

## CHAPTER 601 – THE ELECTION REGULATIONS

*Amended by S.B. 09(S)30, S.B. 09(F)18, S.B. 63-53, S.B. 64-13, S.B. 64-63, S.B. 65-04*

# Article I. Election Commission

- section I.** Candidates for any election shall be responsible for these regulations provided herein. Ignorance of these regulations shall not be an acceptable defense in response to any offense in any election, either by the candidates themselves or by individuals campaigning on behalf of a candidate.
- section II.** These regulations are subject to interpretation only by the Election Commissioner and are subject to review only by the Student Government Judicial Court. Additionally, any liberties of interpretation given specifically to the Election Commissioner are subject to review by the Student Government Judicial Court. No other member of the Student Government Association or the Election Commission is authorized to interpret the Election Regulations.
- section III.** Candidates and their staff members may contact the Election Commissioner for the purpose of consultation pertaining to the election. The Election Commissioner may be contacted anytime via e-mail and will make pertinent attempts to respond to queries within one (1) business day.

# Article II. Jurisdiction

- section I.** Organizational Eligibility
- (a) The Yell Leader election shall be eligible for elections so long as their governing documents include:
- (1) Measures to be bound by the final result of the election and Judicial Court appeals process
  - (2) Measures to accept plurality voting for determination of yell leader election winners
- (b) Any recognized student organization wishing to have any or all of its elections conducted by the Election Commission must obtain majority approval of the Student Senate no later than five (5) class days before the first day of filing for that election unless the Election Commission conducted elections for that organization in the prior calendar year.
- (c) All organizations having elections conducted by the Election Commission must provide reasonable financial and/or other support for the elections as deemed necessary by the Election Commissioner.
- (d) All organizations having elections conducted by the Election Commission must file a current copy of their constitution and by-laws with the Department of Student Activities no later than fifteen (15) calendar days prior to the first day of filing, if not presently filed. The constitution and by-laws on file with the Department of Student Activities at that time shall be considered the official copy for election purposes. Changes made to organizational constitutions and by-laws after this time shall not be applied to the current election but will apply to subsequent elections. The Election Commission shall not be responsible for the enforcement of the governing documents of organizations that fall outside the jurisdiction of the Student Government

Association. In the event of any conflict between these regulations and the governing documents of an organization outside of SGA, these regulations shall take precedence.

(e) All organizations having elections conducted by the Election Commission must abide by the Election Regulations.

(f) Any organization wishing to withdraw its elections from the jurisdiction of the Election Commission must submit a written request to the Election Commission stating its intent no later than fifteen (15) calendar days prior to the first day of filing. Requests to withdraw need not be approved by the Student Senate.

(g) Any organization failing to comply with these requirements shall not have their election conducted by the Election Commission.

## **section II.**

### **Referenda**

(a) Entities, including commissions, organizations, and branches, that are a part of the Texas A&M University Student Government Association or are employees of Texas A&M University or the Texas A&M System may not involve themselves in Student Government Referenda. "Involvement" includes but is not limited to campaigning, education, activism, monetary spending and internet use in support or against the referendum question. Individuals acting on their own merit or name recognition would never be subject to this restriction; however, they should not associate themselves with SGA entities or the University in any way while undertaking these activities. The chairmen of these entities and their superiors will be held responsible for violations of this rule. If an SGA entity does become actively involved in an SGA referendum, this involvement shall be considered grounds for a challenge to the results of the referendum in Judicial Court.

## **Article III. Filing**

**section I.** Candidate Eligibility

(a) General Qualifications for Office

- (1) All candidates must meet the qualifications for their respective offices as set forth in the Texas A&M University Student Rules and their respective organization's governing documents.
- (2) Undergraduate Students may be classified as freshmen, sophomores, juniors, or seniors according to the starting date of their undergraduate studies or, if the candidate requests, according to the number of course hours they have completed if that places them ahead of their class year. Graduate Students are considered to be in their own classification.

**section II.** Filing Process

(a) Commission Mandates

- (1) The Election Commission shall make available to each candidate:
  - (i) The Election Regulations
  - (ii) Dates, times, and locations for Mandatory Candidates' Meeting that will be available online at [election.tamu.edu](http://election.tamu.edu)
  - (iii) Finance Forms:
    1. Expense Report
    2. Fair Market Value Assessment Form
    3. Null Expenditure Statement
  - (iv) Co-candidacy forms
    - a. Candidates who register materials containing the names of more than one candidate must submit a Declaration of Co-Candidacy upon registration of the material. This form shall include the names of all candidates with multiple names on registered materials, contact information for all candidates, and the registered materials that will fall under Co-Candidacy regulations. Upon submission of this form, candidates shall be bound by the actions of the other candidates with regard to co-candidacy registered materials, and any fines, rulings, or directives relating to these materials shall apply to all co-candidates.
    - b. Any group of candidates for any office may file as co-candidates.
  - (v) Any other information deemed necessary by the Election Commissioner

(b) Candidate Mandates

- (1) By filing, the candidate agrees to abide by these Election Regulations.
- (2) All candidates for positions elected under the supervision of the Election Commission shall file their intention to run for office with the Election Commission. Filing shall be done online through the Marketplace system found through [election.tamu.edu](http://election.tamu.edu) by each candidate, or in person at the discretion of the Election Commissioner, and in accordance with the guidelines set forth within these regulations.
  - (i) Requests to file in person must be sent via email to the Election Commissioner no later than 11:59 p.m. on the second day of filing for all races.
  - (ii) Such requests will be approved or denied and arrangements shall be communicated to the candidate within one (1) calendar day of the request.
- (3) A candidate must submit the following at the time of filing:

- (i) A Declaration of Candidacy form containing at least the candidate's current address, phone number, email address, and the candidate's name as it shall appear on the ballot.
  - (ii) A signed grade release statement enabling the Department of Student Activities to check academic, classification, and conduct qualifications of candidates.
  - (iii) The appropriate filing fee for the position they are seeking
    - 1. Candidates in major races shall be assessed a \$20 filing fee
    - 2. All other candidates shall be assessed a \$10 filing fee
  - (iv) Any other reasonable information required by the Election Commissioner.
- (4) Filing shall only be considered complete upon the candidate receiving a confirmation email via the Marketplace System
  - (5) Students may not file for candidacy for more than one office in the same organization or association.
  - (6) Candidates shall not change the caucus or race for which they have filed after the filing deadline.
  - (7) Any candidate who files for election and fails to comply with all filing requirements shall not be qualified for election to any office.
  - (8) Any Student Senator removed from office because of excessive absences or impeachment shall not be allowed to file for any Student Government office for the session of the Student Senate in which he or she was removed, or for the session following that session.

