

TITLE I - ELECTION CODE

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CHAPTER 100 -

ADMINISTRATIVE

ARTICLE I. PURPOSE

- §1 **AUTHORIZATION.** This Election Code is hereby enacted pursuant to Article III(10)(e),(g) of the Student Government Constitution.
- §2 **PURPOSE.** This code exists to facilitate and enforce a fair and educational experience for the election of student governance positions at Texas State University. The election of students is designed to expand their knowledge about running for office, navigating political systems, and building community coalitions for the purpose of express advocacy.
- §3 **ENACTMENT.** This Election Code shall become effective and be implemented immediately after its passage and approval by the University President and shall supersede any and all previous election codes.

ARTICLE II. ADMINISTRATIVE

- §1 **QUALIFICATIONS.** All candidates must adhere to the qualifications set forth in this code, University policy, and all statutes enforceable by the Election Board.
- §2 **ELIGIBILITY.** All candidates must be deemed eligible in accordance with the Student Government Constitution, by the Dean of Students Office, and Election Board.
- §3 **EXCLUSIVITY TO STUDENTS.** Only students on the official roll of the Office of the Registrar may actively seek office or vote in campus-wide elections.
- §4 **SUBMISSION OF CAMPAIGN AGENTS.** Each candidate shall 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.
- §5 **SUBMISSION OF CAMPAIGN WORKERS.** Each candidate is not required to submit a list of campaign workers. The candidate is free to use workers at their discretion. However, the candidate takes full responsibility of material produced by workers associated with their campaign.

ARTICLE III. USAGES

- §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, University policies, and local, state, and federal laws.
- §3 **UNSPECIFIED SITUATIONS.** The Election Board is empowered to regulate, administer, and take other actions as are necessary to provide direction and oversight of the Student Government elections and referendums in situations not embraced by this code.
- §4 **SINGULAR REFERENCES INCLUDE PLURAL.** References to the singular shall be construed to include the plural.
- §5 **CANDIDATE REFERENCES INCLUDE ALL CAMPAIGN STAFF.** References to candidates shall 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 shall 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 shall 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 shall be considered a single and separate application of this code.
- §9 **RELEVANCY OF RULINGS.** Rulings made by the Election Board during any election period shall have full force and effect only for the election and associated runoff elections in which they are issued. All rulings shall set precedent for the Election Board, and any change by succeeding Boards must come with written justification citing the Election Code and any other applicable regulation.
- §10 **UNIVERSITY REGULATIONS.** All candidates, and their agents and workers, and the Election Board shall be responsible for following all applicable University regulations in

addition to the provisions contained within this code. University regulation shall be enforceable by the Election Board upon candidates.

§11 **OPERATING MEMORANDUM.** The Election Board shall publish an operating memorandum outlining the expected processes and procedures, dates, interpretations, advisory opinions and classification definitions for the coming election four weeks after the Election Board's appointment.

ARTICLE IV. 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 **"ENDORSEMENT" and "ENDORISING"** refer to any form of communication expressing support for a candidate.

§3 **"EXECUTIVE ALLIANCE"** refers to collaborative campaign plan or activity between a presidential and vice presidential candidate. No other candidates may engage in tangible or substantive endorsements nor shall they collaborate, share financial resources, or provide other tangible or substantive support for any fellow candidates, including the willful collusion of ideas.

§4 **"GENERAL ELECTION"** refers to the annual election of Student Government officers, as specified in the Student Government Constitution.

§5 **"REGULATORY BODIES"** include the Election Board and all other administrative bodies of the election process.

§6 **"RUNOFF ELECTION"** refers to all secondary elections held to resolve races not initially determined by a general or special election.

§7 **"SPECIAL ELECTION"** refers to an election called by the Student Government President, Senate as specified in Student Government Constitution.

§8 **"STUDENT GOVERNMENT"** refers to the Student Government of the Texas State University.

§9 **"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 shall be considered binding as an opinion of the Election Board and extension of this code, which shall be published primarily in the Operating Memorandum.

- §10 **“AGENT”** refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.
- §11 **“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 or elective office. Campaigning must only occur during the official campaign period as defined in this code.
- §12 **“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.
- §13 **“CAMPUS-WIDE ELECTIONS”** refers to any elections open to all students for the purpose of referenda or election.
- §14 **“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.
- §15 **“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.
- §16 **“DAY”** is one 24-hour period. A day includes weekdays, Saturday and Sunday.
- §17 **“BUSINESS DAY”** is one 24 hour period, non-weekend day, during a normal operating day for the University.
- §18 **“DEFEATED CANDIDATES”** refers to candidates, whose elections already being decided, have lost in their respective elections.
- §19 **“ELECTION BOARD”** refers to the Election Board established by and defined within this Code.
- §20 **“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.
- §21 **“MEMBER-ELECT”** refers to a candidate whose election already being decided, has won his/her respective election, but who has not yet been sworn-in nor seated yet.
- §22 **“POLLING LOCATION”** refers to any internet-enabled device that is being used to vote in campus-wide elections.

