**AUTHOR**

Senator DeSalvo, Cody  
Senator Camargo, DeSalvo

**SPONSORS**

Senator Moncada, David

**Date of First Reading:**

**S.B.**

**A Bill –**

**A bill to be entitled “Election Code Update Act” which makes updates the Student Government Election to make it compliant with the new the constitution ratified by the Student Body on February 20, 2020.**

**WHEREAS:** The Senate strives to establishes processes which are clear to its members and available to its constituents; and

**WHEREAS:** Students approved a new Student Government Constitution on February 20, 2020; and

**WHEREAS:** The new constitution states that: “Upon ratification and approval, this [new] constitution will supersede all other constitutions and will make void all rules, regulations, and court rulings established before its ratification, unless those rules are specifically paired with this constitution”; and

**WHEREAS:** As a result, it is important that the Senate act in advance of the new constitution’s implementation to pass a set of laws and procedures to govern the organization in accordance with its legislative power under the new and current constitution; NOW, THEREFORE

**BE IT ENACTED:** That this bill is adopted and specifically paired with the new constitution ratified by the students on February 20, 2020 and that this will not be implemented until the constitution has been implemented; and

**BE IT ENACTED:** Upon passage this bill be forwarded to the Student Body President Corey Benbow for further action; and

**BE IT ENACTED:** That the following be established as the new Student Government Election Code Title III:

# ELECTION CODE

### ADMINISTRATIVE

#### PURPOSE

* + - * 1. **AUTHORIZATION.** This Election Code is hereby enacted pursuant to Article VI, Section 17 (f)(g) of the Student Government Constitution.
        2. **PURPOSE.** This Election Code exists to facilitate and enforce a fair and educational experience for the election of student governance positions at Texas State University. The primary propose of electing of students under this code is to ensure democratic representation of the student body. Secondary objectives include: expanding a candidates knowledge about running for office, following election laws, navigating political systems, and building community coalitions for the purpose of advocacy.
        3. **ENACTMENT**. This Election Code will become effective and be implemented immediately after its passage and approval by the University President and will supersede any and all previous election codes.

#### DEFINITIONS

* + - * 1. **“Appellate Court”** refers to the Supreme Court, as empowered by the Student Government Constitution to serve as the court holding the appellate jurisdiction over the Election Board.
        2. **“Alliance”** refers to a collaborative campaign between a presidential, vice presidential, and senator candidates that is approved by the Election Board. Candidates may engage in tangible or substantive endorsements and can collaborate, share financial resources, or provide other tangible or substantive support for any fellow candidates.
        3. **“Advisory Opinion”** refers to any opinion issued by the Election Board concerning any matter affecting the campus-wide elections that may not be included within the language of the election code but will be considered binding as an opinion of the Election Board and extension of this code, which will be published primarily in the Operating Memorandum.
        4. **“ASSOCIATE” and “ASSOCIATED”** refers to those persons, individuals or organizations and its members who are registered agents, workers, or endorsers.
        5. **“BRIBERY”** refers to when a candidate, agent, or worker offers an exchange of anything of value, in return for a guarantee of a vote.
        6. **“CAMPAIGN Agent”** **or “AGENT”** refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.
        7. **“CAMPAIGN Worker” or “WORKER”** refers to any person that contributes time, effort, or services for the purpose of supporting or furthering a candidacy.
        8. **“Campaign” and “campaigning”** refer to statements, literature, activities, or deliberate uses or distribution of materials of any kind including electronic or virtual, that have or are intended to have the effect of soliciting votes, support or interest for a candidate, alliance, or elective office. Campaigning must only occur during the official campaign period as defined in this code.
        9. **“Campaign materials”** refers to all materials and literature of any kind, including electronic or virtual, concerning any candidate that has or are intended to have the effect of soliciting votes, support, or interest for a candidate or elective office.
        10. **“Campus-wide elections”** refers to any elections open to all students for the purpose of referenda or election.
        11. **“Campus-wide elections Filing Agreement”** refers to the document signed by the candidate that acknowledges the candidate is aware of and will adhere to this code.
        12. **“Candidate”** refers to any student consenting and/or endeavoring to be elected as expressed by filing to run for office in accordance with this and all applicable election codes.
        13. **“Day”** is one 24-hour period. A day includes weekdays, Saturday and Sunday.

**“BUSINESS DAY”** is one 24-hour period, non-weekend day, during a normal operating day for the University.

**“CLASS DAY”** is one 24-hour period, non-weekend day, during a normal operating scheduled class day for the University.

* + - * 1. **“Defeated candidates”** refers to candidates, whose elections already being decided, have lost in their respective elections.
        2. **ELECTIONS, TYPES**

**“General Election”** refers to the annual election of Student Government officers, as specified in the Student Government Constitution.

**“Runoff Election”** refers to all secondary elections held to resolve races not initially determined by a general or special election.

**“Special Election”** refers to an election called by the Student Government President or Senate as specified in Student Government Constitution.

* + - * 1. **“ELECTION BOARD”** refers to the Election Board established by the Constitution and further defined by law..
        2. **“Endorsement” and “endorsing”** refer to any form of communication expressing support for a candidate. Social media follows or “likes” and equivalent do not constitute endorsements.
        3. “**EXPLORATORY PERIOD” AND “EXPLORATION”** refers to the period of time that potential candidates may privately consult and recruit for the formation of an Alliance. Exploration must only occur during the official exploratory period, November 1 to the filing deadline, as defined in S.G.C. III §102.1(2).
        4. **“MATERIAL SUPPORT” OR “MATERIAL DONATION” AND VARIATIONS HEREIN** refers to that which is a non-monetary donation or assistance and includes items owned or actions taken by the candidate, agents, workers, or others.
        5. **“MEMBER”** refers to any sitting member of the Student Government who is participating in campus-wide elections. Member may also be substituted for specific office or title.
        6. **“MEMBER-elect”** refers to a candidate whose election already being decided, has won their respective election, but who has not yet been sworn-in nor seated yet.
        7. **“Polling location”** refers to any internet-enabled device that is being used to vote in campus-wide elections.
        8. **“Polling station”** refers to any publicly accessible on-campus polling location designated for the use of voting in the campus-wide elections by the Election Board.
        9. **“Regulatory Bodies”** include the Election Board and all otheradministrative bodies of the election process.
        10. **“Ruling”** refers to any decision or judgment issued by the Election Board resulting from a hearing rectifying a violation of this code or clarifying the interpretation of a rule.
        11. **“Student”** refers to any individual whose name appears on the current roster of the Registrar of the University.
        12. **“Student Government”** refers to the Student Government of the Texas State University.
        13. **“TIME”** all references to time of day are in Central Time Zone (CT).
        14. **“University”** refers to Texas State University.
        15. **“UNIVERSITY RESOURCES”** refers to any asset located on or off Texas State University property that is under the control of the university and is not accessible to all students. This definition does not include university service whereby the university delivers some product in exchange for compensation.
        16. **“VOTER FRAUD”** is the illegal interference with the process of an election and includes, but is not limited to, increasing the vote share of a favored candidate, depressing the vote share of a rival candidate, or both and is determined by the Election Board.
        17. **“Week”** is defined as seven constitutive calendar days.

