

**Code of the Student Government Association of the University of Houston**  
**Title 6: The Election Code**

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## ARTICLE I

### General Provisions

**Section 1: Name of Title**

This Title shall be known, and may be cited, as the Student Government Association "Election Code."

**Section 2: Purpose**

The Election Code is adopted by the Senate to fulfill the Constitutional power and responsibility of the Senate "to prescribe the manner of holding elections" and "to judge the elections and qualifications of Election Officials."

**Section 3: Effective Date**

The Election Code shall take effect upon ratification by the forty-sixth Senate.

**Section 4: Accountability of the Election Code**

- A. Every person who files for an office elected under the authority of the Student Government Constitution and Bylaws shall receive a copy of this Election Code at the time of filing.
- B. All candidates and their volunteers shall be responsible for knowing its contents. Any questions concerning this code shall be addressed directly to the Election Commission.

**Section 5: Election Code and the Election Commission**

- A. The Election Commission shall have the power to interpret and apply this Election Code.
- B. The Election Commission shall meet at the discretion of the Elections Commissioner to discuss improvements in the elections process and to decide upon election dates for the appropriate semester.

## ARTICLE II

### The Election Commission

**Section 1: Name and Purpose**

The "Election Commission," herein after referred to as the "Commission" shall be an administrative agency of the Student Government Association responsible to the Student Government Association as specified in this code.

**Section 2: Membership**

The Commission shall be composed of a Chief Election Commissioner and two (2) Assistant Commissioners, appointed by the Student Government Association President with the advice and consent of the Senate.

**Section 3: Appointment of the Elections Commissioners**

- A. Members shall be chosen based on experience, integrity, impartiality, and good judgment. They shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the Executive, Legislative, or Judicial branches of the Student Government Association. This does not include Student Government Association representatives on university committees. In addition members of the Commission should be currently enrolled students in good standing with the University.
- B. Applications for Commissioner positions shall be made available starting April 1st.
- C. All applications must be submitted to the Student Government Association Administrative Secretary no later than September 15th at 5:00 p.m.
- D. All applications will then go to the Internal Affairs Committee, which will then at the next scheduled Senate meeting make recommendations to the entire Senate based on the applicant's application.
- E. It is advised that each applicant be present at the Senate meeting when the Commissioners are chosen. Therefore, if an applicant should wish to address the Senate, the applicant could give the Senate additional information about the application.
- F. The Senate must appoint three (3) Election Commission positions by October 15th. If the Senate does not make appointments to the Commission positions by October 15th the Student Government Association Advisor will be given the ability to choose three (3) qualified applicants for the positions.
- G. An applicant needs a simple majority of the Senate in favor of the applicant in order to affirm the position.

**Section 4: Term of Office**

Commissioners shall serve for one (1) year terms starting no later than October 15. The Commission as a whole must serve a minimum of fifteen (15) hours per week (Monday-Friday, between the hours of 9:00 a.m. and 8:00 p.m.) beginning at least four (4) weeks prior to the election, and continuing for two (2) weeks after certification of the election.

**Section 5: Powers and Responsibilities of the Commission**

- A. To organize and coordinate all necessary materials and personnel for the efficient and prompt execution of the General Election, and all other Student Government Association elections provided for in this code.
- B. To ask the Student Government Association Advisor, when necessary, for advisory opinions on election code procedures and provisions.

- C. To ensure proper appointment of all candidate positions as prescribed by the Student Government Association Constitution.
- D. To ensure the correct online posting of ballots, proposed constitutional amendments and any other official publications of the Commission. The Commission shall also ensure that proposed constitutional amendments will contain in their entirety the proposed changes and the existing sections of the Constitution.
- E. To certify elections and campaign materials as prescribed in the Election Code.
- F. To render advisory opinions on the Election Code as requested by candidates.
- G. To make sure the online voting is secure.

**Section 6: Responsibilities of the Chief Election Commissioner**

The Chief Election Commissioner shall have the following powers and responsibilities:

- A. To serve as the administrative head of the election process, the Chairman of the Election Commission, and to have charge over all elections personnel;
- B. To remain impartial to any candidates or parties participating in any election;
- C. To execute the provisions of the Student Government Constitution relative to elections and all other provisions of this Code;
- D. To have the authority to expend such funds as appropriated to the Election Commission's use, with their consent;
- E. To obtain signed wage agreements with all Commissioners and staff, prior to their assumptions of duties. These agreements shall be submitted to the Student Government Association President.
- F. To meet with Learning and Assessment Services (LAS) and establish guidelines for online voting procedure one (1) month prior to the first day of filing;
- G. To submit a calendar with the days of the election time frame numbered two (2) weeks prior to the first day of filing, as specified in Article IV; and,
- H. To issue a report to the Student Senate during each meeting held during the election time frame;
- I. To administer and set provisions for special elections where provided for in the Election Code and other Student Government documents; and,
- J. To ensure that the Commission presents a defense if any of their decisions are appealed or if a complaint is filed against the Commission.
- K. To prepare an Election Journal to be submitted at the end of his or her term. The Election Journal should include items from Article IX, Section 1, Clause A as well as: Comments by the Commission, election results, all complaints and responses to complaints, any answers from the Student Government Association Court of Appeals, ideas for upcoming Commissions on improving the election process, and any other pertinent information the Commission deems necessary. Copies of the Election Journal shall be kept with: the Student Government Association Secretary, the Court of Appeals, on the official Student Government Association website, as well as the Election Commission.

**Section 7: Accountability of the Chief Election Commissioner**

- A. All actions of the Chief Election Commissioner must meet the majority approval of the Election Commission present and voting.
- B. The Election Commission may overrule any action of the Chief Election Commissioner by a majority vote.
- C. The Chief Election Commissioner and the Election Commission are to keep any consultation with candidates prior to the election confidential.

