Associated Students, Inc.
California State University, East Bay
Election Code
(Adopted April 7th, 2010)
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Revised 8/21/15 by ASI Executive Committee
Revised 5/16/18 by ASI BOD
Elections Committee Code of the Associated Students, Inc.
California State University, East Bay

Article I: Name and Purpose
This code shall be known as the Elections Committee Code and shall govern the rules, procedures, and guidelines of all Associated Students, Inc. (ASI) corporate elections. It is responsibility of the Elections Committee to guarantee fair, just and equitable elections.

Article II: Membership
A. The Elections Committee shall consist of four to five (4-5) students who are not members of the ASI Board of Directors or ASI staff members or electoral candidates and must meet the eligibility requirements. There will also be two (2) non-voting advisors, one (1) representative from Student Life and Leadership, and the other advisor will be the Director of Student Conduct, Rights, and Responsibilities. The Board of Directors shall appoint the members of the Elections Committee by the following process:

1. Applications will be accepted in the fall and reviewed by the ASI Elections Committee Advisors;

2. Applicants will be selected for interviews held by the ASI Elections Committee Advisors and upon selection, applicants will be appointment to one of the five following positions:
   - Chair
   - Vice Chair
   - Events/Marketing Coordinator
   - Volunteer Coordinator
   - Ethics Coordinator

3. Applicants will be forwarded to the Board of Directors and an unlimited number of members (this number will be up to the discretion of the board) to be appointed no later than the fourth regular scheduled general meeting of the Fall Semester.

4. Applicants may address the board to present additional information or to expand on information previously submitted.

5. The Board may question the applicants, if necessary or for clarification.

B. Selection of Chair and Assigned Responsibility: The ASI Personnel Committee will recommend a candidate to Chair the Elections Committee. The Chair shall be selected in a manner of the committee’s own choosing at the first meeting. The Chair shall have the authority to assign to members individual responsibilities, as necessary. The Chair shall be responsible for presenting the committee report at each Board of Directors meeting.

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Directors meeting. The Chair shall be accountable for implementing and enforcing all provisions of this committee code.

**Article III: Duties, Responsibilities, and Procedures**

**A. Pre-Elections Procedures**

1. If the Committee wishes to establish a stipend for committee members, they must submit a revised budget to the Board for review and consideration.

2. The Elections Committee shall provide non-partisan publicity for the election. Publicity shall begin at least one (1) week before eligibility opens. The Committee shall make public the rules and regulations regarding campaigning, polling, eligibility, ballots, and general elections procedures. Members of the Elections Committee shall refrain from campaigning on behalf of any candidate or issue appearing on the ballot.

3. The Committee shall set deadlines for candidacy, campaigning and polling. The Committee shall organize elections and shall encourage voter participation through legal acceptable means.

4. The Committee shall recruit and supervise an election staff for assistance in the setup and operations of elections. The Committee shall maintain an impartial attitude toward the elections and shall be prohibited from privately discussing election issues.

5. The Committee shall inform the Board of Directors of any changes to the Elections Committee Codes, the timeline or any changes to the election process, all within the Chair’s report to the Board.

**Article IV: Declaration of Candidacy**

**A. Candidates for office must be cleared for eligibility through the Office of Student Conduct, Rights & Responsibilities before becoming official candidates.**

1. Eligibility standards are outlined through the CSU Chancellor’s Office and the Bylaws of the ASI.

2. In addition to the standard eligibility requirements for all offices, candidates seeking the office of the President must have served at least two (2) consecutive quarters (and/or a combination minimum of one (1) semester) on the ASI Board of Directors, Senate, ASI standing committee, ASI First Year Intern (FYI), or a student assistant within the ASI Office in order to be qualified to run. At the time of application, this must be the candidate’s 2nd quarter/semester of involvement at minimum.* *(Amended by Board. 2018, Article IV, Sec. A2, Effective Spring 2019)*

