



Student Government Association
Sam Houston State University

A member of The Texas State University System
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Bill S19-01
Updating the Election Code

Author: Chief Kennemer
Sponsor: President Eller
Date: January 20, 2019

Whereas: The Sam Houston State University Student Government Association acts as “the Official Voice of The Student Body”; and,

Whereas: In previous semesters SGA has chosen to split the Homecoming and SGA Elections into separate Election Codes and,

Whereas: Since the codes have been split, the Spring Election has been need of several updates; therefore,

Be it enacted: The current Spring Election code be replaced with the attached Spring Election Code; and

Be it further enacted: Upon passing the new Spring Election Code, all previous Homecoming Spring Codes become null and void; and

Be it further enacted: That this change be effective immediately; and

Be it finally enacted: That copies of this resolution be sent to President Dana G. Hoyt, Dean of Students John Yarabeck, The Houstonian, and Channel 7 News.

Eller, David
President

Wilkerson, Jaidyn
Secretary

Sam Houston State University



Student Government Association



Executive and legislative
Election Code

Updated January 2018

Article I. The Election Code

- A. This Election Code is established under Article XIV Section 2 of the Student Government Association Constitution and is to be subordinate to the Student Government Association Constitution and to function in conjunction with the Student Government Rules and Procedures.
- B. The Executive and Legislative Branch election, hereafter referred to as the Spring Election, shall be governed by the SGA Executive and Legislative Branch Election Code.
- C. After the ratification of this code, the Election Code that is in place upon the conclusion of the 12th class day of any semester shall govern all SGA sponsored elections during that semester. During the semester in which this code is originally passed, it shall take effect immediately.

Article II. The Election Commission and Chairman

- A. There shall be an Election Commission, which shall be tasked with administrating and proctoring all elections that fall under the jurisdiction of the Election Code.
- B. The Election Commission shall consist of four commissioners, that shall be appointed by the SGA President and confirmed by a 2/3 vote of the Assembly, under the following regulations:
 - 1. The Commission shall be a sub-committee of the Supreme Court;
 - 2. No Member of the Commission shall be a Member of the Executive and/or Legislative Branches, nor shall they otherwise be a Member of the Judicial Branch;
 - 3. Neither the Chair nor any of the Members of the Commission shall be objectionable to the Chief Justice;
 - 4. Commissioner's names shall not appear upon the ballot of the current election sponsored by SGA; if a commissioner wishes to run on the ballot they shall immediately resign from the Election Commission.
 - 5. The Members of the Commission shall serve at their own discretion for as long as they choose to hold the Office, unless they are impeached and/or otherwise removed by the Assembly, as provided for in the Bylaws, or until they are no longer enrolled as Students.
 - 6. The Senate shall have the right to consent or deny consent to the continued service in Office of any and all Members of the Commission, such consent shall be asked for no later than the third Assembly meeting of the Spring Semester.
- C. The Election Commission shall be chaired by the Election Chairman.
 - 1. The Chair of the Commission shall be the highest-level Executive or Legislative Officer who is not running in an election. The order of Officer precedence shall be:
 - a) President;
 - b) Vice President;
 - c) Secretary;
 - d) Attorney General;
 - e) Treasurer; and Director of Training
 - 2. The Election Coordinator shall chair the Election Commission, but shall receive no vote.
- D. After being approved by the Assembly, the Election Commission shall schedule and attend a meeting with the Rules and Regulations Department to be oriented to the election code.

- E. The duties of the Election Commission shall include:
1. Deciding the dates for the Spring Election, and publicizing them, as provided for within this code.
 2. The responsibility for running Spring Election and any referendums that are attached to such election.
 3. Hosting the required candidate meeting for all candidates running in the Spring election.
 4. Ensuring that all rules of the Spring Election Code are obeyed, the hearing of testimony and evidence compiled by the plaintiff or defendant and ruling on election protests.
 5. Create a report of the results to be presented to the candidates, via official email, and to the Assembly, which shall be delivered at the first general meeting of the Assembly following the election.
- F. Quorum of the Election Commission shall consist of the Election Chairman plus 2 members
No ruling of the Election Commission is valid unless quorum is met.
- G. Members of the Election Commission shall be expected to show no bias toward any candidate at any time nor shall they be permitted to campaign for any candidate at any time. Should any member of the Election Commission show bias towards any candidate a petition to remove the Commissioner shall be in order. The removal of an Election Commissioner must be conducted in a manner in accordance to the impeachment procedures of the Student Bylaws. If a Commissioner is removed, the President shall then appoint another Commissioner in accordance to this Code, the Student Government Rules and Procedures, and the Student Government Constitution.
- H. The SGA Election Commission is an independent body answerable to the Sam Houston State University Student Assembly, the Election Codes, and the Supreme Court.

