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**S.B.S. 2011-2012/2**

 **“Election Code Reform Act”**

**WHEREAS:** The Associated Student Government strives to represent the students of Texas State University-San Marcos, and

**WHEREAS:** In order to effectively perform their duties, members of the Associated Student Government must have clear and concise guidelines to follow concerning the elections to office, and

**WHEREAS:** In the past questions arose concerning inconsistencies in articles, section and paragraphs of the ASG Election Code, and

**BE IT ENACTED:** That the ASG Election Code be completely stricken and replaced by a new document, titled “ASG Election Code” which shall read:

**Article I – Preamble**

Section 1: The purpose of this document is to create a commission with oversight and discretion of elections. Furthermore, this document shall preserve and uphold the integrity, honesty, and fairness of the student body elections and referendums by ensuring equity, as well as, access to the student body in entirety

 **Article II – The Commission**

Section 1: The Election Commission shall be comprised of five members: three undergraduates, and two graduate students, one of whom shall chair the commission. No member of the Commission shall be running for office or be publically affiliated with any campaign for office. The Commission shall be appointed by the last meeting of the fall semester with the intention of being trained and informed of internal documents, normative methods, and precedents as well as creating a specific budget form standard.

Section 2: The Election Commission shall comply with all requirements stated in all Associated Student Government governing documents. In the event that a situation arises not explicitly provided for in the governing documents, the Election Commission shall determine an appropriate course of action. The Election Commission shall have the power to enforce any and all of the provisions in this document by any disciplinary action it deems appropriate and reasonable.

Section 3: The Associated Student Government shall not endorse or support any campaign for office, but may promote voting days and election events in a non-biased manner to which the President may allocate ASG funds for the non-biased promotion of said events.

 **Article III – Filing**

Section 1: Filing for the Spring General Election shall begin on the first class day of the first full week in March at 8:00 a.m. and end at 5:00 p.m. on the tenth class day after filing began.

Section 2: Filing for the Fall Special Election, if necessary, shall begin at a time so designated by the President. This period will always begin on a Monday and last for ten (10) class days.

Section 3: There shall be only two elections held per year, not including any runoffs or new elections held as a result of a valid protest or vacancy.

Section 4: To be considered an official candidate for an office, the filer must meet all of the following requirements:

1. Meet requirements for position stipulated by the ASG Constitution.
2. Sign a release form which states, the candidate has read and understood the rules and regulations of the Election Code.
	1. Candidates may be exempted from this signature provided the Election Commission creates an alternative method of informing or educating candidate of rules and regulations as well as validate their agreement to abide by them.

Section 5: The Election Commission shall work with Student Affairs Technology to verify the election ballot and referendum two (2) days before the first day of elections.

 **Article IV – Campaigning Publicity Regulations**

Section 1: A candidate must comply with all posting rules prescribed by the appropriate office of his/her Texas State University campus before posting publicity materials.

Section 2: All publicity materials must be removed within two days of the final day of election. Each candidate shall be responsible for the removal and disposal of all campaign paraphernalia bearing his/her name within two days after the election. Payment to the Physical Plant Department shall be the punishment for violation of this provision to pay for cleanup of this violation.

Section 3: Vandalism of any campaign materials, shall include extreme reposting, removal, and altering any material owned by a candidate . Extreme cases of vandalism, as defined by the Election Commission, shall be considered class A offenses against this Election Code.

Section 4: Violations of any of these provisions, or refusal to comply with provisions listed in this Article shall be considered a Class C offense against this Election Code. All other violations not listed in this article in direct relation to campaign publicity shall be considered Class C offenses. The election commission shall have the authority to declare other violations of similar scope and purpose within this article as Class C offense if they do not fall within the stated violations above.

 **Article V - Campaigning Regulations**

Section 1: No one shall campaign within fifty (50) feet of any official polling place during elections. No candidate may verbally address any individual who is within the official polling area marked by the Election Commission. All publicity material within fifty(50) feet of the polling places must be removed by the election officials before polling places open.