3. In addition to the standard eligibility requirements for all offices, candidates...
seeking the office a Vice President or ASI Chair must have served at least one (1) quarter (and/or a combination minimum of one (1) semester) on the ASI Board of Directors, Senate, ASI standing committee, ASI First Year Intern (FYI), or a student assistant within the ASI Office in order to be qualified to run. At the time of application, this must be the candidate’s 1st quarter/semester of involvement at minimum. *(Amended by Board. 2018, Article IV, Sec. A2, Effective Spring 2019)*

B. Once eligibility has been confirmed by the Office of Student Conduct, Rights & Responsibilities, a candidate must submit the following forms to the Elections Committee:

1. Certification of Eligibility verification (see Exhibit A: Sample Certification of Eligibility Form)

2. Declaration of Candidacy Form (see Exhibit B: Sample of Declaration of Candidacy Form). Included in the Declaration of Candidacy Form shall be:
   a. The candidate’s name (as it to appear on the ballot),
   b. The candidate’s academic major,
   c. The position the candidate is seeking,
   d. The candidate’s class level (freshman, sophomore, junior, senior, graduate),
   e. A personal statement of 100 words to 250 words. The Elections Committee shall have the authority to edit any candidate’s personal statement for length, grammar, libel or obscenity. The candidate’s personal statement is solely the opinion of the candidate. The Elections Committee and the Associated Students, Inc. are not responsible for any of the views expressed in any candidate’s personal statement.
   The compiled ballot statements of all the candidates shall accompany the ballot.

3. When signed, the Declaration of Candidacy Form is binding and shall constitute the candidate’s waiver of his/her opportunities and or rights to file a lawsuit or seek other redress related to his/her candidacy beyond that available through the Elections Committee and the Board of Directors.

4. By signing the Declaration of Candidacy Form the candidate enters into an agreement:
   a. To observe the provisions of the Elections Code and rules/
   b. Authority to resolve any election complaint(s) or dispute(s) shall rest with the Elections Committee, but appeals may be made to the ASI Board of Directors.

5. All Declaration of Candidacy Form are public documents and the Elections Committee shall maintain a publicly posted list of all declared candidates for
all offices within the Office of Student Conduct, Rights and Responsibility. This list shall be posted on the first day that the declarations are opened and updated as they are received. A final list of all candidates for all offices shall be posted immediately after the declaration of candidacy period closes. Certifications of Eligibility forms are strictly confidential. No member may file for more than one (1) major elective position in any election.

6. The Certification of Eligibility and declaration of candidacy periods shall be determined by the Elections Committee. If, after the declaration of candidacy period closes, there are uncontested offices, then the election for those offices shall be closed and the candidates elected by default. Write in candidates are not permitted due to unchecked eligibility requirements.

7. Any previous voted-off member of the Board of Directors or ASI Committee Member shall not be eligible to run in any upcoming elections unless deemed eligible by the Elections Committee and Office of Student Affairs.

C. Declaration of Slate Designation
   1. Any candidate(s) wishing to campaign under the designation of a slate must file with the Elections Committee.
   2. Candidates wanting to be affiliated with a particular slate must submit and/or sign a Certification of Slate Designation (see Exhibit 3).
   3. A slate must designate one (1) person as the principal or person responsible for the slate.
   4. A slate and candidate cannot accept outside the university sponsorship and a university department cannot sponsor any candidate.
   5. A slate may only consist of two (2) to seven (7) people.

Article V: Referendums

A. Referendums may be placed on the ballot by the Associated Students, Inc. Board of Directors or by petition of the members of the corporation as stipulated in the Bylaws of the Associated Students, Inc.

B. The referendum sponsor, as determined by the Elections Committee, shall be provided with the opportunity to submit a ballot argument in favor of the referendum(s). If no argument is submitted then the words “no ballot argument in favor of this referendum was filed” shall be stated in the ballot.

C. The Elections Committee shall provide opportunity for an argument against the referendum. If no opposition is submitted then the words “no ballot argument against this referendum was filed” shall follow the affirmative argument.

D. If more than one argument is submitted in favor or against a referendum then the Elections Committee shall choose among the arguments, giving preference to the
sponsors when considering the affirmative arguments.

