



ASUC
ELECTIONS
COUNCIL

ASUC

Elections

Council

2019-2020
End of Year Report

May 2020

FOREWORD

The 2020 ASUC Election was not a ‘normal’ election in the slightest. For one, 2020 marked the first time when an ASUC election was held entirely online, with no physical on-campus operations due to the COVID-19 pandemic. In light of this crisis, University, local, state, and federal responses have forced students to adapt to online classes, social distancing measures, and uncertainty regarding housing and basic needs. These circumstances pose unique and unforeseen hardships on all Berkeley students, whether still on campus or living elsewhere. These situations were and continue to be far less than ideal, and as such, the 2020 ASUC Election might not have been at the forefront of many students’ thoughts.

Nevertheless, it is a testament to the resilience of this student body and the importance of student representation on this campus that, despite ongoing challenges, the 2020 ASUC Election saw a higher overall voter turnout than 2019. Students recognized that robust and representative student leadership and advocacy is vital to ensuring that all Cal students have a voice at the table, now and for years and generations to come.

I would also like to thank all Berkeley students for your patience and understanding during these uncertain times. And I want to applaud the work that so many students have continued to accomplish even in the face of this public health emergency, whether on the Elections Council, in the Elections Office, on the campaign trail, or elsewhere. Your involvement and engagement has been pivotal this year, both at the (online) ballot box and beyond.

With the 2020 election season now over, the Elections Council has set out, as its final task of the spring semester, to synthesize the events of this year with regard to ASUC elections and provide key insights as to our strengths and areas for improvement for future years. We’ve taken a critical eye to every facet of the elections process in hopes of identifying where structural reforms are needed in order to restore the integrity of the Association as a democratic representative of the students of the University of California, Berkeley.

This report was drafted and approved by the Elections Council on May 8, 2020.

Sincerely,

James Weichert
Elections Council Chair



2020 ELECTION By The Numbers



11,118

Total Voters 1%

8,824

Undergraduate Voters 16%

2,294

Graduate Voters 487%

27%

Of Campus Voting

Campaign Finance

Candidates

Average Revenue: **\$71.90** 30%

Average Expenditures: **\$17.08** 79%

Parties

Average Revenue: **\$88.60** 88%

Average Expenditures: **\$116.79** 67%

Propositions

Average Revenue: **\$0.00**

Average Expenditures: **\$0.00**

Outreach

12,651



People Reached Through
Instagram and Facebook



439

 Post Engagements

Percentage changes
compared to 2019 election.

CAMPAIGN FINANCE

Campaign Finance Trends

This election saw a staggering decrease in average campaign revenues and expenditures. Both revenues and expenditures decreased on average across all categories (candidates, party-only, and propositions). These results are to be somewhat expected given the unique circumstances of spring 2020, as all on-campus operations were suspended and the 2020 ASUC Election was moved entirely online. Thus, campaigns could not spend funds on physical materials such as signs and flyers. [Anecdotally](#), many candidates pivoted to online outreach and campaigning through social media platforms. Voters were campaigned to through social media posts and advertisements, which represented a mixture of paid advertising and ‘earned’ impressions through the sharing of posts among friend networks.

While this year is an anomaly, especially with regard to the methods of campaigning, the shift towards online campaigning signals perhaps a sustained push to expand the election into the online sphere. This has the potential to remove financial barriers for some candidates, as online advertisements through Facebook tend to be less expensive than the cost of acquiring physical campaign materials like signs or leaflets. However, an expanded presence online also poses challenges for campaign finance with regard to reporting, as online funding can be obscured and manipulated more easily than funds being disbursed for physical materials. The potential for campaigns to manipulate funds online will require increased scrutiny from the Elections Auditor and Elections Council. If these trends persist, it may be helpful to develop a set of regulations governing online advertisements in order to increase transparency.

Another interesting trend is the decline of the party ‘dues’ method of campaign contribution, by which a party’s candidates self-fund their campaigns by paying ‘dues’ to their party. These dues are then managed by the party and used for each respective candidate’s campaign. This year saw much lower average candidate campaign contributions, which can be attributed to the large increase in independent candidates and candidates only contributing as much money as they need to spend. Overall, this contribute-what-you-will-spend practice promotes the responsible and measured use of campaign funds and can help to limit the inflation of campaign expenditures, whereby candidates feel the urge to spend more than they need to in order to match expenditure averages from previous years or to outspend an opponent. Furthermore, with average candidate expenditures being well below 50% of the expenditure limit, it may be time to reevaluate current campaign finance limits. A lowering of some finance limits would more closely align ASUC campaign regulations closely with recent campaign finance trends and could potentially increase financial accessibility with regard to running for ASUC office.

