

**STUDENT GOVERNMENT ASSOCIATION OF
WEST TEXAS A&M UNIVERSITY
ELECTION CODE**

**TITLE I
PRIORITY STATEMENT**

Because both computerized and paper voting have proven to be highly effective, the Election Code details both sets of procedures. If technical complications arise the election or elections shall be rescheduled for the following week. If only one method be preferred, the Chief Justice may seek permission from the Student Judicial Board to limit the elections to only one voting style.

**TITLE II
APPLICATIONS FOR OFFICES**

SECTION 1. Application forms shall be available in the Easton Allen Memorial Student Government office. Completed applications must be received in the Easton Allen Memorial Student Government office by 4:00 p.m. CT (central time) on the deadline date set by the Student Government Chief Justice. In order for a person's name to appear on the ballot, this deadline must be met. The candidates must also attend the mandatory pre-election meeting at 5:00 p.m. CT on the same day applications are due, unless otherwise scheduled, by the Chief Justice or the Student Government Advisor.

SECTION 2. If a candidate is not able to attend the mandatory meeting, said candidate must meet with the Chief Justice before 5:00 p.m. five days prior to the polls opening.

**TITLE III
NOTICE OF UPCOMING ELECTIONS**

SECTION 1. Notice of an upcoming election shall be publicized by the Student Government no less than seven (7) days prior to the election date and continued until the election is over. In the case of a run-off election, the seven (7) day notice will be voided in order to hold an election the following week.

SECTION 2. Specific dates, places and times for voting, that are not addressed in this Election Code, shall be set by the Student Government Chief Justice.

SECTION 3. Election notices shall be publicized in conspicuous places throughout campus that will provide the most exposure to the most students.

SECTION 4. Each spring semester one month before the Spring General Elections the Joint Election Code committee must meet. This committee will be *co*-chaired by the Chief Justice and the Chair of the Internal Affairs committee. The membership will include a minimum of two (2) members of the President's Advisory Counsel, all members of the Judicial Board, and two (2) other students. The Student Government Advisor, President of the Student Body, and Vice President of the Student Body shall be non-voting members. This committee will recommend changes to the election code to be ratified by the Student Senate.

TITLE IV
ELECTION AUTHORITY

SECTION 1. Authority over all elections shall be vested in the Chief Justice of the Student Judicial Board (SJB). In the case of a paper ballot election, authority over the election shall be vested in the Chief Justice of the SJB and the ~~Special~~ Election Administration Committee.

SECTION 2. If the Chief Justice is running for an elective office, honorary position, or is otherwise unable to fulfill these duties, their duties and responsibilities over the election, shall be passed to the Chief Justice pro-tem. In the event that the Chief Justice and the Chief Justice pro-tem are both running for an elective office, honorary position, or are otherwise unable to fulfill these duties, the remaining justices shall elect one of their members to assume the duties and responsibilities over the election.

SECTION 3. The power of interpretation of this Code lies with the Chief Justice, and their decision stands unless it is overruled by the SJB. In the event that the Chief Justice's interpretation of this Code is disputed, the disputing party has two (2) class days to turn in a written notice of the complaint to the Chief Justice. Upon the written notice of the complaint, the Chief Justice shall submit a written explanation of his/her interpretation of the Election Code within two (2) class days. The SJB shall meet within three (3) class days after receiving the written notice of the complaint and the written explanation of the Chief Justice's interpretation of the Election Code. The Chief Justice pro-tem shall lead this meeting. At this meeting, the written notice of complaint and the written explanation of the Chief Justice's interpretation of the Election Code shall be reviewed with the Chief Justice and the complainant being available at the location of the meeting place in the event that their presence is requested in the meeting. The Chief Justice shall not have a vote in the decision. The SJB shall have two (2) class days after their meeting to return a written decision to the disputing party. This decision will be final.

TITLE V
ELECTION DATES

SECTION 1. All elections shall be a two (2) day voting period. Voting shall run continuously from nine (9) AM Tuesday until ten (10) PM Wednesday online and during normal hours set by the Chief Justice for paper balloting. Fall General Election shall be held on the Tuesday and Wednesday following the second FULLweek of classes. Spring General Elections shall be held contingent on the Academic Calendar. Final results shall be printed on the morning following the close of elections. Run-off elections, if needed, shall be held from the same time on the following Tuesday and Wednesday. Final run-off results shall be printed on the morning following the close of the run-off election.