Article III. Elections

- A. The Student Government Association shall sponsor elections of the student body.
- B. In the spring semester, SGA shall sponsor the spring election, which shall consist of the election of the Legislative Branch and of the Executive Branch, and shall take place between the fifteenth class day of March and the fifteenth class day of April.
- C. Other items, including Constitutional referendums, can be included in the Spring election at the discretion of the Assembly.

Article IV. Qualifications of Candidates

- A. Student Government Executive Branch Officers and Legislative Branch Senators shall meet the following qualifications:
1. Candidates must be students enrolled at Sam Houston State University.
 2. Candidates must not currently be on academic or disciplinary probation.
 3. Candidates must conform to any other qualifications, specific to their office, as outlined in the SGA Constitution.
- B. Student Government Executive Branch Officers shall meet the following qualifications:

1. Candidates must be students enrolled at Sam Houston State University.
2. Candidates must not be on academic or disciplinary probation.
3. Candidates must possess at least a 2.50 SHSU GPA
4. Candidates running for President and Vice President must be able to fulfill a full academic year in their position before graduating.
5. Candidates running for President or Vice President must have completed two long semesters at SHSU and be currently enrolled as a student in the long semester in which they are elected or sworn in.
6. Candidates running for President or Vice President must be able to serve in their office for a full academic year.
7. Candidates running for Secretary, Treasurer and Chief of Staff must have completed one long semester at SHSU.
8. Candidates must conform to any other qualifications, specific to their office, as outlined in the SGA Constitution.

Article V. Pre-Election Procedures

- A. The Election Commission shall determine the dates for which the Spring Election is to be held, within the provisions as found in this code, at least thirty class days prior to the election.
- B. The Election Commission shall also determine a window in which candidates shall be permitted to file for office. Such a window shall be no less than ten class days, and shall end on the filing deadline. The filing deadline shall be no less than 12 class days prior to the election. All candidates must file for their office prior to the filing deadline in order to be placed on the ballot. All candidates must turn in the Student Government Association Candidate Application Form to the SGA Office. Upon the receipt of the form; it shall be time stamped, signed by the person who receives it, and placed in a secure location. The candidate may request a copy of their time stamped application. The filing deadline shall be at 5:00 p.m. on the date of the deadline. The official time shall be the time shown by the Computer Services Network Time. No applications will be accepted after that time.
- C. At least three class days prior to the opening of the filing window, the Election Commission shall notify campus media and shall place a sign in the SGA office indicating the dates of:
 1. When filing for office begins
 2. The filing deadline
 3. The required candidate meeting
 4. The window for campaigning
 5. The election
- D. Between the time filing begins and until the filing window closes, candidate applications and verification forms shall be available in the SGA Office. The application must be signed by the candidate, and must state:
 1. The full name of the office being sought
 2. The full legal name of the candidate
 3. The preferred name of the candidate, so long as it is deemed appropriate by the

Election Commission

4. The candidate's SHSU identification number
5. The candidate's GPA
6. The candidate's college
7. The candidate's classification
8. The number of long semesters the candidate has attended SHSU
9. The candidate's campaign manager(s) and staff, if any.

It will be the responsibility of the candidate to maintain the accurateness of this information.

E. After the filing deadline has passed, the Election Chairman shall take the applications to the Dean of Students' Office, whom shall verify the GPA's of candidates to ensure they meet the Constitutional qualifications. Once the GPAs have been verified, the Election Commission shall verify the remainder of the application to ensure the candidate meets the Constitutional qualifications, and shall disqualify all candidates that do not meet the criteria. Within one class day after the filing deadline, the Election Commission shall place the final candidate list in the window of the SGA office.

Article VI. Required Candidate Meeting

A. All candidates whose name shall appear on the ballot shall be required to attend one of two required candidate meetings, which shall be held no more than 2 class days after the filing deadline and shall be presided over by the Election Chairman. The two meetings must fall upon a Monday, Wednesday, or Friday, and a Tuesday or Thursday.

B. A candidate may miss the required meeting solely on the following grounds:

1. Class

- a. Documentation, including official class schedule and/or typed letter from professor must be submitted to the Election Chairman at least forty-eight hours before the required meeting.

