

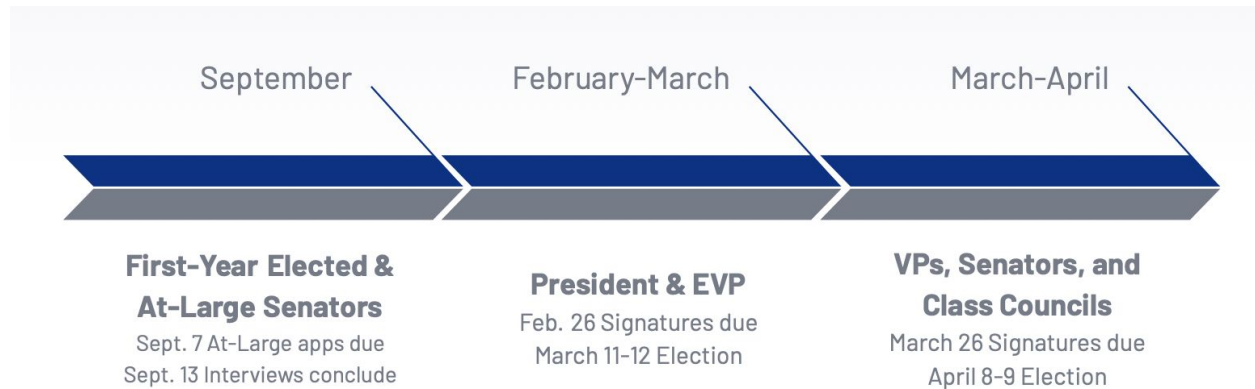
# A Statute of Duke Student Government Establishing the Election Rules and Procedures for 2020-2021

*Be it ordered by the Attorney General (AG) of Duke Student Government:*

## **Section 0: Definitions**

As used in this statute:

1. **Appeal** refers to the process of requesting a decision by the BOE and/or AG be reversed by the DSG Judiciary.
2. **At-Large** means the process to determine Senators via Selection Committee as defined in the DSG Senate By-Law.
3. **Bribery** is any tangible incentive, reward, or payment offered to an individual or group in exchange for votes or other tangible campaign benefit. Campaign promises of policy or action after the election should not be considered bribery.
4. **Defamation/Slander** refers to any false statement or claim that may cause reputational damage to another individual.
5. **Designated area** means any area expressly permitted for a given use by Duke University policy.
6. **Election** means a designated period of voting for members of Duke Student Government applicable to the Duke Student Government Election By-Law.
7. **Electronic Signature** means the first name, last name, and NetID of an undergraduate student provided with the knowledge and consent of the student.
8. **Flyer** means any handheld, printed election material that can be either hung up or distributed.
9. **Harassment** is defined per the Duke Community Standard as unwelcome conduct that is so severe, persistent, and/or pervasive that it alters the conditions of education, employment, or participation in a program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive.
10. **Joint Campaign** refers to a campaign where campaign monies are spent promoting more than one candidate.
11. **Petition** documentation notifying the AG of an election violation.
12. **Poster** larger than handheld, printed election material that is typically hung up or displayed.
13. **Public location** refers to any area on Duke University campus that is readily accessible to more than 20 members of the Duke community.
14. **Respondent** means the defendant in any claim of wrongdoing filed with the Judiciary, AG, or other applicable Duke Student Government representative and/or body.
15. **Tampering** is interfering with any campaign materials so as to subvert the integrity of the electoral process.