Section 2: Public address systems shall not be used for campaign purposes within one thousand (1,000) feet of any official polling place during election days. Public address systems shall be any use of amplified sound or yelling by either an individual or group. The use of public address systems shall be limited to the time between classes.

Section 3: No candidate may utilize any facilities, equipment, or services which receive university funding that are not available to the general student body for use during campaigning. This includes student organization offices, club resources, residence hall work rooms, administration, offices and any other location that does not allow open access to all students.

Section 4: Public, printed, electronic, verbal, or any other display of campaigning shall be prohibited until two (2) weeks prior to the last day of voting.

Section 5: Violations of any of these provisions, or refusal to comply with said provisions listed in this Article shall be considered a Class B offense against this Election Code. All other violations not listed in this article in direct relation to campaigning shall be considered Class B offenses. The election commission shall have the authority to declare other violations of the same general scope and purpose within this article as Class B offense if they do not fall within the stated violations above.

 **Article VI – Campaign Spending**

Section 1: No campaign may use any funds, directly or indirectly from the university on campaigning. This clause excludes paychecks distributed by the University to an individual worker.

Section 2: The Presidential and Vice Presidential candidates may spend no more than $500.00 on each of their respective campaigns. Senatorial and Representative candidates may spend no more than $250.00 on their respective campaigning.

Section 3: When organizing into groups of affiliated candidacy such as ‘tickets’, the Senatorial, Representative, Vice Presidential and Presidential candidates shall sign a written statement surrendering any funds they wish to donate to a trustee, which may be either a person or organization for the purposes of campaigning on their behalf.

Section 4: In the case of a run-off, limitations shall be as follows, $250.00 for Presidential and Vice Presidential each, $125.00 for Senators and $50.00 for Representatives.

Section 5: All candidates for President, Vice President, Representative and, Senate shall submit to the Election Commission a report containing their total campaigning expenditures verified by receipts or bank records within seventy-two (72) hour of the posting of election results. The cost of any donated items must be included in calculations of total campaign expenditures. This shall include discounts not available to the general public. Candidates may not receive any donations from university funds; this does not include paychecks.

Section 6: Violations of any of these provisions or refusal to comply with said provisions listed in this Article shall be considered a Class A offense . All other violations not listed in this code in direct relation to campaign finance shall be considered Class A offenses. The Election Commission shall have the authority to declare other violations of the same general scope and purpose within this article as Class A offense if they do not fall within the stated violations above.

 **Article VII – Jurisdiction, Allegations, Punishment and Protections**

Section 1: The Election Commission’s authority shall extend only to the general and special elections of the Associated Student Government and may not hear, officially or unofficially, any case, nor shall they impose judgment or punishment unless directly relating to the elections.

Section 2: The Election Commission shall meet when business warrants and shall meet open and publically. The Commission shall keep written records of their proceedings and shall inform all candidates of their meeting within twelve (12) hours prior of doing so.

Section 3: The Election Commission shall reserve the right to deliberate on any issue in a closed session but must create a summary of their closed door proceedings to be published within the fourth day after election results are announced.

Section 4: When deciding the guilt or innocence of any person or persons accused of a violation the commission shall take actions based on a majority vote. In all cases the vote of any said issue shall be made public within twenty-four (24) hours, with an accountable record of votes.

Section 5: The Election Commission shall have the authority to investigate any allegations brought against any person or persons running for office. The Election Commission shall decide the validity of any allegations, and if the validity of said allegations are sustained by a majority vote, the commission shall take steps to hear all sides of the case.

Section 6: If the Election Commission shall sustain the validity of any claim of wrong doing the Election Commission shall vote on guilt and innocence of any person or persons who have been charged with an Election Code violation by a majority vote.

