

# THE ELECTION BY-LAW

*Be it enacted by the Senate of Duke Student Government (DSG):*

## TITLE I. GENERAL PURPOSE AND FUNCTION

### SECTION 1: Purpose

The Election By-Law shall be used as a guide for all elections and inaugurations conducted by the Duke Student Government (DSG), along with the Election Rules and Procedures.

### SECTION 2: Functioning and Responsibilities

1. In addition to the responsibilities outlined in the Duke Student Government (DSG) By-Laws and those associated with representing DSG in litigation, the DSG Attorney General (AG) shall be the primary officer responsible for the implementation and supervision of all DSG elections.
2. DSG Attorneys may be appointed to assist the AG with the General Duties of the Election By-Laws by the President (in consultation with the AG) and with the confirmation of the Senate.
3. The Board of Elections (BOE) shall be convened to ensure that all election rules and procedures are followed.

### SECTION 3: Conflicts of Interest:

The following stipulations must be maintained to prevent conflicts of interest:

1. The AG, DSG Attorneys, and members of the BOE may not serve on the Judiciary, run for any elected office, endorse a candidate for election, or act as a member of any candidate's campaign.
2. The AG and BOE must remain completely campaign neutral by not endorsing any candidate or campaign, or advocating for specific issue(s).
3. All information distributed by the AG and BOE regarding elections should be clear of priming language.

## TITLE II. ADMINISTRATION OF ELECTIONS

### SECTION 1: Election Rules and Procedures:

The Senate shall, not less than annually, pass a statute establishing Election Rules and Procedures. The proposed statute shall be reviewed by the Senate Judiciary Committee in consultation with the AG and should include:

1. A campaign schedule with a timeline for the filing, campaigning, and balloting of all elections
2. General campaign rules all candidates and affiliates during campaigning must adhere to

3. The permitted campaign expenditures and budgets candidates may utilize for each type of election
4. An endorsement policy
5. The roles and responsibilities of the AG and the Board of Elections (BOE) F. Prohibited campaign conduct, types of violations, and associated penalties G. An outline of the adjudication procedure
6. Any other relevant rules and procedures deemed appropriate by the Senate, provided that they not conflict with this By-Law

After the statute is adopted, it should be published on the DSG Website promptly.

### **SECTION 2: Communication of Election Rules:**

1. Links to or attachments of this By-Law and the Election Rules and Procedures shall be provided through a student-body-wide email prior to each election by the DSG President.
2. Links to or attachments of this By-Law and the Election Rules and Procedures shall be provided again by the AG specifically to all qualified candidates.
3. The AG or designee thereof shall hold a mandatory election rules and proceedings meeting for candidates in each election.

### **SECTION 3: Referendum Procedures:**

Any individual or group who wishes to have a referendum question placed on an election ballot must satisfy one (1) of the following requirements:

1. The question must obtain the majority approval of the Senate, or a 2/3 majority in case of an amendment to the DSG Constitution.
2. The question must obtain the signatures of 15% of the enrolled undergraduate student body. Petitions must contain each signer's printed name, signature, and such other verification as a statute shall direct. The full referendum question must be stated at the top of each page of each petition. The petition must be submitted to the AG no later than three (3) weeks before the election. Petitions must be validated or rejected by the AG no later than forty-eight (48) hours following their submission.

## **TITLE III. CANDIDACY**

### **SECTION 1: Eligibility to Run:**

Eligibility to run for election can be determined as follows:

1. All undergraduate students attending Duke University are eligible to run for DSG Senate or Executive office.
2. Candidates for class offices must be a member of the class for which they are running, determined by the Duke Directory.
  - a. Visiting students are eligible if they will be enrolled the entire term of the office for

which they are running.