Article VI: Fair Campaigning and Publicity

A. Candidates and slates shall be responsible for complying with all provisions of this Elections Code, including those pertaining to the conduct of their campaigns and campaign workers. Violations of any provision or the spirit of the Elections Code shall be grounds for the Elections Committee to order remedies or impose sanctions up to and including disqualification of a candidate(s) if necessary.

B. All campaign literature, leaflets, and other materials and activities must bear and/or identify the name of the candidate, slate, organization or other individual responsible for the contents and distribution of that campaign material.

C. Campaigning is prohibited in the Associated Students, Inc. Business Office (Old UU 314), and Program areas and at all Associated Students, Inc. sponsored activities. No resources of the Associated Students, Inc. shall be used to assist any candidate for any office.

D. No candidate, slate, organization or individual shall interfere with the campaign of another candidate or slate. Interference includes, but is not limited to, unauthorized removal of campaign material and disruption of campaign activities.

E. Each candidate is responsible for their campaign material and must remove their materials a week after results have been announced. The Elections Committee may remove the campaign materials of all candidates, if the materials are still up after the given deadline.

F. Campaigning is allowed on social media and other media outlets provided that campaigning is not posted on any University Department page.
   1. If a candidate (or campaign) wishes to post on any University Department or auxiliary page, they must be permitted to do so by the page manager.
   2. If one candidate (or campaign) is permitted to post, than all candidates must be permitted.

Article VII: Process

A. The Elections Committee shall formulate an appropriate timeline for the election process. An example and ideal timeline is as follows:
   ● Monday, 4th week of the Fall Term: Applications Due
   ● 7th week of each Semester term: First Elections Committee Meeting
   ● Monday, 4th week of January: Elections Packet Available
   ● 1st week of February: 1st Information Session
   ● 2nd week of February: 2nd Information Session
   ● 3rd week of February: 3rd Information Session

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● Friday, 4th week of February: Applications Due (set date)
● Monday, 1st week of March: Mandatory Candidates Meeting
● Tuesday, 1st week of March: Mandatory Candidates Meeting
● Monday, 2nd week of March: Campaigning Begins
● Monday, 2nd week of March: Candidates Forum
● 2nd week of March: Meet the Candidates Event
● Monday, 3rd week of March: Candidates Debate
● Monday, 4th week of March: Voting Begins
● Wednesday, 4th week of March: Voting Closes
● Thursday, 4th week of March: Tentative Results Revealed
● Friday, 4th week of March: Runoff Elections
● 1st week of April: Verification of Election Results
● 1st week of April: Deadline to File Grievances
● Friday, 1st week of April: Grievance Hearings (if necessary)
● 1st week of April: Election Results forwarded to University President for Verification
● 2nd week of April: Official Results Posted
● Tuesday, 2nd week of April: Meet Your New ASI Officers Event
● Friday, 3rd & 4th week of April: ASI Board Transition Activities
● Friday, 1st week in May: ASI Board Transition Activities
● 2nd week of May: Commencement and Training Continues

B. The General Election shall develop the timeline with the following guidelines:

1. General Election Publicity two (2) weeks
2. Eligibility/Candidacy/Referendums one (1) week
3. Last day to switch running positions two (2) days after filing
4. Campaigning may continue during Voting two (2) weeks
5. Balloting/Voting two-three (2-3) days
6. Last day to file grievances two (2) academic days after voting
7. Posting Results four (4) days after elections

C. Elections will occur via computer-based system to include on and off campus access for three (3) consecutive days.

1. No campus holidays are to be included within this period.
2. At least one voting station will be placed in high student traffic area at peak class times at the Concord Campus.
3. A minimum of two (2) voting stations will be placed in high student traffic areas during peak access to day and evening students on the Hayward campus.
4. Strategic planning for the utilization of on campus computer sites to promote voting will be addressed.
5. Candidates and their campaigns cannot provide voting devices for any student without expressed approval of the Elections Committee.