**Section 8: Assistant Election Commissioners**

- A. Assistant Commissioners shall serve a term of one (1) academic year and will be appointed by October 15<sup>th</sup>.
- B. If a vacancy occurs on the Election Commission, the seat may be appointed by the Student Body President and confirmed by the Senate.
- C. Members of the Election Commission shall not be involved in any other branch of Student Government in any capacity. Members of the Election Commission that wish to seek another office within Student Government must resign immediately.
- D. Members of the Election Commission shall remain politically neutral and shall be removed if they express any form of support for a particular candidate at any time.

**Section 9: Optional Election Personnel**

- A. All election personnel, such as poll workers or poll watchers, shall be appointed by the Election Commission at least five (5) class days prior to each Election Day.
- B. A list of all election personnel shall be compiled and made available to the candidates at least three (3) class days prior to any election.
- C. All election personnel shall remain politically neutral and shall be removed if they express any form of support for a particular candidate throughout the election.

**Section 10: Election Commission and Quorum**

- A. A quorum of the Election Commission shall consist of the presence of at least one (1) member and the Chief Election Commissioner.
- B. The Election Commission may not conduct business without the presence of quorum.
- C. If in the case of vacancy on the Election Commission, quorum shall consist of all current Commissioners.

**Section 11: Removal from Office, Suspension, and Filling of Vacancies**

- A. The Senate shall have sole power to remove from office on grounds of nonfeasance or malfeasance any member of the Commission under the procedures established for the removal of officers of the Student Government Association.
- B. The Student Government Association President or a majority vote of the Senate shall have the right to suspend, with proper cause, any member of the Commission from his or her duties. In the case of suspension of the Chief Election Commissioner, an Assistant Commissioner designated by the Student Government Association President shall assume his or her responsibilities. In the case of suspension of an Assistant Commissioner, the Commission shall continue its business with one less member. In the case of suspension of any member of the Commission, the Senate shall at its next regularly scheduled meeting or at a special meeting hold a hearing, and the suspended Commissioner shall either be removed from office or reinstated to his or her duties based on the findings of the Senate. The findings of the Senate are the final step in determining the fate of the Commissioner, no other appeal can be granted after the Senate ends its meeting.
- C. If the Chief Election Commissioner is removed or unable to serve, then an Assistant Commissioner appointed by the Student Government Association President shall become Chief Election Commissioner.
- D. If an individual is appointed to fill the vacancy, then the individual's term of office shall be only for the remainder of the term of the member he or she succeeds.

**Section 12: Oath of Office**

The Student Government Association President or his or her designee shall administer the following oath to each member of the Commission. The oath must be taken before the commencement of each member's respective duties: *"I, (name), do solemnly swear (or affirm) that I will faithfully execute the duties and responsibilities entrusted to me by virtue of my office, and will to the best of my ability to preserve, protect, and enforce the Constitution and the Election Code of the Student Government Association at the University of Houston."*

**Section 13: Use of Assistance**

In executing its responsibilities under this code, the Commission shall, have access to the Student Government Association Administrative Secretary and the facilities within the Student Government Association. It is also expected that all elected positions are available to assist the Commission if called upon.

## ARTICLE III

### Candidates

#### **Section 1: Definition**

"Candidate" shall be defined as a currently enrolled student who has completed and turned in the necessary documents and meets the following qualifications:

- A. The right of a University of Houston student to be a candidate for any Student Government Association office shall not be denied by the Student Government Association on the basis of race, color, religion, national origin, age, or sexual orientation, or gender pursuant to Title IX of the Education Amendments of 1972, Title VI & Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1963, or other Federal or state laws governing discrimination.
- B. Candidates must fulfill the qualifications as prescribed in the Student Government Association Constitution and Code.
- C. No member of the Commission, Election Personnel, or member of the Student Government Association Court of Appeals may be a candidate for elective office. Commission members and other Election Personnel who have taken the oath of office, and subsequently resigned or were removed from office, may not become candidates for elective office in the election for which they were appointed or hired.

#### **Section 3: Responsibilities of the Candidate**

- A. All candidates are held responsible to the provisions of this code.
- B. Candidates may be responsible for any activities of their supporters that are in violation of the provisions of this code; if information supports that such candidate had actual or constructive knowledge of illicit activities and/or authorized or acquiesced in such violation.
- C. Candidates must fulfill all other duties and responsibilities as prescribed in this Code in addition to complying with the provisions of the Student Government Association Constitution and all other University policies.
- D. Candidates who are members of a Party are held individually accountable to the provisions of this code, although parties as a whole may be held accountable to the provisions of this code.

## ARTICLE IV

### Election Timetable

#### **Section 1: Order of Events**

The election time frame shall consist of thirty (30) class days beginning no sooner than the 20<sup>th</sup> day of class in a semester and ending no later than the 60<sup>th</sup> day of class in a semester. The order of events for any campus-wide election, not including the elections for the consideration of a referendum brought by petition or constitutional amendment, shall be as follows:

- A. Selection of election-related dates and deadlines
- B. Announcement of elections
- C. Filing period
- D. Qualifying
- E. Posting of qualified candidates and appeals
- F. Election Informational Meeting
- G. Campaigning begins
- H. Mandatory Meetings
- I. Posting of official ballot
- J. General Election
- K. Expenditure reports filed
- L. General Election results
- M. Validation of General Election results
- N. Run-off Election
- O. Run-off expenditure reports filed
- P. Run-off Election results
- Q. Validation of Run-off Election results

#### **Section 2: Selection of Election-Related Dates and Deadlines**

- A. The Election Commission shall be in charge of setting all dates of the election-related events listed in Section 1 of this Article subject to any further provisions of the Election Code. All deadlines and dates that are relative to filing, campaigning, and election days for the Student Government Elections shall be declared by the Chief Election Commissioner no later than November 1<sup>st</sup>.
- B. The election time frame shall span thirty (30) class days beginning with the first day of filing, and ending two (2) class days after the final election results have been announced.
- C. Once the dates have been set, the Chief Election Commissioner will immediately deliver this information to student media, the Student Body President, the Speaker of the Student Senate, and the Chief Justice of the Hearing Board.

