
THE GEORGE WASHINGTON UNIVERSITY



THE JOINT ELECTIONS COMMITTEE CHARTER

STUDENT ASSOCIATION BYLAW 700

2009-2010



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CHAPTER 1: THE JOINT ELECTIONS COMMITTEE

701 – Establishment There shall hereby be established a Joint Elections Committee (hereafter referred to as “the Committee”), an entity of the Student Association, whose members shall be considered officers of the Student Association.

702 – Composition The Committee shall be composed of five members. Three members shall be appointed by the Student Association President and confirmed by a simple majority vote of the Student Association Senate. One member shall be appointed by the Program Board, and one member shall be appointed by the Marvin Center Governing Board, according to the procedures of the respective organizations.

703 – Qualifications All enrolled students of The George Washington University shall be eligible to serve as members of the Committee, except that no person shall be eligible who:

- (a) holds any other office of the Student Association, Marvin Center Governing Board, or Program Board during service; or
- (b) will be engaged in a program of study abroad during the spring semester of the election.

704 – Committee Positions At the commencement of the first meeting of the newly appointed Committee, the Committee shall select one member to serve as Chair, another member to serve as Vice-Chair, and a third member to serve as Secretary.

(a) **Selection Procedure** The following procedure shall be used to select the Chair, Vice-Chair and Secretary at the Committee’s first meeting: (1) the members of the Committee shall jointly call the meeting to order. (2) Once the meeting is called to order, any member may make a motion to nominate another member as Chair. (3) Any member may second such a motion. (4) If such a motion is seconded, the Committee shall then vote to either confirm or deny the nomination. (5) A simple majority vote of the Committee shall be required to confirm a nomination. (6) Once a Chair has been nominated and confirmed in this manner, the process shall be repeated for the nomination and confirmation of a Vice-Chair.

(b) **Role of the Chair** The Chair shall:

- 1. act as Chair during all meetings of the Committee;
- 2. preside over all violation hearings;
- 3. be responsible for communication with media outlets and the press; and
- 4. serve as the Committee’s primary contact for all other governing organizations.

(c) **Role of the Vice-Chair** The Vice-Chair shall:

- 1. assist the Chair in the performance of his or her responsibilities; and
- 2. in the absence of the Chair, act as Chair during meetings of the Committee.

(d) **Role of the Secretary** The Secretary shall:

- 1. be responsible for taking minutes at all Committee meetings; and
- 2. ensure the Committee’s compliance with Rules 714, 715 and 716 of this Charter.

705 – Length of Term Members of the Committee shall serve a term commencing with their appointment and expiring on the last day of classes in the spring semester of the same academic year as their appointment.

706 – Compliance All members of the Committee shall be required to comply with all laws, policies, rules and regulations found within the charters and constitutions of the Student Association, Marvin Center Governing Board and Program Board.

707 – Removal If any member of the Committee violates Rule 706, the member may be removed from the Committee according to the procedures of the governing organization whose law, policy, rule or regulation was broken by the member.

708 – Chief Investigator The Committee shall appoint a Chief Investigator who shall serve as a staff officer. The Chief Investigator shall serve at the pleasure of the Committee, and his or her service may be terminated by the Committee at any time. The Chief Investigator shall:

- (a) promote the compliance of all individuals with this Charter and any additional rules;
- (b) investigate complaints and alleged violations of this Charter and any additional rules;
- (c) present complaints during probable cause hearings;
- (d) prosecute candidates during violation hearings;
- (e) advise the Committee on legal issues; and
- (f) perform any other functions or duties as are requested by the Committee.

709 – Assistant Investigators The Chief Investigator may, with the approval of the Committee, appoint any Assistant Investigators as he or she feels may be necessary for the prompt and efficient performance of his or her functions. Assistant Investigators shall serve as staff officers, and shall serve at the pleasure of both the Chief Investigator and the Committee. The service of an Assistant Investigator may be terminated either by the Committee or by the Chief Investigator at any time. The Chief Investigator may delegate to an Assistant Investigator any of his or her duties, responsibilities or powers.

CHAPTER 2: POWERS AND RESPONSIBILITIES

710 – Authority Except as otherwise stated by this Charter or by governing law, the Committee shall hold power and control over all matters, decisions and actions related to the administration of student elections at the George Washington University. The Committee shall have the power to make, amend or repeal any additional campaign rules as it feels are necessary to carry out the provisions of this Charter. The Committee shall be granted broad discretion in the interpretation and enforcement of the provisions of this Charter and any additional campaign rules.

711 – Delegation The Committee shall have the authority, by order or by rule, to delegate any of its functions to a division of the Committee, to an individual member of the Committee, or to a staff officer or group of staff officers.

712 – Limitations The Committee shall not have the power to:

- (a) vacate the results of an election; or

(b) make any rule or decision which violates the provisions of this Charter or governing law.

713 – Voting Threshold In any matter to be decided by the Committee, the voting threshold shall apply only to those members of the Committee who are present and voting. Unless otherwise specified by this Charter, by additional rule, or by governing law, all decisions and actions of the Committee shall require a simple majority vote.