**section III.** General Filing Information

- (a) For the spring general elections, filing for office shall begin on the Monday of the week that is two weeks before the week of general campaigning and voting, and shall conclude the Friday of that week.
- (b) For the fall general elections, filing for office shall begin no later than five (5) class days prior to the first day of the established campaign period and shall last up to five (5) class days.
  - (1) The Speaker Pro Tempore of the Student Senate must, in accordance with the Student Senate By-Laws, inform the Election Commissioner of all Student Senate caucuses that have at least one (1) vacancy no later than 11:59 p.m. on the day before the first day of filing for fall elections. The Election Commission shall only hold elections in these caucuses during the fall, and shall not add any after the period for filing has begun.
- (c) Online filing for elections shall occur between 10:00 a.m. on the first day of filing and 3:00 p.m. on the final day of filing.
  - (1) Once filing closes, the Election Commissioner may not reopen filing for the election for which filing was originally opened.
- (d) By two (2) class days following the close of filing, the Student Government Advisor shall provide the Election Commission with certification of each candidate's academic eligibility and good standing with the university.

**section IV.** Write-In Candidates

- (a) If elected, write-in candidates shall be accepted provided they meet the requirements for the office to which they have been elected. Upon election, write-in candidates must be certified as eligible by the Student Government Advisor and submit the following within forty-eight (48) hours:
  - (1) A Declaration of Candidacy Form
  - (2) The same finance report or null expenditure report as is submitted by candidates on the ballot
  - (3) The filing fee for the position to which they were elected

- (4) If a write-in candidate fails to submit these forms and fees or exceeds the campaign expenditure limit for the position in which they are elected, then they shall be disqualified.
- (5) Fines payable shall be enforced in the same manner as those assessed against balloted candidates.
- (6) Write-in candidates may file a Voluntary Compliance notice with the Election Commission. This notice shall bind write-in candidates to these regulations and subject the candidate to disciplinary action in accordance with said regulations. This notice shall also allow such a write-in candidate to participate in forums, debates, candidate guides, or other events or activities deemed appropriate by the Commissioner. Write-in candidates shall not be able to participate in such activities without such a notice. The required content of the notice shall be determined by the Commissioner, and once submitted may not be rescinded. A write-in candidate shall never be placed on an official ballot by means of this notice.

**section V.** Positions

- (a) Major and Minor Races
  - (1) “Major Races” shall be defined as races in which every student may vote, regardless of class, residency, college, or any other demographic information with the exception of races in the Residential Housing Association. These include:
    - (i) Student Body President
    - (ii) Yell Leader
  - (2) A Minor Race is any race not classified as a Major Race.
- (b) Student Government Association
  - (1) Student Body President
    - (i) At the time of filing the candidates for Student Body President must have a minimum overall G.P.R. of 2.0 and post at least a 2.0 for the preceding semester.
    - (ii) The Student Body President shall have been registered at and in good standing with Texas A&M University for at least three (3) consecutive fall/spring semesters preceding his/her election to office.
  - (2) Senate
    - (i) A candidate for a Senate seat must be a member of that constituency during the upcoming academic year. If a candidate is not in the caucus for which he/she seeks office, but does anticipate entering that caucus, he/she may run for that position. However, he/she must show proof to the Election Commission at the time of filing that he/she intends in good faith to have membership in the constituency in which they intend to serve during the semester of their potential service. If a senator changes academic colleges or living qualifications, he/she must resign their position.
      - a. “Proof” shall be defined as any statement by the student signed under penalty of the Aggie Honor Code and automatic disqualification from the election.
      - b. Students who have applied for graduation at the end of the semester in which the election is taking place but intend to continue on to graduate school at Texas A&M must sign a statement saying that they have not been rejected by A&M, nor have they accepted any offers at any other schools or any job offers that would prevent them from serving in their position in the following semester.
    - (ii) Students of freshman classification not on scholastic probation are

eligible to run during the fall freshman elections. They must post a minimum G.P.R. of 2.0 at the end of the semester in which they are elected or they may face removal from office.

- (iii) Newly elected Senators must have a minimum overall G.P.R. of 2.0, or a 3.0 if a Graduate Student, at the time of filing, and post at least a 2.0, or a 3.0 for Graduate Students, for the preceding regular semester or the two preceding summer sessions and during the term of office or he/she shall be automatically removed from office.

(3) Yell Leader

- (i) See Yell Leader Governing Documents for eligibility information.

(4) Class Councils

- (i) See Class Council Governing Documents for eligibility information.

(5) Residential Housing Association

- (i) See RHA Governing Documents for eligibility information.

(6) Class Agent Teams

- (i) See Association of Former Students for eligibility information.

- (ii) Class Agent candidates must each file separately. After filing, a team needs to submit a co-candidacy form with each student's name. From that point forward, the team will be treated as one single candidate. This means that only one finance report must be submitted, only one candidate guide submission may be made, and any violations apply to the team as a whole rather than each individual student.

(c) Honors Student Council

- (1) See HSC Governing Documents for eligibility information

- (2) Races for Honors Student Council shall not allow for write-in winners

**section VI.** Mandatory Candidates' Meeting

- (a) For spring elections, the mandatory candidates' meeting shall be held the Sunday of the week before the week of general campaigning and voting. For fall elections, the mandatory candidates' meeting shall be held no more than one (1) week following the close of filing.
- (b) At the mandatory candidates' meeting, the Election Commissioner shall explain the Election Regulations, answer any questions, and announce any notable interpretations of the Election Regulations.
- (c) The Election Commissioner shall announce the days and times that finance reports and receipts are due, and the location(s) at which they must be deposited.
- (d) Any candidate who is unable to attend the Mandatory Candidates' meeting must contact the Election Commission in writing at least twenty-four (24) hours prior to the meeting to report a reason for his/her absence as well as name an agent to attend the meeting in the candidate's place. The agent must show written verification from the candidate, identifying the person as an agent.

