

Western Student Association Student Election Code for the Spring 2023 General Election

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Article I: Purpose and Authority

Section One: Purpose

1.1.1 The purpose of the Student Election Code is to ensure free and fair elections on behalf of the Western Student Association for the Student Body of Western Michigan University.

1.1.2 This document in no way expands the authority of the Election Promotions Committee; rather, it defines the powers and duties already designated in the Western Student Association Constitution.

1.1.3 Enumerating specific and limited powers, this Student Election Code bolsters accountability and facilitates an impartial electoral process through codified rules.

Section Two: Authority

1.2.1 The jurisdiction of the Election Promotions Committee and its chair originate from article V, section 5 of the Western Student Association Constitution.

1.2.2 The authority of the Student Election Code is defined in article V, section 7 of the Western Student Association Constitution and granted legitimacy through a majority vote by the assembly of the Western Student Association

1.2.3 The Student Election Code becomes effective immediately upon approval by an affirmative majority vote from the Western Student Association Assembly.

1.2.4 The provisions of the Student Election Code, except where otherwise specified, shall apply uniformly to all Western Student Association elections.

1.2.5 With the passage of this Student Election Code, all previously-published Student Election Codes shall be null and void.

1.2.6 Any rule or regulation enacted by the Western Student Association, or agencies thereof, other than provisions contained within the Western Student Association Constitution, found by the Judicial Council to contradict any provision of the Student Election Code shall be null and void.

Article II: Election Promotions Committee

Section One: Enumerated powers of the Election Promotions Committee

2.1.1 As ordained by the Constitution of the Western Student Association, this Student Election Code defines the powers of the Election Promotions Committee, which shall:

1. Have the exclusive authority, on behalf of the Western Student Association, to conduct student elections and enforce the rules contained in this Student Election Code.
2. Promote engagement with the election by the student body of Western Michigan University in a neutral, unbiased, and non-partisan manner.
3. Set the dates and deadlines pertaining to all student elections and referendums.
4. Prepare and count ballots.
5. Receive petitions for candidacy in the form of Intent to Run forms.
6. Work with the Office of Student Engagement to determine the eligibility of candidates.
7. Retain responsibility for answering any questions about the Student Election Code and other relevant election procedures for all Western Michigan University students within forty-eight hours after receiving a documented inquiry.
8. Collect relevant information regarding complaints and issue an official written report of findings and consequences within ninety-six hours.
9. Assess demerits to candidates based on explicit policy violations and the criteria outlined in article eight.
10. Hear and rule on appeals regarding demerits.
11. Have the power to compel candidates to exclude and recall any campaign materials deemed to violate the Student Election Code.
12. Hold the sole responsibility to deliver election results to participating candidates within eight hours after election certification.
13. Provide regular written updates to participating candidates if certification is not completed within twenty-four hours following the election.
14. Announce election results within 12 hours of certification in coordination with the Office of Marketing and Outreach.

Section Two: Rules Governing Members of the Election Promotions Committee

2.2.1 No member of the Election Promotions Committee serving during the Spring 2023 semester shall have direct involvement with any Spring 2023 Western Student Association campaign.

2.2.3 No member of the Election Promotions Committee, nor the Election Promotions Committee at large, may endorse any candidate for elected office through any medium, including social media endorsements.

2.2.4 No member of the Election Promotions Committee, nor the Election Promotions Committee at large, may provide any candidate with personalized campaign advice or assistance.

2.2.5 All members of the Election Promotions Committee shall be in good standing with the university.

2.2.6 Members of the Election Promotions Committee may be removed at the discretion of the Election Promotions Committee Chair.

Article III: Candidates

Section One: Requirements for ballot placement

3.1.1 The Student Body President, the Student Body Vice President, and the Executive Chief of Staff shall be elected as a slate during the General Student Body Election and must fulfill all requirements as outlined in article 2 section 1.1 of the Western Student Association Constitution.

3.1.2 Any slate seeking placement on the Spring 2023 ballot election must submit an Intent to Run form by February 5, 2023, at 11:59 pm.

3.1.3 Any slate seeking placement on the Spring 2023 election ballot must also submit the candidate survey found on the Western Student Association elections website describing their slate's motivation to run for office by February 12, 2023, at 11:59 pm.

3.1.4 During the Spring 2023 election, no person shall be a candidate on more than one slate.

3.1.5 All candidates may withdraw from the general election by submitting a written request to the Election Promotions Committee no later than February 24, 2023, at 11:59 pm.

3.1.6 Any candidate seeking office in the Executive Branch must satisfy the requirements of the Western Student Association Constitution.