#### ADMINISTRATIVE

* + - * 1. **ELIGIBILITY.** All candidates must be deemed eligible in accordance with the Student Government Constitution, by the Dean of Students Office, and Election Board.
        2. **EXCLUSIVITY TO STUDENTS.** Only students on the current semester official roll of the Office of the Registrar may actively seek office or vote in campus-wide elections.
        3. **CAMPAIGN AGENTS.** Each candidate will be required to submit to the Election Board a list of agents they have authorized for their campaign on or before the Rules Reading Seminar date. Any updates to the list of agents after the Rules Reading Seminar must be submitted to the Election Board Chair within 24 hours.
        4. **CAMPAIGN WORKERS.** Each candidate will be required to submit to the Election Board a list of campaign workers they have authorized for their campaign on or before the Rules Reading Seminar date. Any updates to the list of workers after the Rules Reading Seminar must be submitted to the Election Board Chair with each financial disclosure statement. The candidate is free to use workers at their discretion. However, the candidate takes full responsibility for the actions of the workers on their campaign.
        5. **OPERATING MEMORANDUM.** The Election Board must publish an operating memorandum outlining the expected processes and procedures, violation classifications, dates, interpretations, and advisory opinions for the coming election at least 5 business days before the Election Board’s first Rules Reading Seminar.

#### GENERAL REGULATIONS

* + - * 1. **UNIVERSAL APPLICATION.** The provisions of this title are applicable to all Student Government elections and student referendums.
        2. **PARTICIPANTS’ COMPLIANCE.** All persons participating in campus-wide elections agree to comply with this code, Student Government Constitution, S.G.C., University policies, and local, state, and federal laws.
        3. **UNSPECIFIED SITUATIONS.** The Election Board has the powers to regulate, administer, and take other actions that are expressly authorized or implied in this Title to provide direction and oversight of election related issues that are not directly codified in herein. However, in the interest of transparency, consistency, and judicial prudence is critical that the Election Board exercise this broad power of regulation in few circumstances and only when absolutely necessary. When applying this power, the Board must be clear as to why it is exercising such broad regulatory power.
        4. **SINGULAR REFERENCES INCLUDE PLURAL**. References to the singular will be construed to include the plural.
        5. **CANDIDATE REFERENCES INCLUDE ALL CAMPAIGN AGENTS AND WORKERS.** References to candidates will be construed to apply to their agents and workers as well, unless specified by the Election Board.
        6. **RESPONSIBILITIES.** Candidates, agents, or workers for any campaign will be responsible for the regulations relevant to their election, as defined by this election code.
        7. **IGNORANCE NOT A DEFENSE.** Ignorance of the Election Code will not be an acceptable defense in response to any offence committed in any election under this code; either by the candidates themselves, their agents or workers, or the election regulatory bodies, as defined by this code.
        8. **SINGLE AND SEPARATE APPLICATION.** Each election under this code will be considered a single and separate application of this code.
        9. **RELEVANCY OF RULINGS.** Rulings made by the Election Board during any election period will have full force and effect only for the election and associated runoff elections in which they are issued.
        10. **PRECEDENT.** All rulings must set precedent for future the Election Board, and any change to precedent by succeeding Boards must come with written justification citing the Election Code and any other applicable regulation or Supreme Court decision that justifies the overturned precedent.
        11. **UNIVERSITY REGULATIONS**. All candidates, and their agents and workers, and the Election Board will be responsible for following all applicable University regulations in addition to the provisions contained within this code. University regulation will be enforceable by the Election Board upon candidates.

### PROCEDURAL DUE PROCESS

#### HEARINGS AND PROCEDURES

* + - * 1. **FILING OF COMPLAINTS.** Any student, except for Supreme Court Justices, may file a complaint with the Election Board.
        2. **STATUTE OF LIMITATIONS.** No case must be heard by the Election Board more than 60 business days after the alleged act, occurrence, or transaction that constitutes the basis of the case.

Should a contested action occur during a recess of Board, the start date for the statute of limitations must begin on the first business day that Board resumes.

Actions outside of the 60-business day statute of limitations is only admissible to establish a pattern of behavior related to the case and is completely admissible as evidence.

* + - * 1. **TIMELINE – ELECTION COMPLAINT.** All Election Complaints must be filed in accordance to Election Code Chapter 105, Article I. All filed election complaints must receive a response of accepted or not accepted (dismiss) within two days. If a complaint is accepted, the board will notify the accused through a Notice of Election Complaint, all parties and include the date, time and location of the hearing. Once a Notice of a Complaint is sent, a hearing must be held within two business days but not less than 24 hours.

A complaint is filed and then reviewed by the Board, and within two days, decides to accept or not accept (dismiss) the complaint and inform the complainant.

If a request is accepted the Election Board Chair must, within two days of receiving a filed complaint, notify (Notice of Election Complaint) via Texas State e-mail the Election Board, the Chief Justice, the President, the Vice President, the Dean of Students, student government advisors, the complainant, and the respondent of the complaint. The Chair must arrange the meeting time and location and include the date, time, and place of the hearing in the Notice of Election Complaint. If the Board receives a complaint during the voting period, the Election Board must either decide to accept or reject (dismiss) the complaint within 24-hours.

All hearings must be heard held by Election Board within two business days of the Boards decision to hear the Election Compliant but not less than 24 hours. This 24-hour restriction may be waived with permission of the respondent and complainant. The 24-hour restriction for hearings is automatically waived when a complaint is filed during the voting period.

