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## **STUDENT GOVERNMENT ASSOCIATION ELECTION CODE**

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## **CHAPTER I – GENERAL PROVISIONS**

- Sec. 1.01 This Act may be referred to and cited as the "Student Government Association Election Code."
- Sec. 1.02 This Act shall apply to all aspects of the electoral process for the Student Government Association of Texas Tech University at Lubbock, Texas.
- Sec. 1.03 As used throughout this Code, references to the singular shall be construed to include the plural.
- Sec. 1.04 Ignorance shall not be an acceptable defense in response to any offense committed in any election under this code.
- Sec. 1.05 Each election under this code shall be considered a single and separate application of this code.
- Sec. 1.06 The Election Commission shall certify the election and results no later than fourteen (14) school days after the conclusion of all electoral procedures in any election.
- Sec. 1.07 Final authority to accept and ratify all elections shall rest with the Student Senate. If the Student Senate does not act on the election results within fourteen (14) days of the election, the Director of Student Government Operations will have the authority to ratify said election.
- Sec. 1.08 Chapter IX (Homecoming King and Queen Selection) of this Code shall only apply to the election of the Texas Tech Homecoming King and Queen.
- Sec. 1.09 As used throughout this Code, references to any entity in this code shall also include reference to their "Duly Authorized Agent." Any person claiming to be an agent of a person governed by this code shall be required to show written verification, signed by the candidate, identifying the person as an agent. If written verification is not on the agent, he or she has twenty-four hours to present written verification to the Election Commission.
- Sec. 1.10 As used throughout this Code, references to any "school day" shall be construed to mean a regular class day according to the Academic Calendar.
- Sec. 1.11 All rules and regulations in this Code and all rulings made by the Election Commission shall apply equally to campaigning on and off campus.
- Sec. 1.12 Only individuals who are officially registered as students of Texas Tech University may participate in Student Government Association elections

except where expressly allowed in this Code. Registered students who are otherwise qualified under guidelines relevant to the election may participate both as candidates and voters.

## CHAPTER II – DEFINITIONS

- Sec. 2.01     **Advisory opinion** refers to any opinion issued by the Election Commission concerning any matter not included within the language of the Election Code affecting the election.
- Sec. 2.02     **Advisory ruling** refers to any decision or ruling issued by the commission resulting from a hearing.
- Sec. 2.03     **Campaign** and **campaigning** refer to any statement, literature, activity, deliberate use or distribution of materials that have the effect of soliciting votes for an elective office. This includes the formation of any public group on a social networking site.
- Sec. 2.04     **Campaign materials** refer to all materials and literature concerning any candidate. Campaign materials include, but are not limited to: signs, handbills, buttons, email and other advertisements, while excluding any individual endorsement not approved by the candidate or ticket.
- Sec. 2.05     **Candidate** refers to any student consenting to election as a representative or officer of student government, whether or not the student has filed to run for office in accordance with this code.
- Sec. 2.06     **Election Commission** and **Commission** refer to the Election Commission.
- Sec. 2.07     **Endorsement** and **endorsing** refer to any form of communication expressing support for a candidate by a party other than the candidate. The Election Commission shall draw up an official endorsement form for parties interested in endorsing candidates to use.
- Sec. 2.08     **Executive Board** refers to the executive officers and cabinet of the Student Government Association.
- Sec. 2.09     **General Election** refers to the annual election of student government officers and representatives.
- Sec. 2.10     **Polling Location** refers to any place where one or more polling stations are provided for the purpose of voting at an election.

- Sec. 2.11 **Polling station** refers to any internet-enabled device available for public use and facilitates the means by which students vote in student government elections.
- Sec. 2.12 **Regulatory bodies** include the Election Commission, the Supreme Court and administrative bodies of the election process.
- Sec. 2.13 **Runoff Election** refers to all secondary elections held to resolve races not initially determined by a general or special election.
- Sec. 2.14 **Spamming** or **Spam** refers to the use of electronic messaging systems to send unsolicited bulk messages indiscriminately.
- Sec. 2.15 **Special Election** refers to an election called by the SGA president.
- Sec. 2.16 **Student** means any person whose name appears on the current roster of the Texas Tech University Registrar. Only a student at Texas Tech, as defined by this Code, may seek office or vote in student government elections.
- Sec. 2.17 **Student Government** or **SGA** refers to the Texas Tech University Student Government Association.
- Sec. 2.18 **University** refers to Texas Tech University.
- Sec. 2.19 **Worker** or **Agent** refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.
- Sec. 2.20 **Executive Alliance** refers to collaborative campaign plan or activity between any persons seeking election to an executive position.