714 – Meetings Meetings of the Committee shall be conducted as follows:

(a) **Calling a Meeting** A meeting of the Committee may be scheduled either solely by the Chair or jointly by a simple majority of the Committee. In order to validly call a meeting, a notice of the date, time, and tentative location of the meeting must be sent via email at least 12 hours prior to the meeting to (1) the members of the Committee, (2) the Student Association President and Executive Vice-President, and (3) the Chairs of the Marvin Center Governing Board and the Program Board.

(b) **Quorum** A simple majority of the members of the Committee must be present at a meeting in order to establish quorum.

(c) **Agenda** At the commencement of each meeting, the Chair of the meeting shall propose an agenda for the approval of the Committee. Prior to its approval, the proposed agenda may be amended by a simple majority vote of the Committee. The proposed agenda shall require a simple majority vote for approval. After the agenda is approved, any item may be added to the agenda by a simple majority vote of the Committee, but no item may be removed or altered. The final agenda for a given meeting shall be made available according to Rule 716.

The agenda for each meeting must include, but shall not be limited to, the following items: (1) Roll Call; (2) Initial Public Comment; (3) Approval of Agenda; and (4) Final Public Comment.

(d) **Minutes** The Secretary, or another member of the Committee in the Secretary's absence, shall be required to keep minutes of each meeting. The minutes from a given meeting shall be made available according to Rule 716.

The minutes for each meeting must include, but shall not be limited to, the following items: (1) the list of individuals present during roll call; (2) a paraphrased record of all public comments, including the name of the individual making each public comment; (3) a record of all motions made and votes taken; and (4) a record of which member made each motion and seconded each motion, and how each member voted, if a vote was taken.

(e) **Public Requirement** The Committee shall conduct its meetings in public, such that members of the public may come and go at any time during a meeting, except as provided by Rule 714(f).

(f) Executive Session By a simple majority vote, the Committee may enter executive session. During executive session, only the members of the Committee, along with any individuals specifically designated by a simple majority vote of the Committee, may observe the Committee's proceedings. No motions, other than a motion to exit executive session, may be made during executive session.

(g) Invalid Meetings If the Committee significantly departs from any of the regulations found within Rule 714 with regard to any given meeting, such that the integrity of the meeting is substantially threatened, then that meeting, along with any and all decisions or actions made at that meeting, shall be deemed invalid.

715 – Record-Keeping The Committee shall be required to keep and maintain all records, reports, forms and other documents related to the election.

716 – Public Records Except as otherwise stated by this Charter, by additional rule, or by governing law, any document kept and maintained by the Committee shall be made available for public review within 24 hours of the Committee's receipt of the given document. No document may be removed from the office of the Committee unless under the care and supervision of a member of the Committee or a staff officer. A copy of any public record may be made at the expense of the individual requesting the copy, but the original document must remain in the custody of the Committee. The following exceptions apply to this rule:

(a) Sealed Complaints All complaints shall be immediately sealed as soon as they are officially filed. No sealed complaint shall be made available for public review at any time. A complaint shall only be unsealed if the Committee finds that there is probable cause to hold a violation hearing on the given complaint. Once a complaint is unsealed, it shall be made available for public review immediately.

(b) Fruits of Investigation Any record, report, form or other document acquired by the Committee, by the Chief Investigator, or by an Assistant Investigator in the course of an investigation shall be sealed. No sealed document shall be made available for public review at any time. Documents which are sealed according to this section shall be made available for review according to Rule 760.

(c) Financial Transparency The Committee shall make any financial expenditure report available for public review within thirty minutes of receipt of the document.

(d) Notice of Rules and Advisory Opinions The Committee shall distribute via e-mail, at the time of their adoption, any additional rule or advisory opinion to the members of the Student Association Senate and to all registered candidates in an election, and shall make available all such additional rules and advisory opinions on its website.

717 – Credentials The Committee shall produce credentials for its members and its staff officers, which shall display the name and position of the bearer. Committee members and staff officers shall display their credential at all times while in the course of performing their official duties on election days.

718 – Website The Committee shall maintain a website for the publication of information concerning its activities. On its website, the Committee shall make available the following items, at a minimum: (1) a schedule listing all validly called meetings; (2) a schedule listing all relevant election dates and deadlines; (3) methods by which the members of the Committee can be contacted, including a list of office hours, if applicable; (4) a copy of this Charter; (5) copies of all pertinent documents and forms which may be submitted to the Committee; (6) a list of candidates as required by Rule 723; and (7) any other items as required by this Charter, by additional rule, or by governing law.

719 – Investigation The Chief Investigator shall be required to investigate any allegations made in any officially filed complaint. In the course of such an investigation, both the Committee and the Chief Investigator shall have the power to:

- (a) administer oaths or affirmations in any proceeding where such is required;
- (b) conduct a financial audit or investigation of any candidate at any time;
- (c) require by order that any candidate, or authorized agent thereof, answer, under oath, any questions regarding any matter as may be asked;
- (d) require by order that any candidate, or authorized agent thereof, give, under oath, testimony regarding any matter in the form of a deposition or sworn statement; and
- (e) require by order that any candidate, or authorized agent thereof, furnish any records, reports, forms, documents or other evidence as may be requested.

