

**STUDENT GOVERNMENT ASSOCIATION ELECTION CODE
TEXAS WOMAN’S UNIVERSITY – DENTON**

CHAPTER I. GENERAL PROVISIONS

Sec. 1.01. This Act may be referred to and cited as the “Election Code.”

Sec. 1.02. This Act shall apply to all aspects of the electoral process for the Student Government Association (hereinafter referred to as SGA) and any of its branches or subunits at Texas Woman’s University - Denton.

Sec. 1.03. This Act shall become effective immediately after its passage.

CHAPTER II. DEFINITIONS

Sec. 2.01. “Student” as used in this Code means any person whose name appears on the current registration list of the Registrar at Texas Woman’s University-Denton and possessing a valid student identification card.

Sec. 2.02. “Student Body” as used in this Code refers to all currently registered students at Texas Woman’s University-Denton.

Sec. 2.03. “Commission” as used in this Code means the SGA Election Commission, as constituted and empowered herein.

Sec. 2.04. “General election” as used in this Code means any election in a SGA campaign.

Sec. 2.05. “Run-off Election” as used in this Code means a secondary election to settle any race not decided by simple majority on the first ballot.

Sec. 2.06. “Candidate” as used in this Code means any student endeavoring to become elected to an office or position in the SGA or any of its branches.

Sec. 2.07. “Handout” as used in this Code means any campaign materials or literature. All materials or literature must be pre-approved by the Election Commission and the Center for Student Development (CSD).

Sec. 2.08. “Campaign” and “Campaigning” as used in this Code means any statement, literature, object or activity, in support of or against a candidate, a constitution, amendment, or any other issue appearing on the ballot.

Sec. 2.09. “Hearing” as used in this Code means a proceeding conducted by the Commission to resolve any election dispute.

Sec. 2.10. “Expenditures” as used in this Code means any disbursement of money or other tangible assets made by the candidate.

Sec. 2.11. The “Student Government Association (SGA)” as used in this Code means the student governing body at Texas Woman’s University-Denton and includes all of its branches or governmental subunits.

Sec. 2.12. “TWU-D” as used in this Code means Texas Woman’s University-Denton.

Sec. 2.13. “Executive Board” as used in this Code means the President of the SGA, the Vice Presidents (chief officials of the Senate, House of Representatives, Residence Hall Association, and Campus Activities Board), the Executive Treasurer, the Executive Secretary, and the Executive Public Relations Coordinator.

CHAPTER III. ELECTION COMMISSION

Sec. 3.01. The Election Commission shall consist of two (2) members from each branch of SGA.

Sec. 3.02. The Executive Public Relations Coordinator of SGA shall act as Chair unless she/he will be running for election of another position under the Election Code. In this case the following will consist of the line of succession of the Election Commission Chair: SGA Executive Secretary, SGA Executive Treasurer, and the SGA President. In the case that all SGA Executive members are running for re-election, the position of Election Commission Chair will pass to the respective head executives of the Campus Activities Board, the Residence Hall Association, the House of Representatives, and the Senate, in this order. If each head executive of each branch of the SGA is unable to serve as the Election Commission Chair, then the SGA President shall appoint a chairperson from one of the four branches of SGA. The Election Commission Chair will only serve in an advisory capacity to the commission, and shall not vote.

Sec. 3.03. No member of the Election Commission shall be a candidate for any position during his or her

term on the commission.

Sec. 3.04. The term of office shall be from the date of appointment by the Executive Board through the last day of election or until all grievances have been resolved.

CHAPTER IV. POWERS AND DUTIES OF THE ELECTION COMMISSION

Sec. 4.01. The Commission shall interpret, execute and enforce all election laws provided in the SGA Constitution, By-Laws of any subdivision or branch thereof, and in this Election Code, and shall do so in a manner consistent with University policy and Regent Rules and Regulations.