A Notice of Election Complaint and the scheduled hearing must be published on the Student Government website for public review within 12 hours of their issuance.

* + - * 1. **FAILURE TO ACT ON COMPLAINTS.** If after the two days, but before the deadline to issue a Notice of Complaint, the Election Board cannot reach quorum, the Chair of the Election Board will have sole jurisdiction to hear and decide the case so long as the Student Government Staff Co-Advisor accents with the decision before publication of the ruling.

If the Election Board, or Chair as sole judge, does not act within the prescribed time for any reason the compliant can appeal to the Supreme Court to hear the case.

The Staff Co-Advisors accent to a sole judgment of the Election Board Chair does not constitute approval of the decision, the co-advisors role simply is to make sure the decision is void of due process issues and violations of the Student Government Constitution, Student Government law, or University Policy and Procedure.

If the Election Board does not reply to a complaint within the two day timeframe the complainant may file an appeal to the Supreme Court to hear the case.

* + - * 1. **DISMISSAL OF COMPLAINTS.** The Election Board may only dismiss a complaint if:

The complaint violates the statute of limitations.

The complaint fails to state a cause of action for which relief may be granted.

The complaint is deemed as being outside the board’s jurisdiction

The complaint is clearly not a violation of the Election Code, because the action is expressly permitted by the S.G.C. or previous Court rulings.

* + - * 1. **TEMPORARY RESTRAINING ORDERS.** At the time a Notice of Election Complaint is issued, the Election Board Chair may issue a temporary restraining order if they determine that such action is necessary to prevent undue or adverse effects on any candidate. Any restraining order, once issued, will remain in effect until a decision of the Election Board is announced after the hearing or until rescinded by the Election Board.
        2. **PUBLIC INFORMATION.** All Election Board hearings, proceedings, records, including those collected under the Election Code, and meetings must be open to the public, except for the deliberations and records related to deliberations that determine the outcome of hearings.
        3. **PRESENT AT HEARING.** All parties involved in a complaint, if called to do so by the Election Board, will present themselves at the hearing or authorize an agent in writing to serve during the proceedings in their absence.
        4. **RIGHT TO COUNSEL**. Parties may be accompanied by a maximum of two Texas State students from whom they can receive counsel and have the option to be represented by that counsel.
        5. **ELECTION BOARD HEARING PROCEDURE**. The Election Board will determine the format for the hearing but must invite both the complaining and responding parties to appear physically before the Election Board to discuss the issues through a complaint, answer and rebuttal, format, when applicable. The purpose of the hearing is to gather the information necessary to make a decision, order, or ruling that will resolve an election dispute. To this purpose, the following rules must prevail at all hearings:

Complaining parties will be allowed no more than two witnesses; however, the Election Board may call other witnesses if it deems necessary.

If witnesses are unable to appear at the hearing signed and notarized affidavits may be submitted to the Election Board Chair for the purpose of testifying by proxy. The affidavit will be read aloud in the hearing.

All questions and discussions by the parties involved in the dispute will be directed to the Election Board.

There will be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.

Reasonable time limits may be set by the Election Board, provided they give fair and equal treatment to both sides.

* + - * 1. **DECISIONS.** Decisions, orders, and rulings are all synonymous terms and must be agreed to by a majority of the Election Board present at the hearing where the case was heard..

If an Election Board member is not present at the hearing, they may not contribute to the decision-making process and will not have a vote.

Decisions may be orally delivered immediately, but must be followed up with a written Order and Opinion.

A writing ruling must be announced within 24 hour after the hearing and should be issued sooner than 24 hours after a hearing during the voting period.

The written ruling must set forth the findings of fact by the Election Board and the conclusions of Student Government regulation in support of it.

Written rulings and Operating Memorandums will set a precedent and will guide future Election Board in its proceedings.

Upon consideration of prior written rulings, the Election Board may negate the decision but must provide written documentation a citation of law of reasons for doing so. These reasons must be written in an academically and justifiable way. It is not acceptable for the Board to overturn precedent for spurious or unjustified reasons.

The Election Board is not a legal proceeding and as such the threshold of evidence is not a finding of fact.

Decisions will be made based on a preponderance of evidence. Preponderance of evidence is based on what is most likely to have occurred and the greater weight of evidence submitted.

The Election Board must not issue or publicly discuss dissenting or minority opinions.

* + - * 1. **REQUEST FOR DOCUMENTS OR TESTIMONY.** The Election Board may compel any candidate, worker, agent or member of Student Government to appear before the Board and/or to provide documentation as necessary for each case. Failure by any member of Student Government, candidate, worker or agent to comply with this request will result in their disqualification of candidacy and if not a candidate forwarding of the case to the Supreme Court, Student Conduct or appropriate entity for disciplinary remedy.
        2. **FAILURE TO APPEAR.** Failure to appear to a hearing of the Board will not result in a suspension of the hearing. The Board is to hear and decide the case even in the absence of those associated with it.
        3. **OATH OF AFFIRMATION OF TRUTH.** An oath or affirmation of truth will be administered to all participating parties and witnesses prior to motions and arguments in every Election Board hearing, and serves as agreement on the part of the witness to tell the truth. Failure to abide the oath will result in disciplinary penalty as prescribed by the board.

The oath or affirmation of truth will be administered by the Election Board Chair or their designee.

The form for the oath or affirmation of truth will be as follows:

*"I* [state your full name] *– do solemnly swear (or affirm) – that I will tell the truth, the whole truth, and nothing but the truth – as the laws of Student Government require.”*

* + - * 1. **ADVISORY OPINIONS.** Questions of interpretation must be submitted to the Board via formal written memorandum to the Election Board Chair. The timeframe for action from the Election Board is the same for a duly filed Complaint. Advisory Opinions should not embrace a subject of controversy or seek to remedy a harm. For subjects of controversy or remedy, an Election Complaint must be filed. An Advisory Opinion request must contain the following;

A statement of pursuance under which the complainant is filing the action.

A statement of standing under which rules, or law the complaint is referring to.

Optionally, the filer may attach a statement of their interpretation of the Election Code with justification and statute citation

A statement of the requested outcome of the complainant’s filing.

Further format is to be stipulated in **XIII**.