D. Ballot Statements (see Declaration of Candidacy) of all Board of Directors, Student Academic Senators and all referendums shall be provided to all eligible members. Ballot statements of candidates for Senators representing Academic Colleges and Director of the Concord Campus shall be provided only to those members who are eligible to vote within the respective Academic Colleges and/or the Concord campus.

E. Ballots containing the names of candidates for Board of Director and Student Academic Senators shall be provided to all eligible members. Ballots containing the names of candidates for Directors representing Academic Colleges and the Concord center shall be provided only to those members who are eligible to vote within the respective Academic College and the Concord campus.

F. Each member shall be allowed one (1) vote for each initiative, recall or referendum placed on a ballot. Each member shall be allowed to cast one (1) vote per candidate for each category of Director, up to the maximum number of positions that are available. Proxy voting and Cumulative voting are not permitted under any circumstances.

G. Voting shall be the secret ballot. The Elections Committee shall construct a ballot so as to assure its secrecy and maintain its integrity as the only ballot cast by/from an eligible member.

H. Positions on the ballot will be randomized.

I. Ballots may contain a section, for statistical research purposes only, that requests the member/voter to identify areas including, but not limited to: age, gender, ethnic background, class level, major or program objective, full or part time student, and/or any other population group. Such area shall be identified as an optional portion of the ballot which is used solely for statistical research purposes.

J. The Elections Committee shall make every effort to ensure the integrity of the voting process including: the developing, casting, securing and accounting of ballots.

**Article VIII: Ballot Tabulation and Election Results**

A. The Elections Committee shall establish the method of tabulating ballots. Tabulation of ballots shall be coordinated by the Elections Committee and may be monitored by the University President or designee member on the Elections Committee. Rules and procedures for the method tabulating ballots must be made available for public inspection.

B. In the event of a tie, all candidates receiving the same number of votes shall be part of a runoff election which will be scheduled immediately by the Elections Committee.
Committee and held for strictly two (2) days. Any re-elected director that is party to any dispute appealed to the Board of Directors shall abstain from all votes in resolution of the dispute. Results of the Board of Directors’ vote are final.

C. Requests for a recount shall be submitted, in writing no later than one (1) school day after voting closes. Recounts are filed only by candidates and then only for the position, which that candidate sought (campaigned). All requests must describe the reason(s) for a recount. The Elections Committee shall consider the request and upon a majority vote conduct a recount. Only one recount per office/position shall be made.

D. After ballots are tabulated and the Elections Committee has found that the election has been conducted in fair and valid manner the Elections Committee may certify the election. The Chair of the Elections Committee shall transfer notice of certification to the President of the Board of Directors who shall report the certification to the University President of his/her designee. The University President may choose to accept all, portions of, or none of the election. If none or portions of the election are certified by the University President, then the University President shall transmit to the current President of the Board of Directors a statement explaining the reasons why portions of or all of the elections have not been certified.

E. Ballots shall be retained for thirty (30) days after the University President has certified the elections as valid. After thirty (30) days the ballots are to be destroyed.

F. Any and all elections procedures and activities will be monitored by the elections committee.

G. Once election results have been certified, the Elections Committee is responsible for advertising and publicizing the results to the campus population via appropriate media such as print ads, mass mails, flyers, posters, etc.

**Article IX: Complaints, Hearings, and Resolution Disputes**

A. All protests of the election shall be filed, in writing, two (2) academic days after voting has closed (See Exhibit 4: Sample Complaint/Grievance Form). The Elections Committee shall determine the validity, investigate and set a time to adjudicate the protest. Decisions of the Elections Committee, when the Elections Committee is not named in the protest, are final. Protest against the Elections Committee may be appealed to the corporation’s Board of Directors. All decisions of the Board of Directors are final.

B. A complaint(s) may be filed for the violation(s) of any provision of this Election Code, rules, regulations or procedures. A complaint(s) may be filed on grounds that allege that one or more candidates or ballot issues have unfairly benefited or been harmed.

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C. All Complaints must specifically state:
   1. the section(s) of this code, rules or procedures that were allegedly violated and by whom, or other conduct, and by whom, which allegedly affected the fairness of the election;
   2. a brief summary of the oral, written or physical evidence to be submitted in support of the complaint, including the names of witnesses expected to testify;
   3. a request for a remedy or remedies contained in Part E., Section 8 of this Election Code.

