BILL #23F

2019 FALL SESSION

Legislative Action:
Introduced by: Sen. E. Hotz (S)(A)(E)
1st Reading: 11/13/19
2nd Reading: 11/20/19
3rd Reading:

Referred To: S&R
Committee Action: 4-0-0-1
Senate Action: 19-0-0-1

Executive Action:
✓ Approved Vetoed

\(\underline{\text{\begin{align*}
\text{ASUNM President} & \quad 11/22/19 \\
\text{Date}
\end{align*}}\)\)

Unsigned by the President on this ___ day of _______ 2019. Bill automatically becomes law.

Legislative Response:
Veto override vote taken: _________ Senate Action: _________

Be it enacted by the Associated Students of the University of New Mexico that the following be amended in *(Elections Code, Article I, II, III, IV, V)* of the ASUNM *(Law Book)*:

**Article I: Elections Commission**

**Section 1. Composition Membership**

The Elections Commission shall comprise of:

- A. Executive Director, appointed by the ASUNM President with approval of the Senate;
- B. Assistant Director, appointed by the ASUNM President with approval of the Senate;
- C. Six (6) Elections Commissioners, appointed by the Executive Director;
- D. Three (3) ASUNM Senators, appointed by the ASUNM Vice President.

**Section 2. Qualifications**

In order for a student to be a member of the Elections Commission, they must:

- A. Be a member of ASUNM;
- B. Not be an official candidate for any ASUNM elected office;
C. Not be an Associate Justice, the Chief Justice, President, Vice President, Chief of Staff, Deputy Chief of Staff, or the Attorney General.

Section 3.—Duties and Responsibilities

The Elections Commission will be responsible for:

A. Maintaining uniformity in the application and operation of the Election Code;
B. Developing a uniform format for all proposed referenda, constitutional amendments, and opinion polls;
C. Conducting a combined endorsement meeting and public candidate forum to be held five (5) to seven (7) days prior to the voting period;
D. Presiding over elections by handling all violations of the Election Code, assessing fines, certifying the results, and carrying out all other duties necessary for conducting elections;
E. Retaining their powers and responsibilities until the final resolution of all contests of election;
F. Hiring Poll Workers for any polling station and any election they deem fit;
   1. Poll Workers must meet the same qualifications as Elections Commissioners;
   2. Poll Workers will serve for a period of time determined by the Elections Commission;
G. Conducting themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the election process;
   1. At no time during their term serving on the Elections Commission will any member be permitted to publicly support or campaign for any official candidate;
H. Establishing polling stations on Tuesday from 10:00 am to 4:00 pm and Wednesday from 9:00 am to 5:00 pm of the Voting Period and any other subsequent elections;
I. Assisting Lobo Spirit in conducting the Homecoming Election as outlined by the procedures in the Lobo Spirit Code;
J. Hiring on a temporary basis and paying individuals to be Election Staff during times of Election, as necessary;
   1. This Election Staff must meet the same requirements for office as the Commissioners.

Section 4. Voting

A. All members of the Elections Commission shall be full voting members with the exception of the Executive Director who can only vote in the case of a tie;
B. Quorum will be met when a majority of the appointed voting members are present.

Section 5.—Terms of Payment
A. Elections Commissioners will be salaried at a rate to be determined by the Finance Committee and approved by the Senate;
B. Poll Workers will receive an hourly wage. **Timesheets** indicating hours worked will be turned in to the Elections Commission;
C. Senators appointed as members of the Elections Commission are forbidden from accepting any wage(s) or salary for their duties as part of the Elections Commission.