**Section 1: General Timeline:****Section 2: Campaign Schedule - 2020-2021**

Filing, campaigning, and balloting shall occur on the following timeline:

1. Election of the DSG President and Executive Vice President
  - a. To register as a candidate, one must submit electronic signatures of 100 undergraduates to the AG by February 26, 2021 at 5:00 p.m. ET.
  - b. The election will occur from March 11, 2021 at 12:00 p.m. to March 12, 2021 at 12:00 p.m. ET.
2. Election of DSG Vice Presidents, Senators, Class Presidents, and Class Vice Presidents
  - a. If running for DSG vice president, candidates must submit electronic signatures of 100 undergraduates March 26, 2021 at 5:00 p.m. ET.
  - b. If running for DSG Senator, class president, or class vice president, candidates must submit electronic signatures of 50 undergraduates from their respective class to the AG by March 26, 2021 at 5:00 p.m. ET.
  - c. The election will occur from April 8, 2021 at 12:00 p.m. to 12:00 p.m. April 9, 2021 at 12:00 p.m. ET.
3. Election of First-Year Senators
  - a. To apply to be a candidate through the election process, one must submit an at-large application packet complete with the electronic signatures of 25 first-years through the link provided by the AG no later than September 6, 2020 at 11:59 p.m.
  - b. The election will occur from September 10, 2020 at 12:00 p.m. ET to September 11 at 12:00 p.m. ET.
  - c. To apply to be a senator through the at-large process, one must submit an application packet (which will be available three weeks prior to elections on the DSG website, blast, and social media) and sign up for an interview slot through the link provided by the AG no later than September 11, 2020 at 11:59 p.m.
  - d. The interviews for at-large senator candidates will occur from September 12, 2020 to September 13, 2020 and will be held by DSG Exec.

**Note:** in any election candidates may run as “Write-in” options and have voters type their name into the form to vote as stated in section 3.10.

### **Section 3: General Campaign Rules**

The following rules shall apply to all candidates and affiliates during campaigning and any of these violations may result in disqualification:

1. Campaigning shall follow all applicable national and state laws, regulations, and university policies (e.g. Duke Community Standard).
  - a. Any student or candidate found defaming a candidate shall be directed to the Office of Student Conduct (OSC) for community standard violations.
2. Campaigning shall not violate any rule or right contained within the Election By-law and election rules and procedures.
3. Any violation within this section or any following sections can be reported to the AG whose decision on the matter can be further appealed to the DSG Judiciary.
4. Any candidate who engages in bribery, tampering, or other severe misconduct in violation of the Duke Community Standard or the law shall be disqualified by the AG
5. All campaigns are subject to the Duke University Policy on Prohibited Discrimination, Harassment, and Related Misconduct
6. No joint campaigns among candidates.
7. No candidate shall disseminate any obscene content.
8. No candidate shall harass or threaten another candidate.
9. Any candidate who knowingly encourages another individual to engage in prohibited campaign action shall be held personally liable (e.g. ordering someone to take down another candidate’s campaign materials).
10. All campaigning must follow the Duke Community Standard poster policy
11. Candidates shall only apply spray paint or chalk on surfaces expressly designated for that purpose and in accordance with University policy (e.g. painting the East Campus bridge is allowed, but chalk on the BC plaza is not allowed).
12. Candidates may write their names in on the day of the election
13. Candidates may not participate in in-person electioneering efforts that direct candidates to voting pages (e.g. it is prohibited to hand someone an iPad and say “Vote for me”). Any other type of electronic usage by candidates is permitted.
14. Candidates may not offer any member of the electorate any good and/or service conditioned on the member of the electorate supporting their campaign in any manner (e.g. it is prohibited to offer a baked good in exchange for reposting an Instagram story)

### **Section 4: Campaign Budgeting**

The following rules shall apply to campaign expenditures and budgets:

