



RESOLUTION No. 2013-14-12

AUTHORED BY: AS Executive Committee

REFERRED TO: AS COUNCIL

ACTION APPROVED: December 2, 2013

SUBJECT: An Act to Amend the Associated Students Constitution and Elections Code

BE IT ENACTED, by the Associated Students Council that the following amendments be made to the Associated Students Constitution and Election Code:

Forust Ercole,
AS President

Mark Teeter,
Legislative Vice President

The AS Elections Code works in support of the AS Constitution, providing additional direction to the AS Council and Staff for the day-to-day governance and operation of the organization.

ASSOCIATED STUDENTS OF HUMBOLDT STATE UNIVERSITY ELECTIONS CODE

ELECTIONS CODE INDEX

| | |
|-------------|--|
| SECTION 1) | Purpose & Authority |
| SECTION 2) | Amendments |
| SECTION 3) | Elections Commission Powers and Duties |
| SECTION 4) | Election Staff |
| SECTION 5) | Minimum Qualifications for Office Holders |
| SECTION 6) | General Elections - Filing for Candidacy |
| SECTION 7) | Write-In Candidates – Filing for Candidacy |
| SECTION 8) | General Elections - Performance Bond |
| SECTION 9) | General Elections - Withdrawal |
| SECTION 10) | Campaign Conduct and Responsibility - General Policies |
| SECTION 11) | Campaign Conduct and Responsibility - Publicity |
| SECTION 12) | Campaign Finances |
| SECTION 13) | General Elections and Run-off Elections |
| SECTION 14) | Special Elections |
| SECTION 15) | Ballot |
| SECTION 16) | Policies and Procedures on Elections Code Violations |
| SECTION 17) | Initiatives |
| SECTION 18) | Recalls |
| SECTION 19) | Constitution Enabling and Amendments |

ASSOCIATED STUDENTS OF HUMBOLDT STATE UNIVERSITY

ELECTIONS CODE

Section 1 Purpose and Authority

- 1.01 Pursuant to the requirements of Article X of the Constitution of the Associated Students of Humboldt State University, there shall be an Elections Commission established to handle all elections of the Associated Students. (12/11)
- 1.02 The purpose of this Code shall be to define and outline the procedures governing the Associated Students elections and the Elections Commission which will assure the broadest possible participation of students in the actual election process of this corporation and to insure fair elections. (12/11)
- 1.03 The Elections Code shall be administered by the Elections Commissioner. The Elections Commissioner shall be nominated by the AS President and approved by the AS Council. It will be the duty of the Elections Commission to enforce the Elections Code. The Elections Commissioner shall carry out procedures as set forth in the A.S. Constitution and the A.S. Code. (12/11)
- 1.04 All elections (~~excluding run-offs~~) must be held no sooner than three weeks into the semester and no later than two weeks prior to the end of the semester. Elections may only be held when regularly scheduled classes are in session. (12/11)
- 1.05 The results of the Associated Students elections shall be unofficial until ratified by the out-going A. S. Council at their last regularly scheduled A. S. Council meeting of the year. (12/11)

Section 2 Amendments

- 2.01 The Elections Code may be amended by a two-thirds (2/3) majority of A.S.Council. (12/11)

Section 3 Elections Commission Powers and Duties

- 3.01 The Elections Commission shall consist of the Elections Commissioner; three members appointed by the A.S. President and two members appointed by the Legislative Vice President. The A.S. General Manager, or designee, shall serve as an advisor to the Commission. (12/11)
- 3.02 No member of the Elections Commission shall be a candidate in the A.S. Elections. (12/11)

- 3.03 The Elections Commission shall maintain an impartial attitude towards the elections and the election issues. (12/11)
- 3.04 The Commission shall not campaign in any election nor publicly support any candidate or cause in any election they are administering. (12/11)
- 3.05 The Commissioner shall coordinate and direct all A.S. elections and shall encourage voter participation through legal and acceptable means. (12/11)
- 3.06 The Commissioner shall make information packets available to the candidates containing at a minimum: a copy of the Constitution, Elections Code, "HSU Executive Memorandum P13-01, Minimum Qualifications For Student Office Holders" dated January 2013, and existing publicity regulations. (4/13)
- 3.07 The Commissioner shall oversee coordination of the Voter's Guide. (12/11)
- 3.08 The Commissioner shall supervise placement of all required advertisements in the Lumberjack publicizing all available positions as well as the times, dates, and voting instructions for on-line voting. (12/11)
- 3.09 The Commissioner shall coordinate the candidate forums at times and places in such a manner to allow for maximum student participation. (12/11)
- 3.10 The Commissioner shall supervise the voting process and may require a campaign to temporarily cease an activity that affects the orderly voting process of the election until it can be resolved. (12/11)
- 3.11 The Commissioner shall immediately hear all infractions, quarrels, disputes and disagreements involving campaigns and elections and refer them as deemed necessary to the Elections Commission for a ruling. 12/11)
- 3.12 The Commissioner shall oversee the prompt and accurate posting of the unofficial results. (12/11)

Section 4

Election Staff

- 4.01 The Elections Commissioner shall be responsible for hiring and

training election workers. (12/11)

4.02 The election workers, volunteers, and employees on the election staff shall not campaign in any election. (12/11)

4.03 The Commissioner may remove any election worker, volunteer, or employee on election staff whose actions may improperly affect the outcome of the election. (12/11)

