum of 72 hours, and the election shall be advertised for no less than 10 business days prior to taking place.
  - D. Pre-approval by the ASUW Advisor or, if vacant, a designee determined by the Dean of Students Office, after the Senate has initiated.
2. While there may be multiple general elections per academic year, if, for example, it is necessary to receive approval to amend the ASUW Constitution, an election in which candidate for the ASUW Senate, the ASUW President, and the ASUW Vice President shall be held only once per academic year. This shall be called the ASUW Student Representative Election. This is the only election in which these candidates may be elected.

#### Section 5.04 Process for ASUW Student Representative Elections

1. An ASUW Student Representative Election shall be defined as the election in which ASUW Senators, the ASUW President, and the ASUW Vice President are elected. An ASUW Student Representative Election is a type of general election, and thus ballot initiatives may also be voted on.
2. The remainder of this section outlines the process solely for a Student Representative Election, and shall not be construed so as to be binding on other elections that may take place.
3. Applications:
  - a. Applications will be created by the Elections Committee and monitored by the ASUW Advisor.
  - b. Applications will be made available to all ASUW Members no sooner than the start date of the spring semester as outline by the Office of Academic Affairs
  - c. The filing deadline for all applications will be no later than 4:30 p.m. on a date that is no less than three (3) weeks following the release of the applications.
  - d. All candidates who submit applications after the filing deadline will be considered write-in candidates.
  - e. All dates related to the applications will be decided by the Elections Committee and must be included in the Elections Code.
4. Candidate Workshop
  - a. The candidate workshop will be scheduled planned and hosted by the ASUW Advisor and will be used to explain the elections, process, rules, and dates to all candidates.
  - b. All candidates will be required to attend the candidate workshop. Candidates who are unable to attend the workshop must inform the ASUW Advisor prior to the workshop and will be required to attend a makeup session.
  - c. The candidate workshop will be held after the filing deadline on the same day.
5. Ballots

- a. The names listed on the ballot will include all qualified President and Vice President tickets and all qualified Senate candidates. The names of write-in candidates will not be included on the ballot.
- b. The ballot will include an appropriate photo and statement submitted by each candidate. The length of the candidate statements will be set by the Elections Committee and must be included in the Elections Code. Photos will be deemed appropriate at the discretion of the Elections Committee and the ASUW Advisor.
- c. The order of candidates on the ballots will be determined by a random drawing conducted by the ASUW Advisor as soon as possible.
- d. All voting will be conducted using electronic online ballots.
  - i. The use of alternative voting methods is permitted and will be development by the ASUW Advisor and the Elections Committee and use of such methods will be at the discretion of the ASUW Advisor.
- e. Should an initiative be included on the ballot it must follow the procedures outlined in Section 5.07.

6. Elections

- a. The elections will be held no less than four (4) weeks after the filing deadline and the elections end date must allow for at least one (1) regular senate meeting to be held before the spring semester finish date as outlined by the Office of the Registrar.
- b. The Elections Committee shall make an effort to provide a two (2) week transition period between administrations.

7. Results

- a. Voting results shall be tabulated by the ASUW Advisor using the method they deem most efficient and effective.
- b. No voting information shall be available until the ASUW Advisor has finished tabulating all ballots. With the approval of the ASUW Advisor the Elections Committee can publish current vote tallies up to twenty-four (24) hours before voting closes.
- c. The results of voting in each election shall be announced by the ASUW Advisor at a location chosen by the Election Committee with in (24) hours of when the elections results are available.
- d. Any write-in candidate or ticket who wins an election must fulfill the write-incandidate requirements outlined in Section 5.04, Subsection 3 and must abide by the campaign rules outline in Section 5.05.
- e. The order of replacement seats in the case of a resignation in the Senate shall be determined by reverse order of elimination from the election.

8. Financial Expense Reports:

- a. The Financial Expense Report Form will be provided by Elections Committee on the same date applications are made available.
- b. The Financial Expense Reports are an itemized statement of expenses incurred during a candidate's or ticket's campaign, and must include 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. Receipts for all expenditures must be attached to the expense statement. 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.
- c. The submission deadline for Financial Expense Reports shall be determined by the Elections Committee on a date that is at least three (3) days prior to the inauguration of the incoming administration.

