

Election Code

Sam Houston State University Student Government Association

Fall 2014

Article I. The Election Code

- A. This Election Code is established under Article III Section 8 Subsection K 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. All SGA sponsored elections and the Homecoming Election shall be governed by the SGA 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 six commissioners, that shall be appointed by the SGA President and confirmed by a 2/3 vote of the senate, under the following regulations:
 - 1. Commissioners shall come from the various colleges represented from the Senate, but no more than two commissioners shall come from the same college.
 - 2. At least one commissioner shall be a first year student.
 - 3. Commissioners shall not be members of the Student Senate, Auxiliary Officers of SGA, Executive Student Assistants, or Justices of the Student Courts.
 - 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. Commissioners shall be elected each semester, and shall be voted into office no later than the fourth general Senate meeting of the semester.

6. The term of a Commissioner shall be from the time they are approved by the Senate until the end of the semester.
- C. The Election Commission shall be chaired by the Election Coordinator.
1. The SGA Vice President shall serve as the Election Coordinator unless they are seeking election or re-election during the election. If the Vice President's name shall appear on the ballot, the Vice President shall nominate an Election Coordinator from the Senate body (whose name will not appear on the ballot) and which shall be confirmed by a 2/3 vote of the Senate.
 2. The Election Coordinator shall chair the Election Commission, but shall receive no vote.
- D. After being approved by the Senate, 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 each SGA election, and publicizing them, as provided for within this code.
 2. The responsibility for running Student Senate and Homecoming Elections and any referendums that are attached to such elections.
 3. Hosting the required candidate meeting for all candidates running in SGA elections.
 4. Ensuring that all rules of the 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 Senate, which shall be delivered at the first general meeting of the Senate following the election.
- F. Quorum of the Election Commission shall consist of the Election Coordinator plus 3 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 Rule 11 of the Student Government Rules and Procedures. 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 Senate, the Election Codes, and the SGA Student Courts.

Article III. Elections

- A. The Student Government Association shall all sponsor elections of the student body.

- B. In the fall semester, SGA shall sponsor the homecoming election which shall take place between one and three weeks prior to homecoming. The Senate shall have the authority to dedicate separate qualifications to seek election in the Homecoming election.
- C. In the spring semester, SGA shall sponsor the spring election, which shall consist of the election of the Student Senate and of the Student Government Association Officers, and shall take place between the fifteenth class day of March and the fifteenth class day of April.
- D. Other items, including Constitutional referendums, can be included in either SGA election at the discretion of the Senate.

Article IV. Qualifications of Candidates

- A. The Homecoming election candidate shall be required to meet the following qualifications:
 - 1. Homecoming King and Queen shall be a student enrolled at Sam Houston State University as a full time student.
 - 2. Homecoming King and Queen shall have at least a 2.5 SHSU grade point average.
 - 3. Homecoming King and Queen shall not be on disciplinary probation.
 - 4. Homecoming King and Queen shall confirm to any policies or qualifications as established by the University's Homecoming Committee and the Department of Student Activities.
- B. Student Government Officers and Senators shall be required to meet the following qualifications:
 - 1. Candidates must be students enrolled at Sam Houston State University.
 - 2. Candidates must have completed at least 12 SHSU Credit Hours.
 - 3. Candidates must not be on academic or disciplinary probation.
 - 4. Candidates must confirm to any other qualifications, specific to their office, as outlined in the SGA Constitution.

Article IV. Pre-Election Procedures

- A. The Election Commission shall determine the dates for that semester's election 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 applications must be turned into the SGA Office only. Upon

receiving an application it shall be time stamped, signed by the person who receives it, and placed in a secure location. The applicant 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, 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 name legal 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 and the number of long semesters they have attended SHSU.

E. After the filing deadline has passed, the Election Commission shall take the applications to the Dean of Students' Office, whom shall verify the GPA's of applicants 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 applicant 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 V. 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 Coordinator. 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 SGA office at least forty-eight (48) hours before the required meeting.
2. Illness
 - a. A typed letter stating that you were ill must be submitted to the SGA office no later than twenty-four (24) hours after the start time of the required meeting.
 - b. The Election Commission shall be responsible for the review of these letters.
 3. Work
 1. A letter with the person's place of work and contact information must be submitted to the SGA office at least 48 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.
 - 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 and/or the Supreme Court of SGA.
 - E. The agenda of the meeting shall consist of an overview of the Student Election Code and the campaigning procedures.

Article VI. 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 8:00am 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 but no closer than 300 feet from an official voting location or computer lab
- C. Campaigning shall not be permitted in any University computer labs.
- D. Campaigning shall be limited to:
 1. Speeches
 2. Signs
 3. Handbills
 4. Personal solicitation
 5. Mass media through the use of televisions, radio, Internet or newsprint, with the exception of mass emails
 6. Other campaign items not listed subject to the approval by the Election Commission

E. Campaigning items shall be restricted by the following:

1. Signs

- a. Number of signs: twenty (20) for SG Officers and ten (10) for Student Senators. Two sides may be used and considered a sign, and slates of candidates may pool their sign quota if all the names appear on each side of each sign.
- b. Maximum size of signs: six (6) square feet maximum
- c. All items affixed to public or private dwellings shall be labeled a sign.
- d. The candidate is responsible for campaign debris remaining after the polls have closed; this includes all handbills and signs. This debris must be removed within two class days to avoid election sanctions.
- e. All University posting guidelines shall be adhered to.