720 – Advisory Opinions The Committee shall have the power to issue an advisory opinion regarding any rule or proceeding found within this Charter. In order to issue an advisory opinion, a candidate must first request an advisory opinion on a given rule or proceeding by e-mail, public comment or otherwise. Once a request has been made, the Committee shall, by a simple majority vote, either deny the request, postpone a decision regarding the request, or adopt an advisory opinion clarifying the rule or proceeding. All advisory opinions shall be binding upon the Committee, and shall be treated as having the same effect as an additional rule. Advisory opinions shall be made available according to Rule 716.

CHAPTER 3: ELECTION PROCEDURES

721 – Candidate Registration Candidate registration shall proceed as follows:

- (a) **Registration Period** The Committee shall establish by rule a ‘registration period,’ during which candidates shall be permitted to register for the election. The length of the registration period shall be no shorter than two class days and no longer than five class days. The registration period may, but need not, be extended for races in which there are fewer registered candidates than there are available seats.
- (b) **Notice** The Committee shall provide notice of the dates of the registration period, as well as the procedures for registration, by:

1. electronically or physically mailing, no earlier than seven days and no later than two days prior to the commencement of the registration period, the notice to all individuals qualified to vote in the election.
2. publishing the notice, no earlier than fourteen days and no later than two days prior to the commencement of the registration period, in a newspaper generally distributed on campus.
3. any other means or measures that the Committee desires.

(c) Candidate Registration Form Prior to the commencement of the registration period, the Committee shall create and make available an official ‘candidate registration form’ according to Rule 720. Candidates may register by properly completing the candidate registration form and submitting a copy of the form to the Committee prior to the conclusion of the registration period. The Committee shall not require candidates to acquire any constituent signatures in order to register.

(d) Validation Within two class days of the conclusion of the registration period, the Committee shall determine the validity of each candidate registration form. Any properly completed and properly submitted form shall be deemed valid, and any form which was not properly completed or properly submitted shall be deemed invalid. The Committee shall notify all candidates of the status of their registration through e-mail once validation is complete.

722 – Withdrawal In order to withdraw from the election, a candidate must submit to the Committee in person a handwritten and signed notice of his or her intent to withdraw, as well as an e-mail notice sent from the account listed on the candidate’s official candidate registration form. Both notices must be submitted five calendar days prior to the commencement of voting.

723 – Announcement of Registered Candidates Once the candidate registration process is complete, the Committee shall publish on its website a list of registered candidates by name and by office sought, and shall distribute this list to any media outlets who request it.

724 – General Election Prior to the commencement of the registration period, the Committee shall establish by rule a date for the general election. The general election shall take place on Wednesday and Thursday of the same week, both of which must be class days.

725 – Candidate’s Meeting After the candidate registration process is complete, but before the commencement of the campaign period, there shall be held an official candidate’s meeting. Notice of the date, time and tentative location of the candidate’s meeting shall be sent via e-mail to each registered candidate. Each candidate, or an authorized agent thereof, shall be required to attend the candidate’s meeting. If a candidate plans to send an authorized agent to the candidate’s meeting on his or her behalf, the candidate must notify the Committee by e-mail at least four hours prior to the scheduled commencement of the meeting. In addition to any other activity prescribed by the Committee, the ballot order shall be determined at the official candidate’s meeting in accordance with Rule 726.

726 – Determination of Ballot Order The ballot order for each electoral race shall be determined by random drawing. The Committee may choose the manner of the drawing, so long as it is random. The drawing shall be done in public, and each candidate, or authorized agent thereof, shall have the right to observe the drawing.

727 – The Campaign Period The Committee shall establish by rule a date and time at which the campaign period shall commence. The campaign period shall end at 5:00PM on the day following the general election. During the campaign period, and only during this period, candidates shall be permitted to distribute campaign material, and hang posters, in accordance with all campaign rules and regulations. If there is a runoff election, the campaign period shall be extended until 5:00PM on the day following the runoff election. This extension shall only apply to those candidates who are in an electoral race to be decided in the runoff election.

728 – Postering Day Procedures The first day of the campaign period shall be called ‘postering day’. Postering day shall proceed as follows: (1) All candidates and authorized agents who will be hanging posters, helping to hang posters, or otherwise distributing or helping to distribute campaign material on postering day must place a name tag on the back of their upper right shoulder. (2) This name tag must clearly identify the name of the candidate whom the individual represents. (3) Immediately preceding the commencement of the campaign period, all such candidates and authorized agents must gather in either Kogan Plaza on the Foggy Bottom campus, or around the central fountain on the Mount Vernon Campus. (4) All such candidates and authorized agents shall be required to remain within an area demarcated by campaign tape until informed by the Committee that the campaign period has begun.

729 – Registration of Campaign Material Before a candidate may distribute any item which qualifies as campaign material, the candidate must register the item with the Committee. To register an item, the candidate shall submit one proof copy of the item to a member of the Committee. Candidates shall not be required to register any website, social networking group, or other internet campaign tool.

730 – Dorm-Storming Campaigning in residence halls shall be known as ‘dorm-storming’. All candidates shall adhere to the dorm-storming regulations as issued by the Residence Hall Association (RHA) and GW Housing. The Committee shall adopt all dorm-storming regulations as an additional rule.