#### REMEDIES AND SANCTIONS

* + - * 1. **DEFINING CLASSES OF VIOLATIONS**. At the Rules Reading Seminar, the Election Board will clearly define what would constitute each class of a violation in ascending order of severity from the less severe class C offense to the most severe class A offense.
        2. **CLASSES OF VIOLATIONS.** Violations of the Election Code will be divided into three classifications. Classifications will be in ascending from minimal to extreme, where Class C will be minimal, and Class A will be extreme:

Class C violation will result in a moratorium of campaigning and/or a fine. Class C fines will be limited to a maximum of one-fourth of the candidates total allowed spending for each individual Class C violation.

Accumulating two Class C violations during the election cycle will constitute one class B violation.

Accumulating four Class C violations during the election cycle will constitute one class A violation.

Class B violations will result in a combination of suspension of campaigning and a fine. Class B fines will be limited to a maximum of one-third of the candidates total allowed spending for each individual Class B violation. Class B violations may not result in the candidate’s disqualification.

Two Class B violations during the whole election cycle will constitute one class A violation.

Class A fines will be limited to a maximum of one-half of the candidates total allowed spending for each individual Class A violation. Conviction of a single class A violation may result in a disqualification from the election but only when such a violation has caused a tangible harm to the election process, principles of democratic process, introduced provable fraud, or voter manipulation.

One Class A violation must result in suspension of a candidate’s campaign for no more than 48 hours. The Election Board may also apply a fine with the suspension or disqualify the candidate if it so chooses.

Two Class A violations must result in suspension of a candidate’s campaign for no less than 72 hours and no longer than four days. In this event the Election Board may choose to result in disqualification.

Three Class A violations will result in a disqualification of a candidate from running for office and will disqualify the candidate from running for any office in Student Government indefinitely.

This code may outline other violations and related, appropriate sanctions outside of this article which will not be construed to be in conflict with these provisions.

* + - * 1. **FINE LIMITS.** If a candidate, or a candidate’s agents or workers, commits a violation resulting in a fine, the Election Board has the authority to fine the candidate which will be recorded as an expense during financial disclosure. Candidates, agents and workers will not be required to actually make payment for any fines. The total amount of any one fine against a candidate in an election cycle may not exceed the spending limit, violations which cause a candidate to go over their spending limit are not to be consider technical violations of the Election Code. However, candidates will not be able to spend any more money on their campaign except in the event of a run off and even then only to the limits established by law.
        2. **FAILURE TO COMPLY.** Any person who fails to comply with an order or advisory opinion of the Election Board or Supreme Court must immediately be disqualified from candidacy. If the person is a member of Student Government, they must be forwarded to the appropriate entity for disciplinary remedy.
        3. **VOTER FRAUD.** Voter fraud is the most egregious form of code violation, punishable by nothing less than disqualification.

#### APPEAL

* + - * 1. **REVIEWING ELECTION BOARD APPEALS.** The Supreme Court must have jurisdiction over all election, Election Code, or related appeals.
        2. **APPEAL OF ELECTION BOARD ADVISORY OPINION**. Any party seeming to be adversely affected by a ruling of the Election Board may file an appeal with the Supreme Court within three class days of the announcement of an adverse decision(s), unless the Election Board’s decision takes place during a voting period.
        3. **APPEAL OF ELECTION COMPLAINTS.** Only a party to an Election Complaint may appeal the decision of the Election Board to the Supreme Court.
        4. **HEARING OF APPEALS.** The Supreme Court may hear appeals of the Election Board rulings as soon as possible, but not within 24 hours of the submission of an appeal. After acceptance of an appeal by the Supreme Court, the Election Board delivers to the Supreme Court Chief Justice a copy of its written ruling in the case. Appeals may be heard prior to this time, but only if the appellant waives the right to a written ruling and the Supreme Court Chief Justice accepts the waiver.
        5. **SUBMISSION OF DOCUMENTS FOR APPEAL**. If the decision of the Election Board is appealed, the Election Board must immediately submit its ruling and all accompanying documents of public record to the entity with appellate jurisdiction.
        6. **APPEALING A SUPREME COURT DECISION.** Supreme Court decisions are appealed to the Dean of Students. Only a part to the Supreme Court case can file the appeal to the Dean of Students.

### ELECTION TIMETABLE

#### ELECTION CYCLE DATES AND DEADLIENS

* + - * 1. **EXPLORATION PERIOD.** The exploration period must open at 9:00 a.m. on November 1 and remain open until 5:00 p.m. on the last day of the filing period. During the exploration period persons interested in pursuing office may privately recruit candidates for an alliance. It is not permitted to solicit for votes, endorsements, or support from non-candidates.
        2. **PROHIBITION OF ELECTION CODE CHANGE.** No changes to the Election Code may be enacted within eight weeks of the campus-wide elections.
        3. **FILING PERIOD.** The filing period must open at 9:00 a.m. on the first class day of December and must remain open until 5:00 p.m. on the first class day of the spring semester (filing deadline). Final changes for filing must be submitted by the Friday of the first week of class in the spring semester.
        4. **AUTHORIZED CAMPAIGN PERIOD.** Solicitation for public support and votes will be permitted from the first Monday in February through the final day of the voting period. In the case of a runoff election, campaigning is permitted from the first day after the runoff race is announced through the final day of voting.
        5. **POSTING OF CANDIDATE INFORMATION.** Within 48 hours after the filing period has closed the Election Board will publicly disclose the following information on the Student Government website related each candidate: name, position sought, major(s), registered agents, workers ,and a statement of no more than 150 words. The Election Board will be able to restrict any false or misleading information.
        6. **WEB ADDRESS RELEASE.** The official web address used for voting will be announced no later than the first Rules Reading Seminar.
        7. **DATE OF RULES READING SEMINAR.** The Election Board must conduct two Rules Reading Seminars. The first Rules Reading Seminar must be on the last day of the filing period after filing has closed. The second Rules Reading Seminar must be on the following Monday. Attending a Rules Reading Seminar is mandatory for all candidates.
        8. **SUBMISSION OF CANDIDATE LIST.** Candidates must submit the names and NetIDs of all agents by 12:00 p.m. on the day of the final Rules Reading Seminar.
        9. **RELEASE TO MEDIA.** The Election Board will submit to the University Star, KTSW, and other student media outlets a summary of election related information 10 business days prior to the voting period. The information will include:

All polling stations.

The names, positions sought, and alliances or independent affiliations of all candidates who have filed and have met the criteria for office.