TITLE VI
RESPONSIBILITY FOR BALLOTS

SECTION 1. Responsibility for the computerized ballot shall be vested in the Chief Justice and the Student Judicial Board. Responsibility for the paper ballots shall be vested in the Chief Justice and the Election Administration Committee.

SECTION 2. After the final tabulation of ballots by the computerized voting system, the election shall be saved to Buff Link. The paper ballots shall be secured in the Easton Allen Memorial Student Government Office.

SECTION 3. The election shall remain in the computerized voting system for a period of two years. At the end of this period, the Chief Justice shall delete the election from the computerized voting system and from the Student Government computer. The Chief Justice shall also destroy all printouts from the election.

TITLE VII

RESPONSIBILITY FOR CHECKING THE POLLS

SECTION 1. Responsibility for checking the campus for campaign materials shall be divided among members of the Student Government. The staffers shall be coordinated by the Student Government Chief Justice and the Student Judicial Board.

SECTION 2. Any person, with opposition, running for an elective office or honorary position may not be in charge of any election responsibility that directly interacts with voters at polling stations.

TITLE VIII

BALLOTS AND VOTING INSTRUCTIONS

SECTION 1. The candidates' names, biographical information, and a photo shall be grouped together according to the position for which they are running and shall appear in a randomized order. Spaces at the bottom of the list of candidates will be provided for write-in votes for each seat/position available. On the upper part of the ballot shall appear the title for the ballot (e.g. "Official Ballot for _____"). The blank should be filled in according to the election for which it will be used. (Example: "Official Ballot for the Spring General Election.") Below this title shall appear the following instructions for voting:

1. Read ballot carefully.
2. Select the dot closest to the candidate(s) of your choice or place the name(s) of (a) write-in candidate(s) in the space(s) provided. (If you write-in a candidate, you must click the dot beside the space provided.)
3. Click the VOTE button at the bottom of the ballot to cast your vote.

SECTION 2. The proposed amendment(s) shall appear in the order that they were presented to the Student Senate and in the form that they were presented to Student Senate. All proposed constitutional amendments shall include a separate statement on the ballot in clear language stating precisely the intention and effect of the proposed amendment. The Chief Justice and the author of the bill shall make a final determination of the substance of this statement.

SECTION 3. A computerized constitutional amendment ballot shall appear in the form of a candidate ballot with the exception of number two instructions which shall read: "Click the dot in front of your desired response to the proposed amendment."

SECTION 4. Persons shall only vote for the candidate for which they are qualified to vote according to their major and/or classification status.

SECTION 5. Any person who is currently enrolled is eligible to vote.

TITLE IX

TABULATION OF ELECTION RESULTS

SECTION 1. Tabulation of the votes shall be done by the computerized voting system and will be supervised by the Chief Justice, Student Judicial Board, and Student Government Advisor.

SECTION 2. A print-off of the final results from the computerized voting system shall be made at nine (9) AM on the day following the close of the polls. This shall be done by the Chief Justice.

SECTION 3. If the finalists or winners are needed by a specific event date and there is prolonged technical difficulty after the start of an honorary election, the last available vote tally shall be considered the final vote tally.

SECTION 4. If a candidate withdraws or is withdrawn from the election after the ballot(s) have been prepared, their name shall remain on the ballots, unless willingly withdrawn within 48 hours of the election. If this candidate receives a plurality of the votes cast, the candidate with the second highest number of votes received shall be the winner. If a candidate received a plurality of the votes cast, and declines their position before being sworn in, the candidate with the next highest number of votes received will assume the position.

TITLE X

POSTING OF ELECTION RESULTS

SECTION 1. Election results containing the official tabulation shall be stamped by the Chief Justice with the official SJB seal and signed by both the Chief Justice and the Vice President for Student Affairs, except in their absence, in that case the Student Government Association's Advisor may sign in place. These results shall be posted on the window of the Easton Allen Memorial Student Government office by the Chief Justice and shall contain all candidates' names and the number of votes received by each. Honorary election results shall not be posted.

SECTION 2. The results of the election shall be posted immediately after the final results from the computerized voting system have been printed off.