731 – Ballot Content All balloting shall be conducted online through a voting system administrated by The George Washington University Information Systems & Services (ISS). Each uniform constituency group shall have its own unique ballot. The content of each ballot shall be as follows:

- (a) **Electoral Races** Electoral races for the Student Association shall appear first on the ballot, followed by electoral races for the Marvin Center Governing Board, followed by electoral races for the Program Board. The electoral races for the Student Association shall be listed in the following order: President, Executive Vice-President, At-Large Senator, and School Senator for the given uniform constituency group. Electoral races for the Marvin Center Governing Board shall be listed in an order to be determined by the

Committee. Electoral races for Program Board shall be listed in the order of Chair and then Vice-Chair. If there are any additional electoral races not listed in this section, the Committee shall determine their position in the order.

- (b) **Ballot Measures** If any ballot measure or referendum is to be included on the ballot, it shall precede any electoral race. If multiple ballot measures or referenda are to be included, the Committee shall determine their order.
- (c) **More Candidates than Seats** In those electoral races in which there are a greater number of candidates as there are available seats, the registered candidates shall be listed on the ballot in order as determined by Rule 726. Voters shall be permitted to cast a vote for as many candidates as there are available seats.
- (d) **Equal Candidates as Seats** In those electoral races in which there are an equal number of candidates as there are available seats, the registered candidates shall win the election automatically, and the given electoral race shall not be listed on the ballot.
- (e) **Fewer Candidates than Seats** In those electoral races in which there are fewer registered candidates than there are available seats, write-in voting shall be permitted. In such electoral races, the registered candidates shall win the election automatically, and their names shall not be listed on the ballot. Instead, the ballot shall include for the given electoral race a number of write-in spaces equal to the number of seats which remain open after the registered candidates have won. Except as provided by this section, write-in voting shall not be permitted.

732 – Voting Except as otherwise stated by this Charter or by governing law, all matriculated students at the George Washington University shall be qualified voters. All qualified voters shall be permitted to vote only on those electoral races and ballot measures for which the voter's uniform constituency group is eligible to vote.

733 – Non-Registered Candidates Non-registered candidates may be elected by write-in voting. If a non-registered candidate is elected to office, the non-registered candidate shall have the option to accept or decline his or her seat. The non-registered candidate shall have four class days to notify the Committee of his or her decision, after which the seat shall be automatically declined. Non-registered candidates shall be required to follow all campaign rules and regulations.

734 – Determination of Results The results of any election, ballot measure or referendum shall be determined as follows:

- (a) **Races For One Seat** Except as otherwise stated by governing law, for electoral races in which only one seat is available, the candidate in the given electoral race who receives the greatest number of votes shall win.

- (b) Races For Multiple Seats** Except as otherwise stated by governing law, for electoral races in which multiple seats are available, the number of candidates equal to the number of available seats who receive the greatest number of votes shall win.
- (c) Races With Minimum Threshold** Except as otherwise stated by governing law, for electoral races which require a candidate to receive a certain minimum number of votes in order to win, if no candidate receives a sufficient number of votes to win in the general election, a runoff election between the two candidates who received the greatest number of votes shall be required.
- (d) Tie Votes** Except as otherwise stated by governing law, if either (1) there is a tie vote between candidates in an electoral race in which only one seat is available, such that no candidate receives a plurality vote, or (2) there is a tie vote between candidates in an electoral race in which multiple seats are available, such that the number of candidates equal to the number of available seats receiving the greatest number of votes cannot be determined, a runoff election between the tying candidates shall be required. If (3) there is a tie vote between candidates in an electoral race in which there is a minimum threshold, such that the two candidates who received the greatest number of votes cannot be determined, a random drawing shall be used to select the tying candidate who shall be the second candidate in the runoff election.

735 – Runoff Elections If a runoff election is required, it shall be held on the Wednesday and Thursday of the next week following the general election in which both days are class days. No write-in votes shall be permitted during any electoral race in a runoff election.

736 – Release of Results No later than 5:00PM on the Friday following an election, the Committee shall publish a report listing the uncertified results of the election. This report shall state, at a minimum, for each of the Student Association, Marvin Center Governing Board, and Program Board: (1) the total votes cast for each candidate for each electoral race included in the election, (2) the total votes cast for each position on a ballot measure or referendum included in the election, (3) which candidates shall have been elected, which shall be tied, and which shall be candidates in a runoff election, and (4) which measures shall be adopted and which shall be denied. If the report should change for any reason, the Committee shall update the report. The Committee shall make this report available on its website.

737 – Certification After all remaining considerations which may influence the result of any electoral race, ballot measure or referendum in a given election have been resolved, the Committee shall certify the results of the given election, and shall publish a report of certified results. The Committee shall make this report available on its website. After results are certified, such certification may not be undone by any authority, official, individual, or body.

738 – Special Elections As may be required by the Student Association, the Marvin Center Governing Board, or Program Board, the Committee shall oversee the administration of any special elections. Insofar as any Rule in Chapter 3 of this Charter may apply to a special election, that Rule shall be followed.

CHAPTER 4: CAMPAIGN RULES AND REGULATIONS

739 – Purpose These campaign rules and regulations are hereby established to ensure the fairness and integrity of every election, to provide each candidate with an equal opportunity to disseminate his or her message to the public, and to promote the interest and participation of the student body in the election process. These campaign rules and regulations shall be intended to restrict only that activity which is meant to advance or inhibit a candidacy, or which tends towards that end, but not that activity which is by nature neutral, impartial, and lacking in effect.