Better Elections Reform Committee

The Better Elections Reform Committee (BERC) represents perhaps the best vehicle for accomplishing large-scale institutional change when it comes to ASUC elections. Created by passage of [SR 19/20-044](#), the temporary Committee is tasked with exploring and evaluating options for a public campaign finance system for the ASUC. Before the end of the 2020 calendar year, the Committee is charged with delivering to the Senate a report on its findings and a recommendation as to whether or not the Association should move forward with the implementation of public campaign finance for its elections.

While BERC was initially intended to focus narrowly on public campaign finance, this innovative policy institution can be leveraged to aggregate input and solutions for the large-scale and long-term problems facing elections and democracy with regard to the Association. The Committee's membership brings together members from the Elections Council, ASUC Senate, Graduate Assembly, and external campus stakeholders (in the form of party signatories and at-large Committee members) to focus on generating productive dialogue while opening up the process of election reform to the entire campus.

ENFORCEMENT AND BYLAWS

This year's Elections Prosecutor was Ryan Ham - a first year, continuing the long-standing trend of ASUC Elections Prosecutors being new to the Association. Alongside the Prosecutor was Public Defender Hannah-Marie Peters Edwards, also new to the ASUC. As a result of the late nomination of the Elections Chair, both the Elections Prosecutor and Public Defender had less than a semester (in the Public Defender's case, less than a week) to familiarize themselves with the 4000-series of the ASUC bylaws, the Judicial Council Rules and Procedures, the Constitution, and other necessary statutes. There are certain benefits and drawbacks of having individuals new to the ASUC serve on the Elections Council, and future EC chairs should factor these factors into their calculus when nominating individuals for the Elections Council.

As of May 1st, 2020, three notices of investigation were sent by the Elections Prosecutor to open up cases into potential violations of elections regulations - all were individual censures. There were no party censures this year. Of those three, the Elections Prosecutor decided to create one (1) plea deal that was later certified by the Judicial Council. In the 2020 ASUC Elections Cycle, no candidate received a disqualifying number of censures, and all registered parties who ran candidates this year (Rebuild, Transfer Coalition, People's Party, Student Action, DAAP FIRE) will have no carryover censures.

This year, the Judicial Council adjudicated one hearing surrounding the Elections Council's decision to prohibit the usage of the word 'Transfer' in the Party Name 'Transfer Coalition' due to concerns that the reference was entangled with the 'Transfer Student Representative' position, and as a result of the party name, would unduly sway voters to candidates slated by parties who had the word 'Transfer' in their name as opposed to independent candidates. In *ASUC v. Alpi*, the Judicial Council unanimously ruled that ASUCBL 4201 §3.6.8 does not apply to words that primarily suggest an affiliation with a general campus academic classification, including, but not limited to, "student", "undergraduate", "graduate", "transfer", or "international", and therefore compelled the Elections Council to reverse their decision. This clarification is reflected in reform as noted later.

The Prosecutor sent warnings this year to candidates who claimed endorsement by the "board" of ASUC-Sponsored Registered Student Organizations. Although the ASUC allows individuals to endorse a candidate given that the appropriate disclaimer is provided that clarifies that such individual is not speaking as an official of the ASUC or any unit thereof, to disentangle the individual's right to endorse with the prohibition of ASUC or ASUC umbrella organizations to encourage or discourage a vote towards any proposition proponent, opponent, candidate, or party, the Elections Prosecutor decided to press charges (resolved through the plea deal aforementioned).

Unlike last year, there was a significant drop in the number of cases pursued. Similar to what was noted in the ‘Campaign Finance’ section, this can be attributed to the lack of in-person campaigning (which makes up a significant portion of our Election Rules and Regulations). As this year is an anomaly, it’s safe to assume that this is not a trend that is expected to carry into the 2021 ASUC election cycle assuming that in-person campaigning resumes.

The Elections Council co-sponsored three resolutions this year which all passed through the Senate:

[SR 19/20 - 036: Minor Bylaw Revision](#) was written by Elections Council Chair Weichert with the co-sponsorship of the ASUC Elections Council and Chief Legal Officer Tsang, which did the following (not comprehensive):

1. Inclusion of a location for candidates to include their pronouns if they wished to do so
2. Clarifying campaign finances, such that contributions to a candidate should not exceed expenditure limits as laid out in ASUCBL 4204.
3. Clarifying finance reporting periods
4. Creating a process to make-up attendance at the Mandatory Elections Meeting

[SR 19/20 - 035: Election Violation Reform](#) was written by Elections Council Chair Weichert with the co-sponsorship of the ASUC Elections Council and Chief Legal Officer Tsang, which did the following (not comprehensive):

1. Defining the differences between disqualifiable, major, and minor finance violations
2. Prohibiting campaigning during academic events such as lectures, labs, discussion, and office hours even with instructor consent
3. Clarifying what constitutes a ‘spam’ violation in the context of social media posts and other online forums
4. Clarifying that candidate filing is not completed until the Student Union Business & Finance window receives payment of a filing fee within operating hours, which can close before 5 PM.