SECTION 3. A notice of a run-off election, if needed, will be posted with these results containing the names of the parties involved in the run-off election and times, dates, and places for voting.

TITLE XI

RUN-OFF ELECTIONS

SECTION 1. A simple majority is required to win president and vice president. If not received, a run-off election will result. Senate elections require a plurality. Honorary elections require a plurality to win. There shall be no run-off elections for honorary elections.

SECTION 2. Specific times and places for voting in the run-off election, that are not addressed in this Election Code, shall be set by the Chief Justice as soon as notification of the need for a run-off is received. This information should be publicized as soon as possible.

SECTION 4. All rules in this Code and the *Code of Student Life* shall be followed in a run-off election whenever applicable.

TITLE XII

SPECIAL ELECTIONS

SECTION 1. Special Elections may be called by the president of the Student Government in the manner described in Article IV, Section 4 (E) of the Constitution of West Texas A&M University Student Government.

SECTION 2. These elections will be held on dates, times, and at places set by the president of the Student Government with the recommendations of the vice president and the Chief Justice. The election shall be held no sooner than five (5) class days after the first day of publicity.

TITLE XIII

HONORARY HOMECOMING AND FORMAL ELECTIONS

SECTION 1. Honorary elections will be defined as, but not limited to, Homecoming and Formal elections.

SECTION 2. Honorary elections shall be overseen by the Chief Justice and governed according to the rules provided for in this Code and the *Code of Student Life*.

TITLE XIV

CAMPAIGNING RULES

SECTION 1. A candidate's campaigning expenses must not exceed:

1. President \$250.00
2. Vice President \$250.00
3. Senators \$125.00
4. Honorary \$200.00

SECTION 2. A detailed expense report, which is obtainable from the Chief Justice, will be completed by all candidates, regardless of the amount spent (i.e. \$0.00 - 200.00) including donations and personal items estimated at fair market value and submitted to the Chief Justice in the Easton Allen Memorial Student Government office within two (2) class days after the close of the election. Receipts should accompany the expense report for each item. Campaign material such as flyers and paper handouts will be judged by the current prices of the Print Shop on the campaign expense reports, unless a receipt is attached. Services offered by the OSEL shall need not be listed as an expense.

SECTION 3. Campaigning shall not begin until the campaigning rules have been received by the candidate and the pre-election mandatory meeting has been held. Websites and links to them created for the purpose of campaigning may not be accessible to anyone other than campaign staff prior to the campaigning period. This includes (personal websites, Facebook groups, Facebook messages, as well as endorsements on other websites, and similar sites as determined by the Chief Justice).

SECTION 4. It is the candidate's responsibility to make sure any person(s) helping with campaigning on his/her behalf know the rules as stated in this Code and the *Code of Student Life*. Sanctions will be applied to the candidate for any person helping him/her campaign who violates any rule in this Code or the *Code of Student Life*.

SECTION 5. Campaigning shall cease immediately upon notice of a candidate's ineligibility for office as determined by the Chief Justice and/or the Student Government office. The candidate shall be responsible for removal of all displayed campaign material.

SECTION 6. Campaigning shall be of a constructive nature. No defaming of candidates, of campus organizations, or of campus officials.

SECTION 7. Candidates may not use the official labels or seals of Student Government-or of West Texas A&M University on their campaigning material to promote themselves.

SECTION 8. All campaign material must be reviewed by the Chief Justice and/or the Student Government Advisor prior to posting or distribution. All campaign material must be stamped, on the front side of the material, by the Chief Justice, and two (2) copies provided by the candidate must be on file in the Chief Justice's office. Additionally any video produced by or for the candidate must be reviewed by the Chief Justice or the Student Government Advisor before being distributed, posted, or linked. The candidate's videos must adhere to the copyright policies as mapped out by the university. Any video that violates this policy will not be approved. A digital file provided by the candidate of the video must also be submitted to keep on file in the Chief Justices office. In the description of every video the following statement will be included without exception "This message has been approved for posting by the Easton Allen Memorial Student Government Office. If you believe this message is not in compliance with the Election Code please contact the Chief Justice at (806) 651-2388."

