

**THE  
ELECTIONS CODES  
OF THE  
ASSOCIATED STUDENTS, INC.  
OF  
CALIFORNIA STATE UNIVERSITY,  
EAST BAY**

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## CONTENTS

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I	<u>Name &amp; Purpose</u>	1
II	<u>Membership</u>	2
III	<u>Duties, Responsibilities, and Procedures</u>	3
IV	<u>Declaration of Candidacy</u>	4
V	<u>Referendums</u>	6
VI	<u>Campaigning and Publicity</u>	6
VII	<u>Process</u>	9
VIII	<u>Ballot Tabulation and Election Results</u>	11
IX	<u>Complaints, Hearings, and Resolution of Disputes</u>	12



### **Article I: Name and Purpose**

This code shall be known as the Elections Code and shall govern the rules, procedures, and guidelines of all California State University, East Bay (CSUEB) Associated Students, Inc. (ASI) corporate elections. It is the responsibility of the Elections Committee to guarantee fair, just and equitable elections.

### **Article II: Membership**

- A. The code for the Elections Committee can be found in ASI Committee Codes. The Elections Committee shall consist of four to five (4-5) students who are not current members of the ASI Student Government (i.e. Board of Directors and Senate), or ASI student staff members, or electoral candidates (during the academic year leading up to elections) and must meet the eligibility requirements (ie, good standing academically, judicially, and financially, as well as have at least one semester completed at CSUEB by time of appointment; should meet all student officer eligibility requirements set by CSU and CSUEB). There will also be three (3) non-voting advisors: one (1) representative from Student Life and Leadership, one (1) representative from Student Housing, Residence Life, and Dining Service, and the other advisor will be the Director of Student Conduct, Rights & Responsibilities.
- B. The Board of Directors shall appoint the members of the Elections Committee by the following process:
1. Applications will be accepted in the fall semester 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, and Ethics Coordinator.
  3. Applicants will be forwarded to the Board of Directors to be appointed no later than beginning month of the spring semester.
  4. Applicants may address the Board of Directors to present additional information or to expand on information previously submitted.
  5. The Board of Directors may question the applicants, if necessary or for clarification.





- C. Selection of Chair and Assigned Responsibility: The ASI Personnel Committee will recommend a candidate to Chair the Elections Committee. The Chair of the Election Committee shall be selected in a manner of the Elections 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. The Chair shall be accountable for implementing and enforcing all provisions of this Election 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 of Directors for review and consideration.
2. Elections Committee members are expected to maintain attendance in all weekly meetings and Elections Committee events. In the event of an emergency or class obligation, committee members may be excused up to two (2) times in a month.
3. 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 are not permitted to campaign on behalf of any candidate or issue appearing on the ballot.
4. The Committee shall set deadlines for candidacy, campaigning and polling. The Committee shall organize elections and shall encourage voter participation through legal acceptable means.
5. 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.
6. The Committee shall inform the Board of Directors of any changes to the Elections Codes, the timeline or any changes to the election process, all within the Chair's report to the Board of Directors.





**Article IV: Declaration of Candidacy**

- A. Candidates will apply for a position through the university's software portal for ASI Elections. This application is the official declaration of candidacy. Included in the declaration of candidacy shall be:
1. The candidate's name (as it is to appear on the ballot),
  2. The candidate's academic major,
  3. The position the candidate is seeking,
  4. The candidate's class level (freshman, sophomore, junior, senior, graduate),
  5. 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.
- B. 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 "Minimum Qualifications for Student Officer Holders"<sup>1</sup>, and the Bylaws of the ASI<sup>2</sup>.
  2. In addition to the standard eligibility requirements for all offices, candidates seeking the office of the President/CEO 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 member, or ASI First Year Intern/Mentee (FYI/M) in order to be qualified to run. At the time of application, this must be the candidate's 2<sup>nd</sup> quarter/semester of involvement at a minimum.