**Section 3: Announcement of Elections**

- A. The Chief Election Commissioner shall
  - 1. Issue a press release at least (7) class days prior to the opening of the filing period for the election; and,
  - 2. Issue appropriate widespread campus announcements, including but not limited to postings on the SGA Website, broadcast emails, a letter to the editor, or advertisements in the campus newspaper at least three (3) class days prior to the opening of the filing period for the election.
- B. The announcement shall list the following:
  - 1. Positions to be filled in the election;
  - 2. Dates for the opening and closing of filing;
  - 3. Time and place that a person may file for office;
  - 4. Dates of the General Election and any run-off; and,
  - 5. Name and contact information of the Chief Election Commissioner.

**Section 4: Filing**

- A. A person shall file as a candidate by:
  - 1. Filing his/her intention for candidacy by completing registration with the Election Commission during the filing period.
- B. A five (5) class day period for filing shall be opened no less than twenty-one (21) calendar days before the date of the General Election. Any student may file an intention of candidacy form provided by the Election Commission for the office he/she seeks from 9:00 A.M. to 5:00 P.M. during these days.
- C. In the General Election, each candidate can file for one position only. All subsequent filings must be considered void unless the second application amends the first application. An amendment to the filing must happen before the filing period ends to be considered valid.
- D. After the filing period ends, candidates may not change the office for which they have filed. The candidate may either run for the position for which he/she originally filed for, or may withdraw from the race completely.

The only exception applies to President/Vice President candidates and is as follows:

1. Candidates for Student Body President and Vice-President shall both be listed together on the ballot and identified as to which office each candidate seeks. If, after the close of filing, a candidate for Student Body President or Vice-President has not qualified, has been disqualified, or has withdrawn, then the remaining candidate may submit the name of a replacement candidate to the Chief Election Commissioner, and this replacement candidate must be qualified by the Chief Election Commissioner by 5:00 P.M. on the fifth (5<sup>th</sup>) class day preceding the General Election. The remaining candidate will also have the discretion to re-file as either President or Vice-President upon selecting their replacement candidate.
- E. The names and positions of the candidates who have filed for election shall be open to the public at all times.
- F. The filing form shall include the following:
1. Position for which the candidate is filing.
  2. Candidates name (University Listing) and Student Identification Number.
  3. Candidate's name, as it shall appear on the ballot.
  4. Complete address and e-mail address.
  5. Local telephone number.
  6. College in which the candidate is enrolled.
  7. The following text:  
*"I certify that I have received a copy of the Election Code. I understand that it is my responsibility to read and have knowledge of the rules of the Election Code. I understand that I am responsible for reporting to the Election Commission on a daily basis. After ballot positioning has taken place, I am to check for any communication or complaints applicable to me. I agree that if I violate any of these rules or if the activities of my supporters are in violation of the provisions of the Election Code to the extend that I have actual or constructive knowledge of illicit activities and have authorized or have acquiesced in such violation, penalties may be assessed by the Election Commission within the scope of his power as provided in this code, or the Student Government Association Constitution. I also give permission to the department of Campus Activities to verify my enrollment, academic and disciplinary status."*
- G. The candidate must sign the application; an official representative may not sign it. No signatures by proxy will be allowed.

## **Section 5: Qualifying**

- A. Candidate Eligibility
1. For any college position (representing one academic area), a candidate must be enrolled at the time of filing in the college that he/she is seeking to represent, and must not be planning to graduate within two months after the term begins.

2. All candidates must be able to serve one (1) full academic semester, not including the summer after the election.
- B. After the closing of the filing period, the Chief Election Commissioner shall verify each individual candidate's qualifications for running based on their academic and disciplinary standings.
- C. The Chief Election Commissioner shall report to the Election Commission with a listing of filed candidates, and whether or not each is qualified.
- D. After any amendments and final approval by the Election Commission, the official list of qualified candidates will be posted outside of the Student Government Executive Office. This should occur on class days six (6) and seven (7) of the election time frames. Appeals to the qualifying of candidates may be filed during this time.
  1. Appeals pertaining to academics and discipline should be addressed to the Office of the Dean of Students.
  2. All other appeals should be made to the Chief Election Commissioner and the Election Commission.

**Section 6: Mandatory Meetings**

- A. In the event that a candidate fails to attend the Candidate Seminar the candidate will be disqualified, unless the absence is requested by the candidate and approved by the Commission no later than twenty-four (24) hours after the meeting has occurred.
- B. Candidate Seminar
  1. All candidates must attend a candidate seminar to be held no later than three (3) class days after the filing deadline. At the time of filing, each candidate will be informed in writing of the time and location of the seminar.
  2. The topics at the Candidate Seminar shall include but not limited to the following:
    - A. The Election Code.
    - B. University Policy relating to the election. (I.e. Posting Policies, use of facilities, etc)
    - C. Election Schedule.
    - D. Structure and Functions of the Student Government Association.
    - E. Duties and Responsibilities of the elected officers of the Student Government Association.
  3. The order of the names listed on the ballot for each office will be drawn by the candidates.
- C. Office-Specific Meeting
 

All candidates, including those running for re-election, must attend a meeting appropriate to the office they are pursuing. These meetings are for the explicit purpose of informing the candidates of their potential duties, responsibilities,

and expectations. All meetings will be held anytime between the beginning of campaigning and five (5) class days before the general election.

1. **Executive Staff Meeting**  
All candidates running for President or Vice-President must attend one (1) Executive Staff Meeting. At the conclusion of this meeting, the President and Vice-President shall provide a basic explanation of their positions to the candidates.
  2. **Senate Procedure Instruction Course**  
All candidates running for the Student Senate must attend one (1) Senate Procedure Instruction Course. This meeting shall be conducted by volunteer Senators and should be run as a “mock” Senate meeting, providing exemplification of the meeting agenda items and explanations of parliamentary procedure. Senatorial duties will also be outlined at this meeting.
- D. Each of these meetings is to be attended by either the Chief Election Commissioner or a member of the Election Commission to ensure that the candidate stays for the meeting’s entirety. Upon arrival, candidates must sign in with the Chief Election Commissioner or member of the Election Commission and also present a valid form of picture identification.
- E. There should be ample time during a meeting to answer any questions candidates may have about their potential positions.
- F. If a candidate does not attend their appropriate meeting, they will be disqualified and therefore no longer considered a candidate.