- (e) To be excused from attending the Mandatory Candidates' Meeting, a candidate must submit a university excused absence that would have also prevented them from appointing an agent to attend the meeting in their absence to the Election Commissioner within twenty-four (24) hours of the meeting. All candidates failing to do this shall be disqualified.
- (f) All candidates are responsible for all information covered at the Mandatory Candidates' Meeting without exception.

## **Article IV. Campaigning**

**section I.** Process

- (a) Dates
  - (1) A candidate may not campaign until the time and dates specified by the Election Commission and these regulations.
- (b) Pre-Election Period
  - (1) The pre-election period shall be defined as the period of time prior to pre-campaigning period (before a candidate in the election process has filed and attended the Mandatory Candidate's Meeting)
  - (2) A candidate may form a campaign staff during the pre-election period in order to research a platform and help the candidate prepare for the campaigning period. A candidate or a candidate's representative must ask people to join his/her campaign staff on an individual basis.
    - (i) The candidate shall be held responsible for the actions taken by his/her supporter. Any violation of the regulations by a supporter of a candidate could result in a fine for the candidate.
    - (ii) Campaign retreats may be held during this period at a location off campus and not accessible to the general student population.
      - a. All items utilized at a campaign retreat must be expensed in the candidate's finance report.
      - b. The purpose of such retreats shall be in order for campaign staff to prepare for the upcoming campaign season.
- (c) Pre-Campaigning Period
  - (1) The pre-campaigning period shall be defined as the period of time after the pre-election period but before general campaigning begins, during which candidates and campaign staff may begin speaking to any university-recognized student organization during meetings at locations on- or off-campus (in addition to all activities in pre-election period).
  - (2) The first day of spring pre-campaigning shall begin immediately after the Mandatory Candidates' Meeting and shall end at 11:59 p.m. on the Sunday before the Monday of general campaigning and voting.
  - (3) Speaking engagements shall be at the discretion of the organization being addressed.
  - (4) Distribution of any flyers, passing out campaign materials, and holding campaign signs during this period is strictly prohibited.
    - (i) Candidates and campaign staff shall be allowed to wear any article of clothing that supports their candidate during the pre-campaigning period, as long as these materials are not distributed to the general student population.
    - (ii) Candidates and their supporters are allowed to utilize car chalk on vehicles during this period.
    - (iii) Candidates shall be allowed to speak to media outlets for quote or press concerning their candidacy during the pre-campaign period. Candidates are not permitted to submit or have published material that is written by the candidate or staff members for the purposes of campaigning. These prohibited publications include, but are not limited to, "Mail Calls" and opinion or editorial articles that are intended for publication. If contacted by a media outlet, candidates shall be allowed to submit material in response to questions generated by the media outlet. Candidates may only be included in articles or stories written by employees or freelance writers of a media outlet. Candidates appearing in media outlets for reasons not related to campaigning or their candidacy are exempt from this rule.
- (d) General Campaigning



- (1) General campaigning shall be defined as the period of time after the pre-campaign period and before voting during which candidates may actively campaign (in addition to all activities permitted during the pre-election and pre-campaigning periods) while following all campaign rules listed in these Election Regulations.
  - (2) The first day of spring general campaigning shall begin at 12:00 a.m. on Monday of the third full week of February and shall end at 11:59 p.m. on the Wednesday of the same week.
  - (3) The dates of fall general campaigning shall be set by the Election Commissioner who is in office that fall but may not begin prior to the conclusion of the Mandatory Candidates' Meeting and shall end by 11:59 p.m. on the night before the first day of voting.
- (e) Modified Campaigning
- (1) Modified Campaigning shall be defined as and limited to holding signs and wearing campaign apparel (as outlined in the Election Regulations).. All campaign-specific signs must include the phrase "Vote Today" or state the dates of voting.
  - (2) Modified Campaigning may only take place at the H<sub>2</sub>O Fountain, Outside Wehner near West Campus Library, Fish Pond, Harrington Plaza, and The Zone at Kyle Field.
  - (3) Modified Campaigning shall take place from 8:00 a.m. to 5:00 p.m. on the first day of voting and from 8:00 a.m. to 12:00 p.m. on the second day of voting.
  - (4) Materials used to make campaign signs and shirts for modified campaigning must be included in the expense report that is to be submitted on the first day of voting by 5:00 p.m.. No expenses shall be made on voting days.
    - (i) Social media purchases must be made prior to these days and included in expense reports
  - (5) Candidates may not speak to organizations during this time.

**section II.** Commission-Sponsored Campaigning

(a) Debates

- (1) The Commissioner may set up to four (4) dates and times for candidates to participate in forums, debates or other public demonstrations or congregations. Registered candidates and write-in candidates that have submitted a Voluntary Compliance Notice are eligible to participate.
- (2) During such forums or debates, with the exception of the Town Hall Debate, all general campaign practices in or around the area, as defined by the Election Commissioner, where these are taking place shall be prohibited. This includes holding signs or banners, distributing materials, etc. The Election Commissioner shall notify candidates the starting and ending point of the time frames when the use of campaign materials will be prohibited. During those times, verbal campaigning may be prohibited. Failure to adhere to this rule may result in sanctions and is a Tier 1 violation.

(b) Town Hall

- (1) At the discretion of the Election Commissioner, there may be an outdoor student driven debate. This debate shall take place at a central, high traffic campus area on a regular school day during the general campaign period. The format for this debate shall follow basic Town Hall format and these parameters shall be communicated to the candidates and to the student body before hand. In such debate, campaigning is allowed, as long as such campaigning does not impede on the debate. Sanctions for such an impediment are at the discretion of the Election Commissioner.

(c) Candidates Guide

- (1) A Commission-compiled candidate's guide may be posted online and/or sent to The Battalion prior to the start of voting and may contain nothing more than a biography or resume, short platform synopsis and photograph.

**section III.** Materials

(a) Campaign materials are defined as anything distributed or displayed for the purpose of soliciting votes for a candidate.

- (1) Car chalk shall be exempt from regulation under these regulations, except that the car chalk itself must be expensed as any other item / campaign material and cannot be used until the Pre-Campaigning Period.

(b) Recognized student organization communication shall not be considered campaign materials as long as it is not distributed outside the organization. Types of such communication include standard practice memoranda, agendas, or other internal communication tools that would be part of the practice of the organization in the absence of elections. The Election Commissioner shall decide what constitutes such organizational communication under this rule.

