



**The University of Houston Student  
Government Association  
Election Code**

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## **Article 1: General Provisions**

### **Section 1: Purpose**

- Clause 1. This Election Code is hereby adopted by the Senate to fulfill the Constitutional responsibility of the Senate in Article 4, Section 7, Clause 3 “to prescribe times, places, and manners of holding elections”.
- Clause 2. The Student Government Association at the University of Houston supports student elections, student expression, student advocacy and agency through this Code.

### **Section 2: Accountability of the Election Code**

- Clause 1. Every person who files for an office elected under the authority of the Student Government Constitution and Bylaws will have access to a copy of this document at the time of filing.
- Clause 2. All candidates and their staff and volunteers will be responsible for knowing its contents. Any questions concerning this document will be addressed directly to the Election Commission or Attorney General.

### **Section 3: Compensation**

- Clause 1: The Chief Election Commissioner and the Deputy-Chief Election Commissioner have a right to monetary compensation at the time surrounding the annual Student Government Election.

## **Article 2: The Election Commission**

### **Section 1: Responsibilities**

- Clause 1. The Election Commission is responsible for the administration of the Student Government Association elections, as well as the administration of additional events at the discretion of the Election Commission that aim to promote the elections, inform the student body about the elections, provide the candidates with information, allow candidates an opportunity to promote themselves, or otherwise contribute to a fair, efficient, and publicized election.
- Clause 2. The Election Commission must act impartially to any candidates or parties participating in the Student Government Association Election.

- Clause 3. The Election Commission must act in accordance with the Student Government Election Code, the Student Government Bylaws, and the Student Government Constitution.
- Clause 4. The Election Commission must ensure to the best of its ability that all information provided by its members regarding the Student Government Association Elections is correct.
- Clause 5. If a constitutional amendment to be voted on by the student body has been provided by the Student Government Association Senate to the Election Commission, the Election Commission has the responsibility to ensure that the constitutional amendment is placed on the ballot correctly.
- Clause 6. The Election Commission must attempt to respond to any questions posed to the Commission through the designated and public e-mail address in a timely manner, defined as within twenty-four (24) business hours of the message being sent.
- Clause 7. The Election Commission will commence the election on the first Monday in February and conclude the election at the end of the last day of voting. Once established, the Election Commission must submit these dates to the Student Government Association Senate.

## **Section 2: Appointment**

- Clause 1. The Election Commission must be composed of, at least, a Chief Election Commissioner and a Deputy-Chief Election Commissioner.
- Clause 2. The Chief Election Commissioner must be appointed by the Student Government Association Attorney General and confirmed by a two-thirds vote of the Student Government Association Senate present and voting.
- Clause 3. Members of the Election Commission must be students currently enrolled nine (9) credit hours or more, and in good standing with the University.
- Clause 4. If, at the time of appointment, a member of the Election Commission is already an officer within the Student Government, they will automatically resign their position at the time of confirmation to the Election Commission. If their confirmation fails, they have the right to remain in their current position.
- Clause 5. Members of the Election Commission may not pursue any elected or appointed position within the Student Government Association until their term on the Commission has ended.
- Clause 6. The official term of each Election Commissioner begins at the time of confirmation by the Senate and ends on March 31st of the calendar year the election is held.
- Clause 7. The Deputy-Chief Election Commissioner will automatically become the Chief Election Commissioner should the Office of the Chief Election Commissioner become vacant between January 1st and March 31st of any given calendar year.

Clause 8. The Attorney General will appoint, without confirmation, a Chief Election Commissioner should both the Office of the Chief Election Commissioner and the Office of the Deputy-Chief Election Commissioner be/become vacant between January 1st and March 31st.

### **Section 3: Office Hours**

- Clause 1. At least one member of the Election Commission must be present in a designated office for the Election Commission for at least twenty-five (25) hours each week.
- Clause 2. If more than one member of the Election Commission is present for the same hour in the designated office, this only counts as one hour towards the twenty-five (25) hour total.
- Clause 3. These hours may be held on any day Monday through Friday between the hours of 8:00 a.m. and 10:00 p.m.
- Clause 4. These requirements for office hours take effect exactly four weeks before the planned date of the election and end at 8:00 p.m. on the first Monday after the election has ended.

### **Section 4: Election Journal**

- Clause 1. The Election Commission must prepare and submit to the Student Government Association Advisor, a collection of all documents, correspondences, and other materials related to the election in order for the members of the Commission to receive a stipend. This journal must give an accurate and detailed descriptions of events and must be submitted both to the Attorney General and the Speaker of the Senate.
- Clause 2. This journal must include, at a minimum: all complaints and responses to complaints, election results, any results from the Student Government Association Supreme Court, ideas for upcoming commissions on improving the election process, the budget breakdown of the Election Commission, and other pertinent information. A copy of the Election Journal will be offered to the Student Government Association Advisor and this copy will be published online and viewable by the public.