2. Handbills

- a. No limit on number.
- b. Maximum size: Eleven (11) by seventeen (17) inches.
- c. Handbills may not be affixed to permanent objects

Any Violation of this rule may be classified as a Class C violation by the Election Commission.

F. 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 Office 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. Officers and Homecoming King and Queen are allowed to use up to \$500 on campaign materials, and Senators are allowed to use up to \$300 on campaign materials.
4. Campaign funds may be pooled, so long as all candidates' names appear on all campaign items.

Any violation of this section may be classified as a Class B violation by the Election Commission.

F. 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.

- G. 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, religious background, sexual orientation, or national origin. Violations may be classified as Class A violation by the Election Commission. References can be made to a candidate 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 Office of Student Life for disciplinary action.
- H. In all SGA sponsored elections, usage of the SGA Office for purposes of printing out or designing campaign materials, signs, or handbills and any other campaigning is strictly prohibited. Violations of this rule may be classified as a Class B violation by the Election Commission.
- I. No candidate or individual 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.
- J. 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.
- K. 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, 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 be classified as a Class A violation by the Election Commission.
- L. While candidates are permitted to be sponsored by an outside entity, business, or organization, no special privileges or benefits may provide to the candidate or the candidates supporters by the sponsoring entity. This includes the production of campaign materials at a reduced rate and discounts or reduction in normal prices of goods or services for either the candidate or the candidate's supporters. Violations of this rule may be classified as a Class C 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 C violations may result in the removal of campaign materials and/or cessation of campaigning for up to seventy-two (72) hours. Three (3) or more Class C 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 (2) or more Class B violations may be considered a Class A violation. Class A violations may result in any punitive or regulatory action deemed reasonable by the Election Commission, up to, and including, disqualification from 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 be classified as a Class B violation.
- 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 (1) class day.
- 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 the meet the requirements for that office.
 2. Write-in candidates must file their candidacy on the Write-in candidate application with the Student Government Office.
 3. Write-in candidate filing shall be open from the conclusion of the required candidate meeting until the polls open.
 4. Write-in candidates are subject to the same campaign requirements as normal candidates, including adhering to election campaign deadlines, spending limits, and turning in a campaign finance report; write in candidates shall not be required to attend a required candidate meeting.
 5. Votes for any candidate who receives write-in votes in the election but has not filed as an official write-in candidate application shall not be counted.

Article VII. 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 an 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 persons 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, students 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.
- H. The following guidelines shall govern election ballots:
 - 1. All ballots shall contain the following information:
 - 1. The designation of the “Student Government Official Ballot.”
 - 2. Date of election.
 - 3. Specific balloting instructions 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 position, listing of the candidate’s name on all ballots shall be in alphabetical order by the student’s last name, as determined on the campaign 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 college 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.
 - 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 other 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.
- I. The following procedures shall govern write-in candidates:
 - 1. All write-in candidates must receive five (5) or more votes to be considered in the final results.

2. Write-in votes for students not in the colleges in which they are running shall not be counted.
3. 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 VIII. Election Results

- A. The tabulation of votes shall be computerized and over seen by the Election Commission with assistance from Computer Services.
- B. In order to be elected, officer candidates must receive a majority vote of the students voting. If no candidate receives a majority of vote, a runoff election will be held between the top two candidates.
- C. In order to be elected, Senate candidates must receive a plurality vote of the students voting.
- D. In order to be elected Homecoming King or Queen the candidate must receive the majority of votes for their office. Should there be a tie, a runoff election will be held between the tied candidates.
- E. Abstentions shall not be counted in any election.
- F. 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.
- G. After the election results become final, the Election Commission shall publish the final results in the campus media and online.

Article IX. 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 original election.
- B. Campaigning for runoff elections shall last from the time the runoff is declared until the 8:00am 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 X. 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 (2) 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 Commission. Protests must contain the following information:
 - 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 notify any candidate via the Sam Houston State University Email System of any petition filed against them within twelve (12) hours.
- E. The Election Commission must call a hearing with the petitioner and the candidates listed in the petition within forty-eight (48) hours of receiving the petition 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 and must be done within twenty-four (24) hours after the Election Commission meeting. The Court must call a hearing with the petitioner and any candidate or candidates listed in the petition within seventy-two (72) hours 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 XI: Revision of Codes

- A. Any revisions to this code must progress through the Rules and Regulations Department or Internal Affairs Department in the form of a bill that must be passed by majority vote of the Student Senate.
- B. The Election Commission shall have no power to revise the Codes, or ban any actions not banned by this code.

- C. Upon revision of these codes all previous versions of the Election Code shall become null and void.
- D. Any revisions that are to take place during the campaign window shall not take effect until all candidates for all offices are informed of the new changes and when they are to take effect.

Article XII: Ratification

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

SGA