1. A candidate's expenditures and thus reimbursement shall not exceed \$100 for President and Executive Vice President, \$50 for Committee Vice Presidents, and \$25 for Senators. Candidates can request to receive this money in the form of a cash advance from the DSG treasurer. Any unused funds must be returned to Finance.
2. For each item in a candidate's campaign expenditures, the greater of the two following values will be taken:
  - a. The actual cost to the candidate
  - b. The lowest reasonable market price of the good or professional service used by the campaign available to a typical Duke student without additional discounts, gifts, or special relationships.
3. Staples, adhesives, and similar materials used to post flyers, posters, and/or similar materials need not be assessed as expenditures regardless of their fair market price, unless they directly further campaign purposes (such as by spelling out a candidate's name with tape).
4. Each candidate shall disclose all expenditures substantiated by receipts or proofs of payment to the DSG Treasurer one hour after polls close.
  - a. Should a candidate go over budget, they must disclose this to the AG and will be docked votes in the final round of IRV at the rate of one vote for every \$0.05 over budget.
5. All budgets, proofs of prices, and updates shall be made available to any Duke student upon request and may be challenged under Section 8.
6. Write-in candidates may incur expenditures up to the same maximum authorized budget and are responsible for submitting budgets within 48 hours of polls closing if elected, but will not be reimbursed for any expenditures.
7. Candidates cannot pay students to be a part of their campaign.
8. No candidate shall solicit or accept financial support from any student or student organization.
9. No candidate shall combine budgets

### **Section 5: Campaign Materials**

The following rules shall apply to all flyers, posters, and similar campaign materials:

1. Flyers may not be e-printed. They must be printed professionally with a receipt.
2. No candidate shall remove or deface any other candidate's materials or intentionally post anything to cover another candidate's materials in whole or part.
3. Flyers may only be posted in designated areas such as roundabouts and bulletin boards. Flyers and posters must be posted in accordance with the Duke Community Standard
4. Any tabling on the Bryan Center Plaza must be in accordance with UCAE tabling guidelines.

## **Section 6: Campaign Correspondence**

The following rules shall apply to campaign correspondence:

1. The AG must not use priming language when opening the polls to the undergraduate body. Any violation of this statute may be appealed to the Judiciary.
2. No candidate shall harass any person through unsolicited physical or electronic campaign-related correspondence.
3. Candidates and their supporters may not use Duke University-sponsored means of communication (e.g. email listservs, Sakai, DukeGroups, etc.) to share messages other than general election reminders which regard all candidates equally.
4. Candidates may post personalized messages of support on forms of communication through which others may respond, such as GroupMe, Facebook, or Instagram. We encourage candidates and their supporters to use "Support me" or "I am supporting X" language instead of "Vote for" or "I am voting for."
5. No candidate shall place any correspondence on or under a student's door.
6. No candidate shall use a student organization's official email account or Duke University entity to issue any correspondence.

## **Section 7: Endorsements**

All endorsements made by student organizations shall be subject to the following endorsement policy:

1. Endorsing organizations must offer to meet with all candidates for any position being endorsed.
  - a. The Attorney General shall assist in facilitating endorsement meetings upon request
  - b. Candidates must be given a minimum of 24 hours to respond to any correspondence seeking an endorsement meeting.
  - c. Endorsing organizations must provide equal speaking/questioning time to each candidate
  - d. Members of the endorsing organization participating in the endorsement process must be present at all candidate meetings and be present for the entire duration of the meeting
  - e. Candidates may voluntarily decline to meet with an organization.
2. If a candidate is or was an officer of an organization, that organization may not endorse for that position

## **Section 8: Board of Elections–Certification of Petitions, Budgets, Results**

The AG and 4-8 senators will make up the Board of Elections (BOE), which is ruled and tasked by the following rules:

1. The AG nominates 4-8 senators for the BOE, which are then confirmed by the Senate. These senators may also be removed from the BOE at any time by the AG.

2. The BOE shall help the President, executive vice president (EVP), and President Pro Tempore coordinate the election process as stated in the Executive By-laws.
3. All members of the BOE must remain completely campaign neutral (e.g. not endorse any candidate on social media).
4. The BOE shall ensure that the AG encourages the student body to vote without specifically endorsing any candidate or advocating for a particular issue as stated in the Election By-Laws
5. The BOE shall initially rule on the validity of petitions and budgets and will determine appropriate penalties for violations as described in Section 9
  - a. Should a senator run for candidacy or have a personal relationship with a candidate who is under review, they should recuse themselves from the decision and the EVP shall take their spot for that election. If there is more than one recusal or if the EVP must step down, then a committee VP appointed by the AG shall fill the spot.
6. The BOE shall make all petitions and budgets available to any undergraduate on request.