[SR 19/20 - 068: Amending ASUC Election Bylaws for Increased Equity, Accountability, and Transparency in ASUC Elections](#) was also written by Elections Council Chair Weichert with the co-sponsorship of the ASUC Elections Council and Chief Legal Officer Tsang, which did the following (not comprehensive):

1. Amended 4201 to reflect the Judicial Council decision in ASUC v. Alpi
2. Expanding the scope of bribery beyond items that can directly be translated into monetary value
3. Providing consequences for RSOs found to be in violation of endorsements in 4203
4. Allowing a ‘Community Endorsement’
5. Allowing an online provisional ballot in the event of exigent circumstances

It is the hope of the Elections Council that such reform will better facilitate and clarify enforcement of elections bylaws for the betterment of the Association, candidates, and future Elections Councils.

Nevertheless, we recognize that the fragmented and piecemeal nature of the 4000-series of the ASUC bylaws merits more investment and reform by the Elections Council and other stakeholders. Currently, the elections bylaws represent an amalgamation of years of revisions and small changes made by each Senate class. As such, there are some internal inconsistencies to be found between various sections of the bylaws. In general, the bylaws are difficult to navigate for unfamiliar individuals, a fact which leads to misunderstandings and breaches of election regulations. While ignorance of the bylaws is no excuse for violating them, we recognize that the Elections Council can do more to clarify ambiguities and inconsistencies both through its legislative efforts and through its outreach to candidates and parties.

VOLUNTARY WELLNESS HONOR PACT



The 2020 Voluntary Wellness Honor Pact (VWHP) received signatures from all candidates in the 2020 ASUC Election. As usual, the Voluntary Wellness Honor Pact was not enforced by the Elections Office, and all commitments by candidates were voluntary.

This year, the Elections Council attempted to expand the purview of the Pact by creating a greater focus on holistic wellness and positive campus climate during the election season. New clauses in the VWHP expanded reminders about academic and personal health commitments for candidates and included commitments to upholding the productive spirit of the ASUC election. In drafting the 2020 VWHP, the Elections Council also hoped to engage students unaffiliated with election campaigns in order to foster an all-around positive and productive climate on campus.

Unfortunately, due to the suspension of all on-campus/in-person activities, many of the new provisions in the VWHP (e.g. break rooms in Eshleman Hall for candidates, an optional workshop with the ASUC Mental Health Commission, engagement of the larger student body, etc.) could not be implemented. While many of the routine VWHP provisions remained in effect, these were not sufficient to fully promote comprehensive wellness during the 2020 election season. While some of the Pact's failure this year can be attributed to the extraordinary circumstances posed by the COVID-19 pandemic, which placed tremendous burdens and stress on Cal students, there is an underlying problem that persists beyond any one election. Namely, there is insufficient buy-in generated in the VWHP because its provisions are unenforceable. Signing-on to the VWHP is seen as an insignificant and symbolic act which carries no drawbacks for candidates who fail to abide by the Pact's guidelines. The VWHP is consistently ineffective at promoting 'wellness' because the campus community consistently turns a blind eye to the negative campaign tactics and partisan vitriol that the Pact is designed to prevent. The efficacy of the VWHP relies on the public acting as an external adjudicator of each campaign's actions, judging candidates in the 'court of public opinion' for breaches of the Pact's provisions. The Voluntary Wellness Honor Pact requires a dramatic structural change to actually engage candidates and the broader public in constructing the positive and productive elections climate that we call for year after year but never achieve.