### **Section 7: Campaigning**

There shall be no campaigning, as defined in Article VII, prior to the qualifying of candidates. Campaigning will begin on class day eight (8) at 4:30 P.M. of the election time frame. Further rules will be discussed in Article VII of this Code.

### **Section 8: General Election Results**

Regardless of complaints or appeals, the unofficial results of the General Election shall be announced by the Chief Election Commissioner in an appropriate campus location after on the day after the General Election.

### **Section 9: Validation of General Election Results**

If no complaints or appeals are registered by 4:30 P.M. within two (2) class days of the announcement of election results, all election results shall be deemed final.

**Section 10: Run-off Election**

- A. If no candidate in the Presidential or At-Large Election receives a majority of the votes cast, the two (2) candidates receiving the highest number of votes in said election shall be in a Run-off Election.
- B. The Run-off Election shall be held within three (3) to six (6) class days after the General Election.
- C. Provisions for ties are included in Article V, Section 9 of this code.

**Section 11: Run-off Election Results**

The unofficial results of the Run-off Election shall be announced in the same manner as the results of the General Election.

**Section 12: Validation of Run-off Election Results**

If no complaints or appeals are registered by 4:30 P.M. within two (2) class days of the announcement of the Run-off Election results, all election results shall be deemed final.

## ARTICLE V

### Voting

**Section 1: Ballots**

- A. Candidates shall appear on the General Election ballot in the order decided by the drawing during the Candidate Seminar.
- B. The order of the ballot shall be determined by the following chart:
  - 1. Student Government Association President and Student Government Association Vice-President as one ticket.
  - 2. Senate-At-Large (Positions 1-4)
  - 3. College Senate Positions.
  - 4. In all elections, any Constitutional Amendments and/or referendums shall be placed at the end of the ballot.
- C. Senatorial positions will be determined by the Commission in compliance with Article IV, Section 2 of the Student Government Association Constitution. Each student shall run for a specific Senatorial position.
- D. A candidate for Student Government Association President must select a Vice Presidential running mate to run for election as specified in Article V, Section 2 of the Student Government Association Constitution.
- E. Ballot position in a run-off shall be determined by a toss of a coin between candidates and their representatives in the presence of the Election Commission within two (2) class days after the General Election. This will occur at a time designated by the Commission in the Election Proposal.
- F. The ballot for the General Election may not be changed five (5) class days after the Candidate Seminar.

- G. No party affiliation shall be listed anywhere on the ballot.
- H. The Chief Election Commissioner shall post sample ballots outside the Student Government Executive Office and purchase a one-time ad in the official campus newspaper displaying the sample ballot, two (2) class days prior to any General or Run-off Election. The wording and layout of these sample ballots shall be the same as those used on Election Day.

**Section 2: Voting Identification**

Each member of the Student Body as defined by the Student Government Constitution shall be entitled to vote in each race for which the Student Body Constitution, Bylaws, or other applicable rules entitles him/her to vote.

**Section 3: Voting Requirements**

An eligible voter must agree to the UH computer use policy and the student code of conduct in order to access the voting application upon login.

**Section 4: Online voting**

Students may vote from any voting apparatus, including but not limited to laptops or personal digital assistants with access to the Internet.

**Section 5: Voting Times**

The voting application on election days, including referendum-only elections, shall be accessible from 7:00 a.m., to 11:59 p.m. during the voting period.

**Section 6: Voting application**

Format and structure used by Learning and Assessment Services (LAS) for online voting must be approved by the Election Commission.

**Section 7: Polling Stations and Locations**

- A. A polling location, except public computer labs, shall be defined as a voting apparatus used by an individual other than the owner.
- B. No organized polling locations shall be allowed except those administered by the Election Commission.
- C. The Chief Election Commissioner shall list the locations of Election Commission administered polling locations outside of the Student Government Office three (3) class days prior to any election.

**Section 8: Votes to Win General Election**

- A. In order to win the General Election, a candidate running for a campus-wide office, President and Vice President or an At-large Senate seat, must receive a majority of the votes cast.

- B. Candidates running for a Senate seat representing a particular college must receive a plurality of the votes cast.
- C. If a candidate is disqualified after the ballot is finalized, any vote cast for that candidate will still be tallied in the total votes used to determine the percentage majority.

**Section 9: Ties**

Ties shall be handled as follows:

- A. If there are only two (2) candidates in the General Election and the election results in a tie, then the election shall be rerun in the Run-off Election.
- B. If there are more than two (2) candidates in the General Election and there is a tie for first place, then both those candidates shall run in the run-off. If there is a tie for second place, then the first place candidate and the candidates tied for second shall all run in the run-off. The candidate who receives the most votes in the run-off shall be the winner, regardless of whether he/she receives a majority of the votes cast.
- C. If a Run-off Election results in a tie, then the tied candidate, who receives the most votes in the General Election, shall be the winner.
- D. If a Run-off Election results in a tie, and the tied candidates receive the same number of votes in the General Election, then the newly elected student senate shall determine a winner from the tied candidates as its first regular meeting.

**Section 10: Election Fraud**

- A. Candidates shall refrain from knowingly participating in deceptive campaign activities, hereinafter referred to as "election fraud," defined as the unauthorized tampering, altering, or abuse of the voting process.
- B. Candidates found guilty of election fraud by the Election Commission will be subject to:
  - 1. Disqualification and/or
  - 2. A report filed with the Office of the Dean of Students of such action for review of potential violations of the Student Code of Conduct.
- C. Non-candidate students or groups found guilty of election fraud by the Election Commission will be reported to the Office of the Dean of Students for review of potential violations of the Student Code of Conduct.
- D. Allegations of election fraud, or assisting in election fraud may be filed by the Commission, or by any individual, who has suffered in some way as a result of the activities. Such allegations must be filed, in writing, with the Commission and the Student Government Association Court of Appeals, and must be posted at the Student Government Association Office.
  - 1. Any individual who is subject to allegations of election fraud filed by the Commission must be afforded due process by the Student Government Association Court of Appeals.

