A Bill –

A bill to be entitled “Nomination Review Clarification Act” which makes various updates to the process involving filling Senate vacancies and reviewing Presidential nominations.

WHEREAS: The Senate strives to provide robust oversight of the Cabinet including vetting candidates for office; and

WHEREAS: Presidential nominees that are submitted to the Senate do not currently undergo external review prior to their confirmation in the Senate; and

WHEREAS: When a Senate vacancy occurs the process for reviewing nominees and forwarding nominees to the Senate is not clear or transparent; and

WHEREAS: The Student Government Constitution Article III, Section 10(f)(g), and (j) empowers the Senate to “(f) Establish rules for ...operations and business of the Student Government, (g) Ensure a way to fill vacant Senate seats, (j) To legislate all statutes which must be necessary and proper for execution of all powers granted to all components of Student Government as prescribed in this constitution.”; NOW, THEREFORE:

BE IT ENACTED: That Title 5, Chapter 100, Article II, Section 2 is amended by striking paragraph f: “Review and approve replacement Senators as forwarded by the Senate Committee on Selections and Appointments and decide which of the names is forwarded to the Senate for confirmation.”
BE IT ENACTED: That Title 5, Chapter 101 be amended by striking the chapter; and

BE IT ENACTED: That the Student Government Code be amended by striking out every instance of Select Committee on Nominations and Selections and any variations therein and replace it with Committee on Nominations and Appointments; and

BE IT ENACTED: That Title 6 be amended by insert a new Chapter 400 with the following:

CHAPTER 400 - NOMINATION AND CANDIDATE REVIEW PROCESS

ARTICLE I. ADMINISTRATIVE

§1 AUTHORIZATION. This chapter and all its regulations are authorized pursuant to Article III, Section 9(e) and Section 10(f)(g), and (j) of the Student Government Constitution.

§2 PURPOSE. The purpose of this chapter is to ensure that positions of Student Government are made available to the student body and that qualified nominees are given equal opportunity to apply for a position, that they are substantially vetted, and information related to committee inquiry is available to the Senate.

§3 APPLICATION PREFERENCES. The President is to report to the Nominations and Appointments Committee their preferred application requirements, questions, and qualifications for Cabinet and judicial positions.

§4 DATE TO COMPLY. Applications for positions must be made public during the first week after spring elections have concluded and may close within ten (10) business days. The President or Nominations and Appointments Committee may reopen the application for a period of their discretion if a vacancy occurs, a position is not filled or if the original nominees are not satisfactory.

ARTICLE II. APPLICATION FOR OFFICE

§1 BASIC REQUIREMENTS Each application pursuant to this chapter must be required to contain basic information to be provided by the applicant to the President and reviewable by the Nominations and Appointments Committee or Senate. Review responsibility must be
vested in the Nominations and Appointments Committee. This application must include the following items for completion by the applicant:

(a) Name
(b) Date
(c) Student ID
(d) Texas State Email

§2 POSITION SPECIFIC REQUIREMENTS. Depending on the position additional information regarding qualification of ability may be required including:

(a) A resume or Vita.
(b) Cover Letter.

ARTICLE III. NOMINATIONS AND APPOINTMENTS COMMITTEE

§1 PURPOSE. The purpose of the Nominations and Appointments Committee is to investigate to discover if nominees to fill vacant Senate seats as well as cabinet level and judicial nominees meet a high standard of capability, have all the desired qualifications, and are not improperly entangled in any activities which may result in a loss of public trust in nominated and properly confirmed officials. Resolutions for the nomination of any such position must first be reviewed by the committee and can only be advanced to the full Senate upon passing by a majority vote of the committee.

§2 POWERS. The committee must review the nomination of any person proposed to fill a Senate vacancy, cabinet position, or judicial position. The committee must exercise such powers that allow it to fulfill its purpose including:

(a) Establish a standardized questionnaire or disclosure forms for all positions under its jurisdiction to review.
(b) Request and require a nominee to produce written statements of qualification, deliver an updated resume, answer question in writing, in person or by tele-conference, produce documentation relevant to the interview process, and appear in person to answer questions as it deems appropriate.
(c) Require the President to present any relevant information they may have in their possession about the nominee and may require them to report on the nominee’s qualifications.

§3 CHAIR. The Senate Pro-Tempore must serve as chair of the committee.
MEMBERSHIP. The committee will be made up of seven (7) Senators including the Pro-Tempore. The Pro-Tempore is always a member of the committee, the other six (6) Senators are nominated by the Vice President and confirmed by the Senate. Nominees for the committee are exempt from the review process as outlined in this Article.

ARTICLE IV. NOMINATIONS AND APPLICATIONS

§1 SENATE APPLICATION. The committee will establish the application for Senator each year, collect and process the applications as deemed appropriate, and select those nominees they deem qualified to fill vacancies in the Senate. The Pro-Tempore will issue a Resolution for Confirmation for each qualified applicant accepted by the committee and forward it to the Vice President for consideration at the next meeting.

§2 PRESIDENTIAL NOMINATION. The President will select from the nominees to cabinet and judicial position to forward to the Nominations and Appointments Committee. For all cabinet and judicial nominations, the President must submit a nomination in writing to the Senate. The nomination is read on the Senate floor and the nominee will be referred to the Nominations and Appointments Committee for consideration.

