

**The Codes of the Bakersfield Renegade Association
(COBRA)**



BCSGA Elections Code

COBRA was created and approved by the Senate of the 90th Session of Bakersfield College Student Government Association on Wednesday, April 29, 2015.

Bakersfield College Student Government Association

TABLE OF CONTENTS

TITLE VII.	BCSGA Elections	4
Chapter 1.	Commission on Elections	4
Section 01:	Establishment	4
Section 02:	Mission	4
Section 03:	Responsibilities	4
Section 04:	Composition of the Commission	4
Section 05:	Prohibition of the Commission	4
Section 06:	Officer Term	4
Section 07:	Role of the BCSGA Advisor	5
Section 08:	Election Staff	5
Section 09:	Duties of the Parliamentarian	6
Section 10:	Voting, Delegation, and Authority	6
Section 11:	Commission Meetings	7
Section 12:	Authorization of Appropriations	7
Chapter 2.	Elections Code	8
Section 01:	Establishment	8
Section 02:	Purpose	8
Section 03:	Election Dates	8
Section 04:	Polling of Elections	8
Section 05:	Voters' Guide	9
Section 06:	Candidate Debates	9
Section 07:	Candidates	9
Section 08:	Elections Time Frame	10
Section 09:	Candidate Filing Form:	10
Section 10:	Candidate Application Packets	11
Section 11:	Deadline for Withdrawal	11
Section 12:	Qualifications of Voters	11
Section 13:	Petitions for Initiative and Referendum	11
Section 14:	Recall Elections	13
Section 15:	The Informational Session	14
Section 16:	The Candidates' Meeting	14
Section 17:	Campaign Rules	14
Section 18:	Conduct of Campaign:	16
Section 19:	Penalty for Violations of Campaign Rules	17
Section 20:	The Ballot	17
Section 21:	Tallying of Votes	17
Section 22:	Safeguards	18
Section 23:	Void an Election	18

Bakersfield College Student Government Association

Section 24:	Campaign Materials	18
Section 25:	Campaign Finance Rules and Regulations.....	19
Section 26:	Posting Policy.....	19
Section 27:	Administration of Electronic Filing of Documents.....	20
Section 28:	Severability	20



TITLE VII. BCSGA ELECTIONS

Chapter 1. COMMISSION ON ELECTIONS

Section 01: Establishment

- a) Hereby establishes the Elections Commissions as an entity of the Association. The Association authorizes the BCSGA Advisor and the BC Office of Student Life to ensure an equitable and fair annual elections process for the Association.

Section 02: Mission

- a) The mission of the Elections Commission is to provide for a fair and efficient election for the Association. The Elections Commission provides an avenue for motivated BC students to start their understanding of a career in public service. BCSGA Officers are engaged in local as well as national politics and are instilled with a deep sense of leadership and civic responsibility that contributes to the development of engaged citizens.

Section 03: Responsibilities

- a) The primary responsibilities of the Elections Commission are to:
 - 1) Host workshops on civic engagement and leadership
 - 2) Create a fair and equitable Elections for the Association
 - 3) Instill the civic duty and citizenship in all BC Students
 - 4) Remove illegally posted elections campaign material
 - 5) Publicize all information pertaining to elections
 - 6) Enforce the Elections Code regarding all election affairs
 - 7) Other matters related to the Elections Commission.

Section 04: Composition of the Commission

- a) Members within the Elections Commission
 - 1) BCSGA Advisor, or designee, Chair
 - 2) Two (2) BCSGA Senators
 - 3) Two (2) Commission Member
- b) The BCSGA Advisor will establish a clear and transparent application process for the purpose of soliciting applications, interviewing, and selecting members of the Elections Commission.

Section 05: Prohibition of the Commission

- a) No member of the Elections Commission can sit on the commission and run for a BCSGA Officer seat
- b) No member of the Elections Commission may support or oppose any candidate, or proposition in a BCSGA Election while serving on the Commission.
 - 1) Failure to abide by this provision shall be held to be grounds for impeachment and removal from office.

Section 06: Officer Term

- a) The Senate must appoint two Senators to the Commission BCSGA Advisor within twenty (20) instructional days of each new session.
- b) Members of the Commission shall serve in their position until a successor has taken office.
- c) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.
- d) Members shall be chosen based on their experience, integrity, impartiality, and good judgment.

Bakersfield College Student Government Association

Section 07: Role of the BCSGA Advisor

- a) ESTABLISHMENT:
Hereby establishes the BCSGA Advisor as the official person in charge for the BCSGA Elections, annual or otherwise needed.
- b) DUTIES:
The duties of the BCSGA Advisor (“Director”) include, but are not limited to the following:
 - 1) Chair all meetings of the Elections Commission
 - 2) May delegate any of the Director’s duties to any member of the Elections Commission
 - 3) Create and post agendas for meetings of the Elections Commission in accordance with Brown Act
 - 4) Appoint members on the Elections Commission
 - 5) Keep complete and accurate records of all Elections Commission activities
 - 6) Plan, implement, and evaluate all Elections Commission activities
 - 7) Responsible for securing volunteers to aid in Elections Commission activities
 - 8) Coordinate with BCSGA Directors to engage the BC Student body in Elections Commission events and related activities
 - 9) To take the complete administrative charge for all details and operations of BCSGA Elections and the Commission
 - 10) To conduct, or delegate the conduction of, the Candidates’ Meeting and other events that pertain to the elections
 - 11) To be in charge of issuing warnings for violations of the Elections Code
 - 12) To recruit sufficient workers and material for each physical poll location
 - 13) To ensure that proper conduct is maintained in the vicinity of polling locations
 - 14) To coordinate and execute events pertaining to all candidates
 - 15) Prepare a budget for the Elections Commission to be included in the President’s Annual Budget proposal.