### CHAPTER III – THE ELECTION COMMISSION

- Sec. 3.01 All elections governed by this Election Code shall be under the supervision of the Election Commission.
- Sec. 3.02 The Director of Student Government Operations shall fill a non-voting, supervisory position on the commission. This position shall be known as the Election Commissioner.
- Sec. 3.03 By the time of filing, no member of the commission shall be a candidate for, nor hold any elective or appointive office or position in student government while serving on the commission.

- Sec. 3.04 The commission shall consist of five or more appointed students, chosen from the student body by the President of the Student Government Association or by the Election Commission Chairman with the approval of the SGA President. One member must be a student from the School of Law, appointed under the advisement of the Student Bar Association.
- Sec. 3.05 Nominations for positions on the commission must receive the consent of the Student Senate. Nominations to the commission shall be made no later than the first meeting of the fall semester preceding the general election.
- Sec. 3.06 The commission shall appoint a secretary responsible for recording the minutes of meetings and hearings, and keeping a record of all opinions, rulings and filings of candidates under this code. The secretary shall file a copy of all decisions concerning candidates to involved parties and the Chief Justice of the Supreme Court within 48 hours of a decision.
- Sec. 3.07 Terms on the commission shall be for one year. The term may begin upon the conclusion of the first meeting of the new senate session, but no later than the first meeting of the fall semester.
- Sec. 3.08 Students shall be eligible for re-appointment to the commission.
- Sec. 3.09 In the case of a vacancy prior to the end of a term, the President shall appoint a student to serve for the remainder of the term, with consent student senate at the next regularly scheduled meeting.
- Sec. 3.10 The President of the Student Government Association shall appoint a chairman from the student body with the advice and consent of the Senate. The Chairman shall not vote on any Election Commission Matter unless a tie must be broken.
- Sec. 3.11 The commission shall have jurisdiction over all polling locations on the days of elections governed by this code. All polling locations shall comply with this code. Any public polling location must be located on campus.
- Sec. 3.12 Results of any election under this Code shall be announced or posted no later than 24 hours after election polling closes.
- Sec. 3.13 The commission shall assess and execute the remedies and sanctions provided in this Code if it finds violations of this code or commission rulings.
- Sec. 3.14 The commission, for the purpose of advisement of future commissions, may retain records of rulings and other documents from an election. These

records must be stored securely with the Director of Student Government Operations.

- Sec. 3.15 The commission shall certify the fairness of each campaign with its election processes and results in a publicly available report to the Student Senate within 48 hours of an election's conclusion.
- Sec. 3.16 The commission, with the help of the Executive Board, shall be responsible for publicizing the election process, including available positions, how to run for office, and coordinating election-related forums throughout the fall and spring terms.
- Sec. 3.17 Election Commission members may be removed for the following reasons:  
a) Dereliction of duties and responsibilities  
b) Candidate bias
- Sec. 3.18 The Commission shall meet with the chair of the senate's Committee on Rules and Administration before every fall and spring term to discuss changes to the code and elections taking place within those terms.

## **CHAPTER IV – ELECTION COMMISSION HEARINGS & PROCEDURES**

### **SUBCHAPTER A: JURISDICTION, POWERS, AND DUTIES**

- Sec. 4.01 In pursuit of its duties, the Election Commission may prosecute violators of any aspect of this code or the rulings of the commission. The Supreme Court shall have appellate jurisdiction over issues of law and fact in all cases or controversies arising under this code in which the commission has issued a final decision. Upon review, the Supreme Court may revoke or modify the sanctions imposed by the commission.
- Sec. 4.02 The Election Commission shall have the authority to issue an advisory opinion concerning any matter within its jurisdiction. An advisory opinion shall be binding on the commission for the duration of the election in which it was issued. The commission shall not be required to hold a hearing in connection with the issuance of an advisory opinion. An advisory opinion may be amended after issuance, provided no substantial injury or hardship to the student body or election results from such action.
- Sec. 4.03 In carrying out the duties of the office, the commission shall conduct proceedings and hearings necessary to fulfill those duties. In executing those duties they shall have the authority:  
a) To issue a writ of subpoena to compel candidates, agents and

workers, and to request students to appear and give testimony as well as produce necessary records.

- b) To inspect the financial disclosure of any candidate and make these records available for public scrutiny upon request.