<sup>1</sup> The California State University Office of the Chancellor. *Minimum Qualifications For Student Office Holders*. Retrieved from: <http://www.calstate.edu/acadaff/codedmemos/aa-2012-05-attachment.pdf>

<sup>2</sup> California State University, East Bay Associated Students, Incorporated. *Bylaws*. Retrieved from: <http://www.csueastbay.edu/asi/files/docs/asi-government/board-documents/by-laws.pdf>





3. In addition to the standard eligibility requirements for all offices, candidates seeking the office of a Vice President 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 member, ASI First Year Intern/Mentee (FYI/M), 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 1<sup>st</sup> quarter/semester of involvement at a minimum.
- C. When signed, the declaration of candidacy is binding and shall constitute the candidate's waiver of their opportunities and or rights to file a lawsuit or seek other redress related to their candidacy beyond that available through the Elections Committee and the Board of Directors.
  - D. By signing the declaration of candidacy the candidate enters into an agreement:
    1. To observe the provisions of the Elections Code and rules.
    2. 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.
  - E. All Declaration of Candidacy Forms 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 & Responsibilities. 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.
  - F. 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.
  - G. Any previous voted-off member of the ASI Student Government (i.e. Board of Directors and Senate) or ASI Committee Member shall not be eligible to run in any upcoming elections unless deemed eligible by the Division of Student Affairs (Vice President's designee).





- H. All candidates are required to attend a mandatory candidate meeting and acknowledge in writing that they understand and agree to abide by all of the codes and all campaign guidelines.
- I. 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 through the university's software portal for ASI Elections.
  - 3. A slate must designate one (1) person as the principal point of contact for the slate.
  - 4. A slate and candidate cannot accept external (i.e. outside the university) sponsorship, and a university department cannot sponsor any candidate.
  - 5. A slate may only consist of two (2) to fourteen (14) 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 an 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: Campaigning and Publicity

- A. Candidates and slates shall be responsible for complying with all provisions of this Elections Code and the CSUEB Student Code of Conduct<sup>3</sup>, 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. Definitions
1. *Campaigning* - intentional, planned action, verbal or written, for the pursuit of a particular goal (e.g. running for an office or promoting a referendum). All campaigning shall be the exclusive duty and responsibility of the candidate, their campaign workers, and referendum interest groups.
  2. *Campaign workers* - individuals who are actively helping a candidate gain support through direct acts such as distributing or posting materials and/or supporting a candidate via word-of-mouth. Campaign workers must be currently enrolled students. All candidates must provide a list of all campaign workers to the Elections Committee one (1) week before campaigning begins.
- C. Campaign Regulations
1. 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.
  2. Campaigning is prohibited in the ASI Business Office (Old University Union 314) and Board Room (Old University Union 307 ABC), and program areas and at all ASI sponsored activities. No resources of the ASI shall be used to assist any candidate for any office; including use of the ASI logo, giveaway/swag/promotional items.
  3. Campaigning and posting is prohibited in some specific campus locations:
    - a. On-campus Housing (i.e. Pioneer Heights, University Village, and Pioneer Kitchen)
    - b. Student Health & Counseling Services

<sup>3</sup> California State University, East Bay. *Standards for Student Conduct*. Retrieved from: <http://www.csueastbay.edu/studentconduct/student-conduct.html>







- c. Campus Bookstore (i.e. Pioneer Bookstore)
  - d. Library (including any pop-up resources from other campus departments)
  - e. University Theatre
4. 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.
  5. Each candidate is responsible for their campaign material and must remove their materials a week after the 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.
  6. Campaigning is allowed on social media and other media outlets provided that campaigning is not posted on any University Department page.
    - a. If a candidate (or campaign) wishes to post on any University Department or auxiliary page, they must request permission in writing to be permitted to do so by the page manager.
    - b. If one candidate (or campaign) is permitted to post on any University department or auxiliary page, then all candidates must be permitted.
  7. 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 permitted.
  8. Candidates must comply with university general posting regulations<sup>4</sup>. Some examples include, but are not limited to:
    - a. Posting on motor vehicles, painted surfaces (i.e. walls), or glass is strictly prohibited.
    - b. Covering, removing, or defacing another candidate's campaign materials is prohibited.
    - c. The University may remove, at any time, materials deemed inappropriately posted.

<sup>4</sup> The California State University, East Bay. *University Operational Posting*. Retrieved from: <http://www.csueastbay.edu/universitycommunications/posting-guidelines/>





9. Posting of general fliers is allowed on designated General Bulletin Boards, and not on boards designated for departmental use:
  - a. 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.
  - b. Duplicate signs on the same bulletin board will be removed.
10. Posting of campaign banners are allowed on the Old University Union third floor guardrail with the approval of the University Union Reservations Office.
11. 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. Candidates are responsible for removing any of their discarded campaign materials.
12. The placement of roadway, walkway and lawn signs requires adherence to facility guidelines and policies of Facilities.
13. Campaigning in the classroom during academic instruction is prohibited, unless the Instructor has granted the candidate permission.
14. Chalking on campus grounds and buildings is prohibited for elections campaigning.
15. If you are preparing campaign materials, please add the following statement:  
"Vote 'Date of Election' on [Voting Software (e.g. Baysync)]".

