BILL #2S

2022 SPRING SESSION

Legislative Action

Introduced by: Attorney General R. Romero-Salas (A)(E), Executive Director John Hawkins (A)(E), Senator Quintana (S)

1st Reading: Referred To: Steering and Rules
2nd Reading: Committee Action: 0-4-0
3rd Reading: Senate Action: _____________

Executive Action:

☒ Approved ☒ Vetoed

__________________________________          _____________________
ASUNM President                                                Date

Unsigned by the President on this ____day of _______ 2022. 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) of the ASUNM (Law Book):

ELECTIONS COMMISSION & ELECTIONS CODE

Article I: Elections Commission

Section 3. Election Information Station Notices

A. The Elections Commission will publicize when Elections Information 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 “Ask Us How to 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 7. Chartered Student Organization Contact

The Elections Commission Executive Director shall keep and maintain an updated list of chartered student organizations and contact information for dispersing elections related information via email and visits to organization meetings.

Article VII: 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.

H. Information regarding campaign finance laws, posting guidelines, and campaign behavior will be provided to the candidates

Article VIII: Campaign Regulations

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, chalk, 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.
   i. Any individual items and/or services given to students by Candidates or Campaign Workers with the purpose of soliciting votes shall not exceed the fair market value of ten (10) dollars at the discretion of the Elections Commission

B. 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 chalk 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 university-owned building during the voting period 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. Campaigning within University Buildings is allowed prior to the voting period, only when speaking to Chartered Student Organizations or partaking in a sanctioned campaign event open to all candidates.
   1. Approval of such events will come from the Executive Director of the Elections Commission.

G. 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.

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

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

J. 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.

K. 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.

M. Any Candidate or Campaign Worker is prohibited from offering any form of monetary aid to solicit votes in any and all ASUNM elections. Violation of this may result in at a minimum a fine and at maximum removal of a Candidate from the election. All decisions are at the discretion of the Elections Commission.

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. Candidates are responsible for obtaining fair market value evaluations prior to the expenditure form deadline from the Elections Commission. Failure to do so will result in a 25% price increase on all items.

C. 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.

D. 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).

Article XIII: Violations of the Election Code

Section 1. Consequences of Violations

Any person or persons who violate(s), aid(s), or abet(s) the violation of this Election Code may be:

A. Prohibited from having their name(s) appear on the official ballot;
B. Disqualified as official candidate(s);
C. Disqualified from assuming office(s);
D. Subjected to such other penalties as may be imposed by the Elections Commission, the Student Court, or any other disciplinary body or official of UNM having the jurisdiction and authority to impose such penalties.
E. All candidates are responsible for understanding the contents of the elections code in its entirety. Not knowing an action is a violation is not an excuse for a violation.

Section 3. Format of Elections Code Violation Hearings

If the Executive Director of the Elections Commission believes sufficient evidence of a major Elections Code violation has been discovered, they will notify the Elections Commissioners in writing of their findings and call a hearing no later than five (5) days after presenting those findings. The hearing will consist of the following:

A. Presence of a majority of the Elections Commissioners
B. Presence of the Assistant Director of the Elections Commission who will preside over the hearing and ensure that all rules and policies in this section are followed
C. Presence of the Attorney General to advise Elections Commissioners on interpreting the language involved in the hearing
D. Presence of the Senate Aide or Legislative Coordinator to maintain meeting minutes
E. Presence of accused candidate or candidates
F. Hearings are considered confidential until a resolution has been reached.

G. The hearing will be conducted as follows:
   a. The Executive Director will have five (5) minutes to present their findings to the panel.
   b. The accused will have 5 minutes to present defense to the presented charges.
   c. The Elections Commission by majority vote may call witnesses and question them with questions they create.
   d. The Elections Commissioners and Assistant Director will then deliberate on if the accused is responsible for violating the elections code and if necessary, determine sanctions as outlined in Article XII Section 1.
   e. Decisions of the Elections Commission may be appealed to the Student Court.