- §23 **“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.
- §24 **“RULING”** refers to any decision or ruling issued by the Election Board resulting from a hearing rectifying a violation of this code or clarifying the interpretation of a rule.
- §25 **“STUDENT”** refers to any individual whose name appears on the current roster of the Registrar of the University.
- §26 **“UNIVERSITY”** refers to Texas State University.
- §27 **“WEEK”** is defined as seven constitutive calendar days.
- §28 **“WORKER”** refers to any person that contributes time, effort, or services for the purpose of supporting or furthering a candidacy.

CHAPTER 101 - ENFORCEMENT

ARTICLE I. THE ELECTION BOARD

- §1 **JURISDICTION.** The Election Board shall have jurisdiction over Student Government elections, special or general, and shall enforce and interpret the Election Code. The Board shall enforce all provision of the Constitution, the S.G.C., University policy and procedures, and other relevant regulations on candidates in the context of their campaign. The Board shall have the power to enforce the listed regulations before filing begins, during the election process, and until the completion of all election related activity.
- (a) The Election Board shall be given broad powers to interpret, enforce, and resolve any issues not otherwise dictated within this Election Code.
- (b) All polling locations and stations must abide by the Election Code.
- §2 **PUBLISHING POLLING STATIONS.** The locations of designated polling stations must be published online and publicized at least twenty-four (24) hours before the start of the voting period.
- §3 **ADMINISTRATION OF ELECTIONS.** The Election Board shall be responsible for the administration of campus-wide elections.
- §4 **JURISDICTIONAL BOUNDARIES.** The jurisdiction of the Election Board applies both on-campus and off-campus.
- §5 **ELECTION BOARD SELECTION PROCESS.** The Election Board shall be assembled through an application and interview process, to be completed by the first Monday in October.

The most qualified candidates are to be nominated by the Student Body President and confirmed by the Senate.

- (a) Members of this Election Board are not allowed to serve Student Government in any other capacity, elected or appointed.
- (b) The application for the Election Board will be made available through the Dean of Students Office, Student Government website, sent to the pre-law program, and anywhere else it may be viewed by a large qualified applicant pool.

§6 **ELECTION BOARD QUALIFICATIONS.** A total of seven (7) members will be selected to comprise the Election Board from the applications submitted. Each shall possess the following qualifications:

- (a) Shall not hold an elected position, endeavor to run, or be engaged in actively campaigning for an elected position; and,
- (b) Must either be a graduate student, or an undergraduate student who has completed one semester as a student; and,
- (c) Must not be on academic or disciplinary probation.
- (d) If the applicant pool does not yield at least seven (7) qualified members the Dean of Students may nominate candidates that meet the qualifications as outlined in this section.

§7 **ELECTION BOARD CHAIR SELECTION.** Interested applicants for Chair of the Election Board shall identify as such in the initial application and selection process.

- (a) To qualify to serve as the Election Board Chair the applicant must have served a full semester term as a member of any of the following: The Student Justice Board, the Supreme Court, the Election Board, the Organization Conduct Review Board, Student Organizations Council, or the Supreme Court.
- (b) The Chair may not be a Supreme Court Justice or be in any other way currently affiliated with the Supreme Court.
- (c) If the applicant pool does not yield qualified members the Dean of Students may make nominations to the Student Body President who meet similar standards.

§8 **ELECTION BOARD MEMBER REMOVAL.** Any member of the Election Board may be removed for just cause by a unanimous vote of the Election Board or impeachment by the Senate. Should a member of the Election Board be removed, the President shall select a

replacement by majority vote out of candidates who have previously applied, with confirmation by the Senate.

§9 **CALLING MEETINGS.** The Chair of the Election Board shall facilitate and organize the necessary meetings and hearings in order to accomplish tasks set forth by this Election Code.

§10 **ELECTION BOARD CHAIR.** The Chair shall be the chief executor of the Election Code, and be vested with specific powers that when executed may be overridden by a majority vote of the Board. These powers include:

- (a) Issuing temporary injunctions,
- (b) Issuing verbal orders to candidates,
- (c) Barring disruptive members of the public from hearings,
- (d) Assigning candidates to Election Board members.

§11 **SECRETARY.** The Election Board shall or Chair appoint one of the members as the Secretary or can appoint a non-member volunteer; who shall be responsible for recording the minutes of Election Board meetings and hearings, and keeping records of all opinions, rulings, and filings required of candidates under this code.

- (a) The Secretary shall provide a written copy of all decisions concerning individual candidates to the candidates involved.
- (b) Failure to do so may result in revocation of secretarial duties by the Election Board Chair.
- (c) If no secretary is appointed these responsibilities fall to the Election Board Chair.

§12 **ASSIGNMENT OF CANDIDATES.** Members of the Election Board shall be assigned an equal group of candidates for whose questions, complaints, and financial statements they are responsible.

§13 **TERMS OF OFFICE.** The Election Board shall serve from the time appointed each year until the conclusion of all election related business in that same year.

§14 **CONFIDENTIALITY.** The Election Board members will sign a contract which will outline job responsibilities as established by the Election Board Chair in cooperation with the Dean of Students. This will include a confidentiality agreement and failure to adhere to this provision is just cause for removal and referral to Student Justice.