SECTION 9. Each building on both Canyon and Amarillo campuses has posting policies. Please distribute campaign materials according to these policies. No campaign materials may be placed on the painted walls, doors, or windows in any classroom buildings. In such buildings, said campaign materials will be limited to the bulletin boards only. In addition, no campaigning material may be placed under any doors on either the Canyon or Amarillo campuses or on windshields of vehicles parked on Canyon or Amarillo campuses. Cars may not be polished unless prior permission is received from the vehicle's owner, and side walk chalk is prohibited on campus.

SECTION 10. Any damages created as a result of a candidate's campaigning shall be paid for by the candidate responsible.

SECTION 11. Student Government officers and Student Government Association designated poll watchers reserves the right to temporarily or permanently remove campaigning material that has not been approved and stamped with the Student Government Association stamp and is not in the Chief Justice file, not posted according to campus posting policies, or which a complaint has been presented until the situation has been resolved.

SECTION 12. Candidates and/or persons helping that candidate can not remove, cover up/conceal (by any means), destroy, or vandalize another candidate's materials.

SECTION 13. ACTIVE CAMPAIGNING

1. No active campaigning shall be allowed during the days of voting within the visibility of an official Student Government Association physical voting kiosk. Visibility will be determined by the poll watcher stationed at the physical kiosk in question. Active campaigning shall be under the purview of the Chief Justice. No active campaigning is allowed at anytime in the Hastings Electronic Learning Center or Cornette Library.

2. Other forms of the internet/web use (including, but not limited to Facebook, Twitter, Instagram, personal web sites, e-mail, and similar sites as determined by the Chief Justice) are allowed *to be utilized for campaigning purposes* given they follow the WTAMU Election Code. Candidates are required to monitor their web pages and remove any violations of the Election Code within 8 hours of its posting. Web violations must be reported to the Chief Justice immediately.

3. All forms of private messages and email (including, but not limited to, Facebook, e-mail, Twitter, and Instagram *text messages* and other types as determined by the Chief Justice) *that are utilized for the purpose of campaigning* must contain the following disclaimer “Please reply to sender if you do not wish to receive further messages from this candidate. If you still receive messages from this candidate please contact the Chief Justice at (806) 651-2388.” *If a response is received by the candidate from the recipient that requests the candidate discontinue the sending of campaign messages*, the candidate or the candidate’s staff will not send messages to the recipient until the election has concluded. *If such messages using social media or email of any form that has a character-count limit are used, the candidate must attach the following disclaimer as a reply to the original message* “Please reply to sender if you do not wish to receive further messages from this candidate. If you still receive messages from this candidate please contact the Chief Justice at (806) 651-2388.” Any violation of this rule will subject the candidate to disciplinary action by the Chief Justice.

4. Candidates for Student Body President and Vice President will be allowed one minute Public Service Announcement, in which they are allowed to campaign as they wish. The PSA’s will also be posted on the Student Government Association webpage within 48 hours of the election.

SECTION 14. It shall be the responsibility of all candidates to remove and/or clean up all of their own campaign material seventy-two (72) hours after the close of the election (this includes run-offs).

SECTION 15. Any person holding an elected or appointed office shall be eligible to apply for another office with the understanding that he/she will relinquish their current office if appointed or elected to the position applied for.

SECTION 16. The procedure for write-in candidates will be as follows:

1. Write-ins will only be contacted if a position has not been filled or the write-in receives the number of votes required to be considered for a position. When the write-in is contacted regarding the position, if he/she does not want to be considered, no further action will be taken.
2. When the write-in is contacted regarding the position, if he/she does want to be considered, the procedure will be as follows:
 - a. He/she must file by filling out a write-in application and an expense report. The write-in must pick up the application and the expense report by 4:00 p.m. CT on the first class day after he/she is contacted after the close of elections and return the application and the expense report by 4:00 p.m. CT on the following day. If the application and/or the expense report is not returned within the time required, the write-in will no longer be considered for the position unless the write-in gets prior approval from the Chief Justice.
 - b. If the write-in has filed, met all of the eligibility requirements, and did not violate any rules in this Election Code, the write-in will automatically be accepted into the position if there is no need for a run-off election. If a run-off election is needed, and if a write-in has filed, met all of the eligibility requirements, and did not violate any rules in this Election Code, his/her name will be placed on the run-off ballot.
 - c. Regarding Senate seats, if more than one write-in candidate receives the same number of votes in an election, the procedure will be as follows:
 - i. He/she must complete a write-in application and an expense report. The write-in must pick up the application and the expense report by 4:00 p.m. CT on the first class day after he/she is contacted after the close of elections and return the application and the expense report by 4:00 p.m. CT on the following day. If the application and/or the expense report is not returned

within the time required, the write-in will no longer be considered for the position unless the write-in gets prior approval from the Chief Justice.