(c) All campaign materials must be registered with the Election Commissioner prior to distribution, display, or expensing. Failure to register materials may result in a violation.

(d) Flyers

- (1) The term "flyer" is defined as a single piece of paper with a surface area no larger than 93.5 square inches (equal to that of an 8 1/2 inch by 11 inch piece of paper).
- (2) Flyers may be distributed with a maximum of one flyer per bulletin board for each candidate.
- (3) The term "bulletin boards" shall be defined as the corkboard and the surrounding frame.

- (4) Candidates may need to obtain approval from a departmental office or building manager or proctor before posting flyers on bulletin boards in university buildings, including residence halls and apartments. It is the responsibility of the candidate to obtain any needed approval before posting flyers on campus bulletin boards or other areas within campus buildings. Bulletin boards reserved for departmental or organizational announcements or designated for official use only shall not be used for campaigning.
- (e) It is the responsibility of the candidate to ensure fliers are being placed in areas allowed by the building manager or proctor. This applies to fliers placed in restrooms, elevators, hallways, dining areas, and any other area within a university building. No candidate may distribute any food or beverage while campaigning; this includes the distribution of candy.
- (f) residence halls and apartments and Corps dormitories, campaign materials may be placed in accordance with that specific hall's rules and regulations according to the Department of Residence Life or Corps Dorm Policies set by Corps Staff. Campaigning activity regarding ballot proposals or referendums inside residence halls and apartments is subject to similar approval and regulations, while the two may not necessarily be congruent.
- (g) No materials may be placed in mailboxes except through the U.S. Postal Service.
- (h) The Election Commission has the power to remove or order the removal of any materials that are in violation of the Election Regulations.
- (i) A voter may bring to the polling place any flyer relating to a campaign in order to assist them while voting. However, those materials cannot in any way be distributed, made visible, or shared with anyone else.
- (j) Each candidate shall be responsible for the removal and disposal of all displayed campaign materials within seventy-two (72) hours of the announcement of election results.

## Article V. Restrictions

### section I. Rulings of the Election Commission

- (a) Candidates must adhere immediately to all rulings and directives issued by the Election Commissioner. Failure to do so shall be a major violation and place the candidate subject to disciplinary action by the Election Commission.
- (b) Anyone may help advertise the time, manner and place of elections.
- (c) Anyone wishing to contact the Election Commissioner in regards to any election related violation must do so through the violation report that can be found at [election.tamu.edu](http://election.tamu.edu).
  - (1) Reports made through this system shall be done so under the aggie honor code and have the protection of anonymity
  - (2) Photographic, video, and written testimonies shall be considered in assessing violations

### section II. Campaigning

- (a) The Election Commissioner is the judge of what constitutes campaigning.
- (b) No candidate or his/her supporters may remove, deface, destroy, or obscure any campaign material of any candidate.
- (c) Off-campus campaigning shall be prohibited. No campaign materials shall be distributed, posted, or held off campus (excluding car chalk).
- (d) Any candidate or member of the candidate's staff who violates departmental or university regulations, or Texas A&M University Student Rules, in an action related to campaigning shall be subject to disciplinary action by the Election Commission.
- (e) Before a candidate embarks on an activity not expressly mentioned in these regulations,

he/she must obtain approval from the Election Commissioner prior to the start of that activity. The candidate is restricted from proceeding with the activity until such time as approval has been obtained. The Election Commissioner shall have a maximum time of two (2) class days to rule on the activity in question and notify the candidate of the ruling.

- (f) Candidates may only actively campaign in areas designated and named for that campaign period. Other forms of campaigning—specifically those that do not involve distribution of materials—may occur anywhere on campus if that location or activity is not in conflict with any other regulation or restriction.
- (g) Areas inside the Memorial Student Center, Rudder Buildings, classrooms, the Rec Center including Time Out Deli, and the John J. Koldus Building are off limits to campaigning during the campaigning period, except when a group or organization allows candidates to speak at their meetings. In these cases, the candidate may only campaign in the immediate room in which the meeting is being held. The only exception to this rule is that articles of clothing may be worn anytime anywhere during the campaign period. Any candidate found actively campaigning in the aforementioned areas shall be assessed a major violation. Wearing t-shirts or apparel is not considered actively campaigning. Apparel includes clothing, backpack tags, tattoos, and anything else deemed apparel by the Election Commissioner.
- (h) No demonstrations, gatherings, or other form of campaigning, which interfere with the natural flow of either pedestrian or vehicular traffic, shall be permitted. Riding in the bed of a truck, pulling trailers, or offering rides in order to solicit votes or promote a candidate are not to be permitted.
- (i) Dining hall public address systems may not be used for campaigning purposes. While campaigning in dining facilities, candidates must adhere to standards of conduct established by Dining Services. Campaigning within dining facilities may be further restricted by the appropriate facility director.
- (j) Door-to-door campaigning hours and rules shall be established by the Residential Housing Association and Corps Staff. No one may campaign door-to-door on campus at any other time. This restriction shall not affect campaigning at organizational meetings or campaigning outside the residence halls and apartments and Corps dormitories.
- (k) Candidates are not permitted to display campaign slogans or other campaign related messages by marking them on university sidewalks or buildings.
- (l) Only signs flyer-size or smaller may be posted or otherwise left unattended on campus. Residents of campus housing may affix materials inside their respective dorm room, but materials may not be affixed facing out of windows or on the hallway or balcony side of doors.
- (m) Only four (4) people working for one candidate or any mutually supportive group of candidates may campaign in one place at a time. This does not include the candidate or group of candidates themselves.
  - (1) In the case of a campaign rally or event, more than four members present is acceptable with permission of the election commissioner
- (n) Live animals, including Reveille, may not be used for campaigning and cannot be present at campaigning locations. Exceptions shall be granted for service animals.
  - (1) This includes photographs taken with live animals

**section III.** Electronic Campaigning

(a) The Election Commission shall not regulate any activity that takes place over the Internet or other electronic media, such as telephone lines or electronic mail. The following exceptions apply to this rule:

- (1) Any internet activity in which money changes hands, including, but not limited to, advertisement, hosting, or the purchase of products (physical or electronic) must be documented and expensed in accordance with the financial rules in these Regulations.
- (2) All electronic mail relating to a campaign that is sent to more than five (5) people at once must include the following disclaimer:

“Please reply to sender if you do not wish to receive further email from this candidate. If you still receive email please contact the Election Commission at [insert Election Commissioner’s email address].”