ARTICLE II. HEARINGS AND PROCEDURES

§1 **FILING OF COMPLAINTS.** Any student, except for members of the Supreme Court, may file a complaint with the Election Board. All complaints must be filed under the name of the student filing the complaint, this information can be protected as confidential if so deemed by the Election Board.

§2 **TIMEFRAME FOR ACTING ON COMPLAINTS.** The Election Board shall act on all complaints within two (2) days after they are received by either dismissing the complaint or calling a hearing under the provisions of this chapter. If after the two (2) days, the Election Board cannot reach quorum, the Chair of the Election Board shall have sole jurisdiction over the matter so long as the Dean of Students concurs with the decision before publication of the ruling.

§3 **QUORUM.** Quorum shall be defined as four (4) Board members. No action may be taken without quorum.

(a) All decisions of the board shall be made by a majority vote.

§4 **DISMISSAL OF COMPLAINTS.** The Election Board may dismiss a complaint if:

- (a) The complaint was not filed within thirty (30) days of finding the violation.
- (b) The complaint fails to state a cause of action for which relief may be granted.
- (c) If the complaint is deemed as being outside the board's jurisdiction or the complaint is clearly not a violation of the Election Code.

§5 **NOTIFICATION OF HEARING.** If a complaint is not dismissed, then a hearing must be held.

- (a) The Election Board Chair shall inform, in writing or via e-mail, the complaining party and all individuals or groups named in the complaint of the time and place of the hearing.
- (b) The parties are not considered notified until they have received a copy of the complaint. Acknowledgment of receipt is not necessary to proceed so long as it can be proven that contact was attempted.
- (c) A notice of hearing will be made public online and to all candidates seeking office 24 hours before the meeting.

§6 **TIMEFRAME FOR HEARING.** The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours and not during non-business days, after receipt of the

complaint, unless all parties agree to waive either or both of these time constraint. The twenty-four (24) hour time constraints are waived if the complaint is filed during the voting period.

§7 **TEMPORARY RESTRAINING ORDERS.** At the time a notice of a hearing is issued, the Election Board Chair may issue a temporary restraining order if he determines that such action is necessary to prevent undue or adverse effects on any individual or entity.

(a) 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.

(b) A temporary restraining order may be issued verbally or in writing to any candidate at any time for violations of this Election Code or Board orders. The subject of the verbal order shall be submitted to the Election Board and either rejected or upheld within 10 hours.

§8 **PUBLIC ACCESS.** All Election Board hearings, proceedings, records, and meetings must be open to the public, except for the deliberations and records related to deliberations that determine the outcome of hearings.

§9 **PRESENT AT HEARING.** All parties involved in a complaint, if called to do so by the Election Board, shall present themselves at the hearing or authorize an agent in writing to serve during the proceedings in their absence.

§10 **RIGHT TO COUNSEL.** Parties may be accompanied by any other student from whom they can receive counsel and have the option to be represented by that counsel.

§11 **ELECTION BOARD QUORUM & CHAIR.** For any hearing to occur, a majority of sitting Election Board members must be in attendance.

(a) The Chair of the Election Board shall preside over the hearing.

(b) In absence of the Chair, the responsibility to preside shall fall to an Election Board member as predetermined by the Chair.

(c) If the Chair has not selected his temporary replacement the Election Board shall select a temporary Chair by consensus.

§12 **ELECTION BOARD HEARING PROCEDURE.** The Election Board shall 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 should prevail at all hearings:

- (a) Complaining parties shall be allowed no more than two witnesses; however, the Election Board may call other witnesses if it deems necessary.
- (b) If witnesses are unable to appear at the hearing signed 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.
- (c) All questions and discussions by the parties involved in the dispute shall be directed to the Election Board.
- (d) There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.
- (e) Reasonable time limits may be set by the Election Board, provided they give fair and equal treatment to both sides.

§13 **DECISIONS.** Decisions, orders, and rulings of the Election Board must be agreed to by a majority of the Election Board present and shall be announced as soon as possible after the hearing.

- (a) Such decisions may be orally delivered immediately.
- (b) The Election Board shall issue a written ruling on all cases within twenty-four (24) hours of the hearing, and made available to the public.
- (c) 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.
- (d) Written ruling and Operating Memorandums shall set a precedent for a time period of three election cycles for Election Board rulings and shall guide the Election Board in its proceedings.
- (e) Upon consideration of prior written rulings, the Election Board may negate the decision but must provide written documentation of reasons for doing so.
- (f) The Election Board is not a legal proceeding and as such the threshold of evidence is not a finding of fact.
- (g) Decisions shall be made based on a preponderance of evidence submitted and the Election Board's responsibility is to simply determine what is most likely to have occurred.

§14 **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.

§15 **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 shall result in their disqualification of candidacy and if not a candidate forwarding of the case to the Supreme Court, Student Justice or appropriate entity for disciplinary remedy.

§16 **FAILURE TO APPEAR.** Failure to appear to a hearing of the Board shall 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.