### **Section 5: Individual Duties of Commissioners**

- Clause 1. The Chief Election Commissioner is the administrative head of the election process and must ensure that all duties of Election Commission are carried out as detailed in Article 2, Section 1 of this Election Code.
- Clause 2. The Chief Election Commissioner may delegate both tasks and authority to the Deputy-Chief Election Commissioner as necessary.

- Clause 3. If necessary, the Chief Election Commissioner may enlist the help of self-appointed Election Commission Assistants without the confirmation of the Senate. These assistants have no authority in the election process.
- Clause 4. The Chief Election Commissioner is responsible for verifying each candidate meets baseline requirements set forth in this document.
- Clause 5. The Chief Election Commissioner is responsible for making sure the topics to be discussed at the Candidate Seminar will include but are not limited to: The Election Rules and Regulations, University Policy relating to the election, Election Schedule, Structure and functions of the Student Government Association, and the duties and responsibilities of the elected officers of the Student Government Association.
- Clause 6. The Election Commission will create and maintain electronic accounts, such as email accounts and social media pages as it finds appropriate to carry out its duties. All official electronic correspondence from the Commission will only come from the official UH-email account of the Election Commission.
- Clause 7. Any Commission-related correspondence received to a personal email account or personal social media account will be immediately forwarded onto the Commission's official account.
- Clause 8. The Election Commission may provide a voter guide to all voters so long as all candidates are given equal opportunity to be included and the space allocated to each candidate is equal, based on the position they are running for. This guide will be posted on the SGA website.

### **Section 6: Removal from Office**

- Clause 1. Failure to fulfill the duties or responsibilities as outlined in this document will constitute grounds for removal. Removal from the Commission will be decided by the Student Government Association Senate by a two-thirds majority vote. In addition, the Senate must also nominate who will be acting as the Prosecutor in the case. After all nominations have been entered the individual with a majority vote from those nominated will serve as the prosecutor in the case. After the vote has passed, a trial must occur within 48 hours. The individual selected by the Senate will then serve as the Prosecution in the case. Any member of the Commission accused of failing to fulfill the duties and responsibilities will have a right to counsel and may select to be represented by the Public Defender or alternative individual.

## **Article 3: Candidates and Parties**

### **Section 1: Qualifications to be a Candidate**

- Clause 1. A "candidate" will be defined as a student who is eligible to run for an elected position.

- Clause 2. A student is eligible to run for an elected position if they are currently enrolled at the University of Houston, are in good academic and disciplinary standings as defined by University Policy, and are eligible under the requirements of Clause 5 and Clause 6 of this section.
- Clause 3. The right of a University of Houston student to be a candidate for any Student Government Association office will 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.
- Clause 4. If a candidate does not meet the requirements established in the Election Code by the closing of the filing deadline, they are immediately disqualified from running in the election and must be notified no later than 3 days after they have filed. Candidates will have twenty-four (24) hours to appeal this decision to the Supreme Court.
- Clause 5. For any college position, a candidate must be enrolled at the time of filing in the college that they are seeking to represent. A candidate must be majoring in a subject that falls under the domain of that college. Students with only a minor in a college are not eligible to run for that college position. Failure to meet these requirements can result in disqualification or removal.
- Clause 6. All candidates must be able to serve as least two (2) full academic semesters, not including the summer after the election. The two full academic terms will be the following fall and spring semesters after the election has occurred. If a student's degree plan does not indicate that they will be attending the University for at least two more full academic semesters, they must submit a letter with their application for candidacy from their academic advisor stating that their degree plan will continue through the term they are seeking to be elected for.
- Clause 7. The SGA Election Advisor is responsible for verifying each candidate meets baseline requirements set forth in this document.
- Clause 8. No member of the Election Commission, the Attorney General, or member of the Student Government Association Judiciary may be a candidate for elective office.

## **Section 2: Limitations on Candidacy**

- Clause 1. The only requirement for a student to hold or seek elective office is that the student will be in good academic and disciplinary standing, with certain exceptions. Students who previously served sanctions for offenses either violent or sexual in nature are not permitted to seek or hold office in the Student Government. These include but are not limited to: sanctions regarding sexual assault, physical assault, and sexual harassment.

