

UNIVERSITY of
HOUSTON

STUDENT GOVERNMENT ASSOCIATION

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Election Adjustments Act

Whereas, there are some improvements needed in the current Bylaws and Election Code based on the 2020 SGA Election.

Therefore, be it enacted by the Senate of the Student Government Association of the University of Houston:

Article 3(5) of the Election Code add a new Clause 1, re-numbering, not replacing the subsequent clauses which reads:

“Clause 1. The Presidential candidate has executive authority over their party in terms of membership, composition, and name. The Presidential Candidate may remove members from their party at any time, for any reason. Such individuals will have the right to run as independents for any position they choose post-removal. A party without a Presidential Candidate does not have this authority.”

Be it further enacted, Article 3(6)(3) of the Election Code be amended to read:

“Clause 3: In the General Election, each candidate must file for one position only. Should a candidate wish to amend their original filing, they need only indicate so to the Chief Election Commissioner in writing before the final ballot is released.”;

Be it further enacted, Article 3(6)(8) and Article 3(6)(9) of the Election Code replace “Chief Election Commissioner” with “members of the Election Commission or Justice Department”;

Be it further enacted, Article 4(1)(4) of the Election Code be amended to read:

“Clause 4. In the case of ambiguity related to whether or not an activity constitutes “campaigning,” the decision is at the discretion of the Attorney General. This decision must be consistent between different candidates and campaigns.”

Be it further enacted, Article 4(3)(1) be struck from the Election Code.

Be it further enacted, Article 5(2)(1) of the Election Code be amended to read:

“Clause 1. General Election voting will open on the fourth Monday in February. Voting will be open from Monday at 12:00 AM until the following Thursday at 11:59:59PM.”

Be it further enacted, Article 5(6)(5) of the Election Code be amended to read:

“If no complaints or appeals are registered within eight (8) hours of the announcement of the election results, all election results will be deemed final.”

Be it further enacted, Article 6(1) of the Election Code amend its clauses to read:

“Clause 1. Candidates running to be the Student Government Association Senator as an independent for a specific college are limited to expenditures totaling no more than Five-Hundred (\$500 USD) dollars.

Clause 2. Candidates running to be one of the At-Large Senators as an independent are limited to expenditures totaling no more than Seven-Hundred and Fifty (\$750 USD) dollars.

Clause 3. Student Government election parties are limited to expenditures totaling no more than Twelve-Hundred (\$1,200 USD) dollars.”;

Be it further enacted, Article 6(1)(4) of the Election Code be struck;

Be it further enacted, Article 6(2)(1) of the Election Code be amended to read:

“Clause 1. Each candidate for office is required to keep accurate and up-to-date records of all campaign expenditures. Members of the Justice Department or Election Commission may request to view these records at their discretion, and candidates must present these records within twenty-four (24) hours of receiving the request in writing.”;

Be it further enacted, Article 6(2)(12) of the Election Code be amended to read:

“Clause 12. All donations both tangible and intangible, financial or non-financial, must be disclosed on an individual’s or party’s donation list and counted as part of their campaign expenditures, limited by the campaign expenditure limits. All nonfinancial

contributions/donations to an individual or party (this includes but is not limited to: printed materials, signage, t-shirts, etc.), must be assessed a fair market value and included on both the weekly donation list and the financial disclosure form. Any funding an independent candidate or party candidate uses to finance their campaign must be accounted for in the weekly donation list.”;

Be it further enacted, Article 7(1) of the Election Code insert the following new clause, re-numbering, not removing, the subsequent clauses:

“Clause 1. The Justice Department, Election Commission, and Judicial Branch (including Election Trial Boards) may not establish office hours which contradict the time constraints set forth in the Election Code (for example, if an individual receives a decision from the Attorney General on a complaint at 7PM, the respondents have until the next day at 11PM to submit an appeal to the court, and the court will have forty-eight (48) hours from that point to determine whether or not to hear the case, regardless of any established office hours by the entities above).”;

Be it further enacted, Article 7(1)(3) (re-numbered) of the Election Code be amended to read:

“Clause 3. The filer of the complaint has three (3) calendar days after the incident to file the complaint. No complaints filed after three (3) calendar days of the incident will be considered by the Attorney General or Judiciary.”

Be it further enacted, Article 7(1)(4) (re-numbered) of the Election Code be amended to read:

“Clause 3. An official complaint must first be filed with the Student Government Association Attorney General. The Attorney General will then reach out to the accused, in the cases of alleged Class B and Class C violations (and cases of alleged Class A violations which place no one at risk of harm) and provide them the option to submit a Statement of Defense, to be submitted within four (4) hours of the Attorney General reaching out (extensions shall be provided at the discretion of the Attorney General). If the Attorney General solicits a Statement of Defense after 8:00 PM, then the accused will have until 10:00 AM the following day to provide the Statement of Defense. The Attorney General will then investigate said complaint and decide its merit. The Attorney General will then decide the merit of the complaint.”

Be it further enacted, Article 7(1)(6) (re-numbered) of the Election Code be amended to read:

“Clause 6. The Attorney General will decide within one (1) class day whether a complaint has merit. If the complaint is deemed legitimate, then the Attorney General may penalize the candidate(s)/individuals according to the penalties prescribed in the Election Code.”