§17 **OATH OF AFFIRMATION OF TRUTH.** An oath or affirmation of truth shall 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 shall result in disciplinary penalty as prescribed by the board.

(a) The oath or affirmation of truth shall be administered by the Election Board Chair or his/her designee.

(b) The form for the oath or affirmation of truth shall 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."

§18 **INTERPRETATION.** Questions of interpretation must be submitted to the Board via formal written memorandum to the Election Board Chair. A request must contain the following;

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

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

(c) A statement relating to the cause for action, or claim of harm, under which the Board can act to remedy.

(d) A statement of the requested outcome of the complainant's filing.

(e) Further format is to be stipulated in [Appendix X](#).

ARTICLE III. REMEDIES AND SANCTIONS

§1 **DEFINING CLASSES OF VIOLATIONS.** At the Rules Reading Seminar, the Election Board shall 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 Code shall be divided into three classifications. Classifications will be in ascending from minimal to extreme, where Class C shall be minimal and Class A shall be extreme:

- (a) Class C violation shall result in a moratorium of campaigning and/or a fine. Class C fines shall be limited to one-fourth (1/4) of the candidates total allowed spending for each individual Class C violation.
 - (1) Two (2) Class C violations shall constitute one (1) class B violation.
 - (2) Four (4) Class C violations shall constitute one (1) class A violation.
- (b) Class B violations shall result in a combination of suspension of campaigning and a fine. Class B fines shall be limited to one-third (1/3) of the candidates total allowed spending for each individual Class B violation. Class B violations may result in the candidates disqualification.
 - (1) Two (2) Class B violations shall constitute one (1) class A violation.
- (c) Class A violation may result in a disqualification from the election. Class A fines shall be limited to one-half (1/2) of the candidates total allowed spending for each individual Class A violation. Whenever a class A violation is filed and accepted by the board, the board must discuss and vote on disqualification for each application of a class A offense.
 - (1) One (1) Class A violation must result in suspension of a candidate's campaign for no less than forty-eight (48) hours. The Election Board may also apply a fine with the suspension or disqualify the candidate if it so chooses.
 - (2) Two (2) Class A violations must result in suspension of a candidate's campaign for no less than four (4) days and if the Election Board so chooses shall result in disqualification.
 - (3) Three (3) Class A violations shall result in a disqualification of a candidate from running for office and shall disqualify the candidate from running for any office in Student Government indefinitely.

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

§3 **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 shall be recorded as an expense during financial disclosure. Candidates, agents and workers will not be required to actually make payment for any fines.

(a) The total amount of any one fine against a candidate in an election cycle may not exceed the spending limit, though if multiple fines are issued and result in the candidate exceeding spending limitations, the candidate will be held responsible for said violation in accordance with this Election Code.

§4 **CONSEQUENCES OF CLASS C VIOLATION.** Within the ranges established by the Election Board, the Election Board shall select the amount of the fine or length of the suspension most appropriate to both the severity of the infraction and the intent of the violator as determined by the Election Board.

§5 **CONSEQUENCES OF CLASS B OR C VIOLATION.** If, after a hearing, the Election Board finds a candidate, or a candidate's agents or workers, has committed a Class B or Class C violation, the Election Board may restrict the candidate, from engaging in some or all campaign activities for some of the remaining campaign period. If an order is issued covering only part of the remaining campaign period, it shall take effect within twenty-four (24) hours so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the voting period.

§6 **CONSEQUENCES OF A CLASS B VIOLATION OR OTHER DISQUALIFICATION RULING.** If after a hearing, the Election Board finds that provisions of this code or the decisions, opinions, orders, or rulings of the Election Board or appellate entity with jurisdiction over the election in-question have been violated by a candidate, or a candidate's agents or workers, or finds a Class A violation to have been committed, the Election Board may disqualify the candidate.

§7 **FAILURE TO COMPLY.** Any person who fails to comply with an order or advisory opinion of the Board shall immediately be disqualified from candidacy and if they are not a candidate shall be forwarded to the Supreme Court, or appropriate entity for disciplinary remedy.

§8 **VOTER FRAUD.** Voter fraud shall be the most egregious form of code violation, punishable by nothing less than disqualification.

ARTICLE IV. APPEAL

§1 **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 twenty-four (24) of the adverse decision's announcement, unless the Election Board's decision takes place during a voting period.

(a) The Supreme Court will have appellate jurisdiction over the Election Board in all cases in which error on the part of the Election Board is charged.

§2 **DISCIPLINARY DECISION OF THE ELECTION BOARD.** A disciplinary decision of the Election Board shall stand and shall have full effect under all cases. If an appeal must be made it shall be made to the Supreme Court. The Supreme Court must respect the jurisdictional powers of the Election Board and at no time overextend their oversight.

§3 **HEARING OF APPEALS.** The Supreme Court shall hear appeals of the Election Board rulings as soon as possible, but not within twenty-four (24) hours after the Election Board delivers to the entity with appellate jurisdiction 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 entity with appellate jurisdiction agrees to accept the waiver.

§4 **REVIEWING ELECTION BOARD APPEALS.** The Supreme Court shall review findings of the Election Board when appealed.