Section 08: Election Staff

- a) The Civic Engagement Coordinator works with the BCSGA Advisor to assist in recruiting and engaging candidates in the election process.
- b) The duties of the Civic Engagement Coordinator include, but are not limited to the following:
 - 1) To design and provide all filing forms
 - 2) To maintain a file of all Commission records, papers, forms, reports, or statements filed by each candidate, group, and to serve as secretary to the Commission
 - 3) To verify the validity of all filing form information, including candidate names, as outlined in the Election Code and to inform affected candidates, so far as possible, of any problems or inconsistencies
 - 4) To arrange for the setting up and removal of polls and to arrange for a sufficient number of polling booths at physical polling locations
 - 5) To clearly mark all physical polling locations so that they will be easily identifiable.
 - 6) To organize any orientation materials and workshops for recruiting candidates to run for elections
 - 7) To coordinate and execute events pertaining to all other candidates
 - 8) To coordinate and host a minimum of four (4) events or workshops to engage constituents with their civic responsibility
 - 9) Any other duties as assigned by the BCSGA Advisor.
- c) The Public Relations Coordinator works with the BCSGA Advisor to assist in advertising and marketing plan for election processes.
- d) The duties of the Public Relations Coordinator include, but are not limited to the following:
 - 1) To assist the Director in program management and marketing efforts of the Elections Commission
 - 2) To serve as the Secretary of the Elections Commission through the preparation of agendas, documentation of minutes, and any other tasks related to meetings of the Elections Commission

Bakersfield College Student Government Association

- 3) Collaboratively work with the Commission to develop and deliver programs during BC Orientations
 - 4) To provide extensive publicity of the candidate filing period and election, in such a manner to ensure that all elements of the campus community will receive equal notice.
 - 5) To place advertisement in The Renegade Rip or similar before and throughout the candidate-filing period and during the election and any additional times deemed necessary.
 - 6) To send flyers out to all Student Services departments, academic departments, student organizations, etc. by the first day of the filing period and the first day of General Elections.
 - 7) To place posters on campus anywhere that is deemed necessary throughout the filing period and prior to the General Elections.
 - 8) To design the ballot and arrange for its printing and any other details which involve the ballot.
 - 9) To develop monthly programming that engages constitutes in local and national elections
 - 10) To provide extensive publicity prior to the election of all physical polling locations, and times that each will be open.
 - 11) To create and provide for the publication of the Voters' Guide (online and print)
 - 12) Any other duties as assigned by the BCSGA Advisor.
- e) COMMISSION MEMBERS
- 1) Commission Members, appointed by the BCSGA Advisor, or designee, to assist the Elections Commission in program management and marketing efforts of department activities.

Section 09: Duties of the Parliamentarian

- a) Along with the BCSGA Advisor the BCSGA Parliamentarian shall have the following duties with respect to BCSGA Elections:
 - 1) To investigate alleged violations of the Election Code and prosecute offenders.
 - 2) To prosecute any case filed by a third party, even in cases where the plaintiff seeks to dismiss the charge.
 - 3) To ensure that all regulations concerning petitions are followed fully.
 - 4) To deliver all petitions for initiative and referendum to the Elections Commission before the Candidates' Meeting.
 - 5) To carry out such other functions and duties as required under the constitution and laws.
- b) The Parliamentarian shall not prosecute any case to which the Parliamentarian is a party or in which the Parliamentarian has an interest in the outcome. When such a conflict occurs, the BCSGA Advisor, or designee, shall act as a special prosecutor to act as and perform the elections duties of the Parliamentarian.
- c) The BCSGA Advisor shall have the privilege of attending or sending a representative to all physical polling locations and places where ballots are kept and tabulated, provided such representative is not a candidate or agent in the election.

Section 10: Voting, Delegation, and Authority

- a) VOTING:
 - 1) All decisions of the Elections Commission with respect to the exercise of its duties and powers under the provisions of the Election Code shall be made by a majority vote of the members of the Commission.
- b) DELEGATION:
 - 1) Members of the Commission may not delegate to any person their vote or any decision-making authority or duty vested in the Commission by the provisions of the Election Code unless specifically provided for otherwise in the Election Code.
- c) AUTHORITY:

Bakersfield College Student Government Association

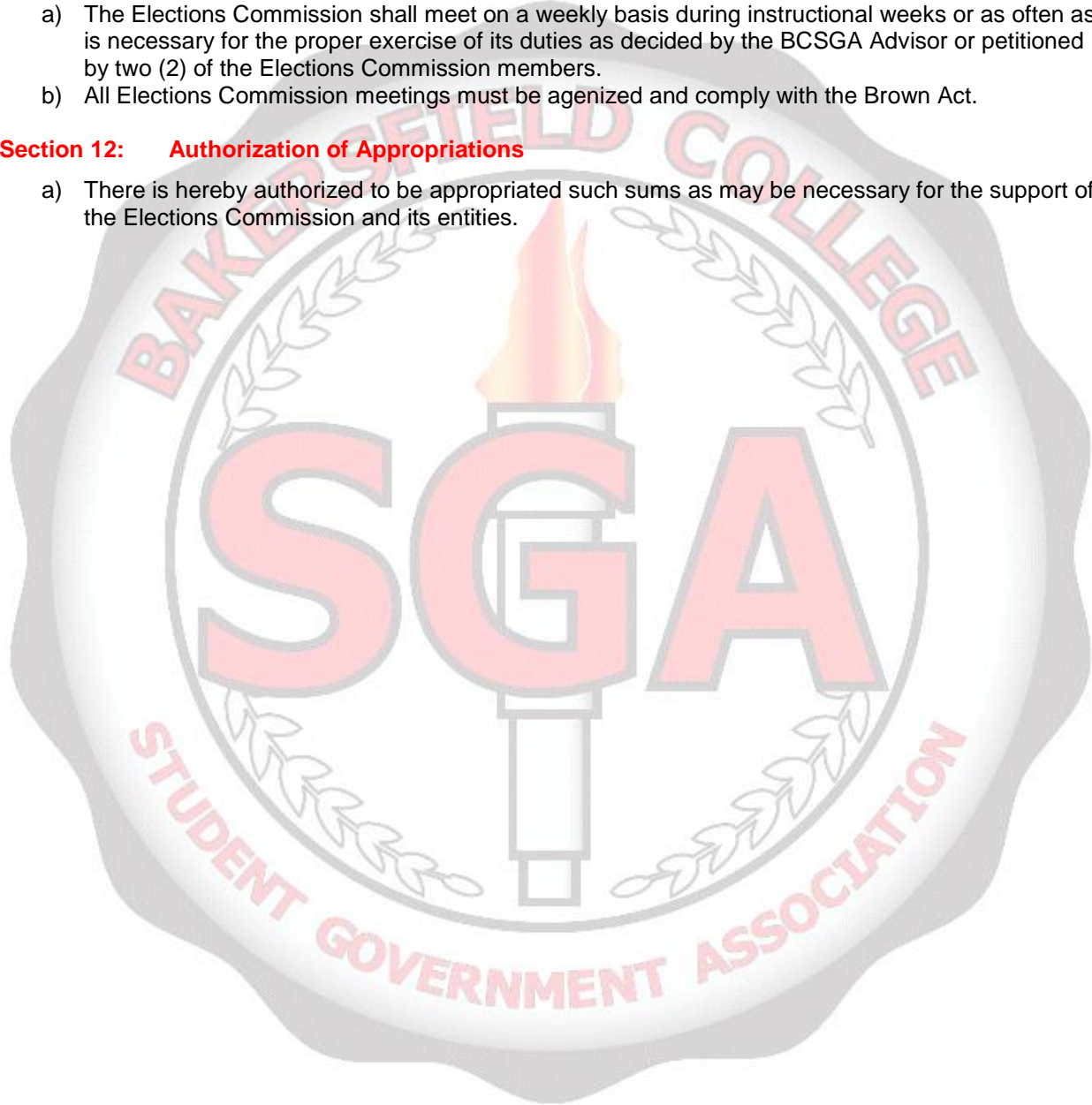
- 1) The Commission shall generally administer, seek to obtain compliance with, and formulate policy with respect to the provisions of the Election Code.
- 2) Nothing in the Election Code shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Senate or any committee of the Senate with respect to BSGA Elections.