#### **Article VII: Process**

- A. The Elections Committee shall formulate an appropriate timeline for the election process. All dates are approximate and subject to change. The Elections Committee will post all dates for each elections process for that academic year. An example and ideal timeline is as follows:
  - 1st week of classes, spring semester: First Elections Committee Meeting
  - 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: Applications Due
  - 1st week of March: Mandatory Candidates Meeting



- 1st week of March: Mandatory Candidates Meeting
- 2nd week of March: Campaigning Begins
- 2nd & 3<sup>rd</sup> weeks of March: Meet the Candidates Forum
- 4th week of March: Voting Begins
- 4th week of March: Voting Closes
- 4th week of March: Tentative Results Revealed
- 4th week of March/1<sup>st</sup> week of April: Runoff Elections
- 1st & 2<sup>nd</sup> week of April: Verification of Election Results
- 1st & 2<sup>nd</sup> week of April: Deadline to File Grievances
- 1st & 2<sup>nd</sup> week of April: Grievance Hearings (if necessary)
- 2<sup>nd</sup> week of April: Election Results forwarded to University President for Verification
- 2nd week of April: Official Results Posted
- 2nd week of April: Meet Your New ASI Officers Event
- 3rd & 4th week of April: ASI Board of Directors Transition Activities
- 1st week in May: ASI Board of Directors Transition Activities
- 2nd & 3<sup>rd</sup> 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 Hayward Campus with consideration for the Concord Campus.
3. Candidates and their campaign workers 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, and all referendums shall be provided to all eligible members. Ballot statements of candidates for Academic Colleges Senators 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 Directors shall be provided to all eligible members. Ballots containing the names of candidates for Directors representing Academic Colleges and the Concord campus 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 a private 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. 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.
- I. The Elections Committee shall make every effort to ensure the integrity of the voting process including: 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 and held for strictly two (2) days.
- 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 a fair and valid manner, the Elections Committee may certify the election. The Chair of the Elections Committee shall transfer notice of certification to the ASI President/CEO, who shall report the certification to the University President or 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 ASI President/CEO 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 shall 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 emails, flyers, posters, social media, etc.

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

- A. All protests of the election shall be filed, in writing through the computer-based elections portal (deadline to file always will be stated on the elections timeline, generally around 1-2 days after voting closes). 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 the grounds that allege that one or more candidates or ballot issues have unfairly benefited or been harmed.
- C. All Complaints must specifically state:
  - 1. The rules or procedures that were allegedly violated and by whom, or other conduct, and by whom, which allegedly affected the fairness of the election (including the specific provision of this Election Code when possible);
  - 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 as reasonably possible, with specific dates set aside and posted on the Elections timeline.
- 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 from the Elections Committee for purposes of an appeal 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 complainant 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 complainant rebuttal/closing statement.





5. The respondent 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 their 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 will become the property of the Elections Committee.
- I. If there is a complaint regarding a candidate who is part of a slate, part or all of the slate may be found responsible for the behavior upon investigation.
- J. The Elections Committee may order the following remedies or impose the following sanctions:
1. Recommend to the Board of Directors that it consider specific revisions to the Elections Code, rules or procedures;
  2. Issue a reprimand to the candidate.
    - i. Three (3) reprimands shall result in a candidate(s) immediate disqualification.
    - ii. 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 student conduct disciplinary action against one or more candidates or individual students.
    - i. If a violation of the laws of the State of California is suspected then contacting the University Police Department may be considered.
    - ii. If a violation of the laws of the United States, particularly Postal regulations, are suspected then contacting 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.
- K. 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. Any request for an appeal should be sent to the Associate Vice President for Student Affairs (Campus Life) who will work with the Board of Directors for review. The Board of Directors may adopt its own rules for the organization of appeal hearings. Any Director that is a 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 Director's vote are final. It is recommended that the Board of Directors:
1. Limits 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.
  2. 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.

History:

Adopted 7/7/10 by ASI Board of Directors

Revised 3/13/13

Revised 3/2/15 by Vice Chair of Internal Affairs

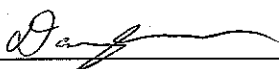
Revised 4/7/15 by ASI Board of Directors

Revised 8/21/15 by ASI Executive Committee

Revised 5/16/18 by ASI Board of Directors

Approved On: Wednesday, January 29, 2020

ASI President/CEO does hereby [  ] *approves* / [  ] *refuses to approve* this code.

  
\_\_\_\_\_  
Daisy Maxion  
ASI President/CEO

Approved by: ASI Board of Directors 2019-2020