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

- Clause 1. All candidates are held accountable to the provisions of this code, Student Government Association Constitution and Bylaws and all other University policies. All candidates, by way of registering and running for office, are agreeing to abide by potential sanctions and policies the Attorney General, Election Commission, Supreme Court, and/or designated lower court deem appropriate based on their interpretation of the Student Code of Conduct and University Policy. No sanction will extend beyond the context of an individual or party's involvement with Student Government and/or Student Government practice.
- Clause 2. Candidates will be held responsible for any activities by their supporters that are in violation of the provisions of this code if there is explicit evidence that supports that a candidate authorized or requested such activities. Explicit evidence is defined as physical proof of the aforementioned activity. Examples include text messages, emails, videos, etc.
- Clause 3. Candidates who are members of a party are held individually accountable to the provisions of this code, although parties as a whole may be penalized for violation of this code if the violation would stand to benefit the party as a whole.
- Clause 4. All candidates must attend a candidate seminar to be held no later than five (5) business days after the filing deadline. At the time of filing, each candidate will be informed of the time and location of the seminar. The Election Commission will be wholly responsible for the organization and execution of this seminar.
- Clause 5. Failure to attend the Candidate Seminar will result in the disqualification of the candidate, unless the absence is requested by the candidate and approved by the Commission no later than twenty-four (24) hours before the meeting has occurred, or twelve (12) hours after the meeting has occurred for emergencies with proper documentation.
- Clause 6. The official method of communication between the Election Commission and candidates is by way of e-mail. It is the responsibility of the candidate to provide the Election Commission with valid and accessible e-mail address, and other contact information. Any information missed due to the lack of reading or any otherwise unstated reason is the sole responsibility of the candidate and not the Election Commission.

### **Section 4: Qualifications of a Party**

- Clause 1. A party is defined as “an affiliation of candidates, and/or campaign staff who group together to organize campaigning for an election”.
- Clause 2. Parties are not required to have a Presidential/Vice-Presidential pairing. Clause 3. Candidates will not be listed on more than one party ticket.

## **Section 5: Responsibilities of a Party**

- 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.
- Clause 2. Individuals within and comprising parties will be subject to the responsibilities of candidates enumerated in Article 3.
- Clause 3. Parties may register with the election commission at any time before the close of the filing deadline as established by the Election Commission following the confirmation of a Chief Election Commissioner for the current election cycle. New members may be added at any time before the close of the filing deadline by submitting a request to the election commission (see: Section 6 for potential exceptions and further clarification).
- Clause 4. Parties must register the party name and candidates with the Election Commission before engaging in campaign practices, and may make amendments to either so long as the deadline has not yet passed.
- Clause 5. The Election Commission does not reserve the right to refuse any party name unless the name is deemed vulgar/inappropriate by the Attorney General before the filing deadline.
- Clause 6. If a majority of a party wishes to remove the presidential candidate nominee after the filing deadline has passed, 2/3<sup>rd</sup> of the party must vote in favor of removal and submit the names of those favor and reasoning for the removal to the Chief Election Commissioner for approval. If they want to remove the presidential nominee before the filing deadline, the candidates in opposition only option is to form a new party.

## **Section 6: Filing for Candidacy**

- Clause 1. A student may file as a candidate by filing their intention for candidacy by completing registration with the Election Commission during the filing period set by the Chief Election Commissioner.
- Clause 2. The filing period for candidacy must be at least fifteen (15) business days.
- 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.
- Clause 4. Available positions for filing include: President, Vice President, four (4) Graduate At-Large Senate seats, six (6) Undergraduate At-Large Senate seats, and a number of College Senate seats as outlined by the SGA Constitution.
- Clause 5. A candidate for Student Government Association President may select a Vice Presidential running mate to run for election as specified in Article V, Section 2 of the Student Government Association Constitution.

- Clause 6. A President/Vice-President ticket must remain whole for the three days leading up to the first day of voting. Either member may choose to drop from the ticket at any time after filing. A President or Vice-President withdrawing their candidacy will give the remaining party members twenty-four (24) hours to decide on a replacement. If no replacement is decided in twenty-four (24) hours, the party will forfeit this position on the ballot. If a President or Vice-President of a party drops out within three days of voting, no replacement will be allowed on the ballot.
- Clause 7. Party names will be a maximum of twenty-five (25) characters in length.
- Clause 8. Members of the Election Commission or Justice Department may publicly announce the total number of candidates who have filed for candidacy, the total number of parties, and/or the total number of candidates for each position at any stage during the filing period.
- Clause 9. Members of the Election Commission or Justice Department may not disclose the names of any candidate, party, or affiliated individuals, without their consent, before the filing deadline.
- (a) The Election Commission or Justice Department may disclose the names and contact information for independent candidates to all registered Presidential and Vice-Presidential candidates based on the premise that they have gotten written consent from the candidate and that the Presidential and Vice-Presidential candidates intend to recruit the independent candidate into their party.
- Clause 10. A party will become official after being successfully registered to the election commission.
- Clause 11: Independent candidates may switch their independent status to being party affiliated so long as the party leadership and the candidate confirm this in writing to the Chief Election Commissioner before the ballot is finalized and so long as the party has not reached the limit on candidates.
- Clause 12: Party-affiliated candidates may switch their status to “independent” at any point so long as they confirm this in writing with the Chief Election Commissioner and before the ballot is finalized.
- Clause 13: Candidates will be prohibited from switching from one party to another after the registration period has passed, but parties may move candidates from one position to another internally (for example, a person may not switch from “party A” to “party B”, but “party A” may move this person from an undergraduate at-large candidate to a business candidate) so long as the party leadership and the effected candidate(s) confirms this in writing to the Chief Election Commissioner in writing, before the ballot has been finalized.
- Clause 14: Independent candidates may switch their position registration before the ballot is finalized so long as they confirm this in writing to the Chief Election Commissioner (for example, an independent Technology Senator candidate may switch to running for President or Undergraduate At-Large).
- Clause 15: Candidates may switch their position registration so long as they confirm this in writing to the Chief Election Commissioner and the change occurs before the registration deadline.