Section 11: Commission Meetings

- a) The Elections Commission shall meet on a weekly basis during instructional weeks or as often as is necessary for the proper exercise of its duties as decided by the BCSGA Advisor or petitioned by two (2) of the Elections Commission members.
- b) All Elections Commission meetings must be agenzized and comply with the Brown Act.

Section 12: Authorization of Appropriations

- a) There is hereby authorized to be appropriated such sums as may be necessary for the support of the Elections Commission and its entities.



Chapter 2. ELECTIONS CODE

Section 01: Establishment

- a) Hereby established the Elections Code for all Association elections related events and elections.

Section 02: Purpose

- a) The purpose of the Elections Code is to provide for the conduct of all Association elections. The Elections Code is intended to ensure that each candidate is afforded an opportunity for election equal to that of any other candidate for that office, and proponents and opponents of initiatives, referenda, and other petitions are afforded an equal opportunity for their respective victory.

Section 03: Election Dates

- a) BCSGA Elections shall be held in accordance with the BCSGA Constitution and COBRA.

Section 04: Polling of Elections

- a) All polling locations are classified as either a “physical polling location” or an “electronic polling location”.
 - 1) PHYSICAL POLLING LOCATION:
Any location through in which individuals can vote for the BCSGA Elections.
 - 2) ELECTRONIC POLLING LOCATION:
Any active device (laptop computer, mobile phone, workstation, etc.) through which BCSGA Elections Ballots may be obtained.
- b) Polling Locations
 - 1) Required: Any election of BCSGA shall have a physical polling location within the Campus Center, which shall be open for voting at a minimum between the hours of 8 a.m. and 6 p.m., each day voting is taking place
 - 2) The Commission may determine, if necessary, another on-campus location in the interests of the student body provided that such additional locations are open:
 - i. On each day of polling;
 - ii. To all members of the campus community; and
 - iii. For no fewer than two (2) hours each day.
 - 3) The Commission shall place the physical polling locations so as to avoid congestion and provide easy access to the voter.
 - 4) The locations of the polling locations shall be well-publicized before and during the election.
 - 5) The Commission shall provide sufficient ballot boxes at each location to avoid crushing of ballots.
- c) Closing of Physical Polling Locations
 - 1) No person in line to vote at the time the physical polling location closes shall be prevented from voting at that place and time.
- d) Campaigning at Polling Locations
 - 1) The Commission shall determine areas where campaigning is not allowed prior to the Candidates' Meeting.
 - 2) The polling area(s) shall not have campaign signs, posters, or other literature and candidates shall not be allowed to campaign in or near it.
 - 3) There shall be no loitering at the physical polling locations.
 - 4) No candidate or agent of a candidate shall actively or passively campaign to any voter from within a distance of 25 feet of the location.
 - 5) No candidate or agent of a candidate shall actively campaign to any individual accessing an electronic polling location.
- e) Staffing of the Polls
 - 1) Each physical polling location shall have at least two poll workers or members of the Commission.

Bakersfield College Student Government Association

Section 05: Voters' Guide

- a) PURPOSE:
The Voters' Guide shall provide an opportunity to candidates, and proponents and opponents of petitions to express their opinions on the BCSGA Elections, and for information to be disbursed to the voters about the Association, the voting procedures, the candidates, and the petitions.
- b) SPECIFICATIONS:
The Voters' Guide shall include
 - 1) Candidate statements or platforms along with other relevant information,
 - 2) The full text of all petitions and constitutional amendments,
 - 3) An explanation of voting procedures, and
 - 4) A brief description of the duties of all elected BCSGA Officers.
- c) DISTRIBUTION:
The distribution of the Voters' Guide shall include, but is not limited to:
 - 1) Physical polling locations,
 - 2) Study areas (such as Library),
 - 3) The Renegade Rip,
 - 4) Other areas deemed by the Commission.

Section 06: Candidate Debates

- a) RESPONSIBILITY
 - 1) The Elections Commission is responsible for other debates related to the BCSGA Elections
- b) DEBATES
 - 1) Debates shall be held at least two (2) instructional days prior to the commencement of the Elections.
 - 2) All candidates must be made aware for the debates and can opt out of the debates
 - 3) The Elections Commission may elect to host a debate with the candidates running for a particular seat
 - 4) All candidates must be made aware for the debates and can opt out of the debates
- c) FORMAT OF DEBATES
 - 1) Questions for the debates
 - i) All questions shall be derived by the Elections Commission
 - ii) Questions shall pertain to any and all current events being discussed in media and on campus
 - 2) Moderator of the debates shall be non-partisan and determined by the Elections Commission, approved by the BCSGA Advisor
 - 3) Time frame and layout of the debates shall be determined by the Elections Commission