- Sec. 4.04 Any organization selecting officers or hosting a referendum by participating in the student body elections governed by the Election Commission shall defer jurisdiction of election procedures to the board unless announced otherwise at the time of filing for their candidates.
- Sec. 4.05 The Commission shall manage, supervise and control all campaigns by candidates for Student Government Association office, Freshman Council, and Homecoming King and Queen as well as elections related to referendum issues, proposed Constitutional amendments, and other questions appearing on the official ballot.
- Sec. 4.06 The Commission shall have oversight over the Candidate Seminar for each election. This includes but is not limited to reserving rooms, preparing materials, running the Candidate Seminar, etc.
- Sec. 4.07 The Commission shall provide an Election Schedule for each election. This schedule shall include all mandatory and optional deadlines and dates involved with the election.
- Sec. 4.08 The Commission shall have the Elections Schedule for Freshman Council elections available prior to August 1.
- Sec. 4.09 The Commission shall have the Election Schedule for the Student Government Association general elections available by the last Monday in January.
- Sec. 4.10 The Commission shall work with the Texas Tech Homecoming Association to have the Election Schedule for Homecoming Elections finalized by April 1. This Election Schedule shall be enforced by the incoming Election Commission and cannot be changed after this date without consent from a majority of the Texas Tech Homecoming Association and the Student Senate.
- Sec. 4.11 The Commission shall have the Election Schedule for any elections not specifically mentioned available 10 days prior to the Election.
- Sec. 4.12 The Commission shall appoint a recorder, who shall take minutes of all hearings. Records of ruling and other documents from an election may be retained by the Commission for the purpose of advisement of future

commissions and the resolution of any problems that might arise in the long-term campus electoral process. Records must be kept on file on the SGA server for five years.

- Sec. 4.13 The Commission shall have the authority to determine, in the manner provided in this Code, the ballot positions of all candidates in all elections governed by this Code.
- Sec. 4.14 The Commission shall have the authority to submit news items and election results to campus and community news-disseminating organizations. These results may include any and all information relevant to the electoral process.
- Sec. 4.15 The Commission has the power to remove or order the removal of any poster or sign that is in violation of the Code or Commission rulings. The candidate shall be informed of such removal within one (1) school day.
- Sec. 4.16 The Commission may promulgate rules and regulations to the extent that they are necessary in providing an equal opportunity to all candidates during the whole election process.
- Sec. 4.17 The Commission may issue a Cease and Desist Order pertaining to distribution of any materials if it believes that the materials contain false information, are misleading in part or in whole, or are in violation of the Code or Commission rulings.

## SUBCHAPTER B: HEARING PROCEDURES

- Sec. 4.18 Candidates have a duty to negotiate in good faith, and provide evidence, when disputes arise and must attempt to reach a settlement consistent with this code and Election Commission decisions prior to filing a complaint.
- Sec. 4.19 Members of the commission are prohibited from filing complaints. Any other student may file a complaint with the commission. Complaints must be filed under the name of the student filing the complaint. The commission shall act on all complaints within two school days after they are received.
- Sec. 4.20 The Election Commission may dismiss a complaint if:
- a) It was not filed within 72 hours of the presenter/party/agent being made aware of the violation. No complaints can be filed after the candidates take office.
  - b) The commission lacks jurisdiction over the subject or party in the dispute.
  - c) The complaint fails to state a cause of action for which relief may be granted.



d) The complainant has not and likely will not suffer injury or damage

- Sec. 4.21 If a complaint is not dismissed, a hearing must be held. The Commission shall inform, in writing or email, the complaining party and all individuals or groups named in the complaint of the time and place of the hearing. The respondent has one school day to file a complaint against any opposing candidate.
- Sec. 4.22 A hearing must be held at the earliest possible time, but not within 24 hours after receipt of the hearing notice, unless all parties agree to waive this constraint. The 24-hour time constraint is waived if the complaint is filed during the voting period.
- Sec. 4.23 When notice of a hearing is issued, the commission may issue a temporary restraining order if it determines such action is necessary. Once issued, the restraining order will remain in effect until it is rescinded or the commission announces a decision.
- Sec. 4.24 Parties to a commission hearing may represent themselves or be represented by any student of their choice.
- Sec. 4.25 Parties to a commission hearing shall be prepared to provide documentation that is current and up to date.
- Sec. 4.26 For any hearing, the entire commission must be in attendance, including the Election Commissioner. Commission members may be excused from the hearing at the discretion of the Chairman and Commissioner. Three members of the Commission (including the Chairman) must be present for quorum.
- Sec. 4.27 The commission shall determine the format for the hearing, but must require both complaining and responding parties appear physically before the board to discuss the issues through a complaint, answer, rebuttal and rejoinder format.
- i. Complaining parties shall be allowed no more than two witnesses, however, the commission may call witnesses in accordance with this code. If witnesses are unable to appear at the hearing, signed affidavits may be submitted to the chairman of the commission for the purpose of testifying by proxy.
  - ii. All questions and discussions by parties in the dispute shall be directed to the commission.
  - iii. There shall be no direct or cross-examination of any party or witness by complaining or responding parties.
  - iv. Reasonable time limits may be set by the commission, provided