**Article II: Elections Commission Executive Director**

**Section 1: Responsibilities**

The Elections Commission Executive Director will be responsible for:

A. Supervising all elections;
B. Maintaining uniformity in the application and operation of the Election Code;
C. Verifying that all official candidates are qualified to run for elected offices;
D. Preparing and providing instructions for the proper conduct of each election in accordance with the ASUNM Law Book and Constitution;
E. Appointing all Elections Commissioners;
   1. The Executive Director will also be responsible for instructing Poll Workers and Elections Commissioners of the proper methods of performing their duties as prescribed in the Election Code;
F. Investigating any violation(s) of the Election Code and reporting the violation(s) to the Elections Commission;
G. Preparing and furnishing each polling station with sufficient materials, including all necessary items for voters to cast their ballots;
H. Providing identification badges to all Poll Workers and members of the Elections Commission;
   1. Identification badges must indicate the wearer’s authority in the election, the wearer’s name, and be worn at all times while performing duties;
I. Publicizing the location and hours of operation of all polling stations;
J. Voting only in the event of a tie in Elections Commission meetings;
K. Ensuring methods of voting are highly secured to protect the integrity of the elections.

**Article III: Elections Commission Assistant Director**

**Section 1: Responsibilities**

The Elections Commission Assistant Director will be responsible for:
A. Assisting the Executive Director in fulfilling their duties;
B. Presiding over the Elections Commission in the absence of the Executive Director;
C. Assuming the duties of the Elections Commission Executive Director should the office of the Executive Director becomes vacant, until the time when the office is filled.

Article IV: Polling Stations

Section 1. Polling Locations

The following will be considered the minimum number of polling stations for a fair and accurate election:

A. On the Tuesday of the voting period:
   1. There will be one (1) polling station located on or near the mall level of the Student Union Building between the hours of 10:00 am to 4:00 pm.
B. On the Wednesday of the voting period:
   1. There will be one (1) polling station located on or near the mall level of the Student Union Building between the hours of 9:00 am to 5:00 pm.

Section 2. Polling Operations

Each poll will be operated at all times by at least two (2) Poll Workers or members of the Elections Commission or poll workers.

Section 3. – Universal Online Ballot

The link to the online ballot will be accessible through MyUNM during the voting period, beginning at 9:00 am on Monday and ending at 5:00 pm on Wednesday.

Article V: Notice of Elections

Section 1. Election Notices

A. To ensure that every undergraduate student ASUNM member has the opportunity to see election notifications, the Elections Commission must advertise elections:
   1. Notice of elections shall be provided with the method of notice—by method of choice at the discretion of the Elections Commission;
2. All notices will be written in a format to be determined by the Elections Commission based on the available advertising opportunities;
3. All dates must be published to the Elections Commission's own digital locations and presence, including but not limited to the Elections Commission website;
4. The Elections Commission will publish at least one (1) advertisement(s), that may include but are not limited to the NM Daily Lobo newspaper and/or the ASUNM website, that publicizes the locations and hours of all polling stations during the election voting period.

Section 2. Open Office(s) Notices

The Elections Commission will give written notice of all open offices, on which to be voted, a minimum of twenty-five (25) days prior to the Wednesday of the voting period.

Section 3. Endorsements and the Voting Period

The Elections Commission will publish at least one (1) advertisement in the NM Daily Lobo newspaper and/or website that carries the locations and hours of all polling stations during the election voting period.

Section 3. Section 4. Physical Polling Station Notices

A. The Elections Commission will publicize when polling stations are open by placing at least one (1) sign at each location on Tuesday from 10:00am to 4:00 pm and Wednesday from 9:00am to 5:00pm during the voting period:
   1. The sign(s) must clearly state “Polls Open Today” and “Vote Here” as well as stating the type of election being held;
B. The Elections Commission will advertise the Presidential and Senatorial General Elections in the following manners from twelve (12) days prior during the voting period:
   1. Approved electronic displays in the Student Union Building;
   2. Approved outdoor displays will clearly display a banner no smaller than six (6) feet long by three (3) feet wide at the discretion of the Elections Commission.

Section 4. Section 5. Poll Worker Hiring Notices

Notification for hiring Poll Workers will be advertised in a medium at the discretion of the Elections Commission.