Sec. 4.02. The Commission shall manage, supervise and enforce all regulations relating to campaigning by candidates for SGA offices or positions campaigning related to referendum elections, proposed constitutional amendments and other questions appearing on the ballots, as provided in the Constitution or this Code.

Sec. 4.03. The Commission shall manage, supervise and control the operation of all polling places on days of any election governed by this code. The SGA shall provide the Commission with staff and materials necessary to run the polls. The Commission shall have authority to make any arrangements or devise any system reasonably calculated to expedite and effectuate the voting process, consistent with this Election Code, and within budget constraints of the SGA.

Sec. 4.04. Ballot positions will be determined by a lottery performed by the Commission. To be included in the lottery, all materials required for filing must be complete and on file with the Center for Student Development.

Sec. 4.05. The Commission shall manage, supervise and control the counting of the ballots cast in elections governed by this code. It shall have authority to make any arrangements to devise any system reasonably calculated to expedite and effectuate the ballot counting process, consistent with this Code.

Sec. 4.06. The Commission, in the exercise of its power and duties under this Code, shall endeavor to prevent irregularities affecting any aspect of the election process. The Commission shall have the power and the duty to withhold the certification of results in any election in which it finds substantial evidence that irregularities exist. In such cases, the Commission shall obtain at least three (3) impartial persons to review the election. These three (3) persons may be members of the Faculty, staff members or disinterested students, and one of these members shall be the Executive Board advisor. Should the three-person panel concur in the finding of irregularity, it shall so report to the Commission, and the Commission shall void the election results as to the candidate or candidates involved in the irregularity. The Commission shall then reset the election as soon as may be practicable. In the event that the three-person panel finds no irregularities, the commission shall certify the election results.

Sec. 4.07. Upon the written request of any candidate, the Commission shall be required, after due deliberation, to issue a written advisory opinion concerning any manner within its jurisdiction. An advisory opinion may be modified or amended after issuance, up to one week before the General Election of the term in which the request was made. An advisory opinion shall be binding on the Commission for the duration of the term in which it is issued. The Commission shall not be required to hold a public hearing in connection with an advisory opinion.

Sec. 4.08. In any proceeding or hearing under this Code, the Commission shall have authority to issue a writ of subpoena to compel students to appear and give testimony and/or to produce specified records. Failure by a student to respond to a subpoena without sufficient cause will result in exclusion from participation as a candidate in any SGA elections.

Sec. 4.09. The Commission shall conduct hearings as it deems necessary in the proper execution of its Duties and as required by this Code. All hearings shall be open to the Student Body.

Sec. 4.10. The Commission shall keep copies of all written advisory opinions and rulings and make them available upon request to any student.

Sec. 4.11. The Commission shall submit the written results of all hearings, election inquiries, and election results to the SGA Executive Board within forty-eight hours of completion.

Sec. 4.12. The Commission shall have authority to reserve University facilities on behalf of the candidates for their use when making presentations. The Commission shall regulate the presentations to provide all candidates, for the same office or position, a fair and equal opportunity to use the facilities.

Sec. 4.13. Any member of the Commission shall have the power to personally remove or order the removal of any campaign material which he/she reasonably believes is in violation of the Election Code or Commission rulings, to be reviewed in a hearing.

Sec. 4.14. The Commission may alter rules and regulations concerning any matter not specifically covered

in the Code, to the extent that they are necessary and desirable in carrying out the rules in the Code.

- Sec. 4.15. After the votes have been counted and all, if any, election disputes settled, the Commission shall certify the results and post a list of all candidates in all races, showing the number of votes received by each and the total number of ballots cast in the race, within forty-eight (48) hours after the polls have closed. This list of final results shall be posted at the SGA Executive Office, The Student Center, and published in *The Lasso*.
- Sec. 4.16. In order for the Commission to meet there must be a quorum consisting of fifty percent plus one (50% + 1) membership and an Advisor.
- Sec. 4.17. In the event that a candidate files a complaint directly against the Election Commission and its procedures, the SGA Executive Board shall have original jurisdiction.
- Sec. 4.18. The Election Commission will provide the original documentation of all election materials to the SGA Executive Board within two (2) weeks after the election and/or all grievances have been resolved. All records will be kept on file for a period of no less than three (3) years from that date.