## Section 5.05 Candidate Requirements

### 1. Senator Candidates

- A. A candidate for Senator must meet the following requirements:
  - a. They must be a full-time ASUW fee paying student and maintain this status.
  - b. They 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.
  - c. They must have completed no less than twenty-four (24) hours of university credit at the beginning of the academic year of their term of office as an undergraduate student, or eighteen (18) hours as a graduate or professional student.
  - d. They must have completed no less than twelve (12) of those hours at the University of Wyoming as an undergraduate student, or nine (9) hours as a graduate or professional student at the University of Wyoming.
  - e. They must submit an application by the required deadline (as outlined in Article 5, Section 5.01, Subsection 1, Clause A of these By-Laws) provided by the Elections Committee.
  - f. They cannot be a currently serving member of the ASUW Judicial Council. In the event that an individual who wishes to declare their candidacy for Senator and is currently serving as the ASUW Chief Justice or a Justice, they must resign as a member of the ASUW Judicial Council in order to officially declare their candidacy when filing closes.
- B. The ASUW Advisor will automatically verify that all candidates are not on Conduct Probation as assigned by the Assistant Dean of Students for Judicial Affairs or designee in the Dean of Students Office. If a candidate is on Conduct Probation, they will be ineligible for the election. All candidates for Senator will

run individually.

~~C. Senate candidates shall not be allowed to change the college for which they wish to run after the final filing date of their application. If Senate candidates wish to change colleges after the submission of their application, they shall be required to run as a write-in candidate for their respective new college.~~

2. President and Vice President Candidates

A. Both candidates on a ticket for ASUW President and Vice President must meet the following requirements:

- a. They must be a full-time ASUW fee paying student and maintain this status.
- b. They 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.
- c. They must submit an application by the required deadline (as outlined in Article 5, Section 5.01, Subsection 1, Clause A of these By-Laws) provided by the Elections Committee.
- d. They must have completed no less than sixty (60) hours of university credit by June 10 of the calendar year in which they were elected as an undergraduate student, or, as a graduate or professional student, they must have completed no less than eighteen (18) hours of university credit by June 10 of the calendar year in which they were elected.
- e. They must have completed no less than twenty-four (24) of those hours as an undergraduate student, or eighteen (18) hours as a graduate or professional student at the University of Wyoming.
- f. They cannot be a currently serving member of the ASUW Judicial Council or the ASUW ~~Elections Committee Outreach, Programming, and Elections Committee~~. In the event that an individual who wishes to declare their candidacy or is currently serving in one of these capacities, they must resign as a member of the ASUW Judicial Council or the ASUW Elections Committee in order to officially declare their candidacy when filing closes.
- g. The ASUW Advisor will automatically verify that all candidates are not on Conduct Probation as assigned by the Assistant Dean of Students for Judicial Affairs or designee in the Dean of Students Office. If a candidate is on Conduct Probation, they will be ineligible for the election.

B. Candidates for President and Vice President will run jointly on a combined ticket. 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.

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 Article 5, Section 5.01, Subsection 1, Clause A of these By-Laws) to run for Senate.

3. Write-in Candidates

- A. Write-in Candidates must fulfill the same candidate requirements as all other Senate and President and Vice President candidates.
- B. All candidates who submit applications after the filing deadline will be considered write-in candidates.
- C. If a write-in candidate would like to be eligible to campaign after they have submitted their application, they must notify the ASUW Elections Committee and the ASUW Advisor and must abide by all the rules outline in Section 5.05 Subsection 6 of this Article.
- D. After being notified of winning an election write-in candidates will be given seven  
(7) days to submit an application and financial expense report.