740 – Enforcement These campaign rules and regulations shall be enforced proactively and preemptively by the Chief Investigator and the Assistant Investigators. Any investigator may inform a candidate as to whether that investigator, at that time, will or will not personally file a complaint form against the candidate for a given action or situation. Any investigator may also notify a candidate of any relevant rules in this Charter which may pertain to the given action or situation. However, no investigator shall have the right to advise a candidate as to whether a given action or situation does or does not constitute a violation of these campaign rules and regulations. The same shall apply for members of the Committee.

741 – Unrestricted Activity Except as otherwise stated by this Charter, by additional rule, or by governing law, the Committee shall not restrict the following:

- (a) Any solicited conversation, in person or otherwise;
- (b) Any solicited distribution of campaign material;
- (c) Any activity conducted in or on private property not owned by the University, or in any space meant for the private use of residents or tenants, so long as the activity does not advance or inhibit a candidacy, or tend towards that end, by affecting any individuals on public grounds; and
- (d) The right of candidates to make available any campaign material to the public, so long as the material is not distributed without solicitation, and so long as the availability of the material conforms to all other rules in this Charter and all other additional rules.

742 – Spending Limits No candidate shall make an aggregate expenditure on behalf of their candidacy in excess of the following limits:

- (a) \$1,000 for candidates for Student Association President, Student Association Executive Vice-President, Marvin Center Governing Board Chair, Program Board Chair and Program Board Vice-Chair;
- (b) \$750 for candidates for Student Association At-Large Senate seats;
- (c) \$500 for candidates for all other Student Association Senate seats; and
- (d) If a runoff election is required, each candidate in the runoff election shall be permitted, after voting in the general election has concluded, to spend \$250.

743 – Reporting Requirements

- (a) **Financial Expenditure Report** For each election, each candidate shall be required to submit a ‘financial expenditure report’, which shall list all goods and services acquired by the candidate which were intended to advance or inhibit a candidacy, or which tend

towards that end. The Committee shall make available on its website an official financial expenditure report form before the commencement of the campaign period.

- (b) Actual Value** Any good or service actually purchased or paid for by the candidate for his or her campaign shall be reported at the actual value expended by the candidate for the given good or service. Candidates must provide receipts to prove the actual value of each good or service purchased or paid for.
- (c) Fair Market Value** Any good or service volunteered for or donated to a candidate for his or her campaign shall be reported at the fair market value of the good or service. Fair market value shall be calculated as the lowest price available to all candidates for the exact good or service volunteered or donated. If the exact good or service is not available to all candidates, the lowest price of the most substantially similar good or service available to all candidates shall be used. Candidates must provide some proof of the fair market value of each good or service volunteered or donated.
- (d) Exemptions** The following items shall not be included as part of a candidate's aggregate expenditure, so long as they are not distributed to individuals other than a candidate and his or her authorized agents, and so long as they are not used in such a manner that they, alone or combined, constitute campaign material:
1. Tape;
 2. Writing utensils;
 3. Paper; and
 4. Notebooks.
- (e) Deadline** All candidates must submit a financial expenditure report by 5:00PM on the day following any given election.

744 – Postering Regulations

- (a) Locations** Candidates may only place posters in the following public locations:
1. The exterior of the Marvin Center on the H Street side;
 2. The exterior of the Academic Center buildings;
 3. The exterior of any building facing University Yard, but not the Law School;
 4. The building exteriors adjacent to the main entrance of Ross Hall; and
 5. The exterior of Ames Hall on the Mount Vernon campus.
- (b) Restrictions**
1. No poster may exceed 18 inches by 12 inches.
 2. No poster may be affixed to any window, door, awning, rail, rack, post, handle, or temporary structure.
 3. No poster may be placed in such a way that it blocks any sign.
 4. No candidate may place either tape or a poster over another candidate's previously affixed poster in such a way that the previously affixed poster is obscured in any meaningful way.

5. No candidate may place a poster inside any University residence hall or townhouse, except that individual students shall be permitted, if they wish, to each place one poster on the outside of their own dorm room door, or in any window within their own residence.
- (c) **Limit on Quantity** No candidate may hang posters in excess of the following limits:
1. 150 posters for candidates for Student Association President, Student Association Executive Vice-President, Marvin Center Governing Board Chair, Program Board Chair and Program Board Vice-Chair;
 2. 100 posters for candidates for Student Association At-Large Senate seats;
 3. 50 posters for candidates for all other positions; and
 4. All candidates shall be limited to hanging a maximum of twenty percent of their allotted posters on the Marvin Center, and a maximum of twenty percent on the Academic Center buildings.