CHAPTER V. ELECTION PROVISIONS

- Sec. 5.01. The Commission will provide applications for the student body who wish to fill the position(s) of one (1) Head Commissioner and two (2) polling attendants per polling station. The number of polling stations will be determined by the Commission, taking into account population demands and the number of candidates and/or issues determined by an election.
- Sec. 5.02. The SGA Executive Board will provide a stipend to each member of the Election Commission. The SGA Executive Board in line with budget constraints will determine the amount. The Chair shall not be eligible to receive a stipend.
- Sec. 5.03. Members of the Election Commission may choose to decline their stipend.
- Sec. 5.04. Advisors to the Election Commission do not receive a stipend.
- Sec. 5.05. In the General Election all candidates for office must receive a simple majority of the votes cast in that race in order to be elected. If no single candidate receives a simple majority of the votes cast in these races the candidate(s) receiving the greatest number of votes shall be placed in a run-off election.
- Sec. 5.06. In the General Election, the candidates that receive the largest number of votes will fill all positions. The number of Senate positions will be determined by the current student body enrollment on the Denton campus, using the standard of one (1) Senate position per five hundred (500) students.
- Sec. 5.07. In all elections covered in this Code, voting shall be by secret ballot. Each student shall be allowed one (1) vote for each Executive Office and one (1) vote for each Senator position. Each student shall be allowed only one (1) vote for each item appearing on the ballot.
- Sec. 5.08. Only students who present a current validated Texas Woman's University Student Identification Card and who are on the current Registrar's list shall be allowed to vote.
- Sec. 5.09. All ballots will be calculated by a computerized database.
- Sec. 5.10. Any candidate desiring a recount must present a written request to the Election Commission within twenty-four (24) hours after it announces the results of the election.

CHAPTER VI. FILING FOR OFFICE

- Sec 6.01. The filing period, election date(s) and run-off election date shall be set by Executive Board for The Spring term General Elections. The Commission shall set the dates for all other elections.
- Sec. 6.02. It shall be the duty of all candidates to become familiar with the provisions of the Election Code and Commission rulings, and to attend a pre-election information meeting. At said meeting all candidates shall receive a copy of the Election Code, Constitution, and all other pertinent materials. All candidates must sign a form stating they have received all materials, they agree with the guidelines set forth in those materials, and are aware that they will be held accountable for the information provided in those materials.
- Sec. 6.03. Each candidate shall be responsible for seeing that his/her candidate filing is carried out completely and correctly with the Chair of the Commission.
- Sec. 6.04. The Commission shall post, outside the SGA Executive Office, a complete list of all candidates For all offices and positions, in the order that they will appear on the ballot. All candidates wishing to have a photograph and biographical information displayed with this list must submit said photograph and biographical information to the Commission when filing.
- Sec. 6.05. Candidates can file for only one executive office position.