- ii. If the write-in has completed the required paperwork, met all of the eligibility requirements, and did not violate any rules in this Election Code, the write-in will be presented to Senate at the next Senate meeting. The names of the write-ins will be placed on a ballot by the Chief Justice who will inform Senate of the number of candidates and the number of seats available. The write-in candidate must be present at Senate in order to be considered.

SECTION 17. Failure to comply with the rules for elections as set forth in this Code and the *Code of Student Life*, shall be punishable by a fine (not to exceed \$500.00 dollars) and/or automatic disqualification as determined by the West Texas A&M University Student Judicial Board (SJB). Fines should be paid at the Office of Student Engagement and Leadership (OSEL). FINE ASSESSMENT: The Student Judicial Board shall assess fines to the candidates who have violated the election code according to precedence. If fines are acquired prior to disqualification, those fines must still be paid in full, or a hold will be placed on the disqualified students' WTAMU account. Total accumulated fine balances should not exceed \$500. Tier 1 violations may consist of improper placement of campaign materials, over expense within \$25, etc. Tier 2 violations may consist of copyright violations, code of student life violations, etc. Tier 3 violations may consist of defamation of candidates, sabotage, etc. The Student Judicial Board shall determine what tier a particular violation shall be considered unless explicitly addressed in this code.

Tier 1 - \$30-\$100 – 3 Tier 1 violations will result in a Tier 2 violation

Tier 2 - \$100-\$250 – 3 Tier 2 violations will result in a Tier 3 violation

Tier 3 – Automatic Disqualification

TITLE XV PAPER BALLOTING

SECTION 1. ELECTION AUTHORITY

SUB-SECTION 1. An Election Administration Committee will be formed before each paper ballot election. This committee shall be a temporary Student Government Committee consisting of four (4) Associate Justices, two (2) President's Advisory Council Members, two (2) senators, two (2) other students, the Chief Justice, and the Student Government Association Advisor. This committee will be supervised by the Chief Justice and Student Government Association Advisor or University Judicial Officer. This committee shall carry out the actual tabulation of the ballots. The tenure of the Election Administration Committee shall begin upon the start of campaigning and continue for twenty-four (24) hours after the polls close on the last day of voting. If a run-off election is necessary, this committee shall continue to serve until twenty-four (24) hours after the polls close for the run-off election.

SECTION 3. RESPONSIBILITY FOR BALLOTS AND BALLOT BOXES **SUB-**

SECTION 1. Responsibility for the care, sealing, and safeguarding of the ballots and ballot boxes shall be vested in the Chief Justice.

SUB-SECTION 2. The designated position for ballot boxes during all paper ballot elections and run-offs will be located in the Jack B. Kelley Student Center.

SUB-SECTION 3. The Chief Justice and/a member of the Election Administration Committee are in charge of the ballots and ballot boxes before the polls open and after they close. During the times the polls are open for voting, the people in charge of the polls are responsible for the ballots and ballot boxes. The Chief

Justice or a SJB Election Administration Committee member shall return before the polls close for the day to take charge of the ballots and ballot boxes. These shall be locked inside of the Chief Justice's office between polling days.

SUB-SECTION 4. Ballot boxes shall be sealed the day before the election by affixing a typed statement of seal on the boxes. Masking tape will be placed on the ballot boxes in such a manner as to seal the top and bottom parts of the box. Locks are to be put on the boxes and the key shall be in the possession of the Chief Justice.

SUB-SECTION 5. If different ballots are to be used and it shall be necessary to keep them separate during balloting, the ballot boxes shall be marked accordingly.

SUB-SECTION 6. Ballots, ballot boxes, and all other material needed for running the polls shall be at the polls in ample time for voting to begin on schedule.