Section 5 Minimum Qualifications for Office Holders

5.01 Given the representative, fiduciary, legal, and other long-range policy-making responsibilities and influence of student office holders, it is the policy of the California State University (CSU) and HSU that student office holders have an obligation to demonstrate a reasonable degree of the academic involvement, achievement and progress for which HSU exists. (12/11)

5.02 The Associated Students of Humboldt State University shall follow the guidelines from the "HSU Executive Memorandum P13-01, Minimum Qualifications For Student Office Holders" dated January 2013". (4/13)

Section 6 General Elections - Filing for Candidacy

6.01 Candidates must appear in person to obtain nomination materials at the A.S. Business Office. Candidates must declare what Office they are running for when they obtain their materials. (12/11)

6.02 At the time nomination materials are filed, the Candidate shall also file a signed statement indicating candidates' understanding of the Constitution, Elections Code and other election materials of the Associated Students of Humboldt State University. Candidate shall also file a performance bond as described in Section 8, General Elections Performance Bond. (12/11)

6.03 Executive Officers shall file a Petition for Candidacy form signed by one-hundred and fifty (150) members of the Association. (12/11)

6.04 A.S. Council Representatives shall file a Petition for Candidacy form signed by fifty (50) members of the Association within the college he/she is representing. (12/11)

- 6.05 A.S. Graduate Student Representative shall file a Petition for Candidacy form signed by twenty (20) members of the Association within the graduate programs. (12/11)
- 6.06 A. S. At-Large Representatives shall file a Petition for Candidacy form signed by fifty (50) members of the Association. (12/11)
- 6.07 The period for filing Petitions for Candidacy forms will be from 8:00 a.m. not more than forty-two (42) calendar days prior to the first day of the regular elections through 5:00 p.m. not less than fourteen (14) calendar days prior to the first day of the regular elections. (12/11)
- 6.08 No candidate may file for more than one Office. (12/11)
- 6.09 Candidates for College Representatives must be declared within that major for at least the semester prior to filing for candidacy. Candidates for graduate student representative need not meet this requirement. (12/11)
- 6.10 Candidates for At-Large Representatives must be a registered student for at least the semester prior to filing for candidacy and may be of any major or undeclared. (12/11)
- 6.11 If a student is elected as a representative from a particular major and, during his/her term of office, the student elects to change his/her major to one that lies within a different college, then that representative's position on the A.S. Council shall be declared vacant. (12/11)
- 6.12 There shall be a candidates' orientation meeting called by the Elections Commissioner within two (2) instructional days following the close of the filing period. (12/11)
- 6.13 All candidates must attend the mandatory candidates' orientation meeting. At the conclusion of the orientation meeting, the candidate shall sign a statement that he/she has read and fully understands all provisions of the Elections Code materials issued with the nomination materials, and confirm his/her intentions to run. (12/11)
- 6.14 Under unusual circumstances candidates may request an alternative meeting time with the Elections Commissioner. A

request must be submitted in writing at least 24 hours in advance of the mandatory meeting. (12/11)

6.15 Candidates who fail to appear for the meeting or properly submit a request for an alternative meeting will be automatically disqualified from the election unless extreme extenuating circumstance for failure to attend can be documented by the candidate as determined by the Elections Commission. (12/11)

6.16 Coalitions must be recognized as temporary political organizations at the time of filing Petitions for Candidacy form. A standard form is available in the A.S. Office. Coalitions must have a minimum of four candidates in the election. Any group of four or more candidates campaigning as a group is to be considered a coalition and must register. (12/11)

Section 7 Write-in Candidates-Filing for Candidacy

7.01 All persons conducting a "write-in" campaign shall file completed nomination materials ~~(including candidate statement in case of a run-off)~~ by 5 p.m. on the Friday before the General Election. (12/11)

7.02 At the time nomination materials are filed, the "write-in" candidate shall also file a signed statement indicating candidate's understanding of the Constitution, Elections Code and other election materials of the Associated Students of Humboldt State University. Candidate shall also file a performance bond as described in Section 8, General Elections Performance Bond. (12/11)

7.03 The Elections Commissioner shall certify that the candidate meets the minimum qualifications for that office. All sections of the Constitution and the Code shall apply to write-in candidates. (12/11)

7.04 The "write-in" candidates name shall not appear on the ballot. (12/11)

7.05 A "write-in" vote for a candidate who has not filed a write-in campaign intent petition shall be invalidated. (12/11)

7.06 ~~No "write-in" candidates shall be eligible to run in a run-off election unless they have qualified thru the general election~~

process. (12/11)

7.07 ~~A “write-in” candidate from the General Election who qualifies for a run-off election shall have their name appear on the run-off election ballot along with their candidate statement submitted with their nomination materials. (12/11)~~

Section 8 General Elections - Performance Bond

8.01 A performance bond of fifteen (\$15) for each candidate shall be required. This bond must be paid at the A.S. Business Office at the time of filing (turning in materials). (12/11)

8.02 The performance bond is a security deposit which the candidates place on account in the Associated Students to ensure that candidates follow all University and Associated Students rules and regulations which directly or indirectly apply to Associated Students elections. (12/11)

8.03 If at any time during the elections a candidate forfeits any portion of the bond, a candidate must file a subsequent bond equal to the amount of the original bond within 24 hours; failure to comply will result in forfeiture of bond deposit. (12/11)

8.04 The performance bond of a candidate may be refunded after an A.S. election upon the recommendation of the Elections Commissioner. (12/11)