they give fair and equal treatment to both sides

- Sec. 4.28 Decisions, orders and rulings of the commission must be concurred to by a majority of the commission present and shall be announced as soon as possible after the hearing. Such decisions may be delivered orally or in writing. The commission shall issue a written opinion of the ruling within 24 hours of the decisions announcement. The opinion must include findings of fact by the commission and conclusions of law in support of it.
- Sec. 4.29 If the commission's decision is appealed to the Supreme Court, the commission must immediately submit its ruling to the court.

## SUBCHAPTER C: REMEDIES AND SANCTIONS

- Sec. 4.30 Violations of the code shall be divided into four classifications.
- i. Class A violations shall result in a disqualification from the election.
  - ii. Class B violations shall result in a combination of a moratorium of campaigning and a fine
  - iii. Class C violations shall result in a moratorium of campaigning.
  - iv. Class D violations shall result in a fine.

Prior to the campaigning time period, the commission shall issue an advisory opinion that defines the ranges of fines and moratoriums connected with each classification. They shall also provide examples of violations in this opinion of what constitutes each class and specific remedies for repeat offenses.

The commission shall select the amount of the fine or length of the suspension most appropriate to both the severity of the infraction and the state of mind or intent of the violator as determined by the commission.

- Sec. 4.31 If a candidate, or a candidate's agents or workers, commits a violation resulting in a fine, the total amount against a candidate in an election cycle may not exceed the spending limit as defined in Chapter VI Subchapter B of this code.
- Sec. 4.32 If a candidate, or a candidate's agents or workers, commits a violation resulting in a fine, the total amount shall considered an expense of the candidate(s).
- Sec. 4.33 If the commission finds a candidate, or a candidate's agents or workers, has committed a Class B or C violation, the commission may restrict the candidate, or the candidate's agents or workers, from engaging in some or

all campaign activities for some or all of the remainder of the campaign.

- Sec. 4.34 If an order is issued covering only part of the remaining campaign period, it shall take effect within 24 hours so after its termination, the candidate will have an opportunity to resume campaigning prior to, and including, the election days.
- Sec. 4.35 Any complaints concerning voter fraud filed through the commission must be immediately turned over to the Director of Student Government Operations.

## **SUBCHAPTER D: APPEALS**

- Sec. 4.36 Any party may file an appeal with the Supreme Court.
- Sec. 4.37 The Supreme Court shall act on all appeals within two (2) school days after they are received by dismissing them or calling a hearing and notifying all candidates of the date, time, and place under the provisions in this subchapter.
- Sec. 4.38 If an appeal is not dismissed, a hearing must be held.
- Sec. 4.39 The Supreme Court shall allow for both the complaining and responding parties to discuss the issues through a complaint.
- Sec. 4.40 Decisions, orders and rulings of the Supreme Court shall be announced within one school day after the hearing and must be concurred to by the majority of the Supreme Court (present a the meeting).
- Sec. 4.41 The Supreme Court shall have discretionary appellate jurisdiction over the Election Commission in all cases in which error on the part of the Commission is charged. The decision of the Commission shall stand and shall have full effect until the appeal is heard and decided by the court.

## **CHAPTER V – CANDIDATE ELIGIBILITY, RIGHTS & DUTIES**

### **SUBCHAPTER A: CANDIDATE ELIGIBILITY**

- Sec. 5.01 The offices to be filled in the General Election are those of:
- (a) Student Body President
  - (b) External Vice President
  - (c) Internal Vice President