## **Article 4: Campaigning**

### **Section 1: Definition of Campaigning**

- Clause 1. Campaigning is defined as the intentional direct or indirect solicitation of votes, the purposeful bolstering of one's personal brand and/or name, and/or any form of personal, group, or mass advertising initiated by a known and/or prospective candidate or campaign staff member with the purpose of effecting the election outcome.
- Clause 2. "Active campaigning" or a "Direct solicitation of votes" is defined as an attempt to obtain votes through personal communication or contact.
- Clause 3. "Non-active campaigning" or "Indirect solicitation of votes" is defined as an intentional attempt to obtain votes through materials that can be seen or heard by potential voters.
- 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.
- Clause 5. A "campaign staff member" is any individual who is retained to do a job for the campaign. A campaign job is an assigned task at the direction of the party.
- Clause 6. Campaigning does not include any actions taken by known and/or prospective candidates, campaign staff, or parties to organize or recruit on a peer to peer basis before the close of the filing deadline.
- Clause 7. Party meetings are permitted, but a candidate or party staff member may not, through any means, publicly or broadly recruit candidates. This includes, but is not limited to: mass advertising, listservs, and public announcements of party recruitment.
- Clause 8. Parties may not contact campus/student organizations or instructors for the purpose of campaigning prior to the start of the campaign period.

### **Section 2: Prohibitions on Campaigning**

- Clause 1. All campaigning is subject to the authority of entities or individuals that have jurisdiction over the location in which campaigning is occurring. If any complaint is filed concerning whether campaigning in a certain building is permissible, the filer must prove a prohibition on campaigning within said building is (1) in writing and (2) well-communicated to students/candidates before the alleged violation took place.
- Clause 2. No campaign may be on or use personal or intellectual property without the consent of the owner.

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- Clause 3. No campaign may interfere with the online voting system.
- Clause 4. No candidate or party may campaign door to door in residence halls or take any other action that violates University of Houston Student Housing & Residential Life Policy.
- Clause 5. No campaigning may occur before the start of the official campaigning period as dictated by the Election Commission.
- Clause 6. The Election Commission may not place the start of the campaigning period before the end of the candidate-filing period.
- Clause 7. No university-sponsored (department, division, office, etc.) social media will be used for the purposes of campaigning. This includes tagging parties involved in the election in social media posts.

- Clause 8. No candidate, or authorized person thereof, may, in the course of campaigning, disrupt any academic function.
- Clause 9. No candidate, or authorized representative thereof, may distribute or make available any campaign material prior to the commencement of the campaign period. This section will also apply to the availability of any website, social networking group, or other online campaign tool.
- Clause 10. No university academic system, such as Blackboard, may be used to promote, aid, or advertise any campaign. This includes mass emails to students.
- Clause 11: Campaigners cannot offer anything of monetary value to a voter on the condition the voter casts a vote for said campaigner or said campaigner's team. Anything given to voters by candidates must be unconditional in nature.

- (a) Any campaign giveaways must open to and disclosed publicly that they are open to any voting, even if the individual is not voting for that specific party.

- Clause 12: Active Campaigning within the walls or fifteen (15) feet from the entrances of the library, student centers (north, south, and satellite), recreation and wellness center, dining halls, and/or within any dining establishment owned/operated by the University of Houston is prohibited. The Chief Election Commissioner may make

exceptions to this at their discretion. This does not include non-active campaigning.

- Clause 13. Campaigns of either an independent candidate or party may not ask or force an individual to receive confidential student information from individuals, this entails but is not limited to: PeopleSoft IDs, personal records, birthdates, etc.