The candidate or the candidate’s staff may not send electronic mail to any recipient who elects not to receive further campaign correspondence.

- (3) Use of the Texas A&M University bulkmail system available through bulkmail.tamu.edu is in violation of university policy.
- (4) Candidates may begin contacting organizations via email to request to speak at their meeting beginning two weeks prior to the Mandatory Candidates’ Meeting.
- (5) Evidence found on the internet of physical campaign violations shall be accepted by the Election Commission.
- (6) Videos created in support of a candidate shall be considered campaign materials and the contents within such materials may be subject to regulation

## Article VI. Violations

**section I.** Compliance

(a) Failure to comply with the aforementioned and subsequent regulations may result in a violation as determined by the Election Commission.

**section II.** Reporting

- (a) A student who wishes to report an alleged violation of the Election Regulations may do so by filing a written account or online report of the alleged violation with the Election Commission within seventy-two (72) hours of the alleged violation. The violation report can be found at election.tamu.edu.
- (b) Violations will not be accepted more than forty-eight (48) hours after announcing results
- (c) The Election Commissioner shall keep record of all reported violations and the resulting decision to assess or not assess a fine in a document available to the public.

**section III.** Tiered Violations

(a) Violations of these Regulations shall be divided into two (2) tiers according to severity, intent and impact on the campaigning process. These tiers should act as a guideline for candidates and the Commissioner, and decisions of the Commissioner may bridge these tiers if found necessary. The amount a certain tier suggests for a violation is only a guideline, and final sanction amounts and degrees are at the discretion of the Commissioner. The tiers shall be as follows:

- (1) Tier 1
  - (i) Major offenses. Major violations include, but are not limited to: offenses against local, state or federal law to any degree; sabotage of opposing campaigns; voting fraud, falsified documents (including

finance reports); withheld finance reports and ethics/Honor Code violations.

- a. Voting fraud shall include but not be limited to voting using another student's credentials, physically selecting options on the ballot of another voter, or anything else deemed to be voting fraud by the Election Commissioner.
- b. Obstruction of the free and fair nature of voting shall include, but not be limited to: operating a polling location without the consent of the election commissioner; candidates and their staff asking students to vote in their presence; and/or pressuring students to vote against their own volition

(2) Tier 2

- (i) Minor offenses. Minor violations include, but are not limited to: pre-campaigning, finance violations, and offenses not included within the major violations criteria as determined by the Election Commission and these regulations.

- (b) Any violation found in the Common Violation Table shall be fined the amount therein associated for the first offence, scaled up for subsequent offences thereafter

**section IV.** Fines

- (a) Major violations shall be assessed by the entire Election Commission. Meetings shall be called at the discretion of the Election Commissioner to address potential major violations. During these meetings, the Election Commissioner shall direct the Election Commission to discuss the violations at hand, take into account all evidence presented, and vote on one (1) of two (2) reasonable actions:
  - (1) A maximum fine of 15% of the candidate's allotted budget.
  - (2) Disqualification
- (b) Decisions must be the result of a majority of the Election Commission members present. The Election Commissioner shall be a non-voting member unless he/she is required to achieve a majority. The Election Commissioner shall notify the candidate of the decision through the "Major Violation Report" within seventy-two (72) hours of the Election Commission meeting.
- (c) Minor violations shall be assessed within twenty-four (24) hours of the report by the Election Commissioner.
  - (1) Candidates filing under a Major Race shall be subject to a base \$20 fine. Each subsequent related offense shall result in an additional fine, with a \$5 increase to the amount of the last fine.
  - (2) Candidates filing under a Minor Race shall be subject to a base \$10 fine. Each subsequent related offense shall result in an additional fine, with a \$5 increase to the amount of the last fine.
- (d) One-half (1/2) of all fines shall be deducted from the budget allotment for each respective candidate.
  - (1) Additionally, the remaining one-half (1/2) of all fines shall be paid by the respective candidate to the Election Commission. This payment shall also be deducted from the budget allotment for each respective candidate.
    - (i) All such payments must be made within ten (10) days after the final day of voting.
      - a. Should a candidate fail to pay his or her fines, the candidate may not be appointed, selected, or elected to any office in the Student Government Association until such time as his or her fines are paid in full.
      - b. Any elected candidate who fails to pay his or her fines within ten (10) days after the final day of

voting shall be disqualified from taking office.

**Common Violation Table**

<b>Violation</b>	<b>Fine</b>
Live animal used for campaigning	Minor violation
More than four (4) people campaigning	Minor violation
No disclaimer on email	Minor violation per offence
Lack of receipts or Fair Market Value Form	Disqualification
Unattended campaign materials	Minor violation
Campaigning in unapproved locations	1 <sup>st</sup> Offence – 5% of budget 2 <sup>nd</sup> Offence – 10% of budget 3 <sup>rd</sup> Offence – 15% of budget
Missing Mandatory Candidates' meeting	Disqualification