§5 **DISQUALIFIED CANDIDATES.** Any person disqualified from running for office shall be prohibited from serving in any official capacity in student government indefinitely.

CHAPTER 102 -

ELECTION TIMETABLE

ARTICLE I. TIMETABLE

§1 **FILING PERIOD.** The filing period shall open at 9:00 a.m. on the last Monday of the fall semester and shall remain open until 5:00 p.m. on the first Friday of the Spring Semester.

§2 **VOTING PERIOD.** Voting in general elections will occur for four (4) consecutive business days starting on the second to last Monday in February.

(a) Online polling hours for the campus-wide elections shall be from 7:00 a.m. to 8:00 p.m. each day, except for the final day.

(b) Voting on the final day will be from 7:00 a.m. to 5:00 p.m.

§3 **RUNOFF VOTING PERIOD.** In the case of a run off race, voting will occur for four (4) consecutive business days starting on a Monday, one week after the run-off is announced.

(a) Online polling hours for the run off race shall be from 7:00 a.m. to 8:00 p.m. each day, except the final voting day.

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

(c) New candidates shall not be permitted in runoff elections.

§4 **PROHIBITION OF ELECTION CODE CHANGE.** No changes to the Election Code may be enacted within eight (8) weeks of the campus-wide elections.

§5 **SUBMISSION OF CANDIDATE LIST.** Candidates shall submit the names and Student ID numbers of all agents by 12:01 p.m. (noon) on the day of the Rules Reading Seminar.

§6 **CONFIRMATION OF BALLOT.** The Election Board shall publicize a complete draft ballot in alphabetical order by last name, at least one (1) week prior to the campus-wide elections.

§7 **POSTING OF CANDIDATE INFORMATION.** The Election Board shall designate a publicly acceptable place to post the following information on each candidate: name, position sought, major(s), and a statement of no more than one hundred-fifty (150) characters. The Election Board shall be able to restrict any false information.

§8 **FILING COMPLAINTS.** Complaints can be filed with the Election Board from the moment the Election Board is appointed until seventy-two (72) hours after the certification of the final results.

§9 **WEB ADDRESS RELEASE.** The official web address used for voting shall be announced no later than the Rules Reading Seminar.

ARTICLE II. PROCEDURES AND GUIDELINES

§1 **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 (3) business days prior to the voting period. All ballot items must contain exact wording of the items to be presented.

§2 **AVAILABILITY OF BALLOT INFORMATION.** On the ballot and the Student Government website, the Election Board Reserves the right to restrict any untrue information otherwise the link shall be provided to the following information on each candidate:

- (a) Name;
- (b) Position sought;
- (c) Registered major(s);
- (d) A Statement of no more than one-hundred fifty (150) words.

§3 **DEBATE.** No less than one (1) week prior to the voting period, the Student Government Election Board must hold a debate between any contesting executive alliances or individual candidates, the format of which shall be determined by the Election Board.

§4 **NEWSPAPER ADVERTISEMENT.** The Election Board shall submit to the student newspaper of the University a summary of election related information or purchase advertising space which shall including:

- (a) All polling stations.
- (b) The names of all candidates who have filed and have met the criteria for office.
- (c) The date of any executive candidate debate.
- (d) The complete ballot, with proper ballot order.

§5 **NUMBER OF VOTES A STUDENT MAY CAST.** Each student may cast one (1) vote for president one (1) vote for vice president one (1) vote for each available seat for their respective college in the Senate, and one (1) vote for each available at large Senate seat, in accordance with the Student Government Constitution.

§6 **ELECTION RESULTS.** Election results shall be determined per the Constitution.

§7 **VOTER EXCLUSION.** No potential voter may be specifically excluded from casting a vote at any polling location.

§8 **BRIBERY.** No candidate, agent, or worker may exchange anything of value, in return for guarantee of vote. Any such act must be punished by disqualification.

§9 **CANDIDATE INFORMATION ON THE BALLOT.** Candidate information on the ballot shall include:

- (a) The candidate's name;
- (b) Position sought; and,
- (c) Other information pertinent to voting procedure.

§10 **RECOMMENDED VOTING MECHANISMS.** Any computer with wired internet access is recommended for use in voting in all elections governed by this Election Code. The reliability of wireless connections cannot be guaranteed and may result in an error in voting, for which the Election Board and University are not responsible.

§11 **VOTE TABULATION.** The final vote certification and authentication of tabulation shall be under the review of the Election Board and supervision by the Dean of Students.

CHAPTER 103 - REQUIREMENTS, RESTRICTIONS AND LIMITATIONS

ARTICLE I. CANDIDATE RULES READING SEMINAR

§1 **DATE OF RULES READING SEMINAR.** The Election Board shall conduct two (2) Rules Reading Seminars. The first Rules Reading Seminar shall be on the last day of the filing period after filing has closed. The second Rules Reading Seminar shall be on the following Monday. The Rules Reading Seminars will be mandatory attendance activities for all candidates.

§2 **RULES READING SEMINAR AGENDA.** The Election Board shall 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, review of the election timetable, Election Code violations, appellate process, and questions and answers from the candidates.