CHAPTER VII. CAMPAIGNING RESTRICTIONS

- Sec. 7.01. Campaigning shall commence one week after the filing date. Verbal campaigning will cease twelve (12) hours before polls open.
- Sec. 7.02. Campaigning speeches or demonstrations by any candidate will be permitted in classrooms of The University during class sessions only with the permission of the professors.
- Sec. 7.03. No campaign materials will mar, deface or permanently alter any University or personal property, in accordance with the posting policies of Texas Woman's University and the Office of Student Life. No campaigning materials will interfere with the flow of pedestrian or vehicle traffic.
- Sec. 7.04. All campaigning in the residence halls shall conform to the rules established by the Housing Department and must be approved by the Residence Hall Director.
- Sec. 7.05. No candidate shall remove, obscure, or damage any sign which is already in place unless it is his/her own, or attach any campaign material to another candidate's material.
- Sec. 7.06. Maximum sign dimensions are as follows:
(1) Student Center: Outside, no larger than seven feet long and four feet wide (7' l x 4' w).
(2) Student Center: Inside, no larger than six feet long and four feet wide (6' l x 4' w).
(3) Residence Halls: All materials must be approved by the Housing Department.
- Sec. 7.07. A sample of every sign, handout, or campaign literature must be filed with the Commission before public distribution or posting of the literature. The Commission may issue a cease and desist order to prevent the distribution or posting of any materials which it finds to be in violation of Texas Woman's University policies and/or Election Commission policies.
- Sec. 7.08. All campaigning signs must be removed by the candidate(s), in the polling locations twelve (12) hours before the polls open and from all other locations forty-eight (48) hours after the election or run-off election.
- Sec. 7.09. No candidate shall claim the endorsement of any person, group or organization without the expressed written consent of said person, group or organization, which must be filed with the Election Commission.
- Sec. 7.10. No campaigning is permitted in the polling locations on the day of the General Election and/or Run-off Election. When a polling location is in an academic facility no campaigning will be allowed on the same floor where the polls are located.
- Sec. 7.11. All candidates must turn in a written report of all campaign expenditures, for budgeting documentation, to the Election Commission twenty-four (24) hours before the polls open.

CHAPTER VII. ELECTION CODE HEARINGS, JURISDICTION AND PROCEEDINGS

- Sec. 8.01. The Election Commission shall have original jurisdiction in all cases or controversies arising under the Election Code.
- Sec. 8.02. All candidates waive the right to question the ballot counting procedure at the time of filing, however, no candidate waives the right to contest the results of the counting.
- Sec. 8.03. Any student or chartered student organization may file a written complaint with the Commission concerning possible Election Code violations. The complaint shall name all persons, groups, or organizations whose actions are complained of and shall plainly and simply state the facts of the Code violation alleged.
- Sec. 8.04. The Commission shall investigate complaints within twenty-four (24) hours after they are received and shall either dismiss the complaint(s) or call a hearing in the manner provided in this chapter.
- Sec. 8.05. If a complaint is not subject to dismissal a hearing shall be held. The Commission shall give written notice to the complainant and to all persons, groups, or organizations named in the complaint of the time and place of the hearing.
- Sec. 8.06. The hearing shall be held at the earliest possible time, but not within twenty-four hours (24) after the notice has been given.
- Sec. 8.07. All Commission hearings shall be open to the public.
- Sec. 8.08. All parties to a Commission hearing may represent themselves or choose a representative. Only one representative may speak for each party.
- Sec. 8.09. The Chair of the Commission shall preside over the hearing and in his/her absence shall appoint a member of the Commission to preside over the hearing.
- Sec. 8.10. The Commission is authorized to promulgate and enforce any additional procedural rules that it

finds necessary or desirable to achieve a fair, efficient and speedy hearing process. Parties to a hearing shall be appraised, in writing, of these additional rules prior to any hearing in which they are used.

Sec. 8.11. The deadline for submission to the Election Commission of any complaint or contest to the election will be no later than two (2) calendar days following the announcement of results of the election being contested. Appeals from decisions of the Election Commission may be made to the Executive Board and must be submitted, in writing, no later than four (4) days after the results at issue was presented in writing by the Commission. All complaints, contests, or appeals must be in writing and must clearly state the reasons for appeal and the errors alleged to have been made by the Commission. All appeals directed to the Executive Board under this section shall receive priority attention of the Board. The Board shall set the date for a hearing within forty-eight (48) hours of receipt of the written request. Such hearing shall be set no later than one week after the receipt of the request. The Executive Board shall post in writing the results of any appeals conducted under this section within forty-eight (48) hours after the conclusion of hearings held before it. If any party to the dispute is dissatisfied with the results or conclusions of the Executive Board, that party may file a written request with the Vice President for Student Life for further hearing. The Executive Board must make such requests within forty-eight (48) hours of the posting of the results, or such appeal is waived. Copies of all requests to the Vice President for Student Life must be delivered to the Executive Board and the Chair of the Election Commission simultaneously with the delivery to the Vice President for Student Life.