745 – Unlawful Distribution of Campaign Material

- (a) **Before Campaign Period** No candidate, or authorized agent thereof, may distribute or make available any campaign material prior to the commencement of the campaign period. This section shall not apply to the creation or availability of any website, social networking group, or other internet campaign tool.
- (b) **Material Not Registered** No candidate, or authorized agent thereof, may distribute or make available any campaign material which has not first been registered with the Committee. This section shall apply only to those materials for which registration is required under Rule 729.
- (c) **Within University Buildings** No candidate, or authorized agent thereof, may, within any University building, distribute, attempt to distribute, or make available any campaign material, unless such material is solicited.
- (d) **Unsolicited Distribution** No candidate, or authorized agent thereof, may, on any University campus, distribute any campaign material to persons not soliciting such material. This section shall not restrict the right of candidates to make available any campaign material to the public.
- (e) **Election Day Restricted Zones** No candidate, or authorized agent thereof, may, on any election day, distribute, attempt to distribute, or make available any campaign material in zones which are designated, by order or by rule, as restricted by the Committee and which are demarcated by campaign tape.
- (f) **Electronic Communications** No candidate, or authorized agent thereof, may send any electronic communication for his or her campaign, including any invitation to join a social networking group, or any e-mail triggered by a social networking group such as, but not limited to, Facebook, Twitter or Myspace, to persons not soliciting such a communication.

746 – Unlawful Use of Resources No candidate, or authorized agent thereof, shall use any resource of the University, including the Student Association or any student organization, which is of monetary value, for his or her campaign, except that a candidate may use the resources of any student organization who wishes to publicly endorse the candidate. Such resources shall be subject to reporting under Rule 743.

747 – Disruption of a University Function No candidate, or authorized agent thereof, may, in the course of campaigning, disrupt any function of the George Washington University or of the Student Association.

748 – Destruction of Property No candidate, or authorized agent thereof, may, with malicious intent, purposely deface, destroy or remove any campaign material belonging to another candidate.

749 – False Statements No candidate, or authorized agent thereof, may, in any matter within the jurisdiction of the Committee or of the Student Court, knowingly and willfully:

- (a) falsify, conceal, or otherwise cover up by any trick, scheme or device a material fact;
- (b) make any materially false, fictitious, or fraudulent statement or representation; or
- (c) create or use any false writing or document, knowing that the writing or document contains any materially false, fictitious, or fraudulent statement or entry.

750 – Obstruction

- (a) No candidate may engage in disorderly, contemptuous, or insolent behavior so as to interrupt or delay a meeting of the Committee.
- (b) No candidate, or authorized agent thereof, may engage in behavior intended to disrupt, interrupt or obstruct any member of the Committee or any staff officer in the pursuit of their official duties.

751 – Impersonation No candidate, or authorized agent thereof, may falsely assume or pretend to be a member of the Committee, an officer under acting under the authority of the Committee, or any other individual acting under the authority of any governing body.

752 – Bribery No candidate, or authorized agent thereof, shall confer, or offer to confer, any benefit upon any elections officer or Student Court justice with the understanding that the benefit will influence the elections officer or Student Court justice in the discharge of his or her official duties.

753 – Tampering

- (a) **Witness** No candidate, or authorized agent thereof, knowing that a person may be a witness in a proceeding of the Committee or of the Student Court, shall induce or affect the person to avoid the proceeding or to give a false statement.

(b) Evidence No candidate, or authorized agent thereof, shall willfully conceal, remove, or destroy any official record, report, form or other document which is in the custody of the Committee.

754 – Failure to Comply All candidates, and authorized agents thereof, shall be required to comply with the rules and regulations of this Charter, all additional rules, and all governing laws. No candidate may intentionally disobey or resist a lawful process of the Committee.

755 – Attempted Violations All rules and regulations which restrict the conduct of a candidate shall also restrict the attempted conduct of a candidate. Failure to succeed in an attempt to violate any rule or regulation shall not constitute a valid defense of a candidate’s conduct.

756 – Authorized Agent Liability Each candidate shall be liable for all actions carried out by his or her authorized agents. Wherever this Charter, or any additional rule, restricts the actions of a candidate, so too shall the actions of any authorized agents thereof be restricted.

CHAPTER 5: DUE PROCESS AND JUDICIAL REMEDIES

757– Complaint

(a) Complaint Form The Committee shall create and make available on its website an official ‘complaint form’. Each investigator shall be required to carry blank copies of the complaint form on posting day and on election days, so long as the investigator is in the course of performing his or her official duties.

(b) Filing a Complaint Any person who believes that a violation of this Charter, or of any additional rule, has occurred may file a complaint with the Committee. In order to file a complaint, a person must properly complete the official complaint form and must submit the complaint form to a member of the Committee. Any witness to a violation must file a complaint within three class days of observing the violation, or else the Committee shall not accept the complaint.

(c) Transmission Within five class days of receiving a valid complaint form, the Committee shall transmit the complaint form to the Chief Investigator, who shall begin investigating any allegations made in the complaint.

(d) Non-Registered Candidates The Committee shall accept complaints against non-registered candidates, but shall not transmit such complaints to the Chief Investigator unless and until the given non-registered candidate is elected to office.

758 – Probable Cause Hearing Within five class days of the transmission of a complaint form to the Chief Investigator, there shall be held a probable cause hearing for the given complaint. All probable cause hearings shall be held in executive session. For each hearing, the Chief Investigator shall present the initial results of his or her investigation, and shall make a recommendation to the Committee as to whether there exists sufficient evidence to prosecute any

candidate for a violation of this Charter. Within twenty-four hours, the Committee shall determine whether probable cause exists to indict any candidate for a violation of this Charter. Only two votes shall be required in order to find that probable cause exists.