Section 7: Class A offenses shall be considered the most egregious form of violation of this Election Code. Class B offenses shall be considered moderate violations of this Election Code, and Class C offense shall be considered minor violations of this Election Code.

Section 8: If any person, groups of persons or affiliated persons are convicted of more than 5 Class C offenses the offense shall equal a class B offense. If any person, groups of persons or affiliated persons are convicted of more than 3 Class B offenses the offense shall be considered a Class A offense.

Section 9: Punishments for three (3) or more Class C offenses may include, suspension from campaigning for up to twelve (12) hours, and/or removal of publicity materials completely from those areas affected by any violation. The Election Commission may choose other punishments of the same scope as stated in this section but shall not punish with extreme measures unless the violations of Class C offense are both numerous and egregious.

Section 10: Punishments for two (2) or more Class B offenses may include, suspension from campaigning for up to twenty-four 24 hours, and/or removal of publicity materials completely from those areas affected by any violation. The Election Commission may choose other punishments of the same scope as stated in this section but shall not punish with extreme measures unless the violations of Class B offenses are both numerous and egregious.

Section 11: Punishments for two (2) or more Class A offenses may include, suspension from campaigning for up to seventy-two (72) hours, and/or removal of publicity materials completely from those areas affected by any violation. The Election Commission may choose other punishments of the same scope as stated in this section but shall not punish with extreme measures unless the violations of Class A offenses are both numerous and egregious.

Section 12: The Election Commission shall only disqualify individual candidates when there is proof of collusion for gross violations as well as actions that prohibit equitable access or disenfranchise any student at any time and even so should disqualify candidates only in the event of multiple violations of the Election Code.

Section 13: Candidates are responsible for the actions and conduct of people knowingly associated with the candidate’s campaign, within a reasonable definition of associated.

Section 14: The Election Commission shall protect the identity of those who report Election Code violations .

Section 15: Punishments including disqualification and those related to Class A offenses may be appealed to the Dean of Students office which has the discretion to overturn, or change any punishment.

Section 16: Anyone submitting a complaint or request for interpretation involving this Election Code to the Election Commission shall do so in a the form of a dated written statement. Upon receipt of a complaint, the Election Commission shall provide a dated written statement. Once the Election Commission has ruled on any complaint or request they shall issue a dated memorandum o all those running for office.

 **Article VIII – Polling Places**

Section 1: The Election Commission shall establish at least two (2) official polling places on campus which shall be officially marked by the Election Commission. These locations will in include but are not limited to the LBJ Mall, the LBJ Student Center, the Quad, Jones Dining Hall, Harris Dining Hall, and Commons Dining Hall. The Election Commission shall establish times of operation for these polling places which must operate for at least seven (7) hours during the day between 8:00 am and 5:00 pm forgoing poor weather conditions.

Section 2: The Election Commission shall designate specific students as polling officials to work the official polling places. These students may not be affiliated with any campaign or they themselves be running for office. These polling officials shall report to the Election Commission and shall meet with the Commission before voting days.

Section 3: No polling official shall influence the vote of any other person at any time whatsoever during voting days. No polling official shall leave his or her polling place unattended during the time assigned to work.

 **Article IX – Elections**

Section 1: The general election and any special elections will be held on two consecutive days beginning on the second Tuesday following the close of the filing period, barring extenuating circumstances such as Spring Break. A minimum of one week for campaign shall be allotted directly preceding elections. Campaigning may continue on voting days. All Texas State University students are eligible to vote.

Section 2: The President and Vice President of the Associated Student Government shall be elected by a majority vote of students who participate in the election. . Senators and Representatives shall be elected by a plurality vote, with a minimum of five votes to qualify.