- (d) Graduate Vice President
- (e) Student Senators

- Sec. 5.02 Candidates for executive office may only cross-file as candidates for At-Large seats in the student senate.
- Sec. 5.03 Any candidate running for the Internal Vice President position must have at least one semester's experience as an elected or appointed Student Government Executive Officer or member of the Student Senate.
- Sec. 5.04 No Candidate shall register for any office with the premeditated intention of leaving office before the end of his or her term.
- Sec. 5.05 If a candidate cross-files for an executive position and Senator-At-Large position, and is elected to both positions, he or she will forfeit the Senator position to the candidate for that position with the next highest amount of votes.
- Sec. 5.06 Senators must remain registered students in the college for which he was elected as a representative throughout his entire term. If a senator changes colleges, he must resign his office. This does not affect Senators At-Large or Executive Officers who represent the University as a whole.
- Sec. 5.07 All candidates for any office shall be in good standing with the university to be eligible to run for or take office.
- Sec. 5.08 Any student who is enrolled in a University approved program of Study Abroad, or is taking part in an Internship during the semester in which general elections are held, may run for office for the following term. Such students must make arrangements with the Election Commission for filing their intent, sending a delegate to the Candidate Seminar, and submitting a financial disclosure form.
- Sec 5.09 Candidates running for Homecoming King or Queen or Freshman Council shall be required to be a full-time student during the semester in which the election is held. A candidate for Homecoming King or Queen or Freshman Council shall be required to be a student at Texas Tech during the entire term of the position they are elected into.
- Sec 5.10 If a candidate graduates earlier than the end of his or her term as Homecoming King or Queen, he or she must forfeit the title to the person with the next highest score.

## SUBCHAPTER B: FILING PROCESS

Sec. 5.11 All candidates shall register a statement of their intention to run for office with the commission. Failure to do so shall exclude the individual from having their name included on the official ballot.

a) A fee for election registration shall be assessed for the following candidacies:

- \$5 for cross-filing
- \$5 for Freshman Council
- \$20 for Senate
- \$30 for Executive Office

The commission can waive any fee due to financial hardship, or make arrangements for late payment. This fee is not considered a campaign expense.

Sec. 5.12 A candidate shall sign a grade release statement enabling the Commission to check grade qualifications of the candidates.

Sec. 5.13 A candidate may change the office they are seeking during the period of filing.

Sec. 5.14 FORMATION OF AN EXECUTIVE ALLIANCE two or more eligible students seeking the offices of the President, the External Vice President, the Internal Vice-President, or the Graduate Vice President may create an executive alliance as Defined by TITLE II, sec. 2.20

(a) Candidates who form an Executive Alliance are responsible for one other's actions. If one member of an Executive Alliance violates this election code, the entire Executive Alliance may be held responsible.

(b) This does not prohibit the formation of teams between Executive and Senatorial candidates.

(c) Only one candidate in an alliance may be running for each office listed above

## SUBCHAPTER C. THE CANDIDATE SEMINAR

Sec. 5.15 At the time of filing, the candidates shall be informed of the Candidate Seminar. The consequences for failure to attend a Seminar shall be the disqualification of the candidate from the ballot. Candidates with valid excuses can be exempt from this rule, as determined by the election commission.

Sec. 5.16 The candidate seminar shall be held within seven school days after the

filing deadline.

- Sec. 5.17 Ballot positions for all candidates in all races shall be determined during the Candidate Seminars by blind drawing. Order for drawing position shall be determined by alphabetical order of the candidates' last names.
- Sec. 5.18 A candidate may send an agent to represent them at the Candidate Seminar. An agent shall only represent one candidate per Seminar.
- Sec. 5.19 After drawing for Ballot Position, Senatorial candidates shall break out into seminars held for candidates for each College, at which time all information pertinent to running for the Senate from that college shall be given. Failure to attend a College Seminar may be punishable by the Commission within reason.

## SUBCHAPTER D. FINANCIAL DISCLOSURE

- Sec. 5.20 Each candidate is required to disclose all campaign financial expenditures, including documentation of receipts.
- Sec. 5.21 Each candidate shall be **required** to file a complete Financial Disclosure statement in the Student Government Office by **5:00 PM the Friday** following the election. Failure to submit a Financial Disclosure statement by the deadline will result in a disqualification hearing before the election commission.
- Sec. 5.22 Each candidate's financial records shall be available for public inspection.
- Sec. 5.23 Any candidate in a Run-off Election is required to file a separate financial disclosure for each election.

## CHAPTER VI – CAMPAIGN PROVISIONS & PROCEDURES

### SUBCHAPTER A: CAMPAIGNING

- Sec. 6.01 All employees of the Student Government Association are prohibited from endorsing other candidates, unless they are candidates for office themselves. Endorsements must be clearly made as a candidate for office and not as a current employee of the Student Government Association.
- Sec. 6.02 No campaigning of any kind may take place within one-hundred (100) feet

of a physical polling location as defined under this code.