CHAPTER IX REMEDIES AND SANCTIONS

Sec. 9.01. The Election Commission shall, in its discretion, select the remedy or sanction appropriate to the violation from among those listed below giving due consideration to the severity of the infraction and the state or mind or intent of the violator.

Sec. 9.02. If after a hearing, the Commission finds a willful and unexcused violation of a Commission decision, opinion, order, or ruling by a candidate as defined by the Code, it shall disqualify the candidate from the election.

Sec. 9.03. If after a hearing the Commission finds that the provisions of the Election Code have been violated the Commission may impose sanctions:

- a) Issuance of a written cease and desist order enjoining the actions constituting violations; and/or
- b) Issuance of an order enjoining that candidate from engaging in some or all campaign activities for a part or all of the remaining campaign period. If any order is issued under this section covering only a part of the remaining campaign period, it shall take effect immediately, so that after its termination that candidate will have an opportunity to resume campaigning in the days immediately prior to and including Election Day; and/or
- c) Disqualification of the candidate; and/or
- d) Such equitable remedy as the Commission deems appropriate under the circumstances.

CHAPTER X. MISCELLANEOUS

Sec. 10.01. Removal. Members of the Election Commission are subject to removal as described in Article II Section 12 of the SGA Constitution.

Sec. 10.02. This Election Code shall become effective upon the written signatures of the Executive Board.

Sec. 10.03. This Election Code may be amended as follows:

- (A) Amendments may be proposed by any student and shall be submitted in writing to the Executive Board. Upon receipt of the proposed amendment the Executive Board shall schedule a meeting at which the student proposing the amendment and any other students desiring to speak in favor of or against the proposed amendment may be heard.
- (B) Within two weeks after the meeting above, the Executive Board shall render its decision in writing and post it on its office door.
- (C) The Executive Board may adopt the proposed amendment in whole or part, modify or reject it.
- (D) Upon acceptance or modification of a proposed amendment, it shall become immediately effective, unless the effective date is within four (4) weeks of the scheduled Spring General Elections.

Chapter XI. Runoff Campaigning

Sec. 11.01. Candidates have at least 24 hours to campaign for the election.

Sec. 11.02. Students will have 48 hours to vote in the run off election.

Sec 11.03. Candidates must adhere to all Campaign Restrictions outlined in Chapter VII of the Election Code, with the exception of Section 7.1, which states that campaigning shall commence one week after the filing date.

Chapter XII. Campaign Guidelines for Referendums

Sec 12.01. Referendums must adhere to all Campaign Restrictions outlined in Chapter VII of the Election Code, with the exception of Section 7.11, which requests a written report of all campaign expenditures. Campaign Restrictions include, but are not limited to the following.

- A.) All verbal campaigning must end beginning 12 hours before the polls open.
- B.) No campaigning in classrooms during class without permission of the professor.
- C.) All campaign material must be in compliance with the TWU and Student Life posting policies.
- D.) University Housing must approve all campaigning materials used in the Residence Halls.
- E.) A sample of every campaign material must be filed with the Commission for approval before public distribution/posting.
- F.) All campaign materials (bracelets, t-shirts, buttons, etc.) must be removed from the polling locations (within a 10 ft. radius) 12 hours before polls open and from all other locations 48 hours after the elections.
- G.) Endorsements by any person, group, or organization must be expressed in writing and filed with the Election Commission.
- H.) No campaigning in the polling locations (within a 10 ft radius) during elections. In an academic building, no campaigning will be allowed on the same floor as the polling station.