Section 5. Section 6. Referenda, Polls, Amendments-Notices

Upon receipt of proposed referenda, constitutional amendments, and opinion polls, the Elections Commission will publish the full text on the ASUNM website, at the ASUNM office, and
through at least one other method of communication at the discretion of the Elections Commission.

**Section 6, Section 7: Endorsement Forum Notices**

The Endorsement Forum shall be advertised as provided by the Election Code, Article X, Section 1, Sub-section C.

**Article VI: Referenda, Constitutional Amendments and Opinion Polls**

**Section 1: Referenda**

Proposed referenda, constitutional amendments, and opinion polls must be received by the Elections Commission no later than 5:00 PM of the twelfth (12) day prior to the Wednesday of the voting period in order to appear on the ballot.

**Section 2: Referenda Notice**

The Elections Commission will visibly post the full text of any proposed referenda, constitutional amendments, and opinion polls at all polling stations.

**Section 3: Referenda**

The Elections Commission is responsible for placing all proposed referenda, constitutional amendments, and opinion polls in the proper format for the ballot.

**Section 4: Opinion Polls**

Opinion polls may be placed on the ballot by an executive order of the President, by resolution of the Senate, or by petition of one third (1/3) of the number of students voting in the previous general election.

**Article VII: Candidate Filing**

**Section 1: Candidate Campaigning Organization**

While candidates may choose to organize into a group for campaign purposes, ASUNM and its affiliates recognize candidates as individuals, though they may run collectively.

**Section 2: Candidate Packets**
A. Election packets consisting of all forms necessary to file for candidacy will be available at the ASUNM office and ASUNM website the twenty-fifth (25) to the twelfth (12) day prior to the Wednesday of the voting period.

B. The Elections Commission may not charge candidates for the printing cost of the packet.

Section 3. Ballot Qualifications

In order for a candidate's name to appear on the ballot, an affidavit acknowledging candidacy must be filed in the ASUNM office by 5:00 PM of the twelfth (12) day prior to the Wednesday of the voting period. The candidate must be certified by the Elections Commission as meeting all of the qualifications necessary to run for and hold elected office.

1. The candidate will print or type their full name, address, telephone number, and e-mail address for the position for which they intend to be a candidate for, their name as they wish it to appear on the ballot and will sign the following statement on the affidavit: “I, (name of candidate), acknowledge my candidacy for the office of (title of office), and will if elected accept the duties and responsibilities of the office. I am a member of the ASUNM in good standing and am qualified as prescribed as prescribed by the ASUNM Election Code to accept and run for the office for which I intend to be a candidate.”

2. The person accepting the election packet will issue a receipt to the candidate, noting date and time and will provide pertinent information about the candidate’s meeting.

Section 4. Candidacy Exceptions

No member of the Office of the Attorney General, the Student Court, or the Elections Commission may file for candidacy for any elected office while retaining their appointed office.

Article VIII: Candidate Meeting

Section 1. Composition

The Elections Commission will hold a Candidate Meeting for all candidates at least nine (9) days, but no more than eleven (11) days prior to the scheduled election:

A. In order for a candidate’s name to appear on the ballot, the candidate must attend the Candidate Meeting that will be called by the Elections Commission Executive Director;

B. If a candidate is unable to attend the Candidate Meeting, their designated legal representative may represent the candidate provided that the Legal Representative Form was presented to the Elections Commission prior to the start of the Candidate Meeting:

   1. Even in the case of absence, candidates shall be held accountable for all information presented and distributed at the Candidate Meeting.
Section 2. Candidate Meeting Requirements

At the Candidate Meeting the following will occur:

A. The members of the Elections Commission will be introduced to the candidates;
B. A roll-call will be taken of all candidates or their designated legal representative at the beginning of the meeting; all candidates or their designated legal representative must be present for the entire meeting in order to be eligible for official candidacy status. Appeals may be made to the Election Commission under extreme conditions;
C. The Election Commission will inform each candidate of the time of the combined endorsement meeting and candidate forum;
D. Candidates will be briefed on all sections of the Elections Code that the Elections Commission deems necessary;
E. Ballot positions will be determined by the use of a double-blind draw to be conducted as follows:
   1. Each candidate’s name will be printed on a slip of paper provided by the Election Commission. Each slip of paper will be the same size and color. These name slips will then be placed in a common container;
   2. A separate set of uniform slips of paper will be consecutively numbered starting with one (1) until there is a numbered slip for each of the candidates running for the office in question. The numbers six (6) and nine (9) will be underlined to differentiate them. The number slips will be placed in a second common container;
   3. Three (3) members of the Election Commission will be responsible for drawing these slips from their common containers. One (1) will draw name slips and announce the name written on the slip, one (1) will draw the number slips and announce the number written on the slip, and one (1) will serve as a verifier;
   4. One (1) slip will be drawn at a time from each of the common containers, and the number drawn with each name will be the official ballot position of the candidate. This procedure will be repeated until all candidates for an office have been assigned a ballot position;
   5. Once all the candidates for an office have been assigned a ballot position, the procedure will be repeated for each office on the ballot;
F. After ballot positions have been assigned, the Election Commission will answer any questions that the candidates may have regarding the election and campaign process;
G. If any questions of the candidates cannot be answered at the meeting, or the Elections Commission fails to give out all the necessary information, the Elections Commission will e-mail all candidates as soon as possible.
Article IX: Campaign Regulations

Section 1. Election Code

A. Any amendments made to the Election Code must become law at least twenty-five (25) days prior to the voting period in order to apply to that election.
   1. Approved changes made to the Election Code within twenty-five (25) days of an election will apply to the next election.

Section 2. Campaigning and Posting Materials

Campaign posting shall be in accordance with university policy as outlined in the UNM Pathfinder under the section titled “Main Campus Rules for Outdoor Events, Sound, and Posting” or in accordance with its successor’s policy:

A. Campaign materials include, but are not limited to:
   1. Advertisements in any printed publication;
   2. Advertisements on any radio or television station;
   3. Handbills, flyers, posters, placards, buttons, stickers, banners, chalking, shirts, paid websites, social networking sites, or the like;
   4. Any items and/or services reasonably perceived as being used with the purpose of soliciting votes for an ASUNM elected office by any person or organization that aids a candidate or group of candidates:
      a. Campaign attire worn without campaign language, logos or names is excluded from being taken into consideration as campaign expenditures as outlined in the Elections Code, Article IX Campaign Regulations, Section 3 of the ASUNM Law Book;

D. No one (1) candidate or group may post more than one (1) item of campaign material on the same face of any posting area. Each side of a kiosk may display one (1) item of campaign material for each candidate. A cylindrical kiosk may have three (3) items affixed to its exterior face;

C. No person will mark, deface, or otherwise tamper with the posted campaign material or chalking of any candidate, nor may any other individual or group of individuals remove the posted campaign material of any candidate;

D. The Elections Commission will have the sole right to remove any illegally posted or displayed materials;

E. No person will campaign or post materials within twenty-five (25) feet of the doors to a building containing a polling station or public computer access during the Voting Period.
Any person or material within this area will be removed by the Elections Commission or otherwise authorized personnel;

F. Candidates shall be expected to abide by the rules outlined in the “University of New Mexico Residence Hall Community Living Guide” and all other rules distributed at the candidates meeting;

G. All candidates are responsible for the actions of any and all of their campaign workers and may be penalized accordingly;

H. No candidate, or campaign worker shall be allowed to campaign at or within twenty-five (25) feet of an ASUNM Town Hall Meeting;

I. Candidates must submit a letter of permission from the proprietor of a business establishment to the Elections Commission in order to campaign in or around said establishment;

J. No candidate or campaign worker shall use an internet-enabled device to physically solicit votes from students via the Universal Online Ballot. This includes any device owned by the candidate, campaign worker, and potential voter.