2. In the case of written allegations filed by an aggrieved individual, or party, other than the Commission, the Commission shall have the authority to review such allegations to determine whether or not the charges have merit.
  3. If the determination is made that the allegations have merit, the Commission must immediately forward the case to the Student Government Association Court of Appeals. Only the Student Government Association Court of Appeals may find an individual or party responsible for election fraud.
- E. Elections containing fraud may be examined by the Commission, and subject to appeal, and said action must be submitted in writing or by e-mail to all candidates involved within eight (8) hours of said action.
- F. Appeals to an Election Commission decision regarding voter fraud will be made directly to the Student Government Court of Appeals.

**Section 11: Miscellaneous**

- A. Students enrolled in the Honors College shall be permitted to vote in the college of their respective majors, as well as the Honors College Senatorial position.
- B. Write-in ballots are not allowed. Partial ballots shall be allowed.
- C. Only students currently enrolled in the Colleges of Optometry and Pharmacy shall be eligible to vote in those colleges. Pre-Optometry, Pre-Pharmacy and other professional, students shall vote in the undergraduate colleges in which they are enrolled.

## ARTICLE VI Parties

**Section 1: Definition of Party**

- A. A party is recognized by this Election Code as an affiliation of candidates who group together to organize campaigning for an election.
  1. Parties are not required to have a Presidential/Vice-Presidential candidate(s).
  2. Candidates cannot be cross-listed on multiple parties.
  3. Parties must account for the total amount of expenditures of the candidates who are affiliated with them.
- B. Parties as a whole may be held responsible to infractions of this code.
- C. Parties may campaign as such, but no party affiliation shall be listed on the ballot.
- D. Parties must register with the Election Commission before engaging in campaign practices as outlined in Article VII inclusive.

**Section 2: Party Organization and Preparation**

- A. Party organization includes, but is not limited to:
  - 1. Private discussions of prospective candidacy and party formation;
  - 2. Selecting and forming a campaign staff; and,
  - 3. Brainstorming ideas, strategies, slogans, and colors.
- B. Party preparation includes, but is not limited to:
  - 1. Collecting financial contributions;
  - 2. Holding campaign staff meetings;
  - 3. Sharing platform ideas and issues with the campaign staff;
  - 4. Recruiting candidates;
  - 5. Reserving rooms for party meetings;
  - 6. Holding initial party meetings with candidates affiliated with the party; and,
  - 7. Designing, ordering, or receiving campaign materials.
- C. Party organization and preparation may begin at any time, but absolutely no campaigning may take place during these stages.

## ARTICLE VII Campaigning Practices

**Section 1: Definition of Campaigning**

- A. “Campaigning” is any activity by a candidate or party member that is intended or likely to encourage or discourage a voter to cast a ballot or to affect how he/she votes. This includes the placement of any signs or the like on display and the solicitation of the vote of any UH student. If a candidate campaigns before the date set in the election timeline, he or she will be disqualified.
- B. Campaigning includes but is not limited to verbal and/or electronic solicitation of votes and the following:
  - 1. Distributing campaign materials other than private distribution to immediate campaign staff and candidates;
  - 2. Announcing or discussing potential candidacy and/or party name in print, broadcast, public forum, or any other media;
  - 3. Seeking endorsement (including financial contributions) or voter support for a campaign at an official meeting of a registered student organization;
  - 4. Posting any campaign materials; and,

5. Wearing apparel, buttons, stickers, and/or similar items explicitly reflecting an affiliation with a candidate or party.

**Section 2: Campaigning Rules and Regulations**

- A. Campaigning does not include reporting by media outlets of any referendum, petition, recall, or constitutional amendment.
- B. The leader of any student organization registered with the University may be contacted by any candidate for the sole purpose of requesting to speak at that organization's meeting to seek its endorsement or to ask the members to vote if the organization's bylaws prohibit an endorsement.
- C. Campaign Materials
  1. Campaign Materials shall mean any supplies used by a candidate or candidate's staff, which have the primary purpose of furthering the candidate's likelihood of being elected.
  2. No literature posters, advertisements, or other election materials shall be used or distributed during the campaign without prior certification by the Commission. The Commission shall not censor or prohibit any material, but will only certify its compliance with the criteria for certification. The criteria for certification are:
    - a. The material must be accompanied by the name of the individual responsible for its productions and distribution.
    - b. The material shall not be in violation of the Student Government Association Constitution, Code, Student Life Policies, Residential Life and Housing policies, or any other University of Houston policy.
    - c. A sample of each piece of election material must be provided to the Commission prior to the use at the candidates cost. This includes a printout of any web resource before it becomes publically accessible.
    - d. All campaign material must be submitted for approval at least twenty-four (24) hours before posting to be considered for certification.
  3. Utilizing any Social Networking site e.g. MySpace, Facebook, Twitter, and/or a candidate or party website is considered using a campaign material and candidates or parties using this method must register all activities and/or sites with the Election Commission as part of the Candidate/Party Campaign materials approval process.
    - a. Updates to all social networking sites and candidate websites are considered "campaigning" and are subject to review and approval by the election commission before posting on said sites.
    - b. Candidates and Parties must be transparent in their social networking and web site development and must register all aliases with the Election Commission as part of the Candidate/Party campaign materials approval process.

4. Campaign materials shall be posted in compliance with University and Campus Activities posting policies.
5. No handbills or campaign literature shall be distributed or posted in classrooms, or other areas of instruction, including: Melcher and Garrison gymnasium, libraries, computer labs, and the Hotel portion of The Hilton College.
  - a. This restriction shall not apply to campaigning within the Honors College Commons.
  - b. This restriction shall not apply to campaigning within the Atrium of the Campus Wellness and Recreation Center (CRWC).
- D. No person, other than a member of the Commission or the respective candidate, shall willfully destroy, deface, obscure, move or remove posters, signs, banners, or campaign literature of any candidate. The Commission shall perform such tasks only in cases in which campaign materials are in violation of the Election Code or Student Government Association Constitution. Such action by the Commission shall be reported by the Commission to the candidate within one (1) class day.
- E. All campaign material must be removed within five (5) class days after the elections. Failure to comply shall be construed as a violation of the Election Code.