### **Section 9: Adjudication Procedure**

Violations and irregularities in petitions and budgets shall be investigated and punished as follows:

1. Any undergraduate may submit a formal petition describing a potential violation.
  - a. For the election of the President, and Executive Vice President, petitions must be submitted to the AG within 24 hours of the closing of polls.
  - b. For the election of the DSG Vice Presidents, Senators, Class Presidents, Class Vice Presidents, and First-Year Senator elections, petitions must be submitted to the AG within 12 hours of the closing of polls.
2. For all elections, should undergraduates wish to submit a petition in the corresponding window then they must notify the AG of their intent to file a petition within 1 hour of the polls closing.
3. Upon receiving a petition, the AG must inform all undergraduates named in the report within 8 hours. Those respondents have 24 hours to respond once informed of the petition unless in extenuating circumstances, described in writing to the AG
4. Any decision of the BOE deemed arbitrary, capricious, or otherwise an abuse of discretion may be appealed to the Judiciary.
5. The respondent may admit to the allegation or submit a written rebuttal emailed to the AG
6. By the end of the respondent's reply period, the BOE will have 24 hours to deliberate and come to a decision based on a preponderance of the evidence. Results will be communicated to all applicable students at the end of the BOE's deliberation time frame.
7. Disqualification may only be imposed by the AG on a finding of clear and convincing evidence of a serious offense. Disqualification may be appealed to the Judiciary by the candidate convicted on any grounds.

### **Section 10: Violations**

Candidates that violate any rules and procedures outlined herein shall be subject to review by the BOE, who together will determine an appropriate penalty based on the scale of the violation. The penalties will scale as follows and are determined by the BOE:

1. Level 1 - Warning
  - a. Directed towards smaller, unintentional offenses that can be easily fixed (e.g. chalk on the BC plaza) and if necessary taken down.
2. Level 2 - Suspension of all campaign activities and freezing of campaign budgets
  - a. An offense committed by any member of a campaign team or supporter that gives an unfair advantage or harms another candidate (e.g. listservs or taking a candidate's campaign material down). The scale and duration of the suspension will be determined by the BOE.
3. Level 3 - Disqualification
  - a. An offense that causes irreversible harm to another candidate or jeopardizes the legitimacy of the election and its results (e.g. defamation or coercing votes especially via a position of power)

Before the administrative body may render a decision, it must solicit arguments and evidence from both the accuser and accused. The BOE must gather evidence from both the complainant and respondent. After receiving such materials, the BOE must notify the accused candidate within one hour.

*Introduced by Attorney General Jason Scharff*

*If applicable, passed by the DSG Senate on February 3, 2021.*

***Dina A. Qiryagoz***

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*Certified by the Executive Vice President on 02/03/21*



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*Signed by the DSG President on 02/03/21*

From the Duke Community Standard:

## POSTERS, ANNOUNCEMENTS, AND BULLETIN BOARDS

The following is a checklist of procedures with reference to the posting of notices on university bulletin boards, building doors, containers, light posts, trees, and sidewalks:

- Posters/flyers must provide information regarding student activities, give information of an academic nature, make announcements pertinent to the business of the university, or supply information to members of the Duke community regarding available campus services or products.
- Posters/flyers must state the name of the sponsoring organization, business, department, or person responsible.
- As appropriate for the surface, staples, thumbtacks, magnets, masking tape, or transparent tape may be used to attach posters/flyers to approved bulletin boards or posting areas. The use of glue, nails, and duct tape or any other heavy-duty tape is prohibited.
- Posters/flyers must never be attached to doors, windows, trashcans, entryways, exteriors of buildings, interior walls, stairway railings, floors, benches or ceilings, nor may they be placed on the windshields of parked automobiles or on sidewalks.
- Posters/flyers may NOT be attached or affixed to any tree or utility pole.
- Posters/flyers (and the fasteners used to attach them) must be removed within three days after the advertised event.
- All posters/flyers may be periodically removed from bulletin boards as part of routine maintenance.