Be it further enacted, Article 7(1)(7) (re-numbered) of the Election Code be amended to read:

“Clause 7. Candidate(s)/individuals may appeal their penalty or its severity before the Student Government Association Supreme Court or designated Election Trial Board. Appeals regarding Class A violations must be heard by the Supreme Court or designated Election Trial Board. The Court, after receiving appeals regarding Class B, Class C, and Class D, may review the appeal and choose to hear the appeal in court, and may reject the appeal. A decision regarding a lack of merit cannot be appealed to any court and are considered final at the point of the Attorney General determining a lack of merit.”

Be it further enacted, Article 7(1) of the Election Code insert the following new clause, re-numbering, not removing, the subsequent clauses:

“Clause 8. Should any petitioner or respondent wish to appeal a decision of the Attorney General to the Election Trial Board or the Supreme Court, they must file the appeal within four (4) hours of receiving the decision from the Attorney General. Should any petitioner or respondent wish to appeal a decision of a Election Trial Board, they must file the appeal within four (4) hours of receiving the decision from the Election Trial Board. Should a decision from the Attorney General or a Election Trial Board be delivered between 8PM and 6AM, the petitioners (of the appeal) will have until 10AM to file their appeal.”;

Be it further enacted, Article 7(1) of the Election Code insert the following new clause, re-numbering, not removing, the subsequent clauses:

“Clause 9. If an appeal is sent on time to a Election Trial Board or the Supreme Court, the respective court will have eight (8) hours to determine whether or not to hear the case. Should an appeal be filed between 8PM and 6AM, the court will have until 10AM to file decide whether or not to hear the case. If the respective court does not decide whether or not to hear an appeal on time, the appeal will be considered fully rejected, and the decision by the Election Trial Board and/or Attorney General will be enforced

at the discretion of the Attorney General. Petitioners may appeal a case to the supreme court should a Election Trial Board miss the appeal deadline.”;

Be it further enacted, Article 7(1)(10) (re-numbered) of the Election Code be amended to read:

“Clause 10. If an appeal is rejected by the Election Trial Board or the Supreme Court, the Attorney General’s ruling on the violation is final and the penalty will be immediately enforced.”

Be it further enacted, Article 7(1) of the Election Code insert the following new clause, renumbering, not removing, the subsequent clauses:

“Clause 11. The Election Trial Board or Supreme Court will have its decision on hearings made public by 9AM the following morning of any hearing the court schedules. The full write-up will be made available at the court’s discretion.

Be it further enacted, Article 7(2)(7) of the Election Code be struck

Be it further enacted, Article 7(2)(14) of the Election Code be struck.

Be it further enacted, that all references to Lower Courts in the Election Code be replaced with “Election Trial Board.”

Be it further enacted, Article 7 of the Election code add a new Section 3 and subsequent clauses:

“Section 3: Election Trial Board

Clause 1. The Election Trial Board will be the one and only Lower Court for determining hearings on appeals to Election complaints decided by the Attorney General.

Clause 2. The Supreme Court will not hear any election complaint appeal if the appeal was not first heard by the Election Trial Board. The Election Trial Board will serve as the initial court of appeal on all election complaint appeals.

Clause 3. The Election Trial Board will be composed of three members: The Deputy-Attorney General, The Deputy-Chief Election Commissioner, and an Associate Justice of the Supreme Court appointed by the Chief Justice or Most-Senior Justice should the position of Chief Justice be vacant.

Clause 4. Should the Supreme Court hear an appeal of a decision made by the Election Trial Board, and the Associate Justice on the Election Trial Board participated in the hearing and/or decision, the Associate Justice will automatically recuse themselves from hearing the appeal sent to the Supreme Court. This Associate Justice will also not be considered when the Supreme Court determines whether or not to hear the appeal.

Clause 5. Only one (1) member of the Election Trial Board is required to be present for an Election Trial Board hearing to proceed, and only One (1) member of the Election Trial Board needs to approve of an appeal for the appeal to be granted a hearing.

Clause 6. Should the Election Trial Board decision on a hearing be a tie, the decision will revert to the Attorney General's original decision, with the violations being enforced immediately. In cases of a tie by the Election Trial Board, the petitioner may submit an appeal directly to the Supreme Court.

Be it further enacted, Title IV(2)(1) of the Bylaws insert the following new clause, re-numbering, not replacing, each subsequent clause:

"Clause 5. The Attorney General may request any materials, filings, documentation, business records, or effects otherwise, of any Office or Officer within the Student Government Association for any reason at any time. This includes, but is not limited to the Executive Branch, Election Commission, Judicial Branch, and Legislative Branch, or members thereof. These requests must be met within twenty-four (24) hours after receiving the request in writing from the Attorney General. Any such requests will be made insofar as it aids the Attorney General in fulfilling their duties."

Be it further enacted, all references, provisions, requirements, and powers regarding the Public Defender and Solicitor General, and offices thereof, be struck throughout all Student Government Governing Documents.

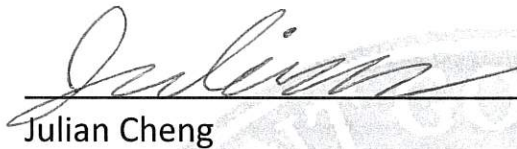


Jasmine Khademakbari

Student Government President

Date of President's Approval: 6/17/2020

APPROVED



Julian Cheng

Speaker of the Senate

Date of Senate Approval: 6/17/20