### **Section 3: Campaign Materials and Endorsements**

- Clause 1. All physical or online campaign materials must be in accordance with the Student Government Association governing documents.
- Clause 2. All physical and campaign materials, including but not limited to: Flyers, Buttons, T-Shirts, etc., must be originally created. This does not include party names. Non-physical materials such as Social Media may be reused.
- Clause 3. Parties and individual candidates have a right to their likeness, and any attempt to copy a party or individual's likeness is prohibited. A complaint regarding this clause must prove opposition marketing materials are too close to be easily distinguished. This includes party names.
- Clause 4. Candidates or parties that are found to have presented a false claim of endorsement by any individual, organization, or business, are subject to penalties following a formal complaint.
- Clause 5. If a student group chooses to endorse a candidate, the candidate will not be held responsible for activities of the endorsing student group in regard to activities which are intended to physically, mentally, or emotionally inhibit a candidate or their party; unless there is explicit evidence of a candidate directing the aforementioned behavior.
- Clause 6. The Election Commission does not have the authority to approve/disapprove of social media posts. All complaints must be forwarded to the Attorney General

### **Section 4: Campaign Ethics**

- Clause 1. Members of the Election Commission and members of the Student Government Association Judiciary/Justice Department are prohibited from campaigning or verbalizing support for a particular candidate or party. If they verbalize their support, it is ground for removal or impeachment from their position.
- Clause 2. Candidates must act in accordance with the Student Government Association governing documents.
- Clause 3. No candidate or campaign staff member may interfere with the campaign materials of an opposing candidate or party.
- Clause 4. No candidate or campaign staff member may make any threats of physical or emotional abuse of an opposing candidate or party.
- Clause 5. No candidate or campaign staff member may offer anything of monetary value nor threaten or promise any particular action to a member of the Election Commission, or a member of the Justice Department with the intention of

incentivizing or causing undue influence in the election process. The Election Commission and Attorney General reserves the right to file a complaint against any individual who violates this clause.

- Clause 6. No candidate or campaign staff member will physically or emotionally abuse campaign team-members.
- Clause 7. No candidate will be involved in or have a history of involvement in physical or emotional abuse of any kind within or outside the context of the Student Government Elections. This includes, but is not limited to physically abusive behavior, emotionally abusive behavior, sexual abuse, sexual harassment, etc.
- Clause 8. No candidate or campaign staff member may make threats towards any individual or group. This includes but is not limited to: physical threats, emotional threats, social threats, or any threat which might prove distressful to an individual or group's physical, emotional, and/or financial well-being.

## **Article 5: Voting**

### **Section 1: Voter Eligibility**

- Clause 1. Each member of the Student Body as defined by the Student Government Constitution will be entitled to vote in the Student Government Elections.
- Clause 2. Each 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 2: Election Date**

- 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 11:59:59 PM.

### **Section 3: Polling Locations and Regulations**

- Clause 1. Voting will take place online through an online voting system.
- Clause 2. The Election Commission will be required to host an in person voting option on the University of Houston main campus.

### **Section 4: Ballots**

- Clause 1. All ballots will be cast online through the online voting system.
- Clause 2. If a candidate is affiliated with an approved party, the candidate's party affiliation will be listed next to their name on the official ballot. Any candidate who is not affiliated with a party will have the word "Independent" next to their name.

- Clause 3. The number of seats available in each Senatorial Contest will be placed on the official ballot.
- Clause 4. The Election Commission will post the sample ballot for the purpose of correcting errors the day after the mandatory candidate's meeting by 5:00 P.M. If a candidate does not appeal any error on the sample ballot by 5:00 P.M. on the following day, they lose their right to contest the error.
- Clause 5. The sample ballot will not be used for any voting. It will only be used for a candidate to verify that their name has been properly recorded for the election process, and for other administrative purposes as needed by the Election Commission.
- Clause 6. Any withdrawn or disqualified candidates' voters' votes will be automatically, and before all redistributions/elimination, distributed to their second-choice preference, as determined by the ranked-choice voting system, and should a voter decide to only rank a, now, withdrawn or disqualified candidate first, without indicating any subsequent preferences, their vote will be taken out of the pool. This will occur after the completion of the voting period.
- Clause 7: The Election Commission will post the final ballot for any election at least five (5) business days prior to the voting period and will post a copy to the Student Government Association website as well.
- Clause 8. Candidates' ballot positions will be randomly ordered as a pre-set for each voter (i.e. the list of candidates' names, per ballot, will be randomly ordered once, and that random order will be the fixed-order of candidates each voter will see). If ballot position can be randomized for each voter's ballot, the Election Commission will completely randomize the ballot. Candidates have the right to know the process for how the ballot was randomly ordered.
- Clause 9. Any Constitutional Amendments and/or referendums will be placed at the bottom of the ballot.
- Clause 10. The SGA President may place, with the advice and consent of the SGA Senate, University-related items requiring a student body vote at the end of the ballot, after all Constitutional items.