3.1.7 Candidates who fail to meet the requirements of elected office will be disqualified, and the eligible portion of the slate will be given forty-eight hours from the notification thereof to formally replace the ineligible candidate.

3.1.8 In the event that one portion of a slate seeking Executive Office rescinds their candidacy at any time, the Election Promotions Committee may grant the slate the right to replace the forfeiting candidate within forty-eight hours following the notification of withdrawal.

Section Two: Responsibilities of candidates

3.2.1 All candidates shall be responsible for reviewing and understanding the Student Election Code and its regulations. Candidates are responsible for presenting issues of confusion or contention to the Election Promotions Committee before taking any action that could be interpreted as a violation of the Student Election Code, either by the Western Student Association Judicial Council or the Election Promotions Committee.

Article IV: Referenda

Section One: Student-Initiated Referenda

4.1.1 Student-initiated referenda may gain access to the ballot through the Western Student Association Assembly or petition by the electorate.

4.1.2 Referenda may simultaneously pursue ballot access through the Western Student Association Assembly and petition.

4.1.3 All initiatives requiring a student body referendum seeking to appear on the ballot through the Assembly of the Western Student Association must be submitted to the Election Promotions Committee via email by February 13, 2023, at 11:59 pm.

4.1.4 All initiatives requiring a student body referendum seeking to appear on the ballot through petition must be submitted to the Election Promotions Committee via email by February 13, 2023, at 11:59 pm.

4.1.5 The submission of a student-initiated referendum must have at least one enrolled WMU student acting as an agent for the referendum for contract purposes with the members of the Election Promotions Committee.

4.1.6 Student agents shall be responsible for the following:

1. Reviewing and understanding the Student Election Code.
2. Presenting issues of confusion, or contention, to the Election Promotions Committee before taking any action that could be interpreted by the Western Student Association Judicial Council or the Election Promotions Committee to violate the Student Election Code.

4.1.7 The student agent may withdraw their referendum from the general election by submitting a written request to the Election Promotions Committee no later than February 24, 2023, at 11:59 pm.

4.1.8 Individuals or student groups who have at least one student actively campaigning to oppose an approved student ballot referendum must complete an “Opposition of Referenda” by February 20, 2023, at 11:59 pm.

4.1.9 Opponents of referenda are subject to abiding by the same campaign rules as proponents for student-initiated referenda.

4.1.10 Any student-initiated referendum seeking to appear on the ballot through the Western Student Association Assembly must have the approval of the Western Student Association Assembly with a two-thirds affirmative vote.

4.1.11 The minimum number of valid signatures required to gain ballot access is two-hundred and fifty.

1. All signers and signature collectors must be current Western Michigan University students enrolled in at least one credit hour during the Spring 2023 semester.
2. Signatures must be collected on the published official referenda by signature sheet.
3. The Office of Student Engagement shall check for the validity of all signatures and the validity of the Official Signature Form within three university business

days of submission. The Election Promotions Committee will contact the student agents within twenty-four hours of the form's return with an update on their referendum's status.

4. If denied, the student agent can appeal to the Western Student Association Judicial Council within forty-eight hours of notification of denial. The Western Student Association Judicial Council will review the validity of all signatures, as well as the Official Signature Form, and notify the student agent of their ruling within seventy-two hours of the appeal.

Article V: Elections

Section One: Election Procedures

5.1.1 General elections shall be conducted for pertinent student-initiated referenda and the selection of elected offices of the Western Student Association, including the slate.

5.1.2 Any Western Michigan University student currently enrolled in at least one credit hour shall be eligible to vote in the Western Student Association election for one slate per election. Space for write-in candidates will be provided for the slate.

5.1.3 Voting will be conducted electronically on ExperienceWMU from 8:00 am on February 27, 2023, to 5:00 pm on March 3, 2023.

5.1.4 At least one member from the Election Promotions Committee, Office of Student Engagement, and Western Student Association Judicial Council must review and verify all election results within twenty-four hours following the conclusion of the Spring 2023 Election.

5.1.5 Election results will not be announced until reviewed and certified by the Election Promotions Committee.

5.1.6 The slate with a plurality of certified votes is elected to office.

5.1.7 Any referendum with a majority of certified votes passes.

5.1.8 The Election Promotions Committee shall hold sole responsibility for contacting each candidate with the election results within eight hours after election certification, with unsuccessful slates being notified first.

5.1.9 All successful candidates must accept their position, in writing, within forty-eight hours of receiving the certified results.

5.1.10 Successful slates are permitted to share results only after they have accepted their position, in writing, to the Election Promotions Committee.