§3 **RULES READING SEMINAR ATTENDANCE.** Attendance at the Rules Reading Seminar is required of each candidate.

(a) Failure to attend this seminar or an individual make up session shall result in a disqualification to run for office.

(b) In exceptional circumstances, candidates may send agents to represent them with special permission from the Election Board should such a proxy be justified. In addition the candidate must set up a one on one appointment by the last seminar so long as the following are true:

(1) The candidate failed to attend because of a certified by a health professional documented illness, or injury,

(2) A death in the family, or

(3) The candidate was involved in a school related travel as documented and approved by an authorized University official.

(4) Attendance to class, as authenticated by the student's schedule.

§4 **CANDIDATE ELIGIBILITY.** The Election Board Chair shall 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 week day in February.

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

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

§5 **WRITE-IN CANDIDATES.** Write in candidates shall be allowed, so long as they meet all constitutional and statutory qualifications. All write-in candidates must have at least five (5) votes 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.

ARTICLE II. CAMPAIGNING LIMITS

§1 **SPENDING LIMITS.** Spending limits for candidates shall be strictly followed and violations of such limitations considered among the most severe violations of this Election Code.

§2 **AUTHORIZED CAMPAIGN PERIOD.** Public, printed, verbal, and electronic campaigning shall be prohibited until the day after the final Rules Reading Seminar. Campaigning will then be permitted until the final voting day of the general election. Campaigning will then be permitted until the final voting day of the general election. Campaigning is permitted in the case of a runoff election from the first day after the runoff race is announced until the final day of voting.

§3 **UNAUTHORIZED CAMPAIGNING.** All candidates are prohibited from campaigning, soliciting, or otherwise bringing attention to their campaign or election before the sanctioned campaign period.

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

(b) This prohibition does not include the personal, recruitment of individual agents and workers or solicitation of personal advice by a candidate

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

ARTICLE III. POLLING LOCATIONS & STATIONS RESTRICTIONS

§1 **PROHIBITION OF CAMPAIGNING AND CAMPAIGN MATERIALS WITHIN POLLING LOCATION PERIMETER.** No campaigning or campaign materials may exist within fifty (50) feet of any polling location or station.

- (a) This must be considered one of the most severe violations of the Election Code.
- (b) An act of campaigning shall be defined as active solicitation for votes.

§2 **INTERNET-READY DEVICES.** All reported and published polling stations must have an internet-ready, wired device available on voting days, from 8:00 a.m. to 5:00 p.m., for the express purpose of facilitating voting.

ARTICLE IV. COMPLIANCE AND ELIGIBILITY

§1 **ELIGIBILITY.** Eligible individual students may file as candidates for a position in their respective college or file for a position as a Senator At-large, Vice President or President.

§2 **ADHERENCE TO QUALIFICATIONS.** All candidates must adhere to the qualifications set forth in the Student Government Constitution, this code, 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 (3) days.

§4 **POSTING OF CANDIDATE LISTS.** The Election Board shall 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 shall submit electronically the following information: specific office sought, Texas State email, Student ID number, current address, phone number, and college.

§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 shall 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. Candidates who are written and win a seat must affirm in writing that they wish to be elected before taking office

CHAPTER 104 -

VOTING AND RESULTS

ARTICLE I. POLLING PLACE

§1 **CONSISTENT POLLING STATIONS.** The same polling stations must be used on all voting days including in a runoff.

(a) Physical polling stations will be open from 8:00 a.m. to 5:00 p.m. on the Texas State San Marcos campus.

(b) The Election Board shall establish at least one polling station during Student Government elections and will abide University policy in reference to student referendums.

§2 **POLLING RIGHTS.** The Election Board may not deny the right to vote to any person standing in line to vote at the time the polling station closes, unless the electronic polling hours have concluded for that day.

ARTICLE II. CERTIFICATION

§1 **BALLOT POSITION.** The position of each candidate on the ballot shall be in alphabetical order by last name, in each respective category of elected office starting with the President at top, Vice President second, College Senators next and At-Large Senators at the bottom of the ballot.

§2 **CERTIFICATION OF VOTES.** The Dean of Students and the Election Board Chair shall certify the votes in all races following the closing of the polls.

§3 **ELECTION RESULTS.** Results of any election under this code shall be announced no later than twenty-four (24) hours after the online voting ends for the election.

ARTICLE III. ANNOUNCEMENT

- §1 **LOCATION OF RESULTS.** The location of both the announcement and posting of the results is to be announced by the Election Board no later than the Rules Reading Seminar.
- (a) Generally, the results should be issued within two (2) hours after the close of voting
 - (b) If necessary a run-off race will be declared upon the conclusion of announcement of results.