STAFFING

The Association was without leadership on the elections front for nearly a third of the entire school year. Due to the resignation of previous Elections Council chairs, a new chair was not confirmed by the Senate until mid November. In the opinion of the Elections Council, the Senate violated ASUCBL 4101 §2.6 by considering other business following the fourth Governance Committee meeting of the Fall 2019 session while the position of Elections Council Chair was still vacant. While the vacancy of the position following the tumultuous end of the 2019 elections season is understandable, it is not unrealistic to recognize that the Association risks promoting such long-term vacancies by the way in which it isolates and undermines the Elections Council. After completing a full election cycle, it has been the pattern of the Association that the Elections Council Chair feels isolated, disrespected, and undervalued. It is for this reason that there is a lack of continuity in that position—no student wishes to undertake the role of Elections Council Chair because of the widespread knowledge that the Chair is held to impossible standards and there is a feeling that any hope at ‘reform from within’ is futile. Thus, the process of ensuring the longevity of the Association’s democratic transition of power through the elimination of long-term Elections Council Chair vacancies starts by fostering an environment within the Association in which the Chair feels that their contributions are valued and valuable.

Furthermore, the earlier appointment of the Elections Council Chair will allow the Chair to start the search for other Elections Council members (Assistant Chair, Prosecutor, Auditor) much earlier. The filling of these vacancies is crucial to preparing for a successful elections season. The Prosecutor and Auditor in particular need time to fully understand all relevant election bylaws and to establish and staff their offices. For these reasons, it is recommended that the appointment of the Assistant Chair, Prosecutor, and Auditor be finalized by the end of the fall semester in order to allow for adequate time for these officials to set up their offices and assume their responsibilities and caseloads.

With regard to the Elections Office, this year saw an expansion of the staff working under the direction of the Chair and Assistant Chair and apart from the Auditor’s and Prosecutor’s offices. This part of the Elections Office was led by an Elections Office Chief of Staff and comprised two departments: Outreach and Operations. While the Outreach Department was focused primarily on increasing campus awareness for the ASUC election through social media posts and advertisements, the Operations Department concerned itself with the logistical aspects of managing the election. Although work in the Office this year was concentrated heavily on the outreach side, we believe that this two-department structure works well for the needs of the Association when it comes to elections. This structure promotes the specialization of roles and allows each staff member to focus on a specific project or aspect of the elections. In contrast to a ‘big tent’ office structure with no internal hierarchy, the current office structure ensures that all staff members have specific duties and prevents the dilution of tasks and responsibilities that is common when ASUC offices are overstaffed. Furthermore, the introduction of the Chief of Staff position decreases the workload of the Chair and Assistant Chair and allows the Office to run more efficiently.

COMMUNICATIONS AND OUTREACH

The Elections Council, in coordination with the Elections Office, significantly increased its messaging and outreach during this election cycle. As a result of the COVID-19 pandemic, the election and all election outreach were moved entirely online. Thus, the Elections Office had to leverage its social media platforms as well as ads on Facebook and Instagram in order to spread word about the 2020 election.

Our Outreach associates worked with our Chief of Staff to design informational graphics to ensure that important information regarding the filing period, how to vote, campaign finance deadlines, and operational policies were made known to the public. The Elections Office also created a “How to Vote” video and released a “I Voted” Facebook frame to gather more attention during the voting period. In order to further promote this year’s elections, we coordinated with the Chief Communications Officer to release graphics on the ASUC Facebook and Instagram.

Although this election did not represent a ‘normal’ election situation in the slightest, our communications and outreach strategy was nevertheless moderately successful in driving voter turnout for the election, as evidenced by the slight increase in turnout even in the face of extenuating circumstances. Thus, this election cycle has shown that our outreach can be used most effectively when coupled with more traditional on-campus communications methods (e.g. tabling on Sproul Plaza, digital signage in the Student Union, outreach through residence halls, etc.).

OPERATIONS

Due to the COVID-19 pandemic and the suspension of almost all campus operations, the 2020 ASUC Election was moved entirely online. Although most voting in past elections took place via CalLink (as did the majority of voting in the 2020 election), provisional balloting had to take place online as well. In order to accomplish this transition, the Elections Council approved a temporary rule (Elections Council Temporary Rule 19/20-002) which temporarily suspended the requirement for in-person provisional voting and allowed for online provisional voting. An online provisional ballot was created on a Google Form which students could access without having to log in via CalNet. Students filling out the provision ballot were required to submit a photo of their Cal1Card or a government-issued ID and a University-issued document showing your student ID number pursuant to ASUCBL 4103. To troubleshoot any technical issues during the voting period, our Operations Director and Chief of Staff used a waitlist where students could submit their issues and get their questions answered through a queue system without any additional account or login. This seemed to work well, however, we later on found that we are unable to send links through the chat system which would have been problematic if we had to direct voters to the ASUC website or the provisional ballot.