Section 3: All run-off elections for President and/or Vice President shall be between the two candidates that have the greatest number of votes cast for that office. In the event a run-off candidate withdraws from the election, the candidate from the general Election with the next greatest number of votes will enter the run-off election. Section 4: Write-in candidates shall be eligible only if they meet the qualifications for the position they seek and receive the required amount of votes necessary to win. Write–in candidates must receive a minimum of five votes to qualify. Elected write-in candidates must report to the ASG Office to submit a current address, phone number, and Student ID number. Failure to comply by the final class day of the Spring semester with this section shall disqualify the candidate. Elected write-in candidates will be contacted by a member of the Election Commission and be notified of their election, as soon as possible.

 **Article X - Recounts and Protests**

Section 1: Any person intending to protest the election must give the Election Commission a sealed, written statement of the grounds on which such protest relies within three university working days after the last day of election. This statement may include any and all supporting evidence to sustain such a contest All protests will be opened and read upon reception, by the Election Commission in the presence of an ASG Advisor or the Dean of Students. Discussion of the protest shall remain between the Election Commission and the individuals involved until all protests have been filed. The ASG A dvisor shall be present for all deliberations on the protest.

Section 2: All requests for recounts and protests shall be heard by the Election Commission within two (2) business days. Upon reviewing the contestant’s written statement the Election Commission shall submit a written report to the Dean of Students and all candidates running for office within five business days of the protest filing deadline.

1. Any additional evidence or violations that are uncovered shall be included in the protest. The Election Commission shall consider violations by a candidate other than the defendant that are uncovered as a separate protest.
2. If a hearing is deemed necessary by the Election Commission, it shall be held within seven (7) business days after the last day of the election. The Election Commission shall give at least one day notice of the date, time, and place of the hearing to all the parties involved.
	1. All hearings should be open to the public.
	2. Each party shall be allowed ten (10) minutes to present his or her case. At this time, evidenced may be presented to the Commission. The contesting candidate shall be allowed to speak first.
	3. The Election Commission will then, if necessary, question each party.
	4. Each party will be allowed one, three (3) minute closing statement.
	5. A complete written transcript and/or audio recording will be made public following the decision .
	6. The Election Commission shall meet in private to deliberate on the hearing(s) and the written evidence provided Within one business day thereafter, the commission shall submit to the person or persons a written report including the grounds for the decision.

Section 3: In determining the validity of a protest, the Election Commission shall determine the validity of the claim and of the seriousness of the charge. The Election Commission may choose to sustain or dismiss the protest. If the Election Commission sustains the charge, the Commission has two options, one to call for a run-off election or two, disqualify the offending person or persons. If the disqualified candidate receives a majority of the votes cast in the election, the person who received the second highest amount of votes shall win the election.

Section 4: The rules in this article apply to run-off elections as well.

Section 5: After the Election Commission rules, either party may within two (2) business days, submit a written appeal to the Dean of Students Office.

Section 6: Any disqualified candidates shall lose the right to run or be placed as a write-in candidate for office for ten (10) months from the date of the offense.

Section 7: Any person contesting the election on the grounds of electronic media must file a written notice with the Dean of Students Office immediately. If the Dean of Students Office, in conjunction with Student Affairs Information Technology, determines the protest is valid, then remedy shall be offered by the extension of voting beyond the voting deadline of the amount of time during the electronic complication. Other remedies can be agreed upon by the contestant and the Dean of Students Office during this review.

 **Article XI - Amendments**

Section 1: This document may be amended by a majority vote of a joint session of both the Graduate House and Senate or by a two-third vote of either chamber of the legislature.

**BE IF FURTHER ENACTED:** That this new election code not take effect until the 2012-2013 academic year; and

**BE IT FURTHER ENACTED:** This piece of legislation be forwarded to House of Graduate Representatives Advisor Dr. Paula Williamson, ASG Advisor Kathy Weiser, Dean of the Graduate College Dr. J. Michael Willoughby, Dean of Students Dr. Margarita Arellano, Vice President of Student Affairs Dr. Joanne Smith, and University President Dr. Denise Trauth upon passage.