Section 9 General Elections - Withdrawal

9.01 All qualified candidates who choose not to participate in the General Elections shall notify the Elections Commissioner in writing. Failure to do so shall result in the forfeiture of the entire performance bond. (12/11)

Section 10 Campaign Conduct and Responsibility - General Policies

10.01 Campaigning shall not begin until after the nomination materials are available. (12/11)

10.02 Candidates may not begin campaigning until after the time he/she files nomination materials in person. (12/11)

10.03 Campaigning shall be defined as posting or distribution of campaign material. Campaign material is defined as anything distributed or posted that seeks to influence the vote of any student. Campaigning shall also be defined as any material

distributed electronically. (12/11)

- 10.04 Campaign materials may be removed only by the candidate, his/her designated representative, or the Elections Commission. Campaigners may not destroy or remove other campaign materials. Complaints of violations of destroying or removing campaign material will be referred to the Elections Commissioner. (12/11)
- 10.05 Candidates are responsible for the actions of their campaign committee, whether authorized by the candidate or not. For the purpose of the election, campaign committee shall be defined as persons actively campaigning for the candidate, whether authorized directly or indirectly by the candidate. (12/11)
- 10.06 No candidate, nor persons campaigning for the candidate, shall physically approach a voter with an electronic voting capable device in an attempt to encourage them to vote (e.g. smart phone, Ipad, laptop computer, PDA's, etc.) Candidates found participating in such activities will be subject to sanctions as outlined in Section 16 by the Elections Commission. (12/11)
- 10.07 No support may be solicited for candidates or special issues from faculty, staff, administration, or non-student employees of the University. This does not prohibit asking permission to speak in front of class. (12/11)
- 10.08 University staff shall not coerce, manipulate, or attempt to influence students in the voting process. This also includes referendums, initiatives, recalls, and amendments to the Constitution. (12/11)
- 10.09 Associated Students funded programs may not expend A.S. funds to endorse a candidate (including coalitions) or engage in an activity that is beneficial or detrimental to any candidate. Use of Associated Students funds for these purposes is prohibited. (12/11)
- 10.10 Associated Students funds shall not be used to endorse referenda, initiatives, or recalls during the elections. (12/11)
- 10.11 Associated Students funded organizations are prohibited from endorsing candidates, coalitions or recalls during the elections (this does not include University recognized Clubs). (12/11)

- Section 11**
- Campaign Conduct and Responsibility - Publicity**
- 11.01 The Commission will advise candidates on current rules upon receipt of nomination materials and at the mandatory candidates' orientation meeting. (12/11)
- 11.02 The University Posting Policy, including Housing and Dining, must be followed when posting campaign materials. (12/11)
- 11.03 Candidates campaign materials shall not be placed in a way that they block any portion of signs placed by the Associated Students Elections Commission advertising the elections. At least a two-foot distance between AS elections materials and candidate materials, with the exception of bulletin boards, must be maintained. See Section 11.02 for appropriate placement of campaign materials. (12/11)
- 11.04 All campaign materials, etc. must be removed within forty-eight (48) hours after the close of the elections or the performance bond is forfeited. (12/11)
- 11.05 A candidate may use all official HSU media in his/her campaign. Media shall be defined as a publication or broadcast that does not exist for the sole support of a candidate's campaign. (12/11)
- 11.06 Publicity in violation of any HSU regulations will be removed by the Elections Commission. (12/11)
- Section 12**
- Campaign Finances**
- 12.01 Each candidate will file with the Elections Commissioner a statement of finance related to their elections efforts. (12/11)
- 12.02 The campaign expenses per individual candidate for any executive office shall not exceed \$300.00. The campaign expenses per individual candidate for representative position shall not exceed \$150.00. (12/11)
- 12.03 ~~In case of a run-off election, candidates for Executive Office and Representative shall be allowed to spend 1/2 (one half) the maximum amount of money designated to that candidate's position. There will be no carry-over regarding the limitations on expenditures. (12/11)~~
- 12.04 If a candidate is a member of a coalition, his/her individual

expenditures limitation shall be one-half the amount stated in Section 12.02. Campaign funds may be jointly pooled by coalition members. (12/11)

12.05 Campaign expenses shall be defined as the retail value of all materials and/or services purchased by the candidate himself/herself. No funds or materials contributed by outside persons shall be excluded from this total. (12/11)

12.06 All candidates (including coalitions) must turn in a statement to the Commissioner listing all expenses and donations. Donated material will be reported at fair market value for the items or services. (12/11)

12.07 Expense reports will be due by 4:45 p.m. on the Friday following the last day of ~~general and run-off~~ the election. Failure to file a statement will result in the forfeiture of a maximum of one-half (1/2) of the candidate's performance bond. Failure to file statement of finance within seven (7) days of the initial filing deadline will result in the forfeiture of the remainder of the performance bond. Subsequent failure to submit a financial statement will result in the Elections Commissioner having the option to take action as prescribed Section 16 of this Code. (12/11)

Section 13

General Elections and Run-off Elections

13.01

As per Article X of the Associated Student Constitution, Council Representatives shall be elected on a plurality basis. Executive Officers must receive a majority of the ballots cast for that office. ~~In the event of a tie, or if a candidate for Executive Office fails to receive the required majority, a run-off election shall be held for the two candidates with the highest vote total.~~ The Associated Students shall use the method of Ranked Choice Voting to establish the plurality necessary to elect Council Representatives and majority necessary to elect Executive Officers. (12/11)