759 – Indictment If, after a probable cause hearing, the Committee determines that probable cause exists, the Committee shall immediately issue an indictment. The Committee shall send the indictment to the indicted candidate within three hours of the determination of probable cause. Each indictment shall contain (1) the name of the candidate being indicted; (2) a complete list of counts for which the candidate is indicted, each of which shall including the rule, section and subsection of this Charter, or the additional rule number, which the candidate is alleged to have violated; (3) contact information for the Chief Investigator, or an Assistant Investigator, in order to arrange for discovery; and (4) the date, time and tentative location of the candidate’s violation hearing.

760 – Discovery At least six hours before the scheduled commencement of a violation hearing, the Chief Investigator or an Assistant Investigator shall allow the indicted candidate to view, and make copies of, all evidence which will be used against him or her during the hearing. If the candidate plans to present any evidence in his or her defense, then he or she must likewise allow an investigator to view, and make copies of, all such evidence. The candidate and the Chief Investigator or an Assistant Investigator shall meet in the office of the Committee at a mutually agreeable time in order to fulfill the requirements of this rule. If any evidence is discovered before this meeting, and it is not shown to the opposing party, it shall not be admissible during the hearing. If any evidence is discovered after the six hour deadline, it shall be made available to the opposing party immediately, and its admissibility shall not be guaranteed.

761 – Violation Hearing The Chair of the Committee shall preside over all violation hearings, and shall ensure that the proper procedures are followed. All violation hearings must be held in public. There shall be no rules of evidence observed during a violation hearing beyond those found in this Charter and in any additional rules. The burden of proof shall rest upon the investigator to prove that a violation was committed by a preponderance of the evidence.

Violation hearings shall proceed as follows:

- (a) The investigator shall give an opening statement not to exceed two minutes.
- (b) The defendant or his counsel shall give an opening statement not to exceed two minutes.
- (c) The investigator’s case-in-chief shall begin, during which the investigator may call and question witnesses and present evidence.
- (d) The defendant or his counsel shall be permitted to cross-examine any witness called by the investigator.
- (e) Once the investigator has rested his or her case-in-chief, the defendant’s case-in-chief shall begin, during which the defendant or his counsel may call and question witnesses and present evidence.
- (f) The investigator shall be permitted to cross-examine any witness called by the defendant or his counsel.
- (g) The investigator shall give a closing argument not to exceed three minutes.
- (h) The defendant or his counsel shall give a closing argument not to exceed three minutes.
- (i) The investigator may give a rebuttal not to exceed 1 minute.

- (j) The members of the Committee shall have the right to question, at any time, any witness called to testify. The members of the Committee shall also have the right to question the investigator and defense counsel, but shall not make any material inquiry of the defendant.
- (k) Following any violation hearing, or following any set of violation hearings as the Committee may prefer, the Committee shall close the meeting to all except itself and shall begin deliberation.
- (l) Following deliberation, the Committee shall reopen the meeting and shall announce the results of each count in each indictment.

762 – Finding of Fact After announcing the results of a violation hearing, the Committee shall designate one of the members who voted in the majority to write a finding of fact. Any other member, agreeing or not with the Committee’s decision, may separately write his or her own finding of fact. Within forty-eight hours of the announcement of the result of a violation hearing, the Committee shall compile, approve, and make available on its website an official and complete finding of fact including all those written by the members of the Committee.

763 – Sentencing If a candidate is found in violation of this Charter, for each count that the candidate is found in violation, he or she shall receive, for a violation of—

- (a) Rule 742,
 - 1. one (1) penalty for \$0.01 to \$25 over the limit;
 - 2. two (2) penalties for \$25.01 to \$50 over the limit,;
 - 3. three (3) penalties for \$50.01 to \$100 over the limit;
 - 4. four (4) penalties for \$100.01 to \$200 over the limit,; and
 - 5. six (6) penalties for more than \$200.01 over the limit.
- (b) Rule 743(b), one (1) penalty per item missing a receipt.
- (c) Rule 743(c), one (1) penalty per item missing proof.
- (d) Rule 743(e), one (1) penalty per class day that the report is late.
- (e) Rule 744, one (1) penalty per five posters, or fraction thereof, in violation.
- (f) Rule 745, one (1) penalty.
- (g) Rule 746, two (2) penalties.
- (h) Rule 747, two (2) penalties.
- (i) Rule 748, two (2) penalties.
- (j) Rule 749, three (3) penalties.
- (k) Rule 750(a), three (3) penalties.
- (l) Rule 750(b), six (6) penalties.
- (m) Rule 751, six (6) penalties.
- (n) Rule 752, six (6) penalties.
- (o) Rule 753, six (6) penalties.
- (p) Rule 754, if because of a failure to comply with Rule 719, three (3) penalties.
- (q) Rule 754, if because of a failure to comply with Rule 725, one (1) penalty.
- (r) Rule 754, if because of a failure to comply with Rule 728, one (1) penalty.
- (s) Rule 754, if because of a failure to comply with Rule 730, two (2) penalties.
- (t) Rule 754, if because of a failure to comply with Rule 760, two (2) penalties.