The date of any debate.

* + - * 1. **CONFIRMATION OF BALLOT**. The Election Board will publicize a complete sample ballot that includes the first and last name of each candidate, position sought, and their alliance or independent affiliation, at least one week prior to the campus-wide elections.
        2. **DEBATE.** No less than one week prior to the voting period, the Student Government Election Board must hold a debate between any contesting alliances or individual candidates, the format of which will be determined by the Election Board.
        3. **BALLOT ITEM CERTIFICATION.** Ballot items declared, pursuant to the Student Government Constitution, or University regulations, must be presented to the Election Board for certification at least three business days prior to the voting period. All ballot items must contain exact wording of the items to be presented.
        4. **VOTING PERIOD.** Voting in general elections will occur for four consecutive business days starting on the third Monday in February.

Online polling hours for the campus-wide elections must be from 8:00 a.m. to 5:00 p.m. each day.

Voting on the final day will be from 8:00 a.m. to 5:00 p.m.

* + - * 1. **RUNOFF VOTING PERIOD.** In the case of a runoff race, voting will occur for four consecutive business days starting on a Monday, one week after the run-off is announced.

Online polling hours for the runoff race must be from 8:00 a.m. to 5:00 p.m. each day, except the final voting day.

Voting on the final day will be from 8:00 a.m. to 5:00 p.m.

New candidates will not be permitted in runoff elections.

#### EXPLORATORY PERIOD AND CAMPAIGNING PERIOD

* + - * 1. **AUTHORIZED EXPLORATORY PERIOD.** Public, printed, verbal, and electronic advertisement for the purpose of gauging interest in forming, joining, and exploring platforms for alliances must be allowed from November 1 to the filing deadline.
        2. **UNAUTHORIZED EXPLORATORY PERIOD.** All potential candidates are prohibited from gauging interest in forming, joining, and exploring platforms for alliances and independent candidacy prior to the opening of the exploratory period. This rule does not apply to a individual students exploring the option to run for President or Vice President, though they cannot attempt to recruit any other alliance members than those seeking executive office until the authorized exploratory period.
        3. **AUTHORIZED CAMPAIGN PERIOD.** Public, printed, verbal, and electronic campaigning must be prohibited until the day after the final Rules Reading Seminar. Campaigning will then be permitted through the final voting day of the general election. In the case of a runoff election, campaigning is permitted from the first day after the runoff race is announced through the final day of voting.
        4. **UNAUTHORIZED CAMPAIGNING.** All candidates are prohibited from campaigning, soliciting, or otherwise bringing attention to vote for their campaign or their election to office before the sanctioned campaign period.

This prohibition includes all attempts to secure endorsements, sponsorships, or any other presentation of information made for public consumption or use.

This prohibition does not include the personal recruitment of individual agents and workers.

This prohibition does not include the solicitation of personal advice by a candidate to another person so long as the advice does not meet the criteria of a worker or agent.

Violations of this restriction must be considered by the Election Board as among the most severe violations of this Election Code.

### RULES READINGS AND CANDIDATE ELIGIBILITY

#### CANDIDATE RULES READING SEMINAR

* + - * 1. **RULES READING SEMINAR AGENDA**. The Election Board will set the agenda for Rules Reading Seminar and must include example of name placement on the ballot in accordance with this Election Code, clarification of the Operating Memorandum, explanations of this Election Code, Election Board Advisor assignments, review of the election timetable, Election Code violations, appellate process, and questions and answers from the candidates.
        2. **RULES READING SEMINAR ATTENDANCE.** Attendance at the Rules Reading Seminar is required of each candidate.

Failure to attend the rules reading seminar or an individual make up session must result in a disqualification to run for office.

In exceptional circumstances, candidates may send agents to represent them with special permission from the Election Board should such a proxy be justified.

Candidate may schedule and attend a one-on-one appointment within three class days after the last seminar so long as the following are true:

The candidate failed to attend because of an illness or injury, documented by a health professional,

A death in the family, or

The candidate was involved in a school related travel, documented and approved by an authorized University official.

Attendance to class, verified by the student’s schedule.

* + - * 1. **CANDIDATE ELIGIBILITY.** All candidates must adhere to the qualifications set forth in this Election Code, University policy, and all statutes enforceable by the Election Board. All candidates must adhere to the qualifications set forth in this Election Code, University policy, and all statutes enforceable by the Election Board.
        2. **ELIGIBILITY VERIFICATION.** The Election Board Chair will transmit to the Dean of Students Office the list of new candidates who have filed each week during the filing period. The Chair will send a final list of all who attended the Rules Reading Seminar by the second-class day in February.

The Election Board will check that the students who have filed are constitutionally and statutorily compliant and eligible to run for office.

The Dean of Students will check that the students who have filed are academically and disciplinarily eligible to run for office.

* + - * 1. **WRITE-IN CANDIDATES.** Write in candidates will be allowed, so long as they meet all constitutional, statutory, academic and disciplinary qualifications.

All write-in candidates must have attained at least 10 votes cast in their favor during the election to be considered. Students wishing to run as write-in candidates must release any privacy holds currently filed with the Office of the Registrar prior to ballot certification.

Campaigning and the use of campaign materials by write-in candidates is subject to the established Election Rules and their enforcement. Write-in candidates are expected to immediately schedule and attend a one-on-one appointment with the Election Board Chair, or designee, as soon as possible.

Candidates who are write-in and win a seat must affirm or decline in writing that they wish to be elected within seven days following the election.

#### COMPLIANCE AND ELIGIBILITY

* + - * 1. **ELIGIBILITY.** Eligible individual students may file as candidates for a position as a Senator, Vice President or President in accordance with the Student Government Constitution and this Election Code.
        2. **ADHERENCE TO QUALIFICATIONS.** All candidates must adhere to the qualifications set forth in the Student Government Constitution, this code, S.G.C., University policies, and all Senate statutes enforceable by the Election Board.
        3. **IF NO ONE FILES.** In the event that no one files to run for a particular office, the Election Board may extend the filing for that particular race for a period of up to three class days.
        4. **POSTING OF CANDIDATE LISTS.** The Election Board will post online the names and positions sought of all candidates who have filed upon certification by the Dean of Student Office.
        5. **FILING DOCUMENTS**. Candidates wishing to run for office will submit via electronic form the following information: full name, Texas State email address, NetID, phone/cell number, alliance or independent affiliation, specific office sought, and a statement of no more than 150 words. Alliances will also submit full listing of candidates running under the alliance which will include: full names, NetIDs, specific offices sought, the alliance’s executive agenda, and a short concise name of the Alliance. The Election Board may add additional reasonable requirements to the filing form.
        6. **MUTUAL EXCLUSION OF FILING FOR OFFICE**. Candidates may file to run for only one Student Government office per election cycle.
        7. **CANDIDATE INFORMATION**. Upon request, information about who has filed for specific offices may be released.
        8. **RULES READING SEMINAR.** At the time of filing, candidates must be informed of the Rules Reading Seminar date.
        9. **WITHDRAWAL.** Any candidate wishing to withdraw from an election may do so by turning in a written statement to the Election Board.