13.02 An election to select Association Executive Officers and Council Representative shall be held annually at a time specified by the A. S. Council during Spring semester. (12/11)

13.03 The voting period shall be Tuesday, Wednesday, and Thursday for each general election ~~and Wednesday and Thursday for each run-off election.~~ (12/11)

- 13.04 Dates for the general elections shall be recommended by the Elections Commission with the approval of the Associated Students Council. It is recommended that the general elections be held no later than four (4) weeks prior to the end of the Spring semester. ~~Run-off elections shall be held within five (5) instructional days after the general election.~~ (12/11)
- 13.05 ~~General and run-off elections voting~~ Ballots shall be accessed take place on-line via the Humboldt State University web page or through official HSU e-mail. (12/11)
- 13.06 Hours of voting shall be from 12:00 a.m. on the first day of voting thru 11:59 p.m. on the final day of voting. (12/11)
- 13.07 All regularly matriculated students of the Association are eligible to vote in all student body elections. (12/11)
- 13.08 ~~Each member of the Association shall vote for no more than one candidate for each office~~ The Association shall use Ranked Choice Voting to elect candidates for each office. (12/11)
- 13.09 Members of the Association shall vote for candidate(s) for representatives of the college in which that member is enrolled. Graduate student members shall also vote for a graduate student representative candidate. All members of the Association may vote for the At-Large representative candidates. (12/11)
- 13.10 In the case of persons with more than one major, the person shall have the right to choose from amongst colleges in which that person is enrolled to vote for college representative candidate(s). (12/11)
- 13.11 If there is no candidate for an A. S. Council Office in an election, the vacancy shall be filled by an individual nominated by the President and approved by a two-thirds (2/3) vote of the newly elected Council. To be eligible for appointment to any vacant office, the candidate must meet the same qualifications as set forth in the Elections Code. (12/11)
- 13.12 All executive officers and representatives shall assume office at the last regularly scheduled A. S. Council meeting of the Academic year. (12/11)

Section 14**Special Elections**

- 14.01 A Special Election shall be defined as an election that occurs outside of the General Election for the purposes of an Initiative, Recall, or Constitutional Amendment. (12/11)
- 14.02 Special Elections may be called as outlined in Article V or Article XI and XII of the Associated Students Constitution. (12/11)
- 14.03 In the absence of an Elections Commissioner for a Special Election, the Legislative Vice President shall serve as an Interim Elections Commissioner. (12/11)
- 14.04 Special Elections will only be held as needed. They will be held during a general election whenever possible. (12/11)
- 14.05 A Special Election shall be conducted in the same manner as a general election as outlined in this Elections Code. (12/11)
- 14.06 The voting period shall be Wednesday and Thursday for each Special Election. (12/11)
- 14.07 The Elections Commissioner will make available copies of the voter pamphlet and ballot and information regarding the dates, times, and voting instructions for on-line voting to students and published in the Lumberjack Newspaper prior to the elections. (12/11)

Section XX**Ranked Choice Voting Policies and Procedures**

- XX.01 The ballot shall allow voters to rank candidates in order of preference equal to the total number of candidates for each office. The ballot shall not interfere with a voter's ability to cast a vote for a qualified write-in candidate.
- XX.02 If an Executive candidate receives a majority (50%+1) of the first choices, that candidate shall be declared elected. If no candidate receives a majority, the candidate who received the fewest first choices shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate on that voter's ballot. This process of eliminating candidates and transferring their votes to the next ranked continuing candidates shall be repeated until a candidate receives a majority of the votes from the continuing ballots.

- XX.03 Council representative positions shall be elected by ranked choice voting. The candidate who received the fewest first choices shall be eliminated and each vote cast for the candidate shall be transferred to the next ranked candidate on that voter's ballot. This process of eliminating candidates and transferring their votes to the next ranked continuing candidates shall be repeated until the number of continuing candidates is equal to the number of vacant seats.
- XX.04 *In the event of a tie the candidate, from among those tied, with fewest first choices is eliminated. If this cannot break the tie, then the candidate with the fewest second choices is eliminated. If a candidate cannot be eliminated by evaluating the second rank subsequent ranks shall be used.*
- XX.05 In the first or any round, in the event that any ballot reaches a ranking with no candidate indicated, that ballot shall immediately be advanced to the net ranking.
- XX.06 After each round any ballot that is not continuing is an undervote, overvote, or exhausted ballot, as follows: Any ballot that has no candidate indicated at any ranking shall be declared an "undervote." In the event that any ballot reaches a ranking with more than one candidate indicated, that ballot shall immediately be declared an "overvote." In the event that any ballot cannot be advanced because no further candidates are ranked on that ballot, that ballot shall be declared "exhausted." Any ballot that has been declared an undervote, overvote, or exhausted shall remain so and shall not count towards any candidate in that round or in subsequent rounds.
- XX.07 A voter shall not be required to rank all candidates on a ballot.
- XX.08 Each time a candidate is eliminated it is consider to be a round.