CHAPTER 105 -

ASSOCIATION

ARTICLE I. FILING AND ASSOCIATION

- §1 **FILING AGREEMENT.** All candidates will sign 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 shall decide specific language with the approval of the Dean of Students.
- §2 **FORMATION OF AN EXECUTIVE ALLIANCE.** Two eligible students, one seeking the office of the President and the other the office of Vice President, may create an executive alliance.
- (a) Candidates who properly form and conduct executive alliances under the election code are not subject to the restrictions of association found in this chapter or other regulations found in the Election Code.
 - (b) Candidates wishing to properly form and conduct an executive alliance under this code shall report such upon alliance filing.
 - (c) The Election Board shall confirm the authenticity of this alliance by confirming with both candidates their intent via a formal written statement.
- §3 **PROHIBITED ASSOCIATION.** Except in cases of a bona fide executive 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:
- (a) Tangible or substantive endorsements.

- (b) Donating or sharing of campaign materials.
- (c) Campaign money, and campaign organization resources, including people.
- (d) Jointly soliciting votes between and amongst candidates who are not in a bona fide executive alliance.
- (e) Willful collusion of ideas.

§4 **PERMITTED ASSOCIATION.** Only the presidential and vice presidential candidates that have jointly filed under this Election Code as an executive alliance are allowed to participate in campaigning together, provide tangible or substantive endorsements for each other, and otherwise engage in joint, collaborative campaigning, planning or activities.

- (a) All candidates who are not a part of an Executive Alliance in the election must campaign separately, without tangible or substantive endorsements, collaboration, financial or other tangible or substantive support from any fellow candidate in any campus-wide election.
- (b) Candidates found in violation of this rule are subject to at least one (1) class A sanction under this Election Code and may be disqualified.

ARTICLE II. 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 the Election Board.

§2 **FILED CAMPAIGN MATERIALS.** A sample, electronic, or color copy of all 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 and any other associates.

§4 **ELECTRONIC MEDIA.** All campaign materials must be in compliance with University regulations governing the use of electronic media.

§5 **DESTRUCTION OF MATERIALS.** No candidate, agent, or worker shall remove, obscure, or damage any sign which is in compliance with the posting policies of the University.

§6 **DEFACING.** No person shall deface any property of another candidate or the property of the University.

- §7 **VERBAL HARRASSMENT.** Candidates, as well as their agents and workers, shall 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.
- §9 **UNIVERSITY RESOURCES.** No candidate, agent or worker or any endorsing party may use University resources to advance their campaign.
- §10 **ID COLLECTION.** The collection of personal identifiers or student identification to facilitate voting is prohibited in accordance with the policies of the University, and shall be an egregious violation of this code, punishable by nothing less than disqualification for candidates, referral to Student Justice Supreme Court and/or other disciplinary entity.
- §11 **REASONABLE LATITUDE.** Reasonable latitude will be allowed by the Election Board to electioneering activities during the campaigning process, as long as those activities are in line with the regulations specified within this code, the general information catalogs and in accordance with University policy.
- §12 **RESTRICTED ACTIVITY.** Any activity which is not expressly allowed within the boundaries of this Election Code is hereby expressly denied except by clear and distinct ruling by the Election Board prior to Commission of the activity.
- (a) Campaigning within academic buildings is permissible, subject to college or administrative approval.
 - (b) Campaigning in the LBJ Student Center Teaching Theater is prohibited.
 - (c) Campaigning within residence halls is permissible, subject to approval from the Department of Housing and Residential Life.
 - (d) If campaigning is prohibited in a Residence Hall or academic building for one candidate, it shall be deemed prohibited for all candidates.
- §13 **FILING ENDORSEMENTS.** All endorsements by Registered Student Organizations, agents, workers, and candidates will be filed with the Election Board before being made public. This is not to mean the endorsements are seeking Election Board approval. The Election Board will notify any candidates or endorsers should their endorsement be in violation of the Election Code.

- §14 **CANDIDATE ENDORSEMENTS.** Candidate endorsements are to be defined strictly in context with the other association prohibitions and restrictions of substantive and tangible support between candidates. It exists only in order to provide an avenue for free expression. Even if a candidate has secured an endorsement from another candidate, all parties or candidates shall be prohibited from donating or sharing campaign materials; campaign money, and campaign organization resources, including people; or jointly soliciting votes between and amongst candidates, including willful collusion of ideas and all other restrictions on association as outlined in this code. Endorsements between candidates in an Executive Alliance shall be free of all restrictions related to association and separate campaigning.
- §15 **ORGANIZATION ENDORSEMENT.** Chartered Student Organizations may not provide support of any candidate.
- §16 **ENDORSEMENTS BY STUDENT GOVERNMENT.** Members of Student Government may endorse candidates for office individually. However, groups shall not be allowed to assemble within the Senate to work on campaigns for other candidates.

CHAPTER 106 -

FINANCIAL DISCLOSURE

ARTICLE I. 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 shall include any and all discounts not available to the student population at large. Documentation should include but is not limited to:
- (a) Printed receipts proving income and expenditures.
 - (b) Market value for all items purchased or donated.
 - (c) Any fines applied by the Election Board.
- §2 **EXECUTIVE ALLIANCE EXPENDITURES.** Except in the case of a bona fide Executive Alliance, candidates must file an individualized report, provide proof of individualized purchase, and fund their campaign separately from all other candidates.
- §3 **FUNDRAISING LIMIT.** Candidates shall limit the amount of funds they raise up to their expense limit plus \$150 for a potential run off.