4. Candidate Responsibility Statement:

- A. In addition, to the requirements listed above candidates must agree to the Candidate Responsibility Statement which is as follows:
  - a. “I verify, that I am, to the best of my knowledge, qualified to run in the ASUW Elections. I have read all the rules governing the ASUW Elections, and understand I am responsible for abiding by these rules. I will conduct myself in a fair, democratic fashion, representative of the ASUW Student Government consistent with the ASUW Code of Ethics.”
- B. The Candidate Responsibility Statement should be included in the Elections Applications outlined in Section 5.03, Subsection 1 of this Article and all candidates must agree to the Candidate Responsibility Statement before the conclusion of the candidate workshop.

## Section 5.06 Campaign Rules

1. General Campaign Rules

- A. All candidates are responsible for abiding by understanding all the rules outlined by both the Elections Code and this Article.
- B. 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 date applications are due 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 the ASUW Advisor.
- C. No candidate will be eligible to begin campaigning until the Elections Committee has received the candidate’s application and the filing deadline has passed. Additional requirements can be added so long as they are included in

the in the Elections Code and the Elections Application.

- D. All campaign materials **worth \$5 or more** must include a disclaimer identifying the sponsor. The disclaimer must state either “paid for by” or “sponsored by.” Materials not bearing this statement are prohibited and subject to removal at the discretion of the Elections Committee and sanctions may be imposed by the Judicial Council.
- E. The use of the ASUW logo on campaign materials is prohibited. Exceptions to this rule can be defined by the Elections Committee and must be included in the Elections Code.
- F. No ASUW Merchandise can be used while campaigning including, but not limited to, name tags, padfolios, jackets, and polos.
- G. No campaign material shall be displayed or stored in the ASUW Office.
- H. There shall also be no active campaigning within 30 feet of these polling places on the dates of the elections. This includes, but is not limited to previously hung posters, spoken word campaigning and possession of campaign materials such as buttons, flyers, clothing, posters etc.
- I. Candidates must account for any costs incurred by the use of or acquisition of all campaign materials.
- J. It will be at the discretion of the Elections Committee to determine the definition of campaign materials should the issue arise.
- K. Rules for campaigning at meetings of the ASUW programs listed under Article 8, Section 8.01 of these By-Laws will be decided on and outlined in the Election Code.
- L. There shall be no disruptive campaigning in class, and this will be at the discretion of the presiding instructor.
- M. Candidates will be held responsible for making their associated supporters aware of all election rules.
- N. If any person is elected to more than one position in the election, that person must resign from all but one position before the inauguration per Article 4 Section 2 of the ASUW Constitution. Candidates running in multiple elections will be given the opportunity to designate their preferred position.

## 2. Physical Campaign Materials

- A. Physical campaign materials are, posters, banners, fliers, handouts and all other tangible materials used for a candidate’s campaign.
- B. All materials displayed must conform to the restrictions placed on them by the administrator of that area.
- C. Campaigns may use the services of Associated Students Technical Services (ASTECH); however, these fees must be reported on their campaign expense reports.
- D. There shall be no defacing or removal of another candidate’s campaign materials by a candidate or a candidate’s campaign staff.
- E. All candidates are responsible for removing all election materials by 10 a.m. on the Monday following the election.

## 3. Virtual Campaign Materials

- A. Virtual campaign materials will include, but are not limited to, social media, websites, and email. The Elections Committee will be allowed to define virtual campaigning should the issue arise.
  - B. All candidates are responsible for abiding by the Terms of Service for any social media site they are campaigning on.
  - C. All costs associated with the virtual campaigning must be included in the candidate's financial expense report and must comply with 5.04, Section 1, Clause D.
  - D. Candidates are allowed to share virtual posts from student organizations but must include a disclaimer clarifying their involvement with the Student Organization or event. This disclaimer could be as follows, "This event is not hosted or funded by the candidate".
  - E. Candidates are not allowed to share any posts that include the ASUW Logo except for post directly related to ASUW Elections in compliance with Subsection 1, Clause D of this Section.
  - F. No candidate may send campaign e-mails to more than fifty (50) UW e-mail accounts within a 24-hour period. Each email within a University list serves shall be counted, and third-party list serves are prohibited.
4. Financial Expense Reports
- A. All candidates must submit a completed and signed financial expense report using the financial expense report form provided by the Elections Committee even if no costs were incurred.
  - B. Candidates must submit their financial expense report to the ASUW Advisor by the submission deadline outlined in Section 5.03 Subsection 7 of this Article and any financial expense report submitted after the dead will be subject to review by the ASUW Judicial Council.
  - C. All candidates must submit a signed financial expense report.
    - a. President and Vice President tickets are required to submit one financial expense report for their campaign.
  - D. Separate signed expense statements must be submitted for each campaign if a candidate is running for a senate position, as well as on President and Vice President ticket.
  - E. Expense statements filed after the aforementioned deadline are subject to discretionary review and sanctions by the Judicial Council.
5. Endorsements
- A. For the purposes of the ASUW Elections there will be two classifications of endorsements, financial endorsements, and public endorsements.
  - B. Financial endorsements are all items or services that are donated to a candidate or ticket and All financial endorsements must be included in a candidate's or tickets financial expense report.
  - C. Should a Student Organization (SO) endorse a candidate or ticket which results in the waiver of ASTEC fees, this must be noted as a donation or financial endorsement in the financial expense report.