Section 15

Ballot

- 15.01 A sample ballot must be printed in the campus newspaper no later than the issue immediately preceding the general, run-off or special election. (12/11)
- 15.02 A sample ballot must be printed in the campus newspaper at least thirty days prior to the election if it includes a student fee referendum. (12/11)

- 15.03 Each Spring semester candidates from the University Center (UC) Board of Directors will be placed on the A.S. Elections ballot. The UC is responsible for submitting candidates materials to the Elections Commission immediately following the AS filing deadline for inclusion in the Voter's Guide and on the A.S. Ballot. (12/11)

Section 16 Policies and Procedures Regarding Elections Code Violations

- 16.01 The Elections Commissioner shall be empowered to call special meetings of the Elections Commission in accordance with the Gloria Romero Open Meeting Act of 2000 in order to review alleged elections code violations. (12/11)
- 16.02 All complaints of violations of the Elections Code must be presented, in writing, to the Election Commissioner. Those making the complaints against candidates must be able to present proof at a meeting of the Elections Commission. (12/11)
- 16.03 The complaint must be signed and have contact information. Anonymous complaints will not be considered. (12/11)
- 16.04 Complaints must be submitted to the Elections Commissioner by 11:59 p.m. (via e-mail after 5:00 p.m.) the last day of voting. (12/11)
- 16.05 The Elections Commissioner may make an effort to resolve any and all complaints or disputes informally. (12/11)
- 16.06 Failing informal solution, the Elections Commission must make a ruling upon a complaint within two (2) instructional days of the submission of the complaint. (12/11)
- 16.07 Complaints must be proven at a special meeting of the Elections Commission, with the burden of proof being on the complainant. (12/11)
- 16.08 A quorum of the Elections Commission shall be a simple majority of the filled voting seats. (12/11)
- 16.09 A simple majority vote of Elections Commission members present shall be required for a complaint of a violation to be upheld. (12/11)

16.10 If a candidate has been proven to have violated any provision of this election code, the Elections Commission will determine the penalty. Violations could result in, but not limited to, any or all of the following actions: formal written warning; formal public letter of reprimand; forfeiture of all or part of a performance bond; limitation of ability to campaign; disqualification of candidacy; declaring the elections null and void. Disqualification is a last resort; other disciplinary action should be considered first. (12/11)

16.11 A simple majority vote of Elections Commission members present shall be required for approval of the recommended penalty to be upheld except as noted below. (12/11)

16.12 A two-thirds (2/3) vote of Elections Commission members present may disqualify a candidate or invalidate all or any portion of an election within its jurisdiction when a hearing by the Election Commission has shown that sufficient evidence exists that violations of the Election Code may have significantly affected the outcome of the election. (12/11)

16.13 Decisions of the Elections Commission regarding "Policies and Procedures Regarding Elections Code Violations" shall constitute the final authority of the Associated Students. (12/11)

16.14 The results of the Associated Students elections shall be unofficial until ratified by the out-going A. S. Council at their last regularly scheduled A. S. Council meeting of the year. (12/11)

Section 17 Initiatives

17.01 For the purposes of Associated Students elections, initiatives are defined as questions placed on the ballot regarding legislative acts, student fee referendums, or appropriations. (12/11)

17.02 As outlined under the powers and duties of the Executive Officers and A.S. Council Representatives, the A.S. Council can initiate measures for the ballot. (12/11)

17.03 The Association membership shall also have the power to initiate legislation by means of a written petition, which has been signed by ten percent (10%) of the current members of the Association. (12/11)

- 17.04 Initiatives to be qualified by the petition process shall be submitted to the Associated Students Elections Commissioner prior to collection of signatures. Within five (5) instructional days the Elections Commissioner shall provide the sponsor(s) of the initiative the petition format for signature collection and the minimum number of signatures to be collected to meet the 10% minimum. The Elections Commissioner shall work with the Vice President of Enrollment Management and Student Affairs to determine this number. (12/11)
- 17.05 Collection of signatures shall be completed within fifteen (15) instructional days after petition format is provided. (12/11)
- 17.06 Petitions will be verified by the Elections Commissioner. (12/11)
- 17.07 The Elections Commissioner shall render a decision in writing within five instructional days after a petition has been filed. (12/11)
- 17.08 When such petition is certified as legal, the A. S. Council shall call a special election or determine such vote shall be held in conjunction with the General Election as allowed for in Section 17.09 below. (12/11)
- 17.09 All initiatives shall be brought before the electorate no less than fifteen (15) instructional days and no more than thirty (30) instructional days after the date such petition was certified as legal. (12/11)
- 17.10 For passage, the legislation must receive a majority of those voting on the issue. (12/11)
- 17.11 Any initiative passed shall override any legislative acts or appropriations. (12/11)
- 17.12 All alterations to the Associated Students fee shall follow all guidelines set forth in the California Education Code and the California Code of Regulations, Title 5 and any policy adopted by the CSU Trustees, University President and the Associated Students of HSU. A referendum is required before adjusting the Associated Students fee as per Education Code Section 89300. (12/11)

- 17.13 Constitutional Amendments that are placed on the ballot shall be approved by two-thirds (2/3) of the total votes cast on the issue. (12/11)