2. Illness

- a. A typed letter stating that you were ill must be submitted to the Election Chairman no later than twenty-four hours after the start time of the required meeting.
- b. The Election Commission shall be responsible for the review of these letters.

3. Work

- a. A letter with the person's place of work and contact information must be submitted to the Election Chairman at least forty-eight hours before the required meeting. Proof of work schedule must be attached.

C. Any candidate who shall miss both of the required candidate meeting(s) is required to send another designated person in their place.

1. No person whose name appears on the ballot shall attend the meeting in place of another candidate.

D. Any candidate who is absent or tardy without a valid excuse shall be automatically disqualified from running in this election. Such disqualifications may be appealed to the Election Commission. However, the candidate may still run as a write-in candidate.

E. The agenda of the meeting shall consist of an overview of the Student Election Code and the campaigning procedures.

Article VII. Campaign Regulations

A. Campaigning shall be defined as any public soliciting of votes for a particular candidate, slate of candidates, or issues involved in the election concerned.

B. Campaigning shall be open from the end of the required candidate meeting and shall extend until the polls close. After 8:00 am of the first morning of voting, campaign signs and social media pages may remain in place, but all campaigning must be conducted directly in front of the Lowman Student Center. Violations may result in disqualification.

C. Snapchat filters are permitted as long as they were purchased before 8:00 am of the first morning of voting. Proof of purchase time must be submitted along with the Student Government Financial Disclosure Report.

D. Each candidate is responsible for keeping accurate records as to how much money they have spent on their campaign, and for turning in a completed copy of the Student Government Financial Disclosure Report to the Student Government Association Election Chairman and Attorney General via email by noon on the first day of voting. This report must be turned in regardless of the amount spent, including if the candidate did not spend any funds.

1. All receipts for campaigning materials must be kept.
2. Donated items must be given an accurate monetary value and documentation must be signed by the individual or business making the donation.
3. Executive Branch Officers are allowed to use up to \$500 on campaign materials, and Senators are allowed to use up to \$300 on campaign materials, including the accurate monetary value of donations.
4. Campaign funds may be pooled, so long as all candidates' names appear on all campaign items.
5. Any violation of this section may result in disqualification.

E. All candidates are liable for the actions and remarks of their manager and campaign staff.

1. Campaign managers shall be defined as any individual or individuals whom play an active role in a candidate, or slate of candidates, campaign. This shall include, but not limited to, coordinating events, advertising, or the solicitation of votes.
2. Campaign staff shall be defined as any individual or individuals whose role includes, but is not limited to, soliciting votes, providing labor at campaign/candidate specific events, or aiding a candidate, or candidates, during the campaign.
3. The Election Commission shall have the final say in defining these classifications.

F. Candidates, campaign managers, campaign staff, and any individuals will refrain from actions and remarks that will be in any way detrimental, defamatory, ridicule, or embarrass any individual, including but not limited to reference to race, color, creed, religion, sexual orientation, or national origin. Violations may be classified as a Class B violation by the Election Commission. References can be made to a candidate's record so long as it is in regards to actions within Sam Houston State University Student Organizations. The Election Commission reserves the right to refer any violators to

the Dean of Students Office for disciplinary action.