§4 **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 XI](#).

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

§5 **PROHIBITED AFFILIATION.** Except in cases of a bona fide executive 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.

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

§6 **FINANCIAL DISCLOSURE STATEMENT.** Financial disclosure statements shall be filed with the Election Board, in the Student Government Office or other locations designated by the Election Board, at the following times:

(a) by 4:30pm, on the first day of the campaign period; and,

(b) by 4:30pm, on the last day of the second week of the campaign period; and,

(c) by 5:00pm, the day after the voting period ends; and,

(d) by 4:30pm, on the first day of campaigning in a runoff election; and,

(e) by 5:00pm, on the last day of voting in a runoff elections.

ARTICLE II. 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.

(a) Non-student groups may not donate to a candidate's campaign.

(b) Student organizations receiving student service funds or other University funds shall not contribute funds, items, or support of any kind.

- (c) This provision shall not be construed to prohibit any Texas Student media coverage or endorsement of campus-wide Student Government elections.
- (d) It shall be prohibited to use any item, fund, office, supply, or material support of any kind of University origin.

§4 **FINANCIAL DISCLOSURES.** Each candidate's financial records must list identifying information (name, item, etc.) and amounts of each contribution and expenditure.

- (a) Contributions and expenditures of non-monetary assets of in-kind contributions must be listed and valued at their fair-market value, as determined by the Election Board.
- (b) Each financial disclosure statement must have all expenditure receipts attached.
- (c) All expenses must be included in the financial disclosure report.
- (d) The Election Board may request and require candidates to provide bank statement summaries for verification. The personal information of the candidate may be redacted from any such summary.

§5 **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.

- (a) 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.
- (b) Except in the case of a bona fide Executive Alliance, no candidates may pay for the campaign materials of another, conduct joint events, or pool money for a campaign, including joint banking accounts.

§6 **FORMS.** The Election Board shall provide all necessary standardized forms for the purpose of this Election Code by the filing deadline.

§7 **REPORTING EXPENSES.** The financial disclosure statements must contain all the expenses incurred by the candidate before and during the campaign period.

§8 **PUBLIC RECORDS.** Each candidate's financial records shall be available for public inspection upon submission to the Election Board.

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

(b) This summary of records shall be placed online by the Election Board within (3) three business days after records are submitted.

§9 **DISQUALIFICATION.** Failure to file accurate financial disclosure statements by the deadlines listed in this section, or falsification of financial statements, shall qualify the candidate for disqualification by the Election Board.

§10 **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.

ARTICLE III. SPENDING LIMITS

§1 **SPENDING LIMITS.** Candidates in all Student Government campus-wide elections shall adhere to the following spending limits:

- (a) Executive Alliance, President and Vice President running together: \$4,000 in any general election or special election; and,
- (b) President, if running alone: \$2,000 in any general or special election; and,
- (c) Vice President, if running alone: \$2,000 in any general or special election; and,
- (d) Senators: \$750 in any general election or special election.

§2 **RUNOFF EXPENSE LIMIT.** Candidates and executive alliances shall be allowed an extra \$150 each for campaigning in a runoff election.

§3 **EXCEEDING EXPENDITURES.** Candidates whose campaign expenditures exceed 5% over their designated spending limit shall be immediately disqualified by the Election Board. Violations of a smaller amount shall be classified as a severe violation of the Election Code.

§4 **TOTAL EXPENDITURES.** Total expenditures shall include all campaign expenditures and fines issued by the Election Board.

CHAPTER 107 -

RECOUNTS AND PROTESTS

ARTICLE I. 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 (3) 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.

- (a) 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 shall remain between the Election Board and the individuals involved until all protests have been filed.
- (b) A Student Government Advisor shall be present for all deliberations on the protest. All requests for recounts and protests shall be heard by the Election Board within two (2) business days. Upon reviewing the contestant's written statement the Election Board shall submit a written report to the Dean of Students and all candidates running for office within five (5) business days of the protest filing deadline. Any additional evidence or violations that are uncovered shall be included in the protest. The Election Board shall 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 shall be held within seven (7) business days after the last day of the election. The Election Board shall give at least one (1) day notice of the date, time and place of the hearing to all the parties involved. All hearings shall be open to the public.
 - (1) Each party shall be allowed ten (10) minutes to present his or her case. At this time, evidence may be presented to the Board. The contesting candidate shall be allowed to speak first.
 - (2) The Election Board will then, if necessary, question each party.
 - (3) Each party will be allowed one, three (3) minute closing statement.
 - (4) A complete written transcript and/or audio recording will be made public online following the decision.
- (c) In determining the validity of a protest, the Election Board shall 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 shall win the election.

- (d) The rules in this chapter apply to run-off elections as well.
- (e) After the Election Board rules, either party may within two (2) business days, submit a written appeal to the Supreme Court.
- (f) Any disqualified candidates shall lose the right to run or be placed as a write-in candidate for office for twelve (12) months from the date of the offense.
- (g) 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 Information Technology, and Election Board 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 information technology malfunction. Other remedies can be agreed upon by the contestant, Dean of Students Office and Election Board during this review.