Section 18 Recalls

- 18.01 For the purposes of Associated Students Elections, Recalls are defined as questions placed on the ballot that would remove a member from the Associated Students Council that is answered in the affirmative or negative. (12/11)
- 18.02 Any elected officer or representative of the Association may be subject to recall by a petition containing a specific statement of the reasons for the proposed removal. (12/11)
- 18.03 Such petition must be signed by at least ten (10%) percent of the membership of the Association which that officer represents, and then presented to the Elections Commission. (12/11)
- 18.04 Recall(s) to be qualified by the petition process shall be submitted to the Associated Students Elections Commissioner prior to collection of signatures. Within five (5) instructional days, the Elections Commissioner shall provide the sponsor(s) of the recall the petition format for signature collection and the minimum number of signatures to be collected to meet the 10% minimum within. The Elections Commissioner shall work with the Vice President of Enrollment Management and Student Affairs to determine this number. (12/11)
- 18.05 Collections of signatures shall be completed within fifteen (15) instructional days after the petition format is provided. (12/11)
- 18.06 Petitions will be verified by the Elections Commissioner. (12/11)
- 18.07 The Elections Commissioner shall render a decision in writing within five (5) instructional days after a petition has been filed. (12/11)
- 18.08 All recalls shall be brought before the electorate no less than fifteen (15) instructional days and no more than thirty (30) instructional days after the date such petition was certified as legal by the Elections Commissioner. (12/11)
- 18.09 The person(s) subject to recall may request the Legislative Vice-President to call a special meeting, in compliance with Open

Meeting Law, of the Association within five (5) days of the date that the recall election has been called scheduled to be brought before the electorate. At said meeting, the officer shall be allowed to speak in his/her own defense. (12/11)

18.10 If two-thirds (2/3) votes are cast for recall, the officer shall be removed from office. (12/11)

Section 19 Constitution Enabling and Amendments

19.01 Enabling and amendments to the Constitution shall be administered as per Article XIII of the A.S. Constitution. (12/11)

**HUMBOLDT STATE UNIVERSITY
ASSOCIATED STUDENTS
CONSTITUTION
(Revised, 2013)**

PREAMBLE

Having opinions to be represented, rights to be protected and needs to be administered, we, the members of the Associated Students of Humboldt State University, at Arcata, California, do hereby ordain and establish this Constitution.

PREFACE

We, the leaders of the Associated Student Body of Humboldt State University, shall uphold the responsibility that has been vested in us.

1. As Student Representatives We Shall: consider the opinions and needs of our immediate constituency, the Students, prior to our taking any action on their behalf.
2. As Student Advocates We Shall: be vocal on issues that protect and increase student rights; create opportunities to increase the student perspective in the University decision making process; actively seek institutional changes that serve to enhance the student environment; and uphold and protect the integrity of the student body association, and,
3. As Fiscal Officers We Shall: allocate Associated Student Body fees in accordance with the A.S. Mission Statement.

ARTICLE I

Name, Mission and Purpose, and Membership

Section A: Name

The name of this corporation shall be the Associated Students of Humboldt State University, hereinafter referred to as the "Association".

Section B: Mission and Purpose

The Associated Students of Humboldt State University is a recognized non-profit corporation and an auxiliary of Humboldt State University. The specific purpose of this corporation is to provide a means for responsible and effective participation in the governance of the campus; provide an official voice through which students' opinions may be expressed; foster awareness of these opinions both on and off campus; assist in the protection of the rights and interests of the individual student and the student body; provide services and programs as deemed necessary by the corporation to meet the needs of the student and campus

community; and to stimulate the educational, social, physical, and cultural well-being of the University community.

The Associated Students' services and programs shall be established for the purpose of providing essential activities closely related to, but not normally included as a part of the institutional educational program.

Section C: Membership

Any person duly registered as a student of Humboldt State University, and who has paid the required membership fee shall be a member of the Association.

ARTICLE II
Definition of the Term "Officer", Officer Liability,
Vacancies and Succession

Section A: Definition of the Term "Officer"

An officer shall be any office holder elected by the Association membership and/or approved by the Associated Students Council, hereinafter referred to as the A.S. Council.

Section B: Officer Liability

Any officer of the Association who violates the Association Constitution or Code may, after due process, be subject to one of the following sanctions:

1. Censure: A verbal warning/reprimand expressing disapproval of the actions of the officer concerned.
2. Probation: Placing the officer in question under the scrutiny of the A.S. Council and warning the officer that further misconduct may result in suspension or removal. The officer will retain his/her voting and participation rights. The term of probation to be set by the A.S. Council in each particular case.
3. Suspension: Removal from office for a period of time to be set in each case.
4. Expulsion: Permanent removal from office.

Section C: Vacancies and Succession

1. Vacancy: Should a vacancy occur in any elected office other than the Presidency, the President shall appoint, with the approval of the A.S. Council. All approved appointments shall terminate at the end of the vacant seat's term.
2. Succession: Should a vacancy occur in the Presidency, the Administrative Vice President shall succeed to the office. Should the Presidency and the Administrative Vice Presidency be simultaneously vacant, the Legislative

Vice President shall appoint replacements to assume the duties of those offices. These appointments shall be approved by the A.S. Council.

ARTICLE III: Composition of the AS Council

Section A: AS Council

The AS Council shall be the sole governing body of the Associated Students.

Section B: Composition of the AS Council

Voting members of the AS Council shall be the Executive Officers and Representatives as determined below:

1. Voting Members:

- a. President,
- b. Administrative Vice President,
- c. Legislative Vice President,
- d. Student Affairs Vice President,
- e. Three (3) college-specific representatives from each college,
- f. Two (2) at-large representatives, and
- g. One (1) graduate student representative,
- h. There are a total of 16 directors of the AS Council.

Section C: Council Advisors

1. Nonvoting Advisors shall consist of:

- a. General Manager of the Associated Students
- b. Vice President of Enrollment Management and Student Affairs
- c. External Affairs Representative
- d. AS Presents Representative
- e. Elections Commissioner

ARTICLE IV: Executive Officers

Section A: The Executive Officers of the Council shall be the:

1. President
2. Administrative Vice President
3. Legislative Vice President
4. Student Affairs Vice President.

Section B: Powers and Duties of the Executive Officers

1. President: The President shall be the chief executive officer of the Association elected by the Association membership.