SUB-SECTION 7. After the final tabulation of ballots, all ballots shall be again locked inside the ballot boxes and these boxes locked inside the Chief Justice's office. They shall remain there for a period of five (5) class days. If, at the end of this period, the election has not been contested the Chief Justice or the SJB shall place these ballots in storage for two (2) years. If the election is contested, all ballots and tabulation sheets shall remain locked in the Chief Justice's office until the issue has been resolved.

SECTION 4. CHECKING THE POLLS

The duties and responsibilities of those running the polls are as follows:

1. Be knowledgeable of all the rules for running the kiosks and following/enforcing them.
2. Check the qualifications of the voter
3. Wear proper identification at all times issued by the Election Administration Committee

SECTION 5. BALLOTS AND VOTING INSTRUCTIONS

SUB-SECTION 1. The ballots for Spring General Election shall be copied on colored paper: Each college shall have a different colored ballot. The ballots for all other elections shall be copied on white paper. The candidates' names shall be grouped together according to the seat/position for which they are running and shall appear in alphabetical order by last name. Spaces at the bottom of the list of candidates will be provided for write-in votes for each seat/position available. On the upper part of the ballot shall appear the title for the ballot (e.g. "Official Ballot for _____). The blank should be filled in according to the election for which it will be used. (Example: "Official Ballot for the Spring General Election.") Below this title shall appear the following instructions for voting:

1. Read ballot carefully.
2. Mark the blank in front of your choice of candidate(s) or place name(s) of write-in candidate in appropriate space(s).

SUB-SECTION 2. A paper ballot constitutional amendment shall appear in the form of a candidate paper ballot with the exception of number two instructions which shall read: "Mark the blank in front of your desired response to the proposed amendment."

SECTION 6. TABULATION OF ELECTION RESULTS

SUB-SECTION 1. Tabulation of the votes shall be made by the Election Administration Committee, on a typed tabulation sheet completely separate from any and all ballots.

SUB-SECTION 2. The Election Administration Committee has the power to determine the validity of a ballot. If the intent of the voter cannot be construed by the combined judgments of the

committee, the vote shall not be counted. Each individual section of a ballot shall be counted as a separate vote. The invalidation of one section does not invalidate the entire ballot

SUB-SECTION 3. Ballots shall be counted immediately after the polls close on the final day of voting. This process shall be carried out in the Easton Allen Memorial Student Government Office. The office doors shall be locked and only the members of the Election Administration Committee shall be present.

SUB-SECTION 4. If the discrepancy between votes cast and voters' signatures is greater than the margin between the winner and the next highest candidate, the election is void.

SECTION 7. POSTING OF ELECTION RESULTS

SUB-SECTION 1. The results of the election shall be posted immediately after the ballots and tabulation sheets have been locked in the Chief Justice's office.

SECTION 8. CAMPAIGNING RULES

SUB-SECTION 1 . No campaigning of any nature shall be allowed within the restricted campaigning area as noted in this Code.

TITLE XVI

CONTESTING ELECTIONS

SECTION 1. An election may be contested if an alleged action caused the vote to show a result different from the one that would have resulted.

SECTION 2. The burden is upon the complainant to prove that the alleged action did cause a result different from the one that would have resulted.

SECTION 3. The procedures for contested election hearings shall be as follows:

- 1.*** A written petition to contest must be filed with the Chief Justice of the SJB within two (2) class days after the close of the elections including run-offs.
- 2.*** At that time, the SJB shall meet within three (3) class days after receiving the written petition to contest, and the Chief Justice shall lead this meeting with the Chief Justice pro-tem as alternate. This meeting shall be a mediation effort with all involved parties present.
- 3.*** The SJB shall have two (2) class days after this meeting to return a written decision to the disputing party. This decision will be final, including whether a replacement election is necessary.

SECTION 4. If an election is contested and voided by the SJB, the Student Government Chief Justice shall set new dates for the replacement election.

SECTION 5. If a contested election leads to a replacement election, that election shall be run by the rules set forth in this Code and the *Code of Student Life* whenever applicable.

TITLE XVII

AMENDING THE ELECTION CODE

SECTION 1. This Election Code shall be amended upon a 2/3 vote of the West Texas A&M University Student Senate.

Subject to Correction of Clerical Errors