### **Section 5: General Election Results**

- Clause 1. Candidates running for President and Vice President must receive the most votes to be seated. A Presidential candidate without a Vice Presidential candidate will run against all others who have a complete ticket.
- Clause 2. Voters will vote via a first-past-the-post voting system for each seat or set of seats. Voters will have the option to cast a vote for each seat.

## **Section 6: Determination of Results**

Clause 1. The results of any election, ballot measure or referendum will be determined as follows:

a) Under the first-past-the-post system, the candidate with the most votes will win the seat.

Clause 2. In the case of an exact tie in number of votes at the end of the process, there will be a runoff election to decide who will hold the seat.

Clause 3. Regardless of complaints or appeals, the unofficial results of the general election will be announced by the Chief Election Commissioner via livestream on the day after the General Election.

Clause 4. If no complaints or appeals are registered within eight (8) hours of the announcement of election results, all election results will be deemed final.

Clause 5. Candidates for College Senate seats will run in conjunction with all other candidates running for the same seats.

Clause 6. Candidates running for Senate within the Undergraduate At-Large and Graduate At-Large categories will run in individually numbered seats which are elected separately (for example, if there are six Undergraduate At-Large Senator seats, there will be one individual, separate, election for each of the six seats):

a) No member from the same party will run against each other within the same numbered atlarge seat;

b) Multiple independents in the same numbered at-large seat is permissible only if there are more independent candidates than there are seats available (for example, if there are seven independent candidates registered for a undergraduate at-large with six seats, randomly, there will be one numbered seat with two independent candidates, and five numbered seats with one independent);

c) When able, the Election Commission will attempt to eliminate the possibility of a candidate running unopposed for Undergraduate At-Large and Graduate At-Large (for instance, if undergraduate at-large has six seats, and Party A has six undergraduate at-large candidates, Party B has four undergraduate at-large candidates, and there are two independent undergraduate at-large candidates, the election commission will place these candidates in such a way that all six seats are contested);

d) It is permissible, and required, to have an individual run unopposed in the case, and only in the case, that there are less, or an equal amount of, candidates filed in a category than there are available seats (i.e. if there are only six people running for the six Undergraduate AtLarge

seats, they will all run unopposed. If there are seven people running for the six Undergraduate At-Large seats, it will be random that two of the seven will compete for one seat and five of the seven will run unopposed for each subsequent seat);

- e) Parties will not have discretion which candidates they place in which specific seats (i.e. whether to place candidate “A” as an undergraduate atlarge seat #1 or #2). Independents will not have this discretion either. Candidates will only indicate the generic position they are registering within (“Undergraduate At-Large” or “Graduate At-Large”), and the exact people running within each numbered at-large seat will be randomly chosen in a process determined by the Chief Election Commissioner. Candidates have the right to know the exact process of how the candidates were randomly assigned seats.

## **Article 6: Campaign Finance**

### **Section 1: Expenditures**

- 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 ten-thousand (\$10,000) dollars.
- Clause 2. Candidates running to be one of the At-Large Senators as an independent are limited to expenditures totaling no more than ten-thousand (\$10,000) dollars.
- Clause 3. Political parties and Independent Presidential candidates are limited to expenditures totaling no more than ten-thousand (\$10,000) dollars for the entire party.
- Clause 4. Independent candidates and political parties are limited to expenditures totaling no more than 10 of their maximum budget for giveaways.

### **Section 2: Financial Disclosures**

- 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 Election Commission may request to view these records at their discretion, and candidates must present these records to the Election Commission within twenty-four (24) hours of receiving the request in writing.