**Section 3: Personnel Prohibited from Campaigning**

- A. Commissioners may neither campaign nor verbalize their opinions on the campaign from the time they are approved for that position until the Commission ends. Election Personnel may neither campaign nor in any way verbalize their opinions regarding candidates or election issues while operating the polls.
- B. No member of the Student Government Association Court of Appeals may campaign in any Student Government Association election.
- C. Any member of the Election Personnel Commission, or Student Government Association Court of Appeals caught in violation of Article 5 Section 2 Clause 2 will be temporarily suspended from duty until it is determined that the violation is valid or invalid. The person found in violation could lose the ability to assist in any upcoming election.

**Section 4: Prohibited Methods of Campaigning**

The following methods of campaigning may not be used:

- A. Aircraft;
- B. Loudspeakers, sirens, or other noisemakers;
- C. Decorating any car without the express consent of the owner;
- D. Any method that violates university or state policy concerning mass e-mail;
- E. Sending potential voters unsolicited electronic messages at any time;

- F. Sending electronic messages specifically asking for a vote is prohibited prior to campaigning;
- G. Any method using animals, except consenting humans;
- H. Any method that interferes with a person using a voting apparatus; and,
- I. Setting up any polling location.
- J. Door to Door campaigning in residence halls or any on campus housing.
- K. Campaigning in classrooms during scheduled class times.

**Section 5: Campaigning Ethics**

- A. Candidates are expected to conduct themselves in an ethically appropriate manner in accordance with Student Government documents and the Student Code of Conduct.
- B. A candidate or volunteer may under no circumstances intentionally interfere with the campaign of another candidate in any way, including but not limited to the destruction of campaign materials.
- C. No person shall offer anything tangible of value or make any threat to any voter to affect the student's vote. The term "anything tangible of value" does not encompass distribution of campaign materials of negligible value such as buttons or push cards.

**Section 6: Endorsements**

- A. Any student organization that is registered with the University may publicly endorse any candidate and/or party for office providing that:
  1. It is not on any type of probationary or provisional status with the University, and
  2. It has the prior approval of the candidate to be endorsed.
- B. The University of Houston Student Government Association may not endorse any candidate and/or party for office.

**Section 7: Campaigning on Election Day**

- A. Only voters may bring campaign materials into prohibited campaigning areas, only for the purpose of voting, provided that they do not seek to distract or influence others who may be voting.
- B. On Election Day, there shall be no campaigning whatsoever within fifty (50) feet of any Election Commission administered polling location.

**Section 8: Litter**

Intentional littering of campaign materials of any kind shall be prohibited.

## ARTICLE VIII

### Spending Limits and Campaign Finances

#### **Section 1: Campaign Receipts and Expenditure Limitations**

- A. Definitions under this section are as follows:
  - 1. "Receipts" are defined as money or other tangible assets of value, which are given, pledged, or loaned to the candidate either directly or indirectly, excluding services rendered on behalf of the candidate.
  - 2. "Expenditures" are defined as any disbursement of money or other valuable tangible assets made in support of a candidate.
- B. Candidates for college-wide elections shall not make expenditures totaling more than two hundred and fifty dollars (\$250.00) and candidates for campus-wide elections shall not make expenditures of more than five-hundred dollars (\$500.00). In case of a run-off election, no more than an additional fifty dollars (\$50.00) may be spent for college-wide elections and no more than two hundred fifty dollars (\$250.00) for a campus-wide election.
- C. A party's total expenditures must not exceed the combined total of the spending limits of each candidate associated with the party.

#### **Section 2: Financial Disclosure**

- A. Each candidate for office is required to keep accurate and up-to-date records of all campaign receipts and expenditures.
- B. Each candidate's financial records shall show the name and amount of each expenditure. Donated items shall be reported at market value.
- C. The Election Commission shall require each candidate, whether he or shall has received donations or made any expenditures, to file a Financial Disclosure Statement weekly from the beginning of the campaigning period, to at least forty- eight (48) hours before the general election. However the Election Commission may implement a deadline for financial disclosure any time prior to the mandated forty-eight (48) hours before the election if they see fit.
- D. Each candidate's financial records shall be available for inspection at any reasonable time by members of the Election Commission. Commission workers may duplicate any part thereof for public disclosure.
- E. These reports shall be public record after a 24-hour review period. Candidates must sign their reports and certify that they are accurate and complete.
- F. No candidate or authorized agent shall knowingly falsify any entry on a Financial Disclosure Statement or in his or her financial records associated with the campaign.
- G. Candidates sharing benefits of joint receipts or expenditures shall declare them in the appropriate portions of the Financial Disclosure Statement. Each

candidate jointly benefiting from receipts or expenditures shall claim an equal share.

**Section 3: Total Expenditures**

- A. A candidate's total expenditures shall include all goods and services purchased by or donated (including monetary or in-kind contributions) to a candidate or any supporter for use in the election or use in any way furthering that candidate's campaign or detracting from the campaign of any or all of that candidate's opponents.
- B. A Party's total expenditures shall include all goods and services purchased by or donated (including monetary or in-kind contributions) to a party or any supporter for use in the election or use in any way furthering that candidate's campaign or detracting from the campaign of any or all of that candidate's opponents.
- C. An in-kind contribution shall be regarded as anything contributed to a candidate or party other than money, excluding campaign volunteers. In-kind contributions for the use of campaign fundraising or printing of campaign paraphernalia must be reported and will count toward the maximum expenditure a candidate or party may spend. Receipts for these contributions must be submitted with expenditure reports.
- D. The fair market value of a donated item or in-kind contribution shall be the value recorded on the final expenditure report.
  - 1. All goods and services shall be valued at the fair market value of that good or service. Barring a reasonable doubt, the Commission will recognize the retail value paid for a good or service at its fair market value.
  - 2. The Commission reserves the right to revalue a good or service in response to a complaint that the good or service is not reported at its fair market value. The Election Commission must submit three (3) price references from Houston-area merchants in estimating the value of any contested price.