D. Notice of the time, date and place of the election complaint hearing shall be publicly posted. Notice shall also be mailed to all persons who are parties to any election complaint. Hearings should be convened within three (3) academic days following receipt of the complaint. All complaints must be adjudicated by the Elections Committee within five (5) academic days after the closing of voting.

E. The Elections Committee shall make a tape recording and written record of oral statements made and questions asked at the hearing. The Chair of the Elections Committee shall require speakers to identify themselves and to briefly state their connection to or interest in the complaint. All records (tape and written) of the hearing shall be held by the Elections Committee until the Board of Directors requests it for purposes of an appeal from the Elections Committee or the election is certified by the University President. The recorded and written record of the hearing shall become part of the permanent record of the Board of Directors.

F. Each complaint shall be heard according to the following format:
   1. Chair of the Committee shall open the hearing
   2. The complaints opening statement/presentation of evidence/witness statements/submit other supporting evidence
   3. The respondent opening statement/presentation of evidence/witness statements/submit other supporting evidence,
   4. The complaints rebuttal/closing statement
   5. The respondent's rebuttal/closing statement
   6. The Committee may question the parties and witnesses to the complaint. Only the Elections Committee may question witnesses.
   7. The Elections Committee may recess into closed session to consider the complaint.
   8. The Elections Committee shall announce its decision in open session.

G. The Elections Committee may consolidate multiple complaints if the complaints are of a similar nature and all parties agree to the consolidation. Interested parties or representatives of parties may submit, in writing, to the Elections Committee any questions relevant to the complaint to be asked of witnesses. The
Elections Committee may exercise reasonable discretion to ask or not ask questions submitted.

**H.** Any complaining party or any witness may testify about his/her personal, firsthand knowledge of facts that support or refute a complaint. Any interested person may submit documents in support of or opposition to, or otherwise related to a complaint to the Elections Committee during the hearing. Documents submitted must be tagged with the name of the submitted and become property of the Elections Committee.

**I.** The Elections Committee may order the following remedies or impose the following sanctions:

1. Recommend to the Board Directors that it consider specific revisions to the Elections Code, rules or procedures;
2. Issue a reprimand to the candidate. Three (3) reprimands shall result in a candidate's immediate disqualification. (Reprimands may be a result of violations such as, but not limited to: interfering with the campaign of another candidate or slate or issue, intentionally misrepresenting the views, ideas or record of another candidate, slate or issue, engaging in campaign tactics that are personally humiliating, derogatory, libelous or malicious to another candidate, slate or issue);
3. Recommend to the University that it consider instituting disciplinary action against one or more candidates or individual students. If a violation of the laws of the State of California is suspected then contracting the District Attorney of the County of Alameda may be considered. If a violation of the laws of the United States, particularly Postal regulations, are suspected then contract to the appropriate authorities may be considered;
4. Disqualify a candidate from taking office if a serious violation of the Elections Code, rules or procedures or serious misconduct is proven;
5. Order a recount of ballots if doubt is cast on the results;
6. Order all or part of the election results invalidated and return, but only if clear and convincing evidence compiled in the hearing record proves conclusively that the outcome(s) of the election was determined by the irregularity;
7. Rule that the complaining party has failed to produce sufficient evidence to warrant a remedy or sanction.

**J.** The Board of Directors shall sit as the only and final appeal body for all elections complaints. Appeals of the Elections Committee must be filed within two (2) academic days following the announcement of the decision of the Elections Committee complaint hearing (See Appendix G: Sample Complaint/Grievance/Appeal Form). The Board of Directors may adopt its own rules for the conduct of appeal.
hearing. Any director that is a party to any dispute appealed to the Board of Directors abstains from all votes in resolution of the dispute. It is recommended that the Board of Directors:

1. Follow the procedures as set forth in Part E, Sections 4, 5, 6 and 7 of this Elections Code.
2. It is further recommended that the Board of Directors limit its review to an assessment of whether the Elections Committee followed correct due process of the hearing of the original complaint or whether either the complaint or defendant has been denied any rights under the law, the Bylaws or this code.
3. It is also recommended that the Board of Directors not conduct a hearing to receive additional evidence unless the appellant can demonstrate that he/she has important new evidence which would have a substantial impact on the case and that this new evidence was not available at the time of the original Elections Committee complaint hearing. If the Board of Directors decides to receive additional evidence, it shall do so in an open proceeding.