- a. Serves as the official representative of the Association.
 - b. May propose legislation to the A.S. Council.
 - c. Chairs the Executive Committee.
 - d. Makes appointments to committees and boards for the Association with the consent of the A.S. Council by a 2/3 vote.
 - e. Serves as a member of the AS Council.
 - f. Vote on actions or decisions taken by the AS Council.
2. Legislative Vice President: The Legislative Vice President shall be the chief legislative assistant to the President.
 - a. The Legislative Vice President shall chair the A.S. Council and may vote on actions or decisions taken by the AS Council when such a vote will affect the outcome.
 - b. The Legislative Vice President shall be responsible to receive information from Associated Students committee appointments.
 - c. The Legislative Vice President shall be responsible for the maintenance of and adherence to the Associated Students Code.
 - d. The Legislative Vice President shall sit on the Executive Committee.
 - e. Makes appointments to committees and boards for the Association with the consent of the A.S. Council by a 2/3 vote.
 - f. Serves as a member of the AS Council.
 2. Administrative Vice President: The Administrative Vice President shall be the chief financial assistant to the President.
 - a. The Administrative Vice President shall chair the Board of Finance.
 - b. The Administrative Vice President shall be the chief fiscal advisor to the President and the A.S. Council.
 - c. The Administrative Vice President shall assume the duties of the President during the President's absence.
 - d. The Administrative Vice President shall sit on the Executive Committee.
 - e. Makes appointments to committees and boards for the Association with the consent of the A.S. Council by a 2/3 vote.
 - f. Serves as a member of the AS Council.
 - g. Vote on actions or decisions taken by the AS Council.
 3. Student Affairs Vice President: The Student Affairs Vice President shall be the chief advisor on student affairs to the President.
 - a. The Student Affairs Vice President shall chair the Associated Students Student Affairs Committee.
 - b. The Student Affairs Vice President shall sit on the University Center Board of Directors.
 - c. The Student Affairs Vice President shall sit on the Student Affairs Directors Committee.
 - d. The Student Affairs Vice President shall sit on the Executive Committee.

- e. Makes appointments to committees and boards for the Association with the consent of the A.S. Council by a 2/3 vote.
- f. Serves as a member of the AS Council.
- g. Vote on actions or decisions taken by the AS Council.

ARTICLE V

Representatives

Section A: The Associated Students Council (A.S. Council) representatives shall be elected by the Association membership.

Section B: Membership: Membership on the A.S. Council shall consist of college-specific representatives, two at-large representatives and one graduate student representative.

Section C: Powers and Duties of the Associated Students Council:

1. To formulate the Association's Rules, Regulations and Policies, as detailed in the Associated Students Code and other policy papers.
2. Vote on actions or decisions taken by the AS Council.
3. To make appropriations from the treasury of the Association.
4. To approve standing rules of the Council and meeting calendar.
5. To establish the amount of the Association's membership fee with the approval of its membership voting on this issue in an election.
6. To impeach any officer of the Association.
7. To call special elections.
8. To place legislative initiatives on the ballot by majority vote.
9. To elect a Vice Chair from its membership.
10. To maintain written records of the A.S. Council proceedings which shall be posted for the benefit of the members of the Association.
11. To promote the use and development of programs funded by the Association.
12. To approve the annual budget.
13. To monitor and evaluate budgets of and services offered by the organizations funded by the Association.

14. To approve Executive Officer appointments by a 2/3 vote.
15. To create committees and ad-hoc committees, and to empower those committees to accomplish goals set by the Council.
16. To ratify the results of the Associated Students Elections.

Section D: Chair of the Associated Students Council

1. The presiding officer of the A.S. Council shall be the Legislative Vice President.
1. Powers and Duties of the Chair:
 - a. Calls and presides at meetings of the A.S. Council.
 - b. May vote on actions or decisions taken by the AS Council when such a vote will affect the outcome.
 - c. Nominates 2 members of the Council to be seated on the Associated Students Board of Finance.

**ARTICLE VI
Term of Office**

Section A: All executive officer and representatives shall be elected during the Spring Semester, shall assume office at the last regularly scheduled A.S. Council meeting of the Academic year, and shall serve until the last regularly scheduled A.S. Council meeting of the following year

**ARTICLE VII
Meetings**

Section A: The Associated Students of Humboldt State University shall conduct its business in public meetings in accordance with the Gloria Romero Open Meetings Act of 2000. All meetings of the A.S. Council shall be open and public, and all persons shall be permitted to attend any meeting of the A.S. Council, except as provided in the Gloria Romero Open Meeting Act of 2000. (AB 1837, Romero. California State University: Student body organizations: Gloria Romero Open Meetings Act of 2000.)

Section B: Meetings shall be conducted as outlined in Government Code, Section 10.

Section C: The AS Council shall annually establish with its Standing Rules the date, time and locations for holding regular meetings.

**ARTICLE VIII
Budget**

Section A: Board of Finance

The sole responsibility for presenting the A.S. Council with a preliminary budget shall reside with the Board of Finance.

Section B: Membership

The Board of Finance shall consist of the Administrative Vice President, who shall act as the presiding officer; the President of the Association; a member of the Association, appointed by the President; two members of the A.S. Council, appointed by the Legislative Vice President; and the General Manager of the Association (Advisor).