**Section 4: Run-off Election Contribution and Expenditure Reports**

Contribution and expenditure reports for the run-offs are to be received by noon (12:00 P.M.) the day after a Run-off Election. These reports shall be in the same fashion as the General Election Reports.

**Section 5: Single Candidate and Party Expenditures**

Money expended and reported for a candidate is applicable only for the campaign of that candidate. Money expended and reported for a President/Vice President campaign is applicable only for the campaign of those candidates.

Money expended and reported for a Party's campaign is only applicable for the campaign of that Party.

## ARTICLE IX

### Appeals, Complaints, Petitions, and Referenda

#### **Section 1: Complaints**

- A. Complaints must be filed based on violations of the Student Government Association Constitution, Election Code, Student Life Policies, Residential Life and Housing policies, University Policies, or rulings of the Commission.
- B. Any University of Houston student may file a complaint.
- C. Filing Provisions are as follows:
  1. Complaints must be filed in writing within two (2) class days of the violation and not thereafter, at the Student Government Association Office with the Administrative Secretary between the hours of eight (8:00) am and five (5:00) pm. The complaint will be considered void if it is not filed within the time limitation of this Clause.
  2. The complaint must be addressed to the Commission.
  3. The Commission shall supply the Administrative Secretary with a log to document the times at which complaints were received in the Student Government Association office; the log should also reflect the time complaints are picked up by the Chief Election Commissioner.
  4. Each complaint shall be assigned a number by the Administrative Secretary at the time of receipt. The receipt given to the complainant shall reflect the time of submission.
- D. Any complaint filed by the Commission with the Student Government Association Court of Appeals must be in the same form as required for general complaints. The Commission may allege that the Student Government Association is aggrieved.
- E. Complaints shall include:
  1. Name, address, phone number, e-mail address, and student number of the complainant.
  2. Name of the person against whom the complaint is filed.
  3. Action about which the complaint is filed.
  4. Alleged injury to the complainant.
  5. Adjudication asked for by the complainant.
- F. Within one (1) class day after receiving the complaint the Commission shall post at the Student Government Association Office the complaint and the action they have taken.

- G. Any violation found fifteen (15) class days after the certification of the election may be handled by the Student Government Association Court of Appeals or the Student Government Association Advisor. All such reports should be made within twenty-four (24) hours after the discovery of such violations.
- H. The Chief Election Commissioner shall provide copies to the Student Government Association President, Speaker of Senate, Chief Justice of the Student Government Association Court of Appeals and the candidate(s) against whom the complaint has been filed. There shall be one (1) copy posted at the Student Government Association Office. The candidate against whom the complaint was filed must obtain a copy of the complaint from the Election Commission.

**Section 2: Adjudication Available to the Commission**

On the written petition of any candidate or on his or her own initiative, the Commission may issue a temporary cease order to restrain the actions of any candidate's supporters if the Commission decides that there is a violation of the Election Code.

**Section 3: Decisions That May Be Appealed**

Any decision on a question by the Commission as provided for in this code is revisable by appeal directly to the Student Government Association Court of Appeals.

**Section 4: Filing of Appeal – court of appeals throughout.**

- A. Any person complaining or complained against in the original complaint may appeal.
- B. The basis of appeal may not be arbitrary or without just cause.
- C. Appeals shall be filed with the Chief Justice of the Student Government Association Court of Appeals
- D. Appeals must be filed within twenty-four (24) hours after the Commission posts a ruling on the complaint
- E. Appeals must include:
  1. A copy of the original complaint.
  2. Name, address, phone number, e-mail address, and student number of person appealing.
  3. Impact of the Commission's decision.
  4. Reason for appeal.
  5. Action requested from the Student Government Association Court of Appeals.

**Section 5: Preliminary Hearing of Appeal**

A preliminary hearing between the Student Government Association Court of Appeals Chief Justice, the Commission, and the persons involved in the original complaint must be held within two (2) class days after the Chief Justice receives the appeal.

**Section 6: Hearing of Appeal**

- A. If no settlement is reached, a hearing shall be held by the Student Government Association Court of Appeals, within one (1) class day after the Preliminary Hearing ends.
- B. It shall be the responsibility of complainants and defendants to notify witnesses relevant to their arguments of the time and place of the hearing and to have their evidence available at the time of the hearing. All parties shall be entitled to represent themselves or have a representative to represent them.
- C. Regular the Student Government Association Court of Appeals hearing procedures shall be used, unless otherwise prescribed in this code.
- D. The burden of proof shall be upon the complaining party.
- E. All election related hearings conducted by the Student Government Association Court of Appeals shall be open to the public. Only deliberations may be held in closed session.
- F. When questions of fact exist, they shall be determined by the SGA Court of Appeals.

**Section 7: Adjudication by the Student Government Association Court of Appeals**

- A. The Student Government Association Court of Appeals is empowered with the following sanctions or remedies:
  - 1. Cease orders.
  - 2. Disqualification or denial of certification.
  - 3. Ordering of a new election with the original candidate or such candidates who have not been disqualified to run.
  - 4. Denial of permission to a candidate to continue any form of campaigning until such time as there shall be compliance with SGA Court of Appeals orders.
  - 5. Change of certification of election results.
- B. The Student Government Association Court of Appeals shall file within one (1) class day after hearing and/or ruling, its written finding of the facts and its ruling with the Commission, the Student Government Association President, the Speaker of the Senate, and both parties.
- C. The implementation of rulings by the Student Government Association Court of Appeals shall be carried out by the Student Government Association Advisor.