764 – Disqualification Any candidate who accumulates six or more penalties during a given election period shall be disqualified, and the Committee shall issue the candidate an order of disqualification. Such an order shall remove the candidate from the ballot, invalidate their election to office, and render the candidate ineligible to be elected to any office in the election.

765 – Right to Counsel Any candidate shall have the right to appoint any one enrolled student of the University to serve as his or her counsel in any matter before the Committee. In order to appoint counsel, a candidate must submit, in person, a hand-written and signed notice identifying the individual being appointed. Counsel shall be considered an authorized agent, and shall have the power to exercise any right, responsibility or duty otherwise retained by the candidate whom counsel represents.

766 – Errors Failure of the Committee to comply with any requirements of law in the prosecution of any complaint shall warrant only the unlawfully conducted process or decision null. The Committee shall continue to proceed with the prosecution of any complaint that may still be pursued lawfully following nullification of a process or decision. Inability to proceed lawfully with a given complaint shall not preclude resubmission of the complaint, if such resubmission is timely and lawful.

767– Appellate Jurisdiction The Student Court shall exercise final jurisdiction over all appeals of decisions of the Committee.

768 – Standard of Review The Student Court must affirm any decision of the Committee unless it is found to be arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with governing law.

769 – Judicial Remedy Among all other powers retained by the Student Court, if the Student Court overturns any decision of the Committee, the Student Court may:

- (a) issue an order re-opening a time-limited process;
- (b) issue an order to remand;
- (c) issue an order vacating any decision of the Committee;
- (d) issue a preliminary or permanent injunction against the prescription of any rule by the Committee which is in violation of this Charter or governing law; and
- (e) issue an order vacating the results of any election, and may, but need not, issue an additional order calling for a new election.

CHAPTER 6: CONSTRUCTION AND DEFINITIONS

770 – Enactment This Charter shall be enacted by a vote of a simple majority of the membership of the Student Association Senate as required by the legislative process outlined in the Student Association Constitution. The Marvin Center Governing Board and the Program Board shall each adopt this Charter, as enacted by the Student Association, in accordance with their respective laws. The same shall be required of any amendment to this Charter.

771 – Supremacy Where the charters or constitutions of the Student Association, Marvin Center Governing Board, or Program Board conflict with this Charter, the former shall govern, except, if any of the former, in their particular application, do conflict with another of the former, this Charter shall govern. Where the other laws of the Student Association, Marvin Center Governing Board, or Program Board conflict with this Charter, this Charter shall govern.

772 – Severability The provisions of this Charter are severable, and if any chapter, rule, or section, or part thereof, is held to be unconstitutional by a court of competent jurisdiction, the decision shall not be construed to affect or invalidate any other provisions of this Charter, or the Charter as a whole.

773 – Definitions For the purposes of this Charter, any additional rule, or any other official document created or used by the Committee, the following definitions shall be apply:

- (a) **“Candidate”** means any individual who has taken an affirmative step to seek office, and wherever this Charter states a rule restricting or regulating the actions of a “candidate,” the rule shall be construed to apply equally to an “authorized agent”;
- (b) **“Authorized agent”** means any individual, with the tacit or explicit approval of a candidate, acting on behalf of, or otherwise representing, a candidate;
- (c) **“To solicit”** means to willfully seek to obtain, or to request, as for something desired;
- (d) **“Distribution”** means the intentional transmission of material by a candidate to any individual not associated with the candidate’s campaign, and “to distribute” shall refer to the actual or attempted transmission of material in this manner;
- (e) **“Make available”** means to intentionally place material in the public domain such that individuals not soliciting such material may, but are not instructed to, receive it;
- (f) **“Campaign material”** means any material which (1) is intended for public distribution or display, and (2) is intended to advance or inhibit a candidacy, or tends towards that end;
- (g) **“Campaigning”** means advancing or inhibiting a candidacy, or tending toward that particular end, and “For his or her campaign” means for the purpose of campaigning;
- (h) **“Fair market value”** means the lowest price reasonably available to all candidates for a particular good or service on the open market, or, alternatively, “fair market value” means the price for a particular good or service that would be agreed upon between a willing buyer and a willing seller, with neither being required to act, and both having reasonable knowledge of the relevant facts.
- (i) **“Election”** means any general, runoff, recall, referendum, or special election;
- (j) **“The Committee”** means the Joint Elections Committee;
- (k) **“University”** means The George Washington University;
- (l) **“Uniform constituency group”** means a group of electors having uniform demographic characteristics for the purposes of ballot categorization, the members of the group being qualified to vote for identical offices or measures, such that an identical ballot may be used for any such member to cast his individual vote;
- (m) **“Elections officer”** means any staff officer or member of the Committee;
- (n) **“Staff officer”** means any officer appointed by the Committee, including the Chief Investigator and any Assistant Investigators;
- (o) **“Election day”** means a calendar day during which the Committee has scheduled for voters to be able to cast votes in any election;

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- (p) **“Governing law”** means the charters and constitutions of the Student Association, Marvin Center Governing Board, and Program Board;
- (q) **“Ballot measure”** means a question or proposal submitted in an election upon which the voters may cast a vote, and it shall be interchangeable with “referendum”; and
- (r) **“Ballot”** means the totality of the website pages viewed by a voter as he or she casts a vote through ISS.