GRADUATE STUDENT RELATIONS

Graduate student voter turnout increased by nearly 500% this year. There were two items on the ballot that had direct and obvious impacts on graduate students: i) the Class Pass Student Fee Renewal Referendum and ii) The Graduate Student Independence Proposition. Many graduate students feel very strongly about the Class Pass student fee as they tend to live further away from campus and rely heavily on AC transit services. In addition to the relevance of these two ballot items to graduate students, the Graduate Assembly (GA) hired a Communications Director this year, who was in charge of tweeting, posting on facebook, sending emails to delegates and putting out press releases for major events. This increase in communication about all things GA meant a huge increase in advertising of the ASUC election as a campus-wide election that impacts undergraduate and graduate students. The increased awareness of the election and the importance of the Class Pass fee renewal and the independence referendum contributed to the increased voter turnout.

In the future, it is recommended that the Elections Council continue to work and liaise with the Graduate Assembly in order to tailor its outreach to graduate students. The branding of the election as a broader 'campus election' is effective in ensuring that graduate students are aware that the ASUC election features issues directly affecting graduate students and graduate life. However, given that some propositions in the future may be sponsored or endorsed by the Graduate Assembly, the Elections Council should always keep in mind its responsibility to conduct voter outreach in a content-neutral manner. As such, while voter outreach through the Graduate Assembly's communications channels is important, the Elections Council should also continue its efforts to increase its own outreach to graduate and professional students on campus.

SUMMARY

The 2019-2020 academic year was tremendously difficult and trying with regard to ASUC elections, both for external stakeholders (voters, parties, candidates) and for internal stakeholders (ASUC officials, Elections Council members, Elections Office staff members). Although the circumstances of the Spring 2020 semester represent an extreme anomaly for the campus community, the proceedings of the 2020 ASUC Election represent a continuation of an untenable state of affairs for the Association: hyperpartisanship and acting in bad faith, the disparaging and harassment of elections officials, and a toxic campus-wide climate when elections season arrives. This state perpetuates widely-held notions of the Association as a place of mere pettiness and in-fighting, and distances our student government from the students we are meant to represent. Especially considering the events of the 2019 elections season, which created tremendous distrust of the Association and the elections process among students, the events of this year did little to restore the student body's trust in its student government.

Unfortunately, these patterns will persist unless large-scale action is taken. The Elections Council—for its part—tries year after year to do all it can to 'right the ship' and avert a complete collapse of this Association's democratic nature. But there is only so much that the Council itself can do.

First, we are all limited by intransigent timeline issues. By the time that the membership of the Elections Council is appointed, there is little time left for proper onboarding or for working with elected officials to reform election bylaws before the start of the spring election season. As such, many of the issues that we keep facing could be avoided or at least minimized by the timely filling of vacancies and collaboration between the Elections Council and the Senate on bylaw reform during the first part of the academic year (and after each election).

Moreover, we are constantly limited and confined by the structure of the bylaws and by the willingness or unwillingness of elected officials, candidates, parties, and students at-large to contribute to a positive elections climate. We acknowledge that there is a deeply-rooted dislike of the elections process by many members of this Association, and that these attitudes cannot be easily or automatically changed. But these issues have no hope of getting resolved if the default stance of most stakeholders is to simply complain about the current state of things without providing constructive input on how the issues can be remedied. Reforming our elections must be a collaborative effort that elicits feedback and suggestions from Association leadership and membership.

And yet there is hope and there is so much to fight for. This Association, when working in the best interest of students, is capable of tremendous action. One need only to look to the actions of this year’s elected officials in response to proposed tuition hikes by the UC Regents, the COVID-19 pandemic and the subsequent academic and financial relief efforts, or the organizing done by members of the Graduate Assembly in coordination with the UC Berkeley Cost-of-Living Adjustment movement. The Association is made infinitely better by the thousands of individual contributions of its student members, whether by voters voting for a student fee, incoming first year and transfer students eager to get involved in a senator’s office, or veteran leaders within the Association who continuously provide valuable insight and institutional knowledge to our everyday proceedings. This includes the members of the Elections Council, Elections Office, and Judicial Council who work tirelessly to preserve the democratic integrity of this student government even in the face of tremendous pressure and public criticism. In the end, we are all working to create a better campus for our fellow students. Structural reforms are possible when we recognize that, despite our differences and past disagreements, we have the potential to make a lasting impact on student representation in this organization by rejecting the status quo ante, envisioning a elections process that provides equal footing for all candidates, and implementing tangible change (whether incremental or wholesale) in order to achieve those visions. This is the hope that the Elections Council carries into this summer and into the next academic year. We are asking all stakeholders wishing to change the trajectory of ASUC elections to come to the table to have a frank and honest discussion about what needs to change and how it can be changed. We cannot proceed without the input and help of other members of the Association—that is why we need your help.





**Thank you
for voting!**