## ARTICLE X

### Penalties and Classifications for Violations

**Section 1: Violation Classifications**

- A. If the Election Commission, or the (Student Government Association Court of Appeals) should assess a penalty for a specific violation of the Election code, the penalty assessed shall be the penalty designated by the violation's classification.
- B. No penalty shall be assessed for a violation not classified under this article.
- C. The classifications of violations are as follows:

1. Class One Violation: Failure to abide by the provisions of Article VII inclusive shall count as one infraction per provision violated. Each infraction shall count as one violation.
  2. Class Two Violation: Deliberately defacing, altering, or destroying the posters or signs of another candidate without that candidate's explicit written permission. Each poster or sign counts as a separate violation; obstructing the elections commission in the discharge of official duties.
  3. Class Three Violations: Falsification of paperwork required by the Election Code; knowledge of the commission of a violation prior to or during its occurrence; (no defendant shall be penalized absent a showing that the knowledge was coupled with failure to attempt to prevent the violation or attempt to rectify the violation); aiding another individual in fraudulent voting.
- D. The penalties for the three classifications are as follows:
1. Class One Violation: A class one violation shall result in a written warning. Any campaign violations, whether minor, or major, received after the initial three (3) minor violations, shall be considered major violations.
  2. Class Two Violation: A class two violation shall result in a 24-hour ban in campaigning for the candidate, party and volunteers of the candidate or party.
  3. Class Three Violation: A class three violation shall result in disqualification of the candidate or party from the election.
- E. Accumulation of two (2) class one offenses shall be considered a class two violation
- F. Accumulation of two (2) class two offenses shall be considered a class three violation and the candidate or party shall be considered disqualified.

**Section 2: Penalties for Candidates and Parties**

- A. If a candidate or party is found responsible for violating this Code by the Comission, the candidate or party shall be penalized by the Commission in the manner deemed appropriate In Article 10, Section 1, Clause D
- B. The Election Commission is encouraged to consider past precedent when distributing penalties.

**Section 3: Penalties for Others**

- A. If a person who is not a candidate or if an organization is found responsible for violating this Code by the Commission, the person or organization shall be penalized by the Election Commission in the manner deemed appropriate from the following:
  1. Private censure reserved for only unusually minor cases;
  2. Public censure, the general minimum sanction;

3. Suggestive, self-imposed sanction made by the appellate and agreed upon by the Election Commission; or
  4. Pursue disciplinary action with the Office of the Dean of Students.
- B. The Election Commission is encouraged to consider precedent when distributing penalties.

**Section 4: Violations of Spending Limits**

Any candidate failing to file any report of campaign expenditures or contributions required by this Election Code or exceeding the limit on campaign expenditures set by this Election Code shall be disqualified.

**Section 5: Failure to Attend a Mandatory Meeting**

Any candidate failing to attend all of the appropriate mandatory instruction courses or meetings shall be disqualified, unless:

- A. The candidate has made special provisions to notify the Chief Election Commissioner before their scheduled mandatory meeting, and the Commissioner has therefore excused them; or
- B. The Commissioner has approved his/her absence due to extraordinary circumstances.

**Section 6: Report with the Office of the Dean of Students**

The Commission may direct the Chief Election Commissioner to file a report with the Office of the Dean of Students with the recommendation that the Office review the alleged offense of the candidates, the party, or others under the provisions of the Code of Student Conduct or other appropriate University rules (if the violation warrants it, according to the opinion of the Commission).

## ARTICLE XI

### Certification of Elections

**Section 1: Submission of Election Commission Minutes**

- A. The Commission shall certify elections by submitting its Election Journal to the Student Government Association President, Speaker of the Senate, and the Chief Justice of the SGA Court of Appeals. These minutes shall include:
  1. Vote totals for all candidates in each race and a tally of voided ballots.
  2. Poll totals.
  3. Records of all candidates' expenditures.
  4. Record of all Election Commission correspondence, meetings, and official acts.
  5. Sample ballots.

- 6. Contact information of all the Election Commissioners and their certifying signatures.
- B. The Commissions Election Journal shall be submitted no later than five (5) class days after the polls close on the final day of voting unless otherwise designated by the Senate. In the event the Commission does not turn in a completed Election Journal the Commissions compensation will be held until a completed Election Journal is submitted.
- C. A candidate who has not met all the requirements of the Election Code shall not be certified by the Commission as the winner of a race. In addition, no winner of a race shall be certified by the Commission until all alleged violations in the position have been vindicated.

**Section 2: Budget and Personnel Report**

A report on budget and personnel information shall be made to the Student Government Association President, the Speaker of the Senate, and the Senate Committee on Internal Affairs no later than five (5) class days after the Election Commission Minutes are submitted. This report shall include:

- A. A record of all Commission expenditures.
- B. A record of the number of hours worked and wages earned.

**Section 3: Eligibility for Compensation**

The Commission shall not be eligible for compensation until all completed reports are filed.

## ARTICLE XII Miscellaneous Rules

**Section 1: Prohibition of Multiple Candidacies**

No person may be a candidate for more than one (1) office established under, or elected under the authority of, the Student Government Constitution.

**Section 2: Withdrawal from the Election**

- A. If a candidate wishes to withdraw from an election, he/she must do so by meeting with the Commissioner of the Elections, in person, presenting a valid picture ID, and giving the Commissioner a written and signed statement of his/her withdrawal.
- B. Should a withdrawn candidate's name be inadvertently placed on the ballot, he/she shall be considered to still have withdrawn and to be thus ineligible to win the election.

- C. The decision to withdraw from the election is permanent and cannot be rescinded.

**Section 3: Change of Apportionment of the Student Senate**

If apportionment causes an academic area to have more or less Senate seats than it previously had, the will be added or removed, as the particular case calls for.

- A. In the event that seats are removed, any Senators whose seats have been discontinued shall be allowed to serve out their regular terms.
- B. In the event that seats are added, then they shall both be placed on the next election ballot.

## ARTICLE XIII

### Repealer and Provision of Severability

**Section 1: Repealer**

This title replaces and repeals all previous versions of the “Election Code” bylaws of the Student Government Association Code.

**Section 2: Severability of provisions**

If any provision of this Code, or the application of any provision of this Code to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this Code shall not be affected thereby.