### VOTING AND RESULTS

#### POLLING STATION RESTRICTIONS

* + - * 1. **PROHIBITION OF CAMPAIGNING AND CAMPAIGN MATERIALS WITHIN POLLING STATION PERIMETER.** No campaigning or campaign materials may be displayed, posted, or distributed within a marked 50 foot radius of any polling station.

This must be considered one of the most severe violations of the Election Code.

An act of campaigning will be defined as active solicitation for votes.

* + - * 1. **INTERNET-ENABLED DEVICES.** All reported and published polling stations must have an internet-ready device, preferably wired, available on voting days for the express purpose of facilitating voting.
        2. **PROHIBITION ON TABLETING.** It is a violation of this Election Code for a candidate their workers or agents to present or issue any type of internet enabled device to a voter and instruct them through casting a ballot.
        3. **PROHIBITION ON ELECTIONEERING**. A candidate their workers or agents are prohibited from loitering around a voter or electioneer for or against any candidate, measure or alliance while the student is logged into the ballot. Doing so may be considered by the Election Board as prohibited electioneering, voter suppression, or voter intermediation. If a candidate is found in violation of this provision, they will be sanctioned with a class B violation and those situations witch the Board considers especially egregious including intimidation or suppression may result in disqualification.

#### BALLOTS, RESULT CERTIFICATION, AND RESULTS ANNOUNCEMENT

* + - * 1. **CANDIDATE INFORMATION ON THE BALLOT.** Candidate information on the ballot must include:

The candidate’s name;

Position sought;

Alliance or independent affiliation; and,

A statement of no more than 150 words.

Other information pertinent to voting procedure.

* + - * 1. **ELECTION RESULTS.** Election results must be determined by Article IX, Section 13 of the Constitution.
        2. **NUMBER OF VOTES A STUDENT MAY CAST.** Each student may cast one vote for president, one vote for vice president, and one vote for each available position in the Senate, in accordance with the Student Government Constitution.
        3. **LOCATION OF RESULTS.** The location of both the announcement and posting of the results is to be publicized by the Election Board no later than the Rules Reading Seminar.
        4. **RESULTS POSTING.** The position of each candidate on the posting must be in order by number of votes received by each candidate within each respective category of elected office starting with the President, then Vice President, and lastly Senators.
        5. **VOTE TABULATION.** The final vote certification and authentication of tabulation must be under the review of the Election Board, or Supreme Court in the event of the Board’s vacancy, and supervision by the Dean of Students.
        6. **CERTIFICATION OF VOTES**. The Dean of Students and the Election Board Chair, or Chief Justice in the event of the Election Board Chair’s vacancy, must certify the votes in all races following the closing of the polls.
        7. **ELECTION RESULTS.** Results of any election under this code should be announced within three hours following the close of voting, but no later than 24 hours after online voting ends for any election. If necessary, a run-off race will be declared upon the conclusion of announcement of results.

### ASSOCIATION

#### FILING AND ASSOCIATION

* + - * 1. **FILING AGREEMENT.** All candidates will approve a filing agreement which will stipulate the fact that the candidate agrees to abide by all regulations relating to the Election Code and that ignorance of the rules is no defense for a violation.The Election Board must decide specific language with the approval of the Dean of Students.
        2. **FORMATION OF AN ALLIANCE.** Students may create an alliance. An alliance is at least six eligible students: one seeking the office of the President, one seeking the office of Vice President, and at least four others seeking office as Senator.

Candidates who properly form and conduct alliances under the Election Code are not subject to the restrictions of association found in this chapter.

Candidates wishing to properly form and conduct an alliance under this code must report such upon candidate filing.

The Election Board must confirm the authenticity of this alliance by verifying with all candidates their intent via a formal written statement or email.

* + - * 1. **PROHIBITED ASSOCIATION.** Except in cases of a bona fide alliance as provided for in this Election Code, the prohibition against association means that no candidate is allowed to contribute financially or provide any other form of support to another candidate. The purpose of the association rule is to encourage a diverse slate of candidates to compete in a fair and equitable election on the basis of their merit for office. This generally includes, but is not limited to:

Endorsements from other candidates not part of the same alliance.

Donating or sharing of campaign materials.

Campaign money and campaign organization resources.

Jointly soliciting votes between and amongst candidates who are not in a bona fide alliance.

Willful collusion of ideas.

* + - * 1. **PERMITTED ASSOCIATION.** Only those candidates that have jointly filed under this Election Code as an alliance are allowed to participate in campaigning together, provide endorsements for each other, and otherwise engage in joint, collaborative campaigning, planning or activities.
        2. **VIOLATIONS OF ASSOCIATION RULES.** Violation of association rules in this Chapter must constitute one class A violation.