Section 07: Candidates

- a) ELIGIBILITY:
 - 1) Each candidate must meet the requirements of eligibility for the office for which they are running as stated in the BCSGA Constitution.
 - 2) Each candidate must have completed at least twelve (12) units of coursework through Bakersfield College, excluding first-semester freshmen.
 - i) The Commission shall confer with the BC Office of Student Life, or designee, to verify the student status of each candidate.
 - ii) First-year freshmen shall have a cumulative 3.0 high school grade point average, determined by their official transcript.
 - 3) Incumbent candidates must have completed and passed twelve (12) units during the course of the past academic year that they held office. All candidates declared ineligible to run shall be notified by the BC Office of Student Life, or designee,

Bakersfield College Student Government Association

- 4) Any candidate on disciplinary, academic, or social probation will not be eligible for candidacy, unless otherwise permitted by the BCSGA Advisor, the Vice President of Student Affairs, and the College President or his/her designee.
 - 5) Candidates for Senate who are members of multiple academic departments shall file under only one department of their preference.
 - 6) Candidates may only file for one office
- a) CANDIDATE NAME:
- 1) In any election, the name of a candidate presented on a ballot must be the given name and surname of the candidate
 - 2) NICKNAME
 - i) A contraction or familiar form of the candidate's given name can be used followed by the candidate's surname.
 - ii) A nickname may be incorporated into the name of a candidate. The nickname must be in quotation marks and appear immediately before the surname of the candidate.
 - iii) A nickname must not be vulgar or threatening and must not indicate any political, economic, social, or religious view, or affiliation and must not be the name of any person, living or dead, whose reputation is known on a campus-wide, statewide, nationwide, or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he is voting.
 - 3) In any election if two (2) or more candidates have the same surnames or surnames so similar as to be likely to cause confusion, the middle initials, if any, of the candidates must be included in the names of the candidates as presented on the ballot.
 - 4) The BCSGA Advisor, or designee, shall verify the validity and legality of all candidate names, as submitted on the filling form by the candidates, and shall inform all affected candidates of any problems or inconsistencies.
 - i) This shall be done, as far as possible, prior to the submission of information for the Voter's Guide, in order to permit corrections.

Section 08: Elections Time Frame

- a) The BCSGA Advisor determines all BCSGA Election dates.
- b) The Filing Period for candidates shall be open for no less than two (2) instructional weeks.
- c) Once the Filing Period ends, Elections process may not exceed more than four (4) instructional weeks.
- d) Once the General Election dates have been announced publicly, the dates cannot be changed unless passed by Senate or the BC Administration.
- e) Voting must be open for no less than four (4) consecutive instructional days.

Section 09: Candidate Filing Form:

- a) Each candidate shall file a Candidate Filing Form with the Commission during the Filing Period.
- b) Candidates for all positions must indicate their desire to run by completing an official Candidate Filing Form during the Filing Period.
- c) The Candidate Filing Form shall be provided by the Elections Commission and made available to the public.
- d) Candidate Filing Forms may be filed online via the Association official website.
- e) The Candidate Filing Form shall include, at minimal:
 - 1) The candidate's name as it is to appear on the election ballot;
 - 2) The office the Candidate is seeking;
 - 3) Contact information
 - 4) n of the candidate;
 - 5) A list of campaign managers or individuals who are directly affiliated with the candidate's campaign;
 - 6) Eligibility Requirement Verification: An electronic signature or acknowledgement that informs the candidate giving permission only for the BCSGA Advisor to verify the

Bakersfield College Student Government Association

candidate's GPA, units, status, etc. to determine whether that candidate is eligible for elections.

- 7) Candidate Platform or Statement shall consist of a maximum of two hundred (200) words.
- 8) A statement relating that the candidate is responsible for all information contained in the Election Code and the information that will also be presented at the Candidates' Meeting.

Section 10: Candidate Application Packets

- a) The Candidate Application Packet shall consist of:
 - 1) Information about the Association and the various elected positions
 - 2) An activity deadline sheet that outlines the dates for the elections process
 - 3) An eligibility requirements
 - 4) A Candidate Filing Form
 - 5) The Election Code
 - 6) Any other material deemed needed by the Election Commission or the BCSGA Advisor

Section 11: Deadline for Withdrawal

- a) Candidates may withdraw their name from the election by filing a written notice with the BCSGA Advisor, or designee, stating their withdrawal.
- b) The deadline for withdrawing from the Primary Elections, without penalty, shall be by the end of the Candidates' Meeting.
- c) The deadline for withdrawing from the General Elections, without penalty, shall be ten (10) instructional days prior to the General Elections.

Section 12: Qualifications of Voters

- a) Students shall either show their BC Student ID card at the polling location prior to voting to verify voter eligibility.
- b) Students shall vote in the academic area to which they belong.
- c) The student must be a member of the academic area by the close of the late registration period for the semester (date established by the BC Administration) in which the election is held in order to qualify as a voter in that particular academic area.
- d) Students who are members of multiple academic areas shall vote for the senate positions of only one college or school of their preference.
- e) No student may vote in any BCSGA Elections more than once.

Section 13: Petitions for Initiative and Referendum

- a) DEFINITIONS:
 - 1) A petition is any initiative or referendum which will be placed before the student body in an BCSGA Election, in pursuance of constitutional definitions of initiative and referendum.
 - 2) An initiative is defined as any item of enactment may be put to a vote of the students by petition. No measure repealing a prior action shall be done by initiative.
 - 3) A referendum shall be used to repeal any item of enactment of the Senate.
 - 4) A Primary Proponent of a Petition is any student that submits a petition. The Primary Proponent(s) of any petition is responsible for the conduct of the campaign in support of the petition.
 - 5) A Proponent of a Petition is any person, including the Primary Proponent(s) of a petition, who acts in support of a petition by delegation, either explicitly or implicitly, of one or more of the Primary Proponents of that petition.
 - i) This shall include any person who circulates or attempts to circulate a petition.
 - ii) This shall not be construed as to include individuals who act in support of a petition independently and without the knowledge of the Primary Proponent(s).
 - 6) Opponent(s) of a Petition is any person, including the Primary Opponent(s) who acts in opposition to a petition by delegation, either explicitly or implicitly, of one or more of the Primary Opponents of that petition.