- Sec. 6.03      Campaigning in the Student Union Building shall only take place in a private meeting room. All campaigning in all libraries is strictly prohibited.
- Sec. 6.04      A candidate, agent or worker may not solicit votes by going door-to-door on campus. (This includes but is not limited to, passing out of materials.)
- Sec. 6.05      No candidate, agent or worker shall destroy, deface, move, or remove posters of any candidate.
- Sec. 6.06      Candidates shall refrain from knowingly deceptive or misleading campaign activities, including any act or statement reasonably calculated to injure or compromise the rights or interests of any student, faculty or administrator.
- Sec. 6.07      Campaigning as a candidate for office may only begin after the final candidate seminar has concluded.
- Sec. 6.08      In conjunction with the *Student Code of Conduct*, spamming is not allowed under any circumstances.
- Sec. 6.09      The use of sound trucks, PA systems, or similar sound systems is prohibited both on and off campus.
- Sec. 6.10      It shall be a direct violation of this Code for anyone other than the Commission to willfully destroy, deface, move, or remove posters of any candidate. The Commission shall perform such only when such campaign materials are found in violation of this Code and after an initial warning is presented to the responsible parties.
- Sec. 6.11      During the election process, there shall be no distribution of campaign materials or discussion of campaigns by candidates within the SGA office.
- Sec. 6.12      Candidates are not allowed to use any of the physical resources of Student Government Association to campaign for any election.
- Sec. 6.13      Mandatory poster approval will occur at a time designated by the SGA President and Election Commission Chairman. Posters not approved at this time will not be allowed to be used as campaign material.

## SUBCHAPTER B: EXPENSES

- Sec. 6.14      Candidates for executive office may spend a maximum of three hundred

dollars (\$300) on their campaigns.

- Sec. 6.15 Executive Alliances may spend a maximum of (\$1200) but not exceeding \$300 per executive candidate.
- Sec. 6.16 Candidates for student senate may spend a maximum of two hundred dollars (\$200) on their campaigns.
- Sec. 6.17 Candidate for freshman council may spend a maximum of one hundred fifty dollars (\$150) on their campaigns.
- Sec. 6.18 In academic areas, campaign materials may only be posted in locations approved by the Election Commission and the university. For residence hall posting, campaign materials must be turned in and approved by the residence hall office. Campaign materials posted in these locations can be no larger than 11x17".
- Sec. 6.19 Each candidate is responsible for seeing that his posters are removed two (2) school days after the election.

## **SUBCHAPTER C. WRITE-INS**

- Sec. 6.20 The Commission shall provide a space on the ballot for write-in votes in all Student Government Association elections. Write-in votes shall not be allowed in a run-off election. If elected, write-in candidates must meet constitutional eligibility
- Sec. 6.21 Only the correct spelling of a write-in candidate's name shall be counted as a valid vote. Alternate spellings shall be disregarded.

## **SUBCHAPTER D. ENDORSEMENTS**

- Sec. 6.22 Endorsements must be registered with the commission. No candidate shall claim to be endorsed without securing proper documentation.

# **CHAPTER VII – ELECTION TIMETABLE & PROCEDURES AND GUIDELINES**

## **SUBCHAPTER A: ELECTION TIMETABLE**

- Sec. 7.01 The Spring General Election shall consist of no less than 25 school days.



- Sec. 7.02 The Spring General Election shall be held on the final, Spring General Election shall be held before the Wednesday and Thursday the week before Spring Break — unless the university is not in session, in which case the commission shall determine the election.
- Sec. 7.03 No changes to the Election Code may be enacted within one week of the candidate seminar.
- Sec. 7.04 The Election Commission shall advertise the complete ballot in the university newspaper at least one week prior to a general or special election, and during the week of a runoff. Information shall include polling locations, as well as those locations accessible to persons with disabilities.
- Sec. 7.05 The voting ballot shall contain the candidate's name, position sought, major(s) and a statement of no more than 150 words. The commission has the right to restrict any false information.