#### PROHIBITIONS AND RESPONSIBILITIES

* + - * 1. **EARLY CAMPAIGNING OR ENDORSING.** No campaigning or endorsing will be allowed until the official campaign period has begun as determined by law.
        2. **FILED CAMPAIGN MATERIALS.** A sample, electronic, or color copy of printed campaign materials must be filed with the Election Board prior to its public distribution or posting. This does not mean the Election Board is approving the materials submitted. The Board may point out violations should they notice them.
        3. **CANDIDATE RESPONSIBILITIES.** Candidates are responsible for all actions and conduct of their agents and workers. Candidates are not responsible for the actions of those not formally registered with their campaign so long as the persons association with the campaign does not create an obvious connection with the candidate.
        4. **ELECTRONIC MEDIA.** All campaign materials must follow University regulations governing the use of electronic media.
        5. **DESTRUCTION OF MATERIALS.** No candidate, agent, or worker will remove, obscure, or damage any sign that follows the posting policies of the University.
        6. **DEFACING.** No person will deface any property of another candidate or the property of the University.
        7. **VERBAL HARASSMENT.** Candidates, as well as their agents and workers, will not engage in campaigning activities that subject students, staff, faculty, or the administration to demeaning verbal harassment as determined by the University’s institutional rules.
        8. **REQUIREMENT TO USE NETID.** Students must use their Texas State University Student Net ID, and only their own, and password in order to log in to the online voting system or to cast a vote.
        9. **UNIVERSITY RESOURCES.** No candidate, agent or worker or any endorsing party may use University resources to advance their campaign that is not available to the student population at large.
        10. **NET ID COLLECTION.** The collection of student information to facilitate voting is prohibited in accordance with the policies of the University, and will be an egregious violation of this code, punishable by nothing less than disqualification for candidates, referral to student discipline, Supreme Court and/or other disciplinary entity.
        11. **RESTRICTED ACTIVITY.** The following forms of campaigning are restricted:

Campaigning within academic buildings is permissible, subject to administrative approval in accordance with applicable University policies. Student organizations that are using an academic building for their meetings can grant permission to campaign within the space or room they are using.

Campaigning within residence halls is permissible, subject to approval from the Department of Housing and Residential Life.

If campaigning is prohibited in a Residence Hall or academic building for one candidate, it must be deemed prohibited for all candidates.

Campaigning in the LBJ Student Center Teaching Theater is prohibited.

* + - * 1. **ORGANIZATION ENDORSEMENT.** Registered Student Organizations, that are not Chartered Student Organizations may endorse candidates.
        2. **ENDORENDORSEMENTS BY STUDENT GOVERNMENT MEMBERS.** TheSupreme Court Justices and Election Board members are strictly prohibited from making endorsements, public or private, of any candidates.

Individual Senators and Representatives may make an endorsement so long as verbal statements are prefaced as not representing all or any part of Student Government. Written endorsements must come with a disclaimer to this effect.

### FINANCIAL DISCLOSURE

#### FINANCIAL DISCLOSURES FORMAT

* + - * 1. **CAMPAIGN EXPENDITURE RECORDS.** Each candidate must keep accurate and up-to-date records of all campaign income and expenditures and submit a report even if they have no income or expenses. Donations must include any and all discounts not available to the student population at large. Documentation should include but is not limited to:

Printed receipts proving income and expenditures.

Market value for all items purchased or donated.

Any fines applied by the Election Board.

* + - * 1. **ALLIANCE EXPENDITURES.** Except in the case of a bona fide Alliance, candidates must file an individualized report, provide proof of individualized purchase, and fund their campaign separately from all other candidates. For an Alliance an expense report will be filed on behalf of all candidates in the Alliance.
        2. **FUNDRAISING LIMIT.** Candidates must limit the amount of funds they raise up to their expense limit plus $150 for a potential run off.
        3. **TEMPLATE.** A template process for financial disclosures for use by all candidates will be developed by the Election Board and provided to each group by the first day of filing. The filing form should follow the format found in **Appendix IVX**.

The Election Board must establish a report form that catalogs expenses by a candidate into no less than three broad categories; fines, donations, and original expenses.

* + - * 1. **PROHIBITED AFFILIATION.** Except in cases of a bona fide alliance as provided for in this code, no candidate is allowed to contribute financially or provide any other form of tangible or substantive support, including but not limited to campaign materials, to another candidate’s campaign.

Sharing campaign money, campaign materials, and resources between and amongst candidates who are not in a bona fide alliance is strictly prohibited.

* + - * 1. **FINANCIAL DISCLOSURE STATEMENT.** Financial disclosure statements must be filed with the Election Board, in the Student Government Office or other locations designated by the Election Board, by the following times:

4:30 p.m., on the first day of the campaign period; and,

4:30 p.m., on the last day of the second week of the campaign period; and,

5:00 p.m., the day after the voting period ends; and,

4:30 p.m., on the first day of campaigning in a runoff election; and,

5:00 p.m., on the last day of voting in a runoff elections.

#### RECORD KEEPING PROCEDURES

* + - * 1. **RECORD KEEPING.** Each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures.
        2. **RECEIPTS.** Receipts must be provided for all campaign expenditures.
        3. **CONTRIBUTIONS**. Contributions to a candidate by individuals are allowed, but all contributions must be documented in a financial disclosure statement in accordance with this code.

Non-student groups may not donate to a candidate’s campaign.

Student organizations receiving student service funds or other University funds will not contribute funds, items, or support of any kind.

This provision will not be construed to prohibit any Texas State student media coverage or endorsement of campus-wide Student Government elections.

It will be prohibited to use any item, fund, office, supply, or material support of any kind of University origin that is not intended for use by all students.

* + - * 1. **FINANCIAL DISCLOSURES.** Each candidate’s financial records must list identifying information (name, item, etc.) and amounts of each contribution and expenditure.

Contributions and expenditures of non-monetary assets or in-kind contributions must be listed and valued at their fair-market value, as determined by the Election Board.

Each financial disclosure statement must have all expenditure receipts attached.

All expenses must be included in the financial disclosure report.

The Election Board may request and require candidates to provide proof, e.g. bank or financial statement summaries for verification. The personal information of the candidate may be redacted from any such summary.

* + - * 1. **ENDORSEMENTS AND FUNDING.** All campaign materials distributed by and/or paid for by an endorser of a candidate must be included in the candidate’s campaign expenditures.

If an endorser pays for campaign materials promoting multiple candidates, the full cost of those materials must be included in the campaign expenditures of each candidate promoted by the materials.

Except in the case of a bona fide Alliance, no candidates may pay for the campaign materials of another, conduct joint events, or pool money for a campaign, including but not limited to joint banking accounts.

* + - * 1. **FORMS.** The Election Board will provide all necessary standardized forms for the purpose of this Election Code by the filing deadline.
        2. **REPORTING EXPENSES.** The financial disclosure statements must contain all the expenses incurred by the candidate before and during the campaign period.
        3. **PUBLIC RECORDS.** Each candidate’s financial records must be available for public inspection upon submission to the Election Board.

Each candidate or alliance must submit a spreadsheet in digital format summarizing their campaign expenditures to the Election Board for each disclosure required.