Bakersfield College Student Government Association

- 7) The Primary Opponent may then submit to the Commission a statement for the Voters' Guide, and submit to the Parliamentarian and the BCSGA Advisor a statement acknowledging that he or she is responsible for the conduct of the campaign in opposition to the petition.
- b) DATE OF VOTING:
 - 1) The vote on an initiative or referendum shall take place at the following spring semester election following receipt of the petition, provided that the date of receipt is before the end of the candidate filing period for the spring election; otherwise, the vote shall take place at the next spring election thereafter.
- c) PETITION STATEMENT REQUIREMENTS:
 - 1) The statement of each petition must be at most two (2) sentences in length.
 - i) The first sentence may state the issue to be voted on in an unbiased manner.
 - ii) The last sentence shall be a neutrally worded question to which an answer of "yes" or "no" is appropriate.
 - 2) The Primary Proponent of a Petition is The Parliamentarian, , and BCSGA Advisor, or designee shall be the persons in charge of writing the statement.
- d) NOTIFICATION TO THE COMMISSION:
 - 1) It shall be the responsibility of the Parliamentarian to provide all of the petitions for each election to the Commission before the Candidates' Meeting.
- e) REQUIRED VOTES FOR PETITIONS:
 - 1) Unless otherwise stated in the Constitution or laws, (or in the case of student fee questions, applicable to BC policies or protocols), a favorable vote of a majority of the votes cast for and against the petition shall be necessary for adoption of the petition.
- f) POSITIONS CHANGED BY CONSTITUTIONAL AMENDMENT:
 - 1) In the case where a constitutional amendment will delete an elected position and create a different one with substantially the same duties, a person elected to the old position shall be considered elected to the new position if the constitutional amendment passes.
 - 2) The Elections Commission shall indicate that such a case exists by titling the position, on the ballot and in its other literature, with a juxtaposition of the old and new titles (e.g. "Officer Title X/Officer Title Y").
- g) PROVISIONS FOR CONSTITUTIONAL AMENDMENTS:
 - 1) A petition for a constitutional amendment shall be filed with the Parliamentarian in the same manner as a petition for initiative or referendum, who shall submit it to the Senate once it has been qualified.
 - 2) No constitutional amendment shall be placed on the ballot without action of the Senate.
- h) SUBMISSION OF PETITION:
 - 1) Prior to circulating any petition, the Proponent(s) shall submit to the BCSGA Advisor and Parliamentarian the proposed question.
 - 2) The Proponent(s) shall submit a statement to the BCSGA Advisor and Parliamentarian that declare the Primary Proponent of the petition, and who is responsible for the conduct of the campaign in support of the petition.
 - 3) The BCSGA Advisor and Parliamentarian shall certify that the question is an impartial and accurate description of the proposal, and shall assign the petition an Official Name and Number.
 - i) If the petition creates a law, the BCSGA Advisor and Parliamentarian shall prepare an Official Summary of the petition.
 - ii) The BCSGA Advisor and Parliamentarian shall confer with the BCSGA Advisor, or designee, for approval of language on questions of student fees.
 - 4) The BCSGA Advisor and Parliamentarian shall create the petition and return to the Primary Proponent three (3) copies of the petition.
- i) CONTENT OF PETITIONS:
 - 1) The petition shall contain the full title and statement of the petition as it is to appear on the ballot on each page on which signatures are to appear.
 - 2) The petition shall contain the Official Summary of the petition on each page on which signatures are to appear in Roman type not smaller than 12-point.

Bakersfield College Student Government Association

- 3) The petition must have room for the signature of each petition signer and the printed name. Signature spaces must be consecutively numbered commencing with the number 1 for each page.
 - 4) Attached to each page of the petition on which signatures are to appear shall be any other material not in the text of the petition which is directly relevant to the petition.
- j) CIRCULATION OF PETITION:
- 1) Identical petitions must be circulated by various people.
 - 2) Petitions may only be circulated only by registered BC Students.
 - 3) Each petition circulator who obtains signatures must complete a declaration attached to the petition stating:
 - i) The petition circulator is a registered BC Student;
 - ii) The petition circulator witnessed the appended signatures being written;
 - iii) To the best of the petition circulator's information and belief, each signature is the genuine signature of the individual whose name it purports to be; and
 - iv) The printed name, address, and telephone number of the petition circulator soliciting the signatures.
 - 4) If any information given under this statement is false, the entire petition shall not be used.
- k) PETITION SIGNATURES:
- 1) Each signer must personally place on the petition a signature, printed name, and BC Student ID number.
 - 2) None of the above may be preprinted on the petition.
 - 3) Any signature line which is not legible or complete shall not be counted.
 - 4) Each signer may sign a petition only once.
- l) PRESENTATION OF COMPLETED PETITION:
- 1) A petition shall be considered presented when it has been physically presented to the BCSGA Advisor and Parliamentarian.
 - 2) To prevent unauthorized petitions from circulating and unauthorized persons from filing petitions, only the Primary Proponent(s) of a petition may submit the petitions to the BCSGA Advisor and Parliamentarian.
 - i) Any other petitions submitted will be disregarded by the BCSGA Advisor and Parliamentarian.
 - 3) Once submitted, petitions may not be amended except by order of the BCSGA Advisor.
- m) VERIFICATION OF THE PETITION:
- 1) The Parliamentarian and the BCSGA Advisor shall verify that there are a sufficient number of valid signatures on each petition, by checking the student status of each person who signed the petition.
 - 2) Any signatures or pages of signatures not in compliance with the petition shall not be counted towards the minimum number of signatures necessary for qualification.
 - 3) If the verifying official discovers that the petition submitted lacks sufficient valid signatures, the BCSGA Advisor and Parliamentarian shall immediately notify the Primary Proponent(s) and no further action is taken on the petition.
 - 4) If a petition has not been verified in time for the Candidates' Meeting, the petition shall be treated as valid until the verification is complete.
- n) PLACEMENT OF PETITION ON BALLOT:
- 1) Once a petition has qualified for the ballot, the Parliamentarian shall transmit the petition to the BCSGA Advisor for inclusion on the Elections Ballot.

Section 14: Recall Elections

- a) Before a petition to recall a public officer is circulated, the individuals proposing to circulate the petition must file a notice of intent with the BCSGA Advisor and Parliamentarian.
- b) After the notice of intent has been filed, the petitioner may begin collecting the constitutionally required number of signatures to initiate a recall election.
- c) If the number of signatures is achieved the special election shall be held in accordance with the BCSGA Constitution by the Elections Commission.