Section C: Procedure in the Formulation of the Budget

1. The Board of Finance shall require each program to submit a budget request.
2. The Board of Finance shall hold public hearings of programs identified by the Board of Finance. The program shall be notified of the date, time, and place of said hearing.
3. The Board of Finance shall submit a preliminary budget to the A.S. Council at least one month prior to the last regularly scheduled A.S. Council meeting of the academic year.
4. The A.S. Council shall approve a final budget no later than the next to last regularly scheduled meeting of the academic year.
5. The final budget shall be submitted to the President of the University for review and approval.

ARTICLE IX.

Associated Students General Manager

Section A: General Manager

1. The A. S. Council will arrange for the services of a General Manager who will be responsible to the Associated Students President for the daily operations of the Association.
2. Contracts: All contracts entered into between the Association and any firm, organization, or person shall be signed by the General Manager and the director, sponsor, or manager of the activity which is the subject matter of the contract.
3. The General Manger shall be responsible for the Association's activities during the summer recess. Any monetary or policy decisions that greatly affect the Association may necessitate consultation with the Associated Students Executive Committee.

4. Others: The General Manager may employ such persons as are deemed necessary for the conduct of the Association's affairs.

ARTICLE X.

Elections, Elections Commission and Elections Procedures

Section A: Elections

There shall be one regular Association election during the academic year.

Section B: Elections Commission

An Elections Commission shall be appointed to ensure elections conducted by the Association are fair and are operated within the rules established by the A.S. Council, as detailed in the Associated Students Elections Code. Three members of the Commission shall be appointed by the Associated Students President and two members shall be appointed by the Legislative Vice President.

Section C: Elections Procedures:

1. Nominations:
 - a. Executive Officers shall be nominated by petitions signed by one-hundred and fifty (150) members of the Association.
 - b. A.S. college-specific representatives shall be nominated by petitions signed by fifty (50) members of the Association within the college he/she is representing.
 - c. The A.S. At-Large representatives shall be nominated by petition signed by fifty (50) members of the Association.
 - d. Graduate Student representatives shall be nominated by petitions signed by twenty (20) members of the Association who are Graduate Students.
2. Petitions for nomination shall be filed with the Elections Commission not less than fourteen (14) calendar days nor more than forty-two (42) calendar days prior to the regular election;
3. Elections Commission has three (3) school days to rule on the eligibility of a candidate after filing;
4. Public notice to the effect that nominations are in order shall be posted on official bulletin boards and shall be published in the school newspaper at least forty-two (42) days prior to the election by the Elections Commission.
5. ~~Each member of the Association shall vote for no more than one candidate for each office~~ The Association shall use Ranked Choice Voting to elect candidates for each office.

6. No member of the Association shall vote for a candidate for representative of a college other than the college in which that member of the Association is enrolled. In the case of persons with more than one major, the person shall have the right to choose from amongst colleges in which that person is enrolled to vote for a college representative candidate. All students may vote for the At-Large Representative(s).
7. There shall be two (2) poll workers, appointed by the Elections Commission, at each voting station during the elections.
8. Council Representatives shall be elected on a plurality basis. Executive Officers must receive a majority of the ballots cast for that office. ~~In the advent of a tie or if a candidate for Executive Office fails to receive the required majority, a run-off election shall be held for the two candidates with the highest vote total.~~ The Associated Students shall use the method of Ranked Choice Voting to establish the plurality necessary to elect Council Representatives and the majority necessary to elect Executive Officers and
- ~~9. Run-off elections shall be held within five (5) school days after the regular election.~~

ARTICLE XI Initiatives

Section A: Initiatives:

As outlined under the powers and duties of the A.S. Council, the A.S. Council can initiate measures for the ballot. The Association membership shall also have the power to initiate legislation by means of a written petition to the AS Council, which has been signed by ten percent (10%) of the current members of the Association.

Section B: The Initiative process shall be conducted as outlined in Elections Code, Section 17.

ARTICLE XII Recalls

Section A: Recall:

Any elected officer or representative of the Association may be subject to recall by a petition containing a specific statement of the reasons for the proposed removal. Such petition must be signed by at least ten (10%) percent of the membership of the Association which that officer represents, and then presented to the AS Council.

The Recall process shall be conducted as outlined in Elections Code, Section 18.

ARTICLE XIII.

Enabling and Amendments

Section A: Enabling:

This Constitution shall become the official governing document of the Association upon ratification by two-thirds (2/3) majority of the Association voting on the issue.

Section B: Amendments:

There shall be two methods of proposing an amendment to this constitution.

1. Submission of a petition signed by ten (10) percent of the Association membership to the A.S. Council. Once validated by the Elections Commission, the Elections Commission will place an amendment before the members. All proposed amendments shall be made public at least fifteen (15) school days before the election. Amendments must then be approved by two-thirds (2/3) of the total votes cast on this issue at any special or regular election held during the Fall or Spring semesters. Ratified amendments shall be incorporated herein.
2. Proposed amendments may be adopted by an affirmative vote of at least two-thirds (2/3) of A.S. Council. A vote of A.S. Council will amend the constitution, except as noted below.
 - a. Any provision recommending a change in the fee.
 - b. Any provision altering the term of an executive officer or council member.
 - c. Any provision altering membership.

ARTICLE XIV.

Indemnification

- Section A:** The Associated Students shall defend any officer, representative, advisor or employee of the Corporation to the extent permissible under the Corporations Code and other applicable law.