ARTICLE V. INTERVIEW, REPORTING, AND CONFIRMATION PROCEDURE

§1 NOMINEE CONSIDERATION AND INTERVIEW. For Presidential nominations once written notification by the President has been received the committee may take the steps within its power to assess the qualifications and acceptability of the nominee and must report its final disposition on the nominee to the Senate within seven (7) days. For Senate vacancies the committee will review the applicant and report its final disposition on the application to the Senate within seven (7) days. All positions subject to review under this chapter must appear before the committee and answer questions if asked to do so either in person or via teleconference. The dates, times, and locations of such interviews must be posted 24 hours in advance on the Student Government website. The interviews will be open to the public but only the committee and the nominee may participate in the interview.

§2 OPEN RECORDS. Any student may request records in connection with the transaction of official business of the committee if the information is created by, transmitted to, received by, or maintained by a member of the committee in their official capacity, or a person or entity performing official business or function on behalf of the committee, and pertains to official business of the committee, except those protected as privileged by federal and state law or university policy, by addressing in writing via Texas State University email such
request for information to the Senate Pro-Tempore. The Pro-Tempore is required to respond
with information they deem relevant and applicable under the standards herein to the
requestor within five (5) business days.

§3 TRANSCRIPTION OF PROCEEDINGS. All proceedings of the committee must be
recorded with an audio or audio/visual recorder or written transcript. Anything recorded
during the hearing will be stored in an archive for 2 years.

§4 RULE FOR RECUSAL. Any member of the committee must recuse themselves from
participation in a hearing when by virtue of their relationship or association with a nominee
they are unable to decide the case impartially.

(a) A motion for recusal of a specific member may be made by a member of the
committee during a hearing and upon majority vote affirming therein will require the
committee member to recuse themselves from the hearing.

§5 MEETINGS. All meetings of the Nominations and Appointment Committee will be open to
the public, though only the Senators may participate in the discussion, questions, deliberation
and voting. The dates, times, and locations of the meeting will be set by the Pro-Tempore,
so long as three (3) days’ notice is given to the committee members. All means necessary
should be taken by the Pro-Tempore to ensure the meeting occurs in the Student Center or
other on campus location. In addition, notice as to the meeting date, time, and location must
be posted on the Student Government website 24 hours before it occurs.

§6 COMMITTEE REPORTING. Upon a majority vote of the committee the Senate Pro-
Tempore must report to the Senate in writing the disposition of the nominee. The committee
may report to the Senate favorably, unfavorably, or without recommendation in accordance
with the following:

(a) Reporting a candidate’s disposition favorably means that a majority of the committee
agrees with the nomination. In this case, the Senate Pro-Tempore and at least one
member of the committee they select will serve as author and lead sponsor on a
Resolution for Confirmation and submit it within the 7-day period to the Vice
President for placement on the next Senate agenda. Other members of the committee
may also choose to serve as sponsor. If the Senate Pro-Tempore objects to the
nominee, they must delegate resolution authorship to someone on the committee who
is in the majority.
(b) Reporting a candidate’s disposition without a recommendation may mean the committee is tied on advancing the nominee to the full Senate or unsure of the nominee’s qualification. Reporting without recommendation will advance the nomination to the full Senate. When reporting without a recommendation at least two Senators from the committee, one as author and the other as lead sponsor, must submit a Resolution of Confirmation for the nominee within the 7-day period to the Vice President for placement on the next Senate agenda.

(c) Reporting a candidate disposition unfavorably means that the committee does not consider the candidate qualified, has found conflicts of interest, unacceptable entanglements or other activities which may damage the legitimacy of their office or in the event a nominee misses an interview. A nominee that is reported unfavorably will not advance for a full vote in the Senate, unless the Senate passes “A Motion to Discharge from the Committee on Nominations and Appointments the Consideration of the Nomination to [Position Title]”. This motion must be made immediately after the Senate Pro-Tempore reports the disposition to be valid. If this motion passes, any Senator wishing to do so may author a Resolution of Confirmation.

(d) Regardless of the committees reported disposition the Senate Pro-Tempore has a responsibility to speak before the Senate begins debate and discussion on the Resolution of Confirmation to provide relevant and timely information about the nominee and the committee’s findings.

(e) A Resolution of Confirmation may only bypass committee review if the committee has previously evaluated the nominee, reports unfavorably, and a “motion to discharge” is passed in the Senate.

§7 CONFIRMATION BY THE SENATE. A Resolution for Confirmation that has been reported to the Senate favorably may be read and voted on in the same meeting, bypassing the standard “two meeting-two reading” rule. A Resolution for Confirmation that has been issued without a recommendation or has been caused to be on the agenda by a motion to discharge from the committee must follow standard rules whereby two readings in separate meetings are required prior to a vote. When the committee reports without recommendation or unfavorably considering the resolution under emergency status rules is prohibited.

§8 INSTALLATION. Upon passage of a Resolution of Confirmation the nominee will be installed into their duly nominated and confirmed office. Approved Senate nominees will be
installed through a reading of the oath of office administered by the Vice President at the
same meeting for which they were confirmed. Approved judicial and cabinet nominees will
be installed through a reading of the oath of office administered by the President at the same
meeting for which they were confirmed.

§9 REJECTED NOMINEES. Rejected nominees may not be re-nominated in the same session
and will not be permitted serve in recess appointments.