Section 3. Campaign Expenditures

All expenses incurred as part of a campaign by any individual or group must be reported to the Elections Commission. The Elections Commission will determine the format of all forms to be used to report campaign expenditures:

A. All campaign materials used in a campaign effort will be assessed at a fair market value by the Elections Commission, and this value will be included as part of the expenditures of a candidate;

B. All money spent on behalf of a candidate will be included as part of the expenditures of the candidate. Campaign material carrying more than one candidate’s name shall be reported at the full price of the material on each of the candidate’s campaign expenditure forms;

C. Campaign expenditures will not exceed the following limits:
   1. No candidate for the office of President will exceed two hundred and fifty dollars ($250);
   2. No candidate for the office of Vice-President will exceed two hundred and fifty dollars ($250);
   3. No candidate for the office of Senator will exceed two hundred and fifty dollars ($250);

Section 4. Campaign Violation Fines

A. Expenditure Fines:
1. Any candidate who exceeds the legal campaign expenditure limits will automatically be fined according to the following:

   a. For an excess up to, and including, ten percent (10%), the assessment will be the actual amount of the excess;

   b. For excesses greater than ten percent (10%) and up to, and including, twenty-five percent (25%), the assessment will be one-and-one-half times (1 1/2) the excess;

   c. For excesses greater than twenty-five percent (25%), the Elections Commission may impose disciplinary actions as provided by the Election Code, Article XIV, Section 1, Sub-sections A through D if the over-expenditures are of a deliberate or intentional nature;

   d. The specific fine for overspending will not exceed one hundred fifty dollars ($150) per candidate;

B. Financial Statement Fines:

1. Financial statements of all candidates must be turned in to the Elections Commission at the ASUNM office no later than 5:00 PM one (1) day following the end of the voting period. Each financial statement submitted by the candidate will be signed and dated by the candidate. In addition, all receipts relating to expenditures shall be attached to the financial statement or a memorandum stating the fair market value of goods/services received by the candidate. If a candidate fails to meet the deadline, the following fines will be imposed:

   a. Five dollars ($5) per day, for a maximum of ten (10) days and fifty dollars ($50), with each day concluding at 5:00 PM;

   b. If the statement is delinquent by more than ten (10) days, then the Elections Commission may impose disciplinary actions as provided in the Election Code, Article XIV, Section 1, Sub-sections A through D;

C. Use of Fines:

1. All fines resulting from campaign violations will be deposited into the ASUNM General Fund. They should not be treated or used as a source of self-generated funds for an executive agency.

Section 5. Restrictions
1. The use of ASUNM offices and/or resources by candidates, potential candidates, and/or supporters of candidates for any Election for campaign purposes, campaign preparation, and/or any other campaign activity is prohibited.

Article X: Candidate Endorsements

Section 1. Candidate Endorsement Forum

There will be only one endorsement forum for each branch of government in an election, and all candidates will be allowed to participate:

A. The endorsement forum will be scheduled by the Elections Commission;
B. The endorsement forum will be held five (5) to seven (7) days prior to the Wednesday voting period;
C. The Elections Commission will advertise the endorsement forum’s location and time at least three (3) days prior to the event;
D. The results of the endorsement forum must be delivered to the ASUNM office by 5:00 PM on the day of the endorsement forum in order to be published by the Elections Commission;
E. Chartered student organizations may endorse one candidate for President, one candidate for Vice President, and up to ten (10) candidates for Senate. Chartered student organizations may also endorse or oppose any number of constitutional amendments or referendum appearing on the ballot. Only those chartered student organizations that have registered with the Elections Commission at the forum will be able to publish their endorsements;
F. The Elections Commission shall make available to all student groups attending the endorsement forum copies of all constitutional amendments and referendum items which are to be placed on the ballot.