This summary of records must be placed online by the Election Board within three business days after records are submitted.

* + - * 1. **DISQUALIFICATION.** Failure to file accurate financial disclosure statements by the deadlines listed in this section, or falsification of financial statements, must qualify the candidate for disqualification by the Election Board.
        2. **ADDITIONAL REGULATION.** The Election Board may establish exact specifications for reporting timelines, format, location, and accuracy so long as it reasonably justified to enforce the provisions of reporting in this Election Code.

#### SPENDING LIMITS

* + - * 1. **SPENDING LIMITS.** Spending limits for candidates must be strictly followed and violations of such limitations considered among the most severe violations of this Election Code. Candidates in all Student Government campus-wide elections must adhere to the following spending limits:

Alliances (President, Vice President, and Senators running together): $5,000 in any general election or special election; and,

President, if running alone: $1,500 in any general or special election; and,

Vice President, if running alone: $1,500 in any general or special election; and,

Senators, if running alone: $150 in any general or special election and

Write-In Candidates of any type: $150 in any general election or special election.

* + - * 1. **RUNOFF EXPENSE LIMIT.** Candidates and alliances must be allowed an extra $250 each for campaigning in a runoff election.
        2. **EXCEEDING EXPENDITURES**. Candidates whose campaign expenditures exceed 5% over their designated spending limit must be immediately disqualified by the Election Board.
        3. **TOTAL EXPENDITURES.** Total expenditures must include all campaign expenditures and fines issued by the Election Board.

### RECOUNTS AND PROTESTS

#### PROCEDURE FOR RECOUNTS AND PROTESTS

* + - * 1. **INITIATING RECOUNT OR PROTEST.** Any person intending to protest the election must give the Election Board a sealed, written statement of the grounds on which such protest relies within three business days after the last day of election by delivering the letter to the Dean of Students Office. This statement may include any and all supporting evidence to sustain such a contest.

All protests will be opened and read upon receipt, by the Election Board, in the presence of one of the Student Government Advisors. Discussion of the protest must remain between the Election Board and the individuals involved until all protests have been filed.

A Student Government Advisor must be present for all deliberations on the protest. All requests for recounts and protests must be heard by the Election Board within two business days of receipt of the complaint. Upon reviewing the contestant’s written statement, the Election Board must submit a written report to the Dean of Students and all candidates running for office within five business days of the protest filing deadline. Any additional evidence or violations that are uncovered must be included in the protest. The Election Board must consider violations by a candidate other than the defendant that are uncovered as a separate protest. If a hearing is deemed necessary by the Election Board, it must be held within seven business days after the last day of the election. The Election Board must give at least one day notice of the date, time and place of the hearing to all the parties involved. All hearings must be open to the public.

Each party must be allowed 10 minutes to present their case. At this time, evidence may be presented to the Board. The contesting candidate must be allowed to speak first.

The Election Board will then, if necessary, question each party.

Each party will be allowed one, three-minute closing statement.

A complete written transcript and/or audio recording will be made public online following the decision.

In determining the validity of a protest, the Election Board must determine the validity of the claim and the seriousness of the charge. The Election Board may choose to sustain or dismiss the protest. If the Election Board sustains the charge, the Board has two options: 1) to call for a run-off election or 2) 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 must win the election.

The rules in this chapter apply to run-off elections as well.

After the Election Board rules, either party may within two business days, submit a written appeal to the Supreme Court.

Any disqualified candidates must lose the right to run or be placed as a write-in candidate for office for 12 months from the date of the offense.

Any person contesting the election on the grounds of information technology malfunction must file a written notice with the Dean of Students Office immediately. If the Dean of Students Office, in conjunction with Student Affairs Technology Services, and Election Board determines the protest is valid, then remedy must be offered by the extension of voting beyond the voting deadline of the amount of time during the information technology malfunction. Other remedies can be agreed upon by the contestant, Dean of Students Office and Election Board during this review.

### CONSTITUANCY SENATOR SELECTION

#### APPOINTMENT OF SENATORS

* + - * 1. **INITIATING RECOUNT OR PROTEST.** Each constituency organization will handle recounts and protests of the selection of their Senator through a process set by their organization and/or supervising department.
        2. **APPOINTED SENATORS.** There are twelve appointed Senators from underrepresented groups, also known as constituencies and include: foster care students, students from minority backgrounds, freshmen, LGBTQIA+ students, non-traditional students, international students, students with disabilities, and veteran students.
        3. **PROCESS.** Constituencies from the various underrepresented groups that are represented by appointed Senators will establish a system, with respective department oversight, to select a representative prior to the start of the filing period. A mechanism must be established by the constituency to select and recommend a student representative for appointment to the Senate. An alternate may also be selected in the event the appointed Senator leaves office. All potential appointees must meet a qualification for office check prior to the start of any mechanism to select and recommend a student for appointment. The Dean of Students must approve each selected representative, prior to appointment by the President.
        4. **CONSTITUENCIES.** Associated constituencies for the various underrepresented groups will be represented by a Senator, selected upon the expiration of the Senators term or vacancy of their office, by each of the following organizations or departments:

4 Senators representing traditionally underrepresented students will be selected by the chartered student organization Underrepresented Student Advisory Council (USAC) with oversight of the Office of Student Diversity and Inclusion.

1 Senator representing LGBTQIA+ students will be selected by the student organization Lambda of Texas State with oversight of the Office of Student Diversity and Inclusion.

1 Senator representing Freshman will be selected by the Freshman Council of Student Government with oversight of the Dean of Students Office.

1 Senator representing Non-traditional students will be selected by the chartered student organization Non-traditional Student Organization (NTSO) with oversight of the LBJ Student Center.

1 Senator representing foster care students will be selected by the student organization Foster Care Alumni Creating Educational Success (FACES) with oversight of the Retention Management and Planning Office.

1 Senator representing students with disabilities will be selected with oversight of the Office of Disability Services (ODS.

1 Senator representing students living in on campus housing will be selected by the Residence Hall Association (RHA) with oversight from the Department of Housing and Residential Life.

1 Senator representing international students will be a student selected by the Office of International Student and Scholars Services (ISSS).

1 Senator representing Veterans will be selected by the chartered student organization Veterans Alliance of Texas State (VATS) with oversight of the Office of Student Diversity and Inclusion.