**section V.** The Election Commission shall collect all fines in its Student Organization Financing Center account.

## **Article VII. Finance**

**section I.** General Expenditure

- (a) Each candidate for any office shall be required to keep accurate, up-to-date records of all campaign receipts and expenditures.
  - (1) The term "expenditure" is defined as the fair market value or actual cost, depending on the appropriate circumstance, of all campaign materials used or obtained by any candidate in his/her campaign and any fines incurred by the candidate.
  - (2) Actual cost is defined as the cost as enumerated on an official sales receipt including the cost of tax at 8.25%.
  - (3) Fair market value is defined as the cost available locally to any given student within the Bryan/College Station area. Possible prices available over the internet to a student within Bryan/College Station are not considerable when determining fair market value.
  - (4) Tax shall not be included in the fair market values assessed by the Election Commission, but it must be applied at a rate of 8.25% on the finance report.
  - (5) Items purchased over the internet which do not have fair market equivalents in the Bryan/College Station area must be expensed at cost, including any taxes paid.
  - (6) The term "campaign materials" shall be defined as any items, services or materials used or intended to be used in the course of campaigning or preparing for a campaign.
  - (7) Shipping and handling costs need not be expensed for any item.
- (b) Candidates must use the following system when determining the expensed cost of materials:
  - (1) Campaign materials purchased in Bryan/College Station must be expensed at actual cost.
  - (2) Campaign materials purchased outside Bryan/College Station are expensed at actual cost.
  - (3) Any purchases made over the internet from companies not based in Bryan/College Station are considered outside purchases and should be treated as if they were purchased outside Bryan/College Station.
  - (4) All donated materials are to be expensed at fair market value, regardless of quality.
- (c) It is the responsibility of the candidate to assess a fair market value for any donated campaign materials or campaign materials used without any proof of payment. This shall be done by filling out the Fair Market Value Assessment Form provided by the Election Commissioner. Fair Market Values must be assessed using at least three (3) vendors and may use up to five (5). This form shall serve as the receipt for donated items and must be included in the submitted finance report.
- (d) Candidates must list the entire cost of each individual expense that results in campaign material that in any way suggests support for their candidacy. There shall be no prorating of costs to account for unused campaign items which were purchased.
- (e) Budgets from two (2) or more candidates may not be combined in any way. Any campaign material bearing the name of more than one (1) candidate must be expensed in full at actual cost or fair market value, depending on the appropriate circumstance, by each candidate named.
- (f) Receipts for such expenditures must be submitted by each candidate separately. For final expense reports, candidates may not submit photocopied receipts without the prior consent of the Election Commissioner.
  - (1) In the case of co-candidacy, one candidate must submit the original receipt and the co-candidates may submit photocopies.



- (g) No candidate shall be held responsible for any expense of an unused campaign item purchased before the mandatory candidates' meeting.
- (h) Candidates running in more than one (1) race in any one election cycle shall be identified as two (2) separate candidates and submit two expense reports.

**section II.** Budget

- (a) Any candidate who exceeds his or her allotted budget shall be disqualified.
- (b) Each candidate for the office of Student Body President may expend a maximum of \$2000.00.
- (c) Each candidate for the office of Senator may expend a maximum of \$250.00.
  - (1) Each senate candidate filing for co-candidacy shall have his budget increased by \$50 per additional candidate.
    - (i) EX:  $\{(original\ budget) + [\$50 * (number\ of\ additional\ candidates)]\}$
    - (ii) A majority of the amount expended by each candidate who has filed for co-candidacy must be expended for the purposes of group campaigning.
- (d) Each candidate for the positions of Yell Leader may expend a maximum of \$1800.00
- (e) Each candidate for the office of RHA President may expend a maximum of \$300.00.
- (f) Each candidate for the office of RHA Executive Vice President may expend a maximum of \$250.00.
- (g) Each candidate for the office of Class President may expend a maximum of \$400.00.
- (h) Each candidate for any other office may expend a maximum of \$150.00.

**section III.** Campaign Reporting

- (a) All candidates must submit a finance report and all receipts from campaigning on the first day of voting by 5:00 p.m to a location specified by the Election Commissioner. Candidates failing to comply shall be disqualified the first day of voting at 5:00 p.m.
- (b) The Election Commission shall notify the candidates forty-eight (48) hours prior to the expense report deadline.
- (c) If no campaign spending has occurred, the candidate must submit a Null Expenditure Statement in place of a finance report.

## Article VIII. Spending

If a candidate spends no money on his or her campaign, a sworn statement to that effect, made available by the Election Commission, shall be accepted as an official expense report. This documentation must be submitted in the same manner as traditional expense reports.

**section I.** Auditing

- (a) The Commission shall audit all expense reports to determine compliance with necessary and applicable regulations. The materials registration database shall be the basis for comparison between items used in campaigning and items expensed or budgeted.
- (b) Items that have been used in campaigning in any way, or have been purchased with the intent to use in any way unless it is an unused campaign item purchased before the mandatory candidates' meeting, shall be considered necessary for expensing and such items shall be included in audit procedures.
- (c) Items to be expensed shall include, but not be limited to, items that fit both of the following criteria:
  - (1) The item would not be purchased but for the candidate's running for election.
  - (2) The item cannot be accessed for free by the regular student.

**section II.** Transparency

- (a) The Election Commission shall make all candidates' expense reports publically available at *election.tamu.edu* within twenty-four (24) hours after the election results announcement.

Inaccuracies or omissions suspected in campaign budgets may be reported to the Election Commission in the same way that finans are reported. The complainant must include material or photographic clear and convincing evidence of the error in order for it to be considered by the Election Commission. All such complaints about a posted budget must be made within twenty-four (24) hours of the time that budget is made available online.

## Article IX. Voting

**section I.** General

- (a) Elections shall be conducted online using a secure and private method. Ballots shall be organized and marked in a manner designated by the Election Commission. Students may vote only once and only with their own Net ID and password. Duplicate ballots and those not complying with these requirements shall be voided.

- (b) Students voting fraudulently may be subject to sanctions by the Election Commission, and the University, and state or federal law.
- (c) The Election Commission shall make every attempt to conduct voting in a way free from coercion or pressure. Those obstructing the free and fair nature of the voting process, by which voters may cast a ballot by free choice, are in violation of these regulations and the Aggie Honor Code..

**section II.** Voter Qualifications

- (a) A voter must be an enrolled student at Texas A&M University in College Station, Bush School, Law School or Health Science Center
- (b) A voter must have a valid Texas A&M University ID number for the current year.

**section III.** Ballots

- (a) The Election Commission shall post the sample ballot for the purpose of correcting errors on or before the Friday following the mandatory candidates' meeting by 9:00 a.m. If a candidate does not appeal any error on the sample ballot by 5:00 p.m. that day, he/she loses his/her right to appeal on this issue.
- (b) The sample ballot shall not be used for any voting. It shall only be used for a candidate to verify that their name and caucus has been properly recorded for the election process, and for other administrative purposes as needed by the Election Commission.
- (c) Candidates who are disqualified at least seven (7) days prior to the start of voting may appeal that disqualification to the Judicial Court immediately. The Election Commission shall remove all such disqualified candidates who fail to do so from the final sample ballot. Candidates who are disqualified after that time shall not be removed from the ballot under any circumstances, and the disqualification shall not be publicized by the Election Commission until the announcement of unofficial results after voting has taken place. The Election Commission may privately notify any candidate of the grounds of his or her disqualification immediately after that decision is reached by the Election Commission.
  - (1) Candidates may withdraw from the election at any time in writing via email to the Election Commissioner. Withdrawal from the election may not be rescinded by a candidate once submitted. The Election Commission may only remove a candidate from the ballot within 7 days of voting opening upon receiving an emailed request for withdrawal from the candidate. Candidates who withdrew will be marked as "withdrawn" in the final results and will be eliminated following the conclusion of voting.
- (d) The Election Commission shall post the final sample ballot for any election at least four (4) class days prior to the election and shall also submit a copy of the final sample ballot to The Battalion at that time.
- (e) No phrases or slogans may be attached to a candidate's name on the ballot. The name that will appear on the ballot must be the name for which the candidate is normally known in a professional or academic setting.
- (f) An employee of the Division of Student Affairs shall maintain the online ballot.