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- Clause 2. Any good or service actually purchased or paid for by the candidate for their campaign will be reported at the actual value expended by the candidate for the given good or service. Candidates must provide receipts in person or via email to prove the actual value of each good or service purchased or paid for. If the Election Commission requests such, the candidate must provide the original receipt(s) in person.
- Clause 3. Candidates that are not a member of a party are required to file a statement of financial disclosure weekly on each Monday from the first Monday after the start of the campaigning period until and including the first Monday after the end of all elections. The Chief Election Commissioner has the discretion to change the day that these financial disclosures are due to the commission.
- Clause 4. The first statement of financial disclosure must detail the names and monetary values of each expenditure the campaign has made thus far. Each subsequent statement of financial disclosure must detail the names and monetary values of each expenditure the campaign has made since the submission of the last statement.
- Clause 5. Political parties must submit a financial disclosure form that accounts for the spending of all members of the party. This form must be submitted on a weekly basis, defined in the same way as prescribed for independent candidates in Clause 3 of this section.
- Clause 6. Each party must be aware of the total expenditures of its members and is responsible for not exceeding its total expenditure limit.
- Clause 7. The Election Commission must keep running totals for the expenditures of each candidate and party to ensure that the limits presented in Section 1 of this article are not exceeded.
- Clause 8. Statements of financial disclosure as well as running expenditure totals are public record. This information may be requested at any time. The Election Commission must provide this information in a timely manner. The Election Commission must make available on the Student Government Association website all financial disclosures form once they have been submitted within twenty-four (24) hours.
- Clause 9. The total cost of an expenditure benefiting multiple candidates may be divided for financial disclosure at the preference of the candidates involved.
- Clause 10. No candidate or campaign staff member will falsify any entry on a statement of financial disclosure.

Clause 11. For each election, each independent candidate and each party listed on the ballot will be required to submit a ‘donation list’ with their weekly financial disclosure form containing a list of individuals who have donated to their campaign. Candidates or parties that received no donations are still required to submit this list to the Election Commission. The Election Commission will provide this form on its website prior to the registration period, with the form including the following sections:

- a) Names of the those responsible for the donation;
- b) The fair market value of the donation; and
- c) The date the donation was received.

Clause 12. Financial disclosures of costs of both independent candidates and parties must submit and provide with their expense report, the invoice or receipt of the transaction and may not use online cash exchange accounts (such as but not limited to Venmo, Cashapp, Zelle, etc.) to be able to suffice this criterion.

## **Article 7: Violations**

### **Section 1: Complaints and Reporting**

Clause 1. The Justice Department, Election Commission, and Judicial Branch (including the Appellate Court) 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).

Clause 2. Any University of Houston student, faculty, or staff member may file a complaint.

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. Candidates will be allowed three (3) non-merited complaints. Additional non-merited complaints will result in a Class B violation.

Clause 4. 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 12:00 PM 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.
- Clause 5. The Attorney General will make a decision pertaining to the merit of the complaint, and provide substantive reasoning based on the Election Code, Constitution, Bylaws, Student Code of Conduct, and/or any other University policies.
- 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.
- Clause 7. Candidate(s)/individuals may appeal their penalty or its severity before the Student Government Association Supreme Court or designated Appellate Court. Appeals regarding Class A and Class D violations must be heard by the Supreme Court. The Appellate Court will be in charge of hearing Class B and Class C violations. After having gone through the Appellate Court, if the Supreme Court allows, may take their violations to be heard in front of them to may review the appeal and choose to hear the appeal in court, or 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.
- Clause 8. Should any petitioner or respondent wish to appeal a decision of the Attorney General to the Appellate Court 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 the Appellate Court, they must file the appeal within four (4) hours of receiving the decision from the Appellate Court. Should a decision from the Attorney General or the Appellate Court be delivered between 8PM and 6AM, the petitioners (of the appeal) will have until 12PM to file their appeal.
- Clause 9. If an appeal is sent on time to the Appellate Court 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 Appellate Court and/or Attorney General will be enforced at the discretion of the Attorney General. Petitioners may appeal a case to the Supreme Court should the Appellate Court miss the appeal deadline.
- Clause 10. If an appeal is rejected by the Appellate Court or the Supreme Court, the Attorney General's ruling on the violation is final and the penalty will be immediately enforced.



- Clause 11. The Appellate Court or Supreme Court will have its decision on hearings made public by 9AM the following morning of any hearing the court schedules. The fill write-up will be made available at the court's discretion.
- Clause 12. If the Student Government Association Supreme Court or designated lower court chooses to hear the appeal, the Court must meet within forty-eight (48) hours to rule on the appeal. The Attorney General's ruling will be considered final if the Court is unable to meet in the specified time-frame, unless in the case of a disqualification decision/recommendation. In the case of a potential disqualification, the court will have an additional seventy-two (72) hours to meet in addition to the allotted forty-eight (48) hours. In the case of potential disqualification, the Attorney General's ruling will be considered final if the Court is unable to meet within five (5) calendar days (120 hours) from receiving the appeal.
- Clause 13. If the Student Government Association Supreme Court or designated lower court chooses to hear an appeal, the court may decide that enforcement of the penalties contained in the appeal be suspended until a final ruling is made on the case.
- Clause 14. The Attorney General will make final complaint decisions public within one (1) business day after delivering the final decision to relevant parties. All fruits of investigation will be made available upon request, including but not limited to: the original complaint filing, any written correspondence (including email), and all evidence supporting and/or negating the complaint. The Attorney General has the discretion to withhold names should the Attorney General determine it necessary to protect an individual's identity
- Clause 15. In the case that a known and/or prospective candidate, or campaign staff, is found to have violated the Election Code before the campaign period has begun, any penalties decided upon by the Attorney General will be put into effect after the campaign period begins, with the Attorney General's discretion on the exact time (for example, if a student is found to be posting campaigning materials such as flyers in September, and the Attorney General decides to suspend their campaign for twenty-four (24) hours, the Attorney General must ban them from campaigning at any twenty-four (24) hour interval within and after the start of the campaign period.