## SUBCHAPTER B. THE CANDIDATE DEBATE

- Sec. 7.06 The candidate debate shall be conducted by the commission, who will determine the time and place of the event.
- Sec. 7.07 Only candidates for executive office are eligible to participate in the candidate debate, which is not mandatory. Candidates must notify the commission if they wish to withdraw from the debate.
- Sec. 7.08 The Election Commission, after consultation with the Debate panel, shall set a place in the Student Union Building for the Debate to be held in the evening of a school day during the week prior to the week of the General Election.
- Sec. 7.09 The format of the Candidate Debate shall be determined by the panel. Each candidate shall receive the same number of questions and the same amount of time for responses.
- Sec. 7.10 The Candidate Debate shall be conducted by a panel consisting of the following:
- The SGA President.
  - Editor of the *Daily Toreador*
  - Station Manager of KTXT
  - Chairman of the Election Commission
- Sec. 7.11 The Election Commission shall provide for Senatorial Debates for the candidates for each College if contacted by candidates seeking office. After

consultation with the Debate panel, shall set a place in the Student Union Building for the Debate to be held in the evening for a school day during the weeks prior to the week of the General Election and that the format of the Candidate Debate shall be determined by the panel. Each Senatorial Candidate shall receive the same amount of time for responses.

- Sec. 7.12 The Debate must be live streamed and the Election is required to place two ads before the candidate debate.

## SUBCHAPTER C: POLLING LOCATIONS

- Sec. 7.13 The Election Commission shall be charged with the creation of a minimum of three non-movable polling locations on campus, as well as their staffing.
- Sec. 7.14 The locations must be published online and publicized at least 24 hours before general election polls open.
- Sec. 7.15 All reported and published polling locations must have an internet-ready device available on voting days, during voting hours, for the express purpose of facilitating voting.
- Sec. 7.16 The same polling locations must be used while general polls are open.
- Sec. 7.17 Polling locations must be on campus and not in academic buildings.
- Sec. 7.18 The commission may set limitations on the hours of operation for the voting locations, but may not deny the right to vote to any person standing in line to vote at the time the polling location closes.
- Sec. 7.19 The operation of a polling station or location by a candidate, a candidate's agent, or candidate's worker is prohibited on campus.
- Sec. 7.20 Under no circumstances shall any penalty, reward, or incentive be applied or offered in exchange for voting in general, or for a specific candidate(s).

## SUBCHAPTER D: ELECTION PROCEDURES

- Sec. 7.19 Available positions in the upcoming general election shall be advertised in the university newspaper prior to the filing deadline.
- Sec. 7.20 Each student may cast one vote for each executive office position, one vote for each available allocated seat within the student's enrolled college(s), and for the allocated number of seats for Senator At-Large.

- Sec. 7.21 No eligible voter shall be specifically excluded from casting a vote at any polling location.
- Sec. 7.22 Candidates for executive office must receive a majority of votes cast to be elected. If no candidate receives a majority of votes, those with the two highest votes shall enter a run-off election.
- Sec. 7.23 Elections for senators shall be considered plurality elections.
- Sec. 7.24 The number of seats in the Student Senate shall be determined by the apportionment methods and formulas in accordance with the Senate Reapportionment Act of 2012 (Senate Bill 47.25).
- Sec. 7.25 Voting shall begin online at 9:00 a.m. on the first day of elections and end at 7:00 p.m. on the second day of elections.
- Sec. 7.26 Any candidate requesting a recount must do so within 24 hours of election results being posted.
- Sec. 7.27 Election results will be stored electronically on Tech's own secure data centers. Only the Director of Student Government Operations will have access to this data.
- Sec. 7.28 In all elections governed by this code, no candidate shall personally, nor through a third party, deliberately ask for or require another student to disclose any of their personal information.

## SUBCHAPTER E: RUN-OFF ELECTIONS

- Sec. 7.29 If all races are not decided in the general election, there a run-off for the undecided race(s) shall be held.

## SUBCHAPTER F: GENERAL PROVISIONS

- Sec. 7.30 The Commission shall supervise activity and be available for assistance and ruling in any and all matters of confusion or conflict during any part of the election process.
- Sec. 7.31 In all elections governed by this code, no candidate shall personally, nor through a third party, deliberately ask for or require another student to disclose any of their personal information, including but not limited to: social security numbers, personal test numbers when used, eRaider account usernames, and/or passwords. If solicitation of any personal information by

any individual or organization campaigning for a candidate is discovered, said candidate will come before the Election Commission at a time and place to be decided on by the Election Commission for review and possible disqualification from the race.