- G. In the Spring Election, usage of the SGA Office for purposes of printing out or designing campaign materials, signs, handbills, or any other campaigning items is strictly prohibited. Each violation of this rule may be classified as a Class A violation by the Election Commission.
- H. No candidate or individuals representing such may campaign in any classroom or academic event in which they have the power to alter, mark, or assign any sort of grade, including extra credit. Violations of this rule may be classified as a Class B violation by the Election Commission.
- I. Destruction of campaign materials shall be a direct violation of this Code for any candidate or agents thereof to willfully destroy, deface, move, or remove signs or campaign literature of any other candidate. Violations of this rule may be classified as a Class A violation by the Election Commission.
- J. Alcohol and illegal substances are not permitted in campaigning, and shall not be allowed to influence a student to vote or have his or her vote swayed. Campaigning at establishments that make more than fifty percent of their revenue from the sale and consumption of alcohol, or that are commonly known as bars or clubs, is prohibited. Candidates are not permitted to provide, or have provided on their behalf, a discount or reduced rate of admission or cover to themselves or their supporters at any establishment that serves alcoholic beverages for on-premises consumption. Violations of this rule may result in disqualification from the Spring Election.
- K. Candidates are prohibited from being sponsored by an off-campus entity, business, or organization. This includes that no special privileges or benefits may be provided to the candidate or the candidate's supporters by the off-campus entity, business, or organization. This includes the production of campaign materials at a reduced rate and discounts or reduction in normal rates of goods or services for either the candidate or the candidate's supporters. Violations of this rule may be classified as a Class A violation by the Election Commission.
- L. Candidates are not permitted to be sponsored by an on-campus entity, however, they can be sponsored by student organizations. No special privileges or benefits may be provided to the candidate or the candidate's supporters by the sponsoring entity. This includes the production of campaign materials at a reduced rate and discounts or reduction in normal rates of goods or services for either the candidate or the candidate's supporters. Violations of this rule may be classified as a Class B violation by the Election Commission.
- M. The Election Commission has the primary regulatory and punitive jurisdiction in all elections of the Student Body. At their discretion, Class A violations may result in the removal of campaign materials and/or cessation of campaigning for up to seventy-two hours. Two or more Class A violations may be considered a Class B violation. Class B violations may result in the removal of campaign materials or cessation of campaigning for the remainder of the election. Two or more Class B violations may be considered a Class C violation. Class C violations may result in any punitive or regulatory action deemed reasonable by the Election Commission, up to, and including, disqualification from the Spring Election. Any disqualified candidates may appeal the decision of the Election Commission to the Student Government Association Supreme Court. The Supreme Court shall have final appellate jurisdiction.
- N. Refusal to abide by any punitive or regulatory restrictions from the Election Commission, without a Stay of Action Order from the Supreme Court may result in disqualification.
- O. Candidates disqualified from the election because of a violation of campaign regulations shall not be

permitted to reenter the election as a write-in candidate. Once a candidate or slate of candidates is disqualified, they must discontinue campaigning immediately and remove all campaign materials within forty-eight hours

P. If, in any race with a single candidate, the candidate has withdrawn his or her name, or if the candidate has been declared ineligible, the Election Commission shall re-open that position for filing for one class day. If no person files for office, the President shall nominate a candidate that shall be voted on at the first meeting of the new Assembly.

Q. The following regulations will govern write in candidates:

1. Any member of the Sam Houston State University Student Body may run for any position as a write in candidate as long as they meet the requirements for that office.
2. Write-in candidates must file their candidacy on the Write-in Candidate Application with the Student Government Association Office.
3. Write-in candidate filing shall be open from the conclusion of the required candidate meeting until the polls close.
4. Write-in candidates are subject to the same campaign requirements as normal candidates, including adhering to all election campaign regulations and deadlines, and spending limits; write-in candidates shall not be required to attend a required candidate meeting or turn in the Student Government Financial Disclosure Report.
5. Votes for any candidate who receives write-in votes in the election but has not filed their candidacy on the Write-in Candidate Application with the Student Government Association Office shall not be counted.

Article VIII. Elections

A. Elections shall be conducted by online ballot, and shall be held for 2 class days.

B. The only entity allowed to establish a mobile polling place on or off campus outside of a SHSU computer lab is the Election Commission.

C. If the polls go down during the course of the election, the poll time shall be extended by the number of hours the polls were down.

D. In order to vote, students shall have a valid SHSU computer account and shall be currently enrolled in classes at the time of voting.

E. Voting by proxy (letting someone else vote for you) is strictly prohibited and any person who are found to have been in violation of this rule shall be subject to immediate penalties by the Dean of Students Office.

F. Those running for an SGA officer position may also enter the ballot to run as a Senator, but if they are elected an officer, they shall immediately surrender the Senate seat, and the next highest voted candidate shall take their place.

G. In SGA Senate elections, student shall only be permitted to vote for Senators in the college of their major, but shall be able to cast a number of votes equivalent to the seats available in that college, except in the case of Graduate students who must vote in the Graduate election.

H. The following guidelines shall govern election ballots:

1. All ballots shall contain the following information:
 - a. The designation of the “Student Government Official Ballot.”
 - b. Date of election.
 - c. Specific balloting instruction pertaining to the number of candidates to be selected and the manner to which they are to be chosen.
2. In all elections, for all positions, listing of the candidate’s name on all ballots shall be in alphabetical order by the student’s last name, as determined on the Candidate Application Form. The candidate’s preferred name shall replace the legal name on the ballot.
3. For each officer position, the candidates’ names shall be listed, followed by one write-in blank.
4. For Senator elections, the number of write-in blanks shall be determined by taking the whole number of seats available in that college and subtracting the number of candidates running for seats in that college. If there is at least one candidate running for each seat and there are no empty seats, one write-in blank will be provided after the listing of all running candidates.
5. Candidates shall be allowed to withdraw from the ballot by providing a letter of withdrawal to the Election Commission, but shall not be allowed to reenter the ballot in any race on that ballot.
6. All candidates shall submit a photo with a short bio for the ballot. The photo and bio may be removed or censored at the discretion of the Election Commission.
7. All write-in candidates must receive five or more votes to be considered in the final results.
8. Write-in votes for students not in the colleges in which they are running shall not be counted for the Senate Election.
9. Write-in votes for students already on the ballot shall be counted towards that students’ vote total unless the vote is a duplicate vote, in which case the original vote shall be the only vote counted.