**section IV.** Election Dates

- (a) General Elections

- (1) Voting days of the spring general elections shall begin on Thursday at 9:00 a.m. and end on Friday at 12:00 p.m.
- (2) The dates of the fall general elections shall be set by the Election Commissioner who is in office during that fall.
- (3) All election dates shall be announced via campus-wide email at least one (1) week before the start of filing, and again on the day that filing is opened.

**section V.** Changes

- (a) The Election Commissioner has the authority to change the dates of an election if unforeseen circumstances arise that would warrant such a change with notification of the Student Government Advisor and all candidates.

**section VI.** Instant Runoff Voting

- (a) Instant Runoff Voting is a method of voting in which voters rank candidates from most-preferred to least-preferred in the general election. Losing candidates are eliminated one by one in rounds, and ballots cast for them are reassigned to their voters' next choice, until the final number of winners is reached.
  - (1) ii. The following definitions shall be ascribed to these terms in this subsection:
    - (b) Ballot: A ranking of any or all candidates cast by a voter in one race. During any given round, each ballot shall be counted as a vote for the candidate or candidates ranked highest on that ballot, who is neither disqualified nor eliminated.
    - (c) Round: Any count of ballots cast.
    - (d) Elimination: Occurs when a candidate is most-preferred by the fewest voters in a round. This is not the same as disqualification, but prevents a candidate from being counted in future rounds in that race.
    - (e) Exhausted Ballot: A ballot in which all candidates ranked are either disqualified or previously eliminated. Exhausted ballots shall not be counted in any given round. This will not occur on any voter's ballot if that voter assigns a ranking to all candidates in a race.

## **Article X. Procedure- Single Seat Races**

## Section I

(a) At the point of voting, all voters shall be presented with a list of candidates running for each race, as well as spaces for the allowed number of write-ins (equal to the number of winners for that race). Voters shall be allowed to rank those candidates and write-ins from one (1) for most-preferred to the number of candidates on the ballot plus the number of write-ins for least preferred.

- (1) Example: in a race in which eight (8) candidates are running for one (1) seat, the number of write-ins allowed would be one and the rankings would go from one (1) [most preferred] to nine (9) [least preferred], for the eight (8) candidates on the ballot plus the one (1) write-in.
- (2) Before rounds begin, all disqualified candidates shall be eliminated and all candidates, including write-in candidates, who receive fewer than one percent (1%) of the total number of ballots cast in a race shall be eliminated.
- (3) In the first round, all candidates shall be ordered by the number of ballots that are counted as votes for them (they are ranked most preferred after removing eliminated candidates). The candidate who receives the fewest votes is eliminated. Exhausted ballots shall not be counted.
- (4) If necessary, a second round shall take place by the same procedure. Additional round shall be counted by this same process until the number of candidates who have not been eliminated or disqualified is equal to the number of winners. Those candidate(s) shall be declared the winner(s) of that race.
- (5) If two (2) or more candidates in a round are exactly tied for last place, they shall all be eliminated unless that would result in the number of candidates falling below the number of winners. In that instance, the remaining candidates shall be declared as the winners, and the outgoing session of the Student Senate shall resolve the tie by a majority vote at its next regularly scheduled general meeting in accordance with its rules for officer elections.

### **section II.** Locations

- (1) The official polling place for elections shall be online at *vote.tamu.edu* for the fall and spring general elections.
- (2) Physical polling locations may be added at the discretion of the Election Commissioner. These locations shall remain open for a maximum of two (2) class days for an election. Election Official's watch shall be the official timepiece for opening and closing of each polling place.
- (3) Students shall have the right to vote online with the use of an electronic device free from pressure or obstruction.

### **section III.** Results

- (1) Results of all elections must be certified by the Chief Justice of the Judicial Court. This certification must occur after the time which either no appeals to the election results may be filed or all outstanding appeals for any given race to the Judicial Court have been dealt with, whichever comes later. This certification shall signify that no further challenges to the results of an election may be filed. The Chief Justice may certify all races at once or any combination of races at his or her discretion, so long as all certifications are completed according to the above timeline.
- (2) The Election Commission shall announce uncertified results of all elections no earlier than 7:00 p.m. on the last day of voting, and the results shall be posted online immediately thereafter. Results are not official until certified by the Chief Justice of the Judicial Court. Results shall also be submitted to The Battalion for publication.
- (3) The winners in elections other than Student Senate and Yell Leader elections are determined by the instant runoff process above.

- (4) In the Student Senate and Yell Leader elections, the winners shall be decided by a plurality vote. If there is a tie for the last remaining seat in a Senate constituency, the seat shall be decided by a coin flip under the supervision of the Election Commissioner and the SGA Advisor. Ties for Yell Leader shall be resolved according to the Yell Leader Governing Documents without further use of SGA Election resources.

**section IV. Judicial Court Appeal**

- (a) A candidate may contest an election no sooner than after the announcement of unofficial results, and later than forty-eight (48) hours after the unofficial results are announced by filing an appeal with the Judicial Court stating the basis on which the election is contested.
  - (1) In any appeal concerning election fines, disqualifications, or the improper application of these Regulations, the defendant shall be the Election Commissioner.
  - (2) In any appeal challenging the constitutionality of any of these Regulations, the defendant shall be the Student Senate.
  - (3) In any appeal that would change the outcome of a race, the defendant shall be the election commissioner and not the winning candidate in that race who would lose his or her status as the winner if the appeal were decided in favor of the plaintiff. The ruling of the Judicial Court on the outcome of the reported violations or other ground for the appeal shall be final and not subject to review by a subsequent appeal by the originally winning candidate.
    - (i) The plaintiff may be required to name any or all of these parties as defendants under this rule depending on the circumstances of the appeal.
- (b) Administrative Error
  - (1) If prior to Judicial Court certification, it is discovered that the winning candidate was not qualified because of an error in the certification provided by the Student Government Advisor, the Student Body President shall declare the post vacant and/or it shall go to the candidate with the next highest vote count.