### **SECTION 2: Declarations of Candidacy:**

All undergraduates interested in filing for candidacy should follow the following rules in order to qualify for election:

1. Candidates for DSG Executive, Senate, or Class offices must file a declaration of candidacy with the AG in the format specified by the AG and by the date stipulated in the Election Rules and Procedures.
2. Undergraduates interested in declaring candidacy for Executive office must submit their declaration of candidacy with no fewer than one hundred(100) signatures (with such verification as a statute shall direct) of undergraduates on a petition supporting their candidacy.
3. Undergraduates interested in declaring candidacy for DSG Senate or Class offices must submit their declaration of candidacy with no fewer than fifty (50) signatures (with such verification as a statute shall direct) of undergraduates in their respective class who support their candidacy.
  1. First-Year students interested in declaring candidacy for first-year Senate elections may submit their declaration of candidacy with no fewer than 25 signatures (with such verification as a statute shall direct) of undergraduates on a petition supporting their candidacy.
4. Students may sign more than one candidate's petition.
5. The BOE will release the names of all candidates who qualified for the election.

### **SECTION 3: Write-In Candidates:**

In lieu of the procedure in Section II, individuals may choose to run as a "write-in" candidate for any election with the following stipulations:

1. Write-in candidates must adhere to the limitation on campaign spending and all other campaign rules even though they will not receive reimbursement for campaign expenditures
2. To be elected, write-in candidates must receive at least as many votes as signatures they would have had to acquire through the signature process.

## **TITLE IV. CAMPAIGNING**

### **SECTION 1: Campaign Violations:**

Any violations of the elections rules shall be investigated and punished as set forth in the Election Rules and Procedures, with the understanding that:

1. Any undergraduate may submit a formal petition describing a potential violation to the AG.
2. Petitions will be investigated by the BOE, which will communicate results to all applicable students at the end of the deliberation time.
3. Any decision of the BOE deemed arbitrary, capricious, or otherwise an abuse of discretion

may be appealed to the Judiciary.

### **SECTION 2: Reimbursement:**

Candidates must follow all rules applying to campaign expenditures and budgets as specified by the Election Rules and Procedures in order to be eligible for the following reimbursement options:

1. Requesting a cash advance from the DSG treasurer prior to making purchases with the understanding that any unused funds must be returned to Finance.
2. Sending proper documentation of expenditures to the DSG Treasure by one hour after polls close

The details of how budgets and receipts must be filed along with how reimbursements work will be further specified to candidates by the AG and the DSG Treasurer.

## **TITLE V. VOTING AND INAUGURATION**

### **SECTION 1: Balloting Procedure:**

The AG will conduct the balloting procedure in cooperation with university administrators as follows:

1. Voting will be open for at least 12 hours and will utilized the instant runoff voting (IRV) method of election
2. The hours of voting shall be specified in advance in the Election Rules and Procedures
  - a. The AG may extend the voting period by up to three additional hours for special circumstances with written justification.
  - b. Further extensions or rescheduling of the election, may be made only by the Judiciary to remedy an otherwise irreparable breach of procedure, or by the Senate in exceptional circumstances preventing students from voting.

### **SECTION 2: Determination of Election Outcome:**

1. The winner of each election shall be determined by IRV
2. In the case of a tie that cannot be resolved by IRV, a runoff election shall be held between the tied candidates one week after the initial election occurred.
3. The AG shall determine and certify the results of the election after the final deadline to file complaints regarding election violation passes and all complaints filed have been resolved. 1. Any candidate may appeal this certification to the DSG Judiciary based on perceived inconsistency with DSG By-Laws.

### **SECTION 3: Inauguration of DSG Executive Members:**

1. DSG Executive Officers-Elect will be inaugurated by the current Chief Justice during the last week of classes.
2. They will assume their duties, and the terms of the preceding Cabinet will terminate

immediately upon the inauguration of the next president.

3. The following statement shall be the DSG Oath of Office, and shall be used in swearing in Executive Committee members, Judiciary members, etc: (/ indicates a pause): *“I, (name of individual), / affirm that I will faithfully execute / the office of (state office), / and that I will to the best of my ability / preserve, protect, and defend / the Constitution of the Duke Student Government.”*

## **TITLE VI. ENACTMENT AND EFFECTS**

This By-Law shall be effective immediately. The previous Election By-Law is hereby repealed, and any By-Law, Statute, policy, or practice in conflict with this By-Law is hereby declared null and void.