- D. Public endorsements are statements of support for a candidate or ticket by any individual, or group.
  - E. All Ex-Officio Members of the ASUW Senate will be allowed to endorse any candidate with the exception of ASUW Programs and Strategic Partners who will not be allowed to financially endorse any candidates.
  - F. Members of the ASUW ~~Elections Committee Outreach, Programming, and Elections Committees~~ not endorse any candidate.
    - a. Current Members of the ASUW Elections Committee allowed to be a candidate and are allowed to campaign for themselves or their ticket. However, their campaigning must not interfere with their official duties.
  - G. Members of the ASUW Executive Branch will not endorse any candidate.
    - a. Current ASUW Executives are allowed to be a candidate and are allowed to campaign for themselves or their ticket. However, their campaigning must not interfere with their official duties in ASUW.
6. Violations
- A. 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.
7. Write-in Candidates
- A. Write-in candidates are defined by Section 4, Subsection 3, Clause B of this Article.
  - B. Write in-candidates must follow all rules previously outlined in the Sections 1 through 6 of this Article and will be required to follow the additional rules outlined in this Section.
  - C. The names and information of specific write-in candidates will not be included on the Elections ballot or in any ASUW Elections marketing be between the filing deadline and the closure of voting.
  - D. Write-in candidates will not be eligible to participate in any ASUW Elections events as a candidate between the filing deadline and the closure of voting.
  - E. Write-in candidates will not be given access to funds or resources provided to candidates by the Elections Committee.

## Section 5.06 Complaints and Sanctions

1. Complaints
- A. All complaints must be submitted in writing to the Judicial Council. Verbal complaints will not be considered.
  - B. Each complaint will only be reviewed once. If one complaint is submitted by multiple people, the Judicial Council can combine the complaints.
  - C. The Judicial Council will review and decide on all complaints within ten (10) academic days of the submission of the complaint.
  - D. The Judicial Council may impose sanctions for all officially written complaints and violations.
  - E. The Judicial Council may also impose sanctions against the complainant

should the Judicial Council feel that the complainant has intentionally filed erroneous complaints.

- F. All appeals to the Judicial Council will follow the method prescribed in the ASUW By-Laws and the Rules and Procedures of the Judicial Council.

## 2. Sanctions

- A. 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.
- B. 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.
- C. If sanctions were imposed by the Judicial Council, appeals may be made following the method prescribed in the ASUW By-Laws and the Rules and Procedures of the Judicial Council.
- D. Sanctions may include, but are not limited to, ~~placing that candidates/tickets-name at the bottom of the ballot~~ reduction of the spending limit for that candidate, removal from the ballot, or disqualification from office.
- E. The ASUW Advisor will be responsible for enforcing all sanctions imposed by the Judicial Council.

## Section 5.08 Amendments and Suspension

### 1. Amendments

- A. No amendments or changes will be made to this Article two (2) weeks before the ASUW General Election.
- B. If any changes are made to this Article after the applications open for the ASUW General Election, the Elections Committee will be responsible for informing all the candidates of these changes.