Bakersfield College Student Government Association

- d) The Recall Election shall be held in compliance with the Election Code as deemed appropriate by the Elections Commission.

Section 15: The Informational Session

- a) The Commission must hold at least three (3) non-committal, Informational Session within the last four weeks of the fall semester previous to the semester the General Elections is held. The date, time, location, and agenda of this meeting shall be posted on the official BCSGA website.
- b) FUNCTION OF THE INFORMATIONAL SESSION:
 - 1) Acquaint students with the basic structure, functions, and authority of the BCSGA;
 - 2) Acquaint students with the culture of the BCSGA and the election process; and
 - 3) Answer any and all of the questions students may have about the BCSGA and how to become involved within it.

Section 16: The Candidates' Meeting

- a) The BCSGA Advisor, or designee, shall hold at minimum of two (2) mandatory Candidates' Meeting during the filling period and one (1) on the Friday of classes following the end of the Filing Period.
- b) All candidates are responsible for all information that is disseminated at the meeting.
- c) The date, time, location, and agenda of this meeting shall be placed on the official BCSGA website.
- d) All candidates are warned of the consequences if any Election Code is violated.
- e) FUNCTION OF THE CANDIDATES' MEETING:
 - 1) To acquaint all candidates with the basic structure, functions, and authority of the BCSGA and of the Election Code,
 - 2) To discuss problems which have arisen in past elections,
 - 3) To discuss BCSGA Advisor decisions and policies regarding elections, specifically the list of punishable infractions and their respective punishments
 - 4) To discuss the administrative details of the election,
 - 5) To explain requirements for each candidate for the Voters' Guide, and
 - 6) Answer any and all of the questions candidates may have about BCSGA and the election process.

Section 17: Campaign Rules

- a) NO MALICIOUS ASSAULT:
The purpose of this subsection is to hold candidates and petitioners responsible for malicious assault on the most fundamental foundation of democracy, and to define and provide equitable remedy for the same. Any person, candidate, proponent, or opponent of a petition found before the BCSGA Advisor to have committed a malicious assault on the most fundamental foundation of democracy through any feasible related acts shall be subject to punishment by the guidelines as set forth by the Election Code.
- b) NO ETHICAL BREACHES:
The purpose of this subsection is to hold candidates and petitioners responsible for serious ethical breaches, which threaten the validity of the BCSGA's commitment to fairness, democracy, and the legal institutions empowered to protect that democracy, as well as to define and provide equitable remedy for the same. For this reason, any person, candidate, proponent, or opponent of a petition found before the BCSGA Advisor to have committed the serious ethical breaches stated in this section through any feasible related acts shall be subject to punishment by the guidelines as set forth by this Election Code. This may include, but not limited to:
 - 1) Willfully violating a lawful order from the BCSGA Advisor .
 - 2) Intentionally falsifying information on any BCSGA forms or in the Voters' Guide.
 - 3) Refusing to appear before the BCSGA Advisor, if subpoenaed by the Board; the candidate shall be exempt from appearing before the Council if he or she can show a valid excuse. It shall be the BCSGA Advisor's obligation to ascertain the validity of any claim as to the above.

Bakersfield College Student Government Association

- 4) Soliciting unpaid political advertising in a media or publication
 - 5) Using BCSGA authority, facilities, funds, or resources for campaign purposes, including for long term or bulk storage of campaign materials.
 - 6) Knowingly and actively campaigning within 25 feet of a polling location on the day of a BCSGA Elections.
 - 7) Badgering or threatening witnesses subpoenaed by the BCSGA Advisor.
 - 8) Obstructing an investigation by the Elections Commission or the Parliamentarian.
 - 9) Exceeding the campaign finance spending limits as defined in the Election Code.
 - 10) Violation of an election rule promulgated by the BCSGA Elections Commission or the Office of Student Life.
- c) **INTERFERING AND SAFETY:**
The purpose of this subsection is to hold candidates and petitioners responsible for interfering with the mission of the BCSGA, and for threatening the safety of the campus, and to define and provide equitable remedy for the same. For this reason, any person, candidate, proponent, or opponent of a petition found before the BCSGA Advisor to have interfered with the mission of the BCSGA or threatened the safety of the campus through any feasible related acts shall be subject to punishment by the guidelines as set forth by the Election Code. This may include, but not limited to:
- 1) Willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers of BCSGA groups or business operations which bring revenue to the BCSGA.
 - 2) Willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers which advertise functions, meetings, events, or existence of BCSGA sponsored student groups and publications.
 - 3) Willfully destroying, defacing, covering, moving or removing from their places, posters, signs, banners, leaflets or flyers of other candidates for office in the BCSGA Election.
 - 4) Persistently blocking any entrance or tight space, or otherwise significantly restricting the flow of vehicular or pedestrian traffic on campus.
- d) **VIOLATIONS OF INTERNAL PROCESSES:**
The purpose of this subsection is to hold candidates and petitioners responsible for violations of important legal protocols which transcend the internal processes of the BCSGA, and to define and provide equitable remedy for the same. For this reason, any person, candidate, proponent or opponent of a petition found before the BCSGA Advisor to have committed violations of important legal protocols through any feasible related acts shall be subject to punishment by the guidelines as set forth by the Election Code. This may include, but not limited to:
- 1) Filing malicious, frivolous, or bad faith charges against any candidate.
 - 2) If another candidate engages a third party to file such charges, both parties shall be held responsible.
 - 3) Using e-mail lists or posting boards to campaign, with spam, which is defined as e-mail that does not meet any of the following conditions:
 - i) The author has a pre-existing relationship with the recipient(s).
 - ii) The author has permission from the leadership of the organization.
 - iii) The author is a member of the organization.
 - 4) Claiming an endorsement of an individual, group, or party without consent. Candidates should, but are not required, to obtain endorsements in writing.
- e) **VIOLATIONS OF ELECTIONS CODE OR COLLEGE GUIDELINES:**
The purpose of this subsection is to hold candidates, and petitioners responsible for violations of BCSGA and BC Guidelines provide equitable remedy for all. For this reason, any person, candidate, proponent or opponent of a petition found before the BCSGA Advisor to have committed violations of BCSGA and BC Guidelines through any feasible related acts shall be subject to punishment by the guidelines as set forth by the Election Code: This may include, but not limited to:
- 1) Posting campaign literature of any candidate on restricted bulletin boards or any structured or natural feature of the campus such as, but not limited to, doors, windows, buildings, surfaces of walkways or roads, fountains, posts, waste receptacles, fences, or