Article XI: Posting and Literature Distribution

A. Candidates shall be responsible for complying with all provisions of the Associated Students, Inc. Elections Code, including the following pertaining to the conduct of their campaign and campaign workers. Violation of any provision or the spirit of the Election Code shall be grounds for the Elections Committee to order remedies or impose sanctions up to and including disqualification of a candidate if necessary.
B. Campaigning violations/strikes shall be as followed: 1st - Written Warning, 2nd - Written Warning and Notice that the next strike is disqualification, and 3rd - Written Warning and Disqualification.
C. All campaign literature, leaflets and other materials must be in good taste and not be libelous to any candidate. Statements made by any candidate must not be slanderous. Either action is cause for Election Committee sanctions.
D. Campaigning is strictly prohibited in the Associated Students Business Office (UU 314), ASI program areas, and at all ASI-sponsored events. No resources of ASI shall be used to assist any candidate for any office.
E. No candidate, slate, organization or individual shall interfere with the campaign of another candidate or slate. Interference includes, but is not limited to the unauthorized removal of campaign materials and/or disruption of campaign activities.
F. Candidates are allowed to utilize any personal electronic service including social media, and personal email list for their campaign. The use of CSUEB, ASI, and University logos are not allowed.
G. Candidates must comply with the following general posting regulations:

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1. Posting on motor vehicles, painted surfaces (walls) or glass is strictly prohibited.
2. Covering, removing, or defacing another candidate's campaign materials is prohibited.
3. The University may remove, at any time, materials deemed inappropriately posted.
4. Posting of general fliers are allowed on designated General Bulletin Boards, and not on boards designated for departmental use.
   a. Posting may not exceed 8.5 inches by 11 inches.
   b. Posting of signs on building walls, windows, doors, benches, utility poles, sculptures, garbage receptacles, railings, trees, traffic control signs, stairs, bus stop area, and sidewalk is strictly prohibited.
   c. Duplicate signs on the same bulletin board will be removed.
5. Postings are not allowed in the Student Health Center, Pioneer Bookstore, Library, or the University Theatre.
6. Posting of campaign banners is allowed the Old University Union third floor guardrail with the approval of the University Union Reservations Office.
7. Written materials may be distributed by hand outside campus buildings provided the distribution does not interfere with the flow of pedestrian traffic and the orderly conduct of University business.
8. The placement of roadway, walkway and lawn signs requires adherence to facility guidelines and policies of Facilities.
   a. Signs may be posted at the corners of the grass areas.
9. Campaigning in the classroom during academic instruction is accepted with permission granted by the Instructor prohibited, unless the Instructor has granted the candidate permission.
10. No chalking on campus grounds and buildings.
11. If you are preparing campaign materials, please add the following statement: “Vote ‘Date of Election’ on BaySync”

Article XII: Complaint, Hearing, and Resolution of Disputes

A. Any protest to the election shall be filed in writing two (2) academic days after voting at the Office of Student Conduct, Rights and Responsibilities. If necessary, the Elections Committee will conduct a hearing to determine validity, investigate and set a time to adjudicate the protest. Results of the election shall be released until all filed grievances are cleared.
ARTICLE XIII: MISCELLANEOUS PROVISIONS

A. The University completed the transition from the academic calendar quarter term, to the academic calendar semester term, effective Fall 2018.

B. “Quarter term” shall be considered equal to one semester term which is defined as: 16 weeks during the Fall academic calendar year and/or the Spring academic calendar year. ASI Elections Code (Article IV, Sec. A2 & A3)