5.1.11 If a slate chooses not to accept, the slate with the remaining plurality of votes wins.

5.1.12 All ballots shall be retained for thirty standard calendar days after the announcement of election results.

5.1.13 Each candidate or student agent has the right to request a manual recount through a formal, written request to the Western Student Association Judicial Council within forty-eight hours following certification.

5.1.14 All complaints involving any candidate, referendum, or student agent must be submitted to the Election Promotions Committee within twenty-four hours following the end of voting.

5.1.15 The Chief Justice of the Judicial Council will be responsible for swearing in the successful candidates for the Executive Offices at the final Western Student Association Assembly session of the Spring 2023 semester.

Article VI: Election Promotion

Section One: Overview of Election Events

6.1.1 The Election Promotions Committee shall be solely responsible for organizing and coordinating all official election events. This does not prohibit the Election Promotions Committee from collaborating with other RSOs and Western Student Association Committees to promote or coordinate unbiased election events.

6.1.2 At least one member of the Election Promotions Committee shall attend and oversee each election event.

6.1.3 Slates are strongly encouraged to attend all election events as planned by the Election Promotions Committee unless otherwise stated that attendance is mandatory.

1. The Election Promotions Committee shall endeavor to coordinate the schedules of the candidates so reasonable accommodations may be made to maximize the convenience and attendance of both candidates and attendees.
2. In the event of an emergency, candidates will be excused from required election events at the discretion of the Election Promotions Committee.
3. Candidates or slates who are denied excusal for an emergency may appeal to the Judicial Council.

Section Two: Key Election Dates

6.2.1 The Election Promotions Committee will post prominent dates on the elections page of the Western Student Association website.

6.2.2 Significant dates and deadlines.

1. Intent to Run Forms are due February 5, 2023, at 11:59 pm.
2. Candidate Information Surveys are due by February 12, 2023, at 11:59 pm.
3. Referendum through petition is due February 13, 2023, at 11:59 pm.
4. Referendum through the legislative branch is due February 13, 2023, at 11:59 pm.
5. Election Promotions Committee signup deadline is February 14, at 11:59 pm.
6. Voter information guide will be published on February 14, 2023, by 11:59 pm.
7. Referendum Opposition Deadline is February 20, 2023, at 11:59 pm.
8. Candidate Withdrawal Deadline is February 24, 2023, at 11:59 pm.
9. Referendum Withdrawal Deadline is February 24, 2023, at 11:59 pm.
10. Election Week February 27, 2023, at 8:00 am until March 3, 2023, at 5:00 pm.
11. Campaign expenditure receipts are due no later than March 3, 2023, at 11:59 pm.
12. The deadline to file demerit complaints is March 4, 2023, at 11:59 pm
13. Swearing-in of elected candidates April 19, 2023.

6.2.3 The following additional dates will be posted to the elections page of the Western Student Association website by February 6, 2023, at 11:59 pm.

1. Meeting between the Election Promotions Committee and slates.
2. Presidential debate event.
3. Slate platform presentation.

6.2.4 Official election results will be announced within 12 business hours of certification in coordination with the Office of Marketing and Outreach.

Section Three: Voter's Guide and Demerit Announcements

6.3.1 The Election Promotions Committee shall create a Voter's Guide to inform the student body of WMU about each slate seeking office.

1. All information within the guide shall be exclusively provided by each slate or agent thereof.
2. All information within the guide will be sourced from the Candidate Information Survey due to the Election Promotions Committee no later than February 12th, 2022.
3. The Voter's Guide shall be released on the Western Student Association website and Western Student Association social media accounts no later than February 14, 2022.

6.3.2 The Election Promotions Committee shall publicize all demerits, through a Demerit Announcement, within twenty-four hours after a demerit has been administered.

6.3.3 The Election Promotions Committee shall post all demerits on the ExperienceWMU ballot.

Article VII: Campaigning

Section One: Procedural Campaign Rules

7.1.1 Campaigning is to be conducted reasonably and ethically in accordance with the Student Election Code, Western Student Association Constitution, Western Student Association Bylaws, Office of Student Engagement Guidelines, Office of Student Engagement Handbook for Registered Student Organizations, and the Western Michigan University Student Code of Conduct.

7.1.2 No candidate or student agents of referenda shall interfere with or obstruct the campaign activities of another candidate or student agents of referenda.