Article IX. Election Results

- A. The tabulation of votes shall be completed by IT@Sam. After tabulation, results will be sent to any advisors, the Election Chairman and the Attorney General. The Election Chairman must then call the Election Commission together to verify the results.
- B. In order to be elected as an Executive Branch Officer, Officer candidates must receive a majority vote of the students voting. If no candidate receives a majority of votes, or if the race is within 2 percentage points, a runoff election will be held between the top two candidates.
- C. In order to be elected as a Senator, Senate candidates must receive 10 total votes of the students voting in their respective college.
- D. Abstentions shall not be counted in any election.
- E. After the election closes, the Election Commission shall publish a preliminary result report online, but that report shall not be final until after a 2-class day protest period. After the 2-class day protest period, if there have been no protests, the preliminary results become final.

F. After the election results become final, the Election Commission shall publish the final results in the campus media and on the SGA website.

Article X. Runoff Elections

A. If a runoff election is necessary, the Election Commission shall designate a date for the runoff to take place, no more than 5 class days from the date of the end of the original election.

B. Campaigning for runoff elections shall last from the time the runoff is declared until 8:00 am the morning of the Election.

C. All Campaign regulations shall be in effect during campaigning for runoff elections.

D. For a runoff election, candidates are allowed to utilize an additional \$100, in addition to any funds remaining from their first allotment, for their campaigns

Article XI. Protests

A. In all general and runoff elections there shall be a protest period that shall begin as soon as campaigning begins and last until two class days after polls close.

B. The results shall not be official until the end of this period.

C. Any student or candidate wishing to protest the results must file a protest during this period with the Election Chairman and Attorney General. The Election Chairman must then send a copy of the protest to all Election Commissioners and to the Supreme Court Student Justices. Protests must contain the following information and be no longer than three pages in length:

1. Statement from the protestor claiming to protest the election, campaign practices, or election results.
2. Details about the alleged misconduct.
3. Evidence into the validity of the protests.

D. The Election Commission is required to notify any candidate via the Sam Houston State University Email System of any petition filed against them within twelve hours.

E. The Election Commission must call a hearing with the petitioner and the candidates listed in the petition within forty-eight hours of receiving the petition, starting on the following class day, and must allow testimony from all sides. The commission must do one of the following:

1. Reject the protest and state why it is being rejected. Such rejection must be in writing.
2. Issue any sanctions the Commission deems appropriate. These sanctions must be issued in writing.
3. Disqualify a candidate, and provide reasons for the disqualification in writing.

F. Any Election Commission protest decision may be appealed to the SGA Supreme Court within twenty-four hours after the Election Commission Meeting by sending an appeal to the Supreme Court Student Justices and the Attorney General. The Court must call a hearing with the petitioner and any candidate or candidates listed in the petition within seventy-two hours, starting on the following class day; and must allow testimony from all sides. The Court shall decide if the Election Commission

acted fairly and properly and if they interpreted the rules correctly. The Supreme Court shall not decide guilt or innocence. The Court has the power to do any of the following:

1. Accept the decision of the commission.
2. Overturn the decision of the commission.

Article XII. Revision of Codes

- A. Any revisions to this code must progress through the Rules and Regulations Department in the form of a bill that must be passed by majority vote of the Student Assembly present and voting.
- B. The Election Commission shall have the power to suggest changes to the Election Code as outlined in the SGA Constitution Article XIV, Section 2, Subsection D.
- C. Upon revision of these codes all previous versions of the Executive and Legislative Branch Election Code shall become null and void.
- D. Any revisions that are to take place during the campaign windows shall not take effect until all candidates for all offices are informed of the new changes and when they are to take effect.

Article XIII. Ratification

- A. This document may be ratified by an approval of 2/3 of the Assembly present and voting.
- B. Upon ratification, all other Executive Legislative Branch Election Codes become null and void.