**ARTICLE V. SUBMISSION OF PETITIONS**

**SECTION I.** All referendum petitions and recall petitions must be returned to the Chief Justice in physical form at a location within the John J. Koldus building at Texas A&M University provided to the petitioner by the Chief Justice upon issuance of the petition. All referendum petitions and recall petitions are due fourteen (14) days after they are issued.

**ARTICLE VI. CERTIFICATION OF SIGNATURES**

**SECTION I.** All referendum petitions and recall petitions shall be certified by the Chief Justice within fourteen (14) days of their submission upon determining that the following has occurred:

- (a) Certified Signatures
  - (1) Only certified signatures may be counted when determining whether the minimum number of students have signed the petition.
  - (2) Only students who have provided the following information shall have their signatures counted as certified signatures:
    - (i) A signature;
    - (ii) A first and last name;
    - (iii) The last four digits of a UIN that matches the last four digits of the UIN for the first and last name provided; and,

- (iv) A date by the signature that clearly indicates that the information was provided within the fourteen (14) day distribution time period for the petition.
- (b) Referendum Petitions

- (1) In the case of referendum petitions enacting statutes, the Chief Justice determines that the petition contains at least five thousand (5,000) certified signatures.
  - (2) In the case of referendum petitions enacting constitutional amendments, the Chief Justice determines that the petition contains at least seven thousand five hundred (7,500) certified signatures.
- (c) Recall Petitions
- (1) The Chief Justice shall calculate the number of students in the Student Senator's constituency based upon the twelfth (12th) class day enrollment figures for Texas A&M University College Station for the fall or spring academic semester, whichever is applicable.
  - (2) The Chief Justice shall multiply the number reached in Sub-Division (1) by 10% (.10). Should this calculation exceed 150, this calculation shall be used to determine the minimum number of certified signatures required; however, should this calculation be less than 150, 150 shall be used as the number of certified signatures required.
  - (3) The Chief Justice shall then determine that the petition contains at least the number of certified signatures called for by Sub-Division (2) above.
- (d) The Chief Justice may cease counting signatures and immediately certify a petition as complete upon determining that the number of certified signatures for a petition is at least 10% more than is required. In all other cases, however, the Chief Justice shall count all signatures before determining whether the petition is complete or incomplete.
- (e) All completed referendum petitions shall be delivered by the Chief Justice to the Election Commissioner in senate bill format within twenty-four (24) hours of their completion. All completed recall petitions shall be delivered by the Chief Justice to the Election Commissioner within twenty-four (24) hours of their completion. The completed referendum or recall petition shall be accompanied by a certified statement of the Chief Justice that the referendum or recall petition is complete.

## **ARTICLE VII. REFERENDUM AND RECALL ELECTION**

### **SECTION I. Referendum Petitions**

- (a) All completed referendum petitions shall be placed on the ballot for the next general student body election, as provided for in the Election Regulations Act (Title V Chapter 601), by the Election Commissioner. The ballot shall contain either the referendum petition in its senate bill format, or a link to the referendum petition in senate bill format.
  - (1) Should the referendum petition be deemed complete by the Chief Justice less than seven (7) days before the next general election, however, the Election Commissioner shall not place the completed referendum petition on the ballot until the next general student body election, as provided for in the Election Regulations Act (Title V Chapter 601) that is more than seven (7) days after the referendum petition is deemed complete by the Chief Justice.



- (2) Should the Student Senate vote to call for a completed referendum petition to be voted on by the student body earlier than the next general student body election, pursuant to Article X of the Constitution, the Election Commissioner shall call a student body election on the completed referendum petition no sooner than seven (7) days after the Student Senate's affirmative vote, but no later than twenty-eight (28) days after the Student Senate's affirmative vote.
- (b) All student body elections on completed referendum petitions shall be conducted in accordance with the Election Regulations Act (Title V Chapter 601).
- (1) The Judicial Court shall hear any challenges to referendum results. The Court shall have the authority to overturn any referendum result if a student supporting the losing party can prove by clear and convincing evidence that the Election Regulations (Title V Chapter 601), or any other statute governing elections or referenda, were not followed substantially correctly by either the Election Commission or another party and that that transgression resulted in a material disadvantage for the plaintiff's side in the referendum.
- (2) All such challenges, however, must be filed with the Judicial Court within forty-eight (48) hours.
- (3) The Chief Justice shall certify all referendum results no sooner than forty-eight (48) hours after the referendum results, and no later than seventy-two (72) hours after the referendum results. The Chief Justice shall not certify any referendum result while a Judicial Court challenge is pending regarding the referendum result. This certification shall void any further challenge to referendum result.
- (a) The Election Commissioner shall inform the Chief Justice of the Judicial Court, the Student Body President, and the Speaker of the Senate on the results of any election containing a completed referendum petition.
- (b) Any referendum petition which passes a certified student body election shall be considered immediately amended into the Student Government Association Code as a matter of law. The petition shall then be physically amended into the Student Government Association Code by the Student Senate Rules and Regulations Chair according to the provisions of the Administrative General Act (Title I Chapter 001).

## **SECTION II.** Recall Petitions

- (a) All completed recall petitions shall be placed on the ballot for a special election of the Student Senator's constituency by the Election Commissioner. The ballot shall contain the name of the Student Senator subject to removal and a place for the students participating in the election to vote "yes" "no" or "abstain" on the question of whether the Student Senator should be removed from office. No other information about the Student Senator may be placed on the ballot.
- (b) The special election of the Student Senator's constituency shall take place no sooner than seven (7) days after the recall petition is deemed complete by the Chief Justice and no later than twenty-eight (28) days after the recall petition is deemed complete by the Chief Justice.

- (c) All special elections of Student Senator's constituencies on completed recall petitions shall be conducted in accordance with the Election Regulations Act (Title V Chapter 601).
- (d) The Election Commissioner shall inform the Student Body President, the Chief Justice, the Speaker of the Senate, and the Speaker Pro Tempore on the results of any recall election. Should the requisite number of students voting in the election vote to remove the Student Senator from office, the Student Senator shall be automatically removed from office and relieved from any and all privileges and rights pertaining to Student Senators.