Bakersfield College Student Government Association

- trees. This rule does not limit posting on campus public access bulletin boards and kiosks, or in areas in which the proper permission has been obtained.
- 2) Failing to file two copies of all campaign material with the Commission, or in the event that an actual copy cannot be submitted, one picture of each campaign material, within 48 hours of dissemination. The intent of the requirement to turn in copies of campaign material is to make sure that in the event of a case, there will be a record of all relevant literature.
 - 3) Not appropriately arching sandwich boards, picket signs, or other displays to the ground using University Grounds guidelines.
 - 4) Attaching or leaning sandwich boards, picket signs, or other displays against campus vertical features including but not limited to buildings, doors, fountains, posts and fences, waste receptacles, and trees.
 - 5) Willfully placing campaign material in any College building, including classrooms, libraries, bathrooms, and on chalkboards, but excluding the posting of campaign material on public access bulletin boards and kiosks within College buildings.
 - 6) Failing to attend and participate in the Mandatory Clean-up day that shall be established by the Elections Commission on the designated day following the election, unless campaign materials are cleaned up prior to the Clean-up day.
 - 7) Claiming endorsements without bearing the disclaimer, "Titles for Identification Purposes Only" in the same size font as the majority of the text of the endorsements is written.
 - 8) Failing to turn in Campaign Finance receipts, as required by the Elections Code.
 - 9) Interfering with, or campaigning within 10 feet of any official Commission sandwich boards or banners.
 - 10) Unintentionally falsifying information on any Commission forms or in the Voters' Guide.
 - 11) Failure to meet the deadline for withdrawal.
- f) **TEMPORARY RULES:**
- 1) Temporary rules may be implemented by the BCSGA Advisor, or designee, where an urgent situation necessitates temporary additions, amendments, or a suspension of a portion of the Election Code, provided all candidates are affected equally.
 - 2) A Temporary Rule shall not take effect until approved by a majority vote of the BCSGA Elections Commission and approval of the BCSGA Advisor with at least three (3) members present.
 - 3) These new rules must be sent electronically to each candidate and posted in a designated area of the Campus Center so that all candidates have access to them.
- g) **SUSPENSION OF RULES:**
- 1) Election Rules may be suspended by the BCSGA Advisor, or designee, where an urgent situation necessitates temporary additions, amendments, or a suspension of a portion of the Election Code, provided all candidates are affected equally.
 - 2) A suspension of a rule shall not take effect until approved by a majority vote of the BCSGA Elections Commission and approval of the BCSGA Advisor with at least three (3) members present.
 - 3) These new rules must be sent electronically to each candidate and posted in a designated area of the Campus Center so that all candidates have access to them.

Section 18: Conduct of Campaign:

- a) A candidate shall be considered guilty of a violation of the Campaign Rules by an agent of that candidate acting within the scope of the candidate's delegated authority.
- b) A candidate may deny the action of any individual who violated the Campaign Rules in favor of some candidate or group by denying said violator is the candidate's agent within 24 hours after the violation has been discovered and reported by the Elections Commission to the candidate. This shall be done in written form to the BCSGA Advisor, or designee.
- c) It is the intent of this subsection to hold a candidate responsible for violations committed by the candidate's agents if those agents are involved in that general area of the campaign.
- d) If any Proponent of a Petition is found to have violated the Election Code, the petition shall be assessed the corresponding sanction, up to and including the disqualification of the petition.

Bakersfield College Student Government Association

Section 19: Penalty for Violations of Campaign Rules

- a) The BCSGA Advisor shall be vested with the authority to hear and decide allegations of violations of the Election Code, pursuant to its rules and regulations as set forth in BCSGA Constitution and laws.
- b) All candidates are warned of the consequences of these censures at the Candidates' Meeting.
- c) A finding of violation of the conduct prohibited by this Election Code shall be punishable as determined by the BCSGA Advisor.
- d) Sanctions for any acts or violations by a candidate, whether before, during, or after, which are not specifically addressed in the BCSGA Constitution and laws shall not be imposed by the BCSGA Advisor and at any time.
- e) A candidate will be disqualified if the entirety of the Candidate's deposit is withheld.
- f) A finding of violation of the conduct prohibited the Election Code shall be punished as determined by the BCSGA Advisor.

Section 20: The Ballot

- a) All voting for the elections shall be conducted via electronic ballot.
- b) There shall be no write-in candidates
- c) The order of the names on the ballot shall be arranged in alphabetical order by last name, first name, middle initial (if available).
- d) The elections shall be held in a form that does not conflict with the Election Code.
- e) PETITIONS:
Ballots for petitions shall be presented separately, as not to include multiple petitions on one page or screen.
 - 1) Ballots shall begin with the petition title and petition question, as approved by the BCSGA Advisor.
 - 2) Ballots for petitions shall include options, vertically, for yes, no, and abstain.
 - 3) Voters shall not be able to proceed without marking one of the options on the ballot.
 - 4) No option will be selected by default when the ballot is presented to the voter

Section 21: Tallying of Votes

- a) BALLOT TABULATION:
 - 1) Preliminary ballot tabulation shall commence within one (1) hour following the closing of the final day of voting.
 - 2) If any candidates should be disqualified following the preliminary tabulation, second and final ballot tabulation will commence following all decisions and settlements of lawsuits regarding elections by the BCSGA Advisor.
 - 3) The BCSGA Advisor and the Parliamentarian shall supervise ballot tabulation.
 - 4) After the preliminary tabulation, the BCSGA Advisor and the Parliamentarian shall release the results of the elections as soon as possible, this is known as the "Certification of the Election Results".
 - i) The results shall be posted on the official BCSGA website, in the Campus Center, as well as in any other relevant places so that all persons shall have access to these results.
 - ii) They shall be clearly marked as preliminary and uncertified results.
- b) CERTIFICATION OF THE ELECTION RESULTS
 - 1) The election results for all elected officials positions, as certified by the Commission, shall only be effective when the BCSGA Advisor, or designee, reads the names into the Minutes of a Senate meeting. Such item shall be agenzized in the BCSGA Senate agenda.
 - 2) The election results for all elected official positions may be certified separately from all petitions.
- c) HANDLING OF INVALID VOTES:

Bakersfield College Student Government Association

- 1) A vote shall be declared invalid, and excluded from the counting in a particular race, only if there is not one distinguishable preference.
 - 2) The invalidity of a vote in one race shall not affect its validity in another race.
 - 3) Individuals who have casted two votes in a particular race, both votes shall be declared invalid and not tabulated for the final count.
- d) TABULATION OF VOTES:
- 1) The winner of the Executive vote shall be the candidate who received the majority vote.
 - 2) In the Senate the number of seats available for each academic unit shall be given to the same number in rank of most votes received by candidates.
 - 3) In the event of a tie in a contested race, the current session of the BCSGA Senate shall have a majority vote to determine the winner.
- e) TALLYING OF BALLOT PETITION:
- 1) The "Yes" and "No" votes for each petition shall be counted.