7.1.3 No candidate or student agents of referenda may influence a voter while voting.

7.1.4 Inappropriate use of email is strictly prohibited. Candidates or agents of referenda are prohibited from:

1. Utilizing a non-personal email address.
2. Accounts accessed due to position or status in an organization.
3. Harvesting email addresses from an online directory.
4. Sending emails to the membership of an organization without the written consent of the organization's Executive Board.
5. Any other e-mail conduct deemed improper by the Election Promotions Committee.

7.1.5 Soliciting votes while polls are open is strictly prohibited.

7.1.6 Soliciting votes inside any academic classroom, regardless of poll status, is strictly prohibited.

7.1.7 Campaigning within: hallways, reserved table spaces, meetings, or events is forbidden after polls open on February 27, 2023, at 8:00 am.

7.1.8 Candidates are strictly prohibited from campaigning during election week.

7.1.9 Candidates are strictly prohibited from campaigning during any Western Student Association meeting except during the announcement of their candidacy.

7.1.10 All promotional materials, physical or digital, used to promote the electoral process must be the official materials used by the Election Promotions Committee.

7.1.11 Campaigning includes, but is not limited to, the following:

1. Campaign events.
2. Emailing, mass or individual.
3. Social media activities of a biased nature.
4. Chalking.
5. Distributing promotional materials of a biased nature.
6. Any event deemed by the Election Promotions Committee to promote an individual candidate or slate rather than the electoral process.

Section Two: Campaign Promotional and Expenditure Rules

7.2.1 The maximum amount of campaign expenditures by any slate or agent on their behalf is 300 USD.

7.2.2 The Election Promotions Committee will reimburse from The Western Student Association operational account up to 300 USD in proper campaign expenditures.

7.2.3 The reimbursement process will be conducted through the Office of Student Engagement, at the direction of the Election Promotions Committee Chair, after the election has been certified and announced.

7.2.4 Slates must submit receipts of any campaign expenditure to the Election Promotions Committee via email no later than March 3, 2023, at 11:59 pm.

7.2.5 Slates will be responsible for maintaining internal records of all campaign expenditures.

7.2.6 All slates may be subject to a financial audit conducted by the Election Promotions Committee should they be accused or suspected of withholding receipts of their campaign expenditures.

7.2.7 Upon submitting an intent-to-run form, a slate agrees to provide access to all campaign-related, non-personal documents and materials requested by the Election Promotions Committee during a financial audit.

7.2.8 For the purposes of assessing demerits, cumulative expenditures exceeding 300, 375, and 450 USD shall be separate violations.

7.2.9 Slates may not distribute any promotional material with a per chance purchase value exceeding 5 USD.

Section Three: Endorsements

7.3.1 All candidate endorsement contact information must be submitted to the Election Promotions Committee by the endorsed slate through the provided Endorsement Contact Form.

7.3.2 If a slate is determined to have falsified an endorsement, that slate must remove all claims of that endorsement.

7.3.3 Individuals or entities that endorse a slate are precluded from candidate-directed campaigning during election week but may, of their own accord, discuss the election, its candidates, and their personal opinions within the scope of this Student Election Code.

Article VIII: Demerits

Section One: Demerit Procedure

8.1.1 Any individual may originate complaints against a slate for engaging in conduct that violates the Student Election Code or the codes listed in article 7, section 1.1.

8.1.2 Complaints must be filed within 72 hours after the alleged violation is discovered.

8.1.3 Upon receipt of a complaint against a slate, the Election Promotions Chair must inform all members and call for a meeting within twenty-four hours.

8.1.4 At the minimum, the Election Promotions Chair must be present with at least two other members, and all members must be aware of the meeting date and time.

8.1.5 All demerit assessment meetings must be recorded.

8.1.6 Once a demerit investigation and assessment meeting has been scheduled, it is the duty of the members of the meeting to perform the following:

1. Review all evidence provided by the Issuer of the Complaint.
2. Reach out to the accused slate for additional relevant information.
3. Define the complaint in question.
4. Determine if the complaint meets both prongs of the demerit assessment test in article eight, §2.1.
5. Issue an official written report of findings and consequences within seventy-two hours.

8.1.7 If a slate receives three demerits, they are ineligible to hold elected office and must cease all campaign activities.

8.1.8 Slates must submit appeals to the Judicial Council within forty-eight hours of being notified of the demerit in question.

8.1.9 Upon the receipt of an appeal, the Judicial Council will follow its procedures outlined in article 5 of the Judicial Code.

Section Two: Conditions for Assessing a Demerit

8.2.1 Demerits will be assessed at the sole discretion of the Elections Promotion Committee, utilizing the following principle qualifiers.

1. The candidate or authorized agent thereof acted recklessly or in bad faith.
2. The violation or conduct was materially prejudicial or favorable to a slate or community.