## **Section 2: Classification of Violations and Penalties**

- Clause 1. The Supreme Court or designated lower court will have the discretion to consider the severity of each violation in their final ruling of punishment.
- Clause 2. The following lists will never be construed to be an exhaustive list of all violations.
- Clause 3. Class A violations include but are not limited to: select violations of the Student Code of Conduct and/or local, state, and/or federal laws, select violations of the Election Code campaign ethics section (Article 4, Section 4), election fraud, falsified campaign documents, and identity theft.
- Clause 4. Violations of the Student Code of Conduct and University Policies may be classified as Class A, B, or C, at the discretion of the Attorney General. Only the

most egregious Student Code of Conduct or University Policy violations will merit a class A classification, worthy of potential disqualification.

(a) The Attorney General has 48 hours to respond to Class B and C violations.

- Clause 5. “Election Fraud” is defined as the unauthorized tampering, altering, or abuse of the voting process.
- Clause 6. The Appellate Court will follow the same procedures as the Supreme Court when conducting a hearing.
- Clause 7. The penalty for a Class A violation is the disqualification of the candidate(s) from the election and an automatic referral to the Dean of Student’s Office.
- Clause 8. Class A complaints are not subject to time constraints as outlined in Article 7, Section 1, Clause 2 of the Election Code.
- Clause 9. Class B violations include but are not limited to: deliberately defacing, altering, or destroying the campaign material of another candidate without that candidate’s explicit written permission; the obstruction of the Election Commission in the discharge of their official duties; exceeding campaign spending limits; and/or failing to appear before the Supreme Court or designated lower court for hearings.
- Clause 10. The penalty for a Class B violation is a temporary suspension of campaigning. The Attorney General will have the discretion of administering a fair and proportional suspension. The Attorney General’s decision may be appealed to the Supreme Court or designated lower court.
- Clause 11. Class C violations include but are not limited to: pre-campaigning; failure to submit required campaign documents to the Election Commission; and/or failure to attend mandatory meetings.
- Clause 12. Any party whose candidate(s) violate suspensions of campaigning will be issued a warning and a suspension of campaigning at the first occurrence and will be placed on Election Probation at the next occurrence in addition to the penalty for committing a Class B violation.
- Clause 13. A Class D violation is a violation of any suspension of campaigning by any member(s) of a party on Election Probation.
- Clause 14. The penalty for a Class D violation is the disqualification of the candidate(s) from the election.
- Clause 15. After three (3) Class C violations, each subsequent Class C violation will be considered a Class B violation and will be treated accordingly. After multiple Class B violations, the subsequent Class B violation will be considered a Class A violation and will be treated accordingly. The Attorney General will notify each violator when they are one violation away from having their next violation upclassified.
- Clause 16. The penalty for a Class C violation is a written warning from the Attorney General at the first occurrence, and a temporary suspension of campaigning for every subsequent occurrence. The Attorney General will administer a fair and proportional suspension for Class C violations. The Attorney General’s decision may be appealed to the Supreme Court or designated lower court.

- Clause 17. Party staff members and volunteers are subject to the same violations and penalties as candidates. The Attorney General and Supreme Court or designated lower court will have jurisdiction to decide whether or not it is necessary to penalize the party for a violation of its staff/volunteer members.
- Clause 18. Only individuals of a party may be disqualified due to noncompliance with the election code. In the event that an individual cannot be pinpointed than the Leaders of that party will face disqualification. Entire parties may not be disqualified for the actions of specific individuals or if an individual cannot be determined.

### **Section 3: Appellate Court**

- Clause 1. The Appellate Court 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, except for Class A and Class D complaint appeals, if the appeal was not first heard by the Appellate Court. The Appellate Court will serve as the initial court of appeal on all election complaint appeals that are not classified as Class A or Class D violations.
- Clause 3. Only one (1) member of the Appellate Court is required to be present for an Appellate Court hearing to proceed, and only one (1) member of the Appellate Court needs to approve of an appeal for the appeal to be granted a hearing.
- Clause 4. Should the Appellate Court 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 Appellate Court, the petitioner may submit an appeal directly to the Supreme Court.