Section 22: Safeguards

- a) STORAGE OF BALLOTS:
- 1) All ballots, computer printouts, tally sheets, programs, and databases will be held by the Commission for three (3) months after the certification of the Election. After such time, all materials, except the computer printouts and tally sheets may be destroyed unless appeal, recount, or reelection is pending, in which cases they shall be held until the dispute is resolved.
 - 2) The computer printouts must be digitized and permanently.
- b) SAFEGUARDS:
- 1) Observers representing various candidates shall be allowed to be present at all handling, counting, and tabulating operations.
 - 2) This privilege includes the right to inspect all equipment and machinery used for collection, transportation, and tabulation or ballots, but not to do so in a way that interferes unduly with the orderly and efficient operation of the Elections Commission.
 - 3) When not being officially handled or tabulated, the ballots must be kept in a neutral, safe and secure location at all times.

Section 23: Void an Election

- a) Any student may petition the BCSGA Advisor to void an election, on grounds of the integrity of the Commission, its mismanagement of the election, or the mechanism of the count, prior to the expiration of the Statute of Limitations stated in this Election Code
- b) The BCSGA Advisor will consult with the Vice President of Student Affairs shall review the case and submit its finding to the Senate.
- c) The BCSGA Advisor may not void an election on any other grounds or by any other procedure, as stated in the Election Code.
- d) Only the BCSGA Advisor may void an election.
- e) If the BCSGA Advisor voids an Election, the BCSGA Advisor shall provide for a new special election to be held on the next full week of instruction no later than one week from the decision to settle the outcome of the affected portion of the elections.

Section 24: Campaign Materials

- a) Campaign material is defined as material initiated by a candidate, with the intent to contact voters publicly, that explicitly speaks, pleads, or argues in favor of the election or defeat of a candidate.
 - 1) Campaign materials that are controlled by a candidate's campaign that mention a candidate's name, or the office a candidate is seeking, shall be defined as explicitly speaking, pleading, or arguing in favor of the election of a candidate. Therefore, it will be included in the definition of campaign material.
- b) Electronic mail and telephone calls will be assessed a zero cost.
- c) News or editorial articles in a publication not run by a candidate, not controlled by candidate, not receiving a significant portion of their funding from a candidate, or not operating under a specific

Bakersfield College Student Government Association

agreement between the publication and a candidate, shall not be included in the definition of campaign material.

- d) Any material produced by a group or organization not run by a candidate, not controlled by a candidate, not receiving a significant portion its funding from a candidate, or not operating under a specific agreement between the group or organization and a candidate, shall not be included in the definition of campaign material.
- e) Material in which voters initiate's contact, such as a Website, instant message, away message, or telephone request for information, shall not be included in the definition of campaign material.
- f) Any funds used for the purposes of designing content on a Website that falls under this Election Code shall be included in the definition of campaign material.
- g) Any negative campaigning shall count toward the budget of the candidate that produced the material.

Section 25: Campaign Finance Rules and Regulations

- a) Enforcement of the campaign finance regulations shall be the responsibility of the BCSGA Advisor.
- b) The public has the right to obtain any candidate's spending information, but the information is not required to be widely disseminated by the Commission.
- c) It shall be the responsibility of the candidate to provide two copies of all campaign material to the Commission before any campaign materials have been disbursed.
- d) It shall be the responsibility of the candidate to provide the purchase of campaign materials within 48 hours. If unable to provide a receipt, they may indicate so and instead provide an estimate of fair market value. Receipts must be provided beginning with the Candidates' Meeting and thereafter.
- e) The Commission shall have the responsibility of determining fair market value for any campaign material not accompanied by a receipt. The interpretation of fair market value may be appealed to the BCSGA Advisor.
- f) Campaign materials that count as part of a candidate's spending, must have been produced, or authorized, by the candidate.
- g) Any campaign material advocating, by name, office seeking, or ballot number, more than one candidate, shall have its cost divided equally among all candidates listed on the material.
- h) The candidates or parties involved in the election shall have the responsibility of providing the Commission with all documentation and receipts. Receipts must include information on what was purchased and the amount spent.
- i) As with any other violation of the BCSGA campaign rules, the BCSGA Parliamentarian shall be responsible for investigating alleged violations of these rules and prosecuting them before the BCSGA Advisor.
- j) All disputes or arbitration that arise over these rules shall be handled by the BCSGA Advisor.
- k) No one (1) individual, organization, or business may contribute more than fifteen dollars (\$15.00) to any one (1) candidate
 - 1) The individual making the contribution must be listed with the amount contributed.
- l) Student Organizations shall not contribute Club Funds to any candidate.
- m) CAMPAIGN FINANCE LIMITS:
 - 1) Candidates running for election are limited to spending as follows:
 - i) Executive Candidates, \$200.00
 - ii) Judicial Candidates, \$175.00
 - iii) Legislative Candidates, \$150.00

Section 26: Posting Policy

- a) Campaign Material as defined in the Elections Code is prohibited from being posted before the mandatory Candidates' Meeting.
- b) All candidates must abide by all Association and BC Positing Regulations.

Bakersfield College Student Government Association

Section 27: Administration of Electronic Filing of Documents

- a) The Commission may allow for the electronic filing of documents and shall provide such regulations as may be necessary.

Section 28: Severability

- a) If any provision of this Elections Code, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of the Elections Code, and the application of the provisions of this Elections Code to any other person or circumstance, shall not be affected by such holding.