## **CHAPTER VIII – FRESHMAN COUNCIL ELECTION**

- Sec. 8.01      The election of the Freshman Council shall be held by the first Tuesday and Wednesday of October during the fall semester.
- Sec. 8.02      Members of the Freshman Council shall be elected according to the residence hall in which they live. Three council members will be elected from each of the following residence hall complexes: Beldsoe/Gordon, Sneed, Horn/Knapp, Stangel/Murdough/Murray/Carpenter/Wells, Chitwood/Weymouth, Coleman, Hulen/Clement, and Wall/Gates/Talkington Residence. Three council members will be elected as “off-campus” representatives for all freshmen who do not live in an on-campus residence hall. If three council members cannot be selected from any of these complexes or off-campus, the Student Senate shall have the power to allocate those empty seats to other complexes. The size of the Freshman Council shall therefore be a set number of 30 freshmen.
- Sec. 8.03      The three candidates from each residence hall complex with the highest amount of votes will be considered the winners for that complex. In the event of a tie for the last position, all candidates involved will be accepted as members of the Council. No candidates will be able to run with other candidates as a team or block.
- Sec. 8.04      Freshman Council members must be enrolled in at least twelve (12) semester hours and have completed no more than thirty (30) hours with at least a 2.5 GPA from high school at the time of filing, and/or have graduated from high school in the year which they are running. Members may serve no more than one term and must maintain a 2.5 GPA while in office.
- Sec. 8.05      All students may vote in the Freshman Council elections if they have completed no more than thirty (30) hours of credit, or have graduated from high school in the year of the election. Students will vote based on the residence hall in which they live, and shall only vote for the candidates that are running from their residence hall. Students meeting the above credit hour requirement that do not live in a residence hall will vote for candidates running as “off-campus” council members.

- Sec. 8.06 Candidates for Freshman Council must file a statement of intention to run for office in the Student Government Association office no later than 5:00 p.m. exactly two weeks before the first day of the Freshman Council election. The statement shall include at least the name, R number, address, telephone number, e-mail address, and signature of each candidate. A five (5) dollar filing fee will be charged for each candidate. This fee may be waived due to financial hardship, and such an arrangement must be approved by the Election Commission before the time of filing.
- Sec. 8.07 The Candidate Seminar for Freshman Council will be jointly sponsored by the Election Commission and the SGA Freshman Council sponsors. These sponsors shall have the responsibility of informing the candidates of the duties and expectations of the office. The Election Commission shall have the responsibility of instructing the candidates on the election process and the Election Code. The seminar shall occur on the same day as the deadline for statements of intention.
- Sec. 8.08 A candidate for the Freshman Council may spend a maximum of fifty (50) dollars on his/her campaign.
- Sec. 8.09 All campaigning must conform to the rules and regulation set forth in Chapter VI, Subchapters A, B, C and D.
- Sec. 8.10 Financial Disclosure forms must be filed according to the rules and regulations set forth in Chapter V, Subchapter C.
- Sec. 8.11 Polling locations are to be established by the Election Commission in accordance with Chapter VII, Subchapter C. At least one polling location will be established in each residence hall complex for the students living in the complex to vote in. The Commission will establish the location at which off-campus freshmen will vote for their Council members.
- Sec. 8.12 Candidates for the Freshman Council will be published in the school newspaper at least twenty-four (24) hours before the polls open in each residence hall location.
- Sec. 8.13 Chapters I-IV (1-4) of this code shall also apply to Freshman Council Elections.

## **CHAPTER IX – HOMECOMING KING AND QUEEN SELECTION**

### **SUBCHAPTER A. General Provisions**

- Sec. 9.01 Definition of entities:

- (a) "Homecoming Committee"  
*Members of the Texas Tech Homecoming Association*
- (b) "Homecoming Court"  
*The Homecoming Court will be determined by the top 5 King and top 5 Queen "personal candidate interview" scores*
- (c) "Homecoming King & Queen"  
*Candidates with the highest scores as defined under Sec. 9.23 & 9.24*
- (d) "Homecoming Candidate Screening Committee"  
*As defined under Sec. 9.27*
- (e) "Election Commission"  
*As defined under Chapter 3*
- (f) "Election Commissioner"  
*As defined under Sec. 3.02*
- (g) "Chairman of the Election Commission"  
*As defined under Sec. 3.10*

- Sec. 9.02     The selection of the Homecoming King and Queen shall be accomplished by a combination of the following: an "initial resume screening" and "personal candidate interviews" conducted by the Homecoming Candidate Screening Committee with popular votes cast in a campus-wide Homecoming King and Queen election under the equation set forth in Sec. 9.24.
- Sec. 9.03     The Homecoming Committee shall be responsible for setting all relevant dates and procedures for filing and running for King or Queen and shall make this information available no later than the first day of classes in the Fall semester.
- Sec. 9.04     A candidate for Homecoming King and Queen must be a student of Texas Tech University with a minimum of sixty (60) hours completed for undergraduates or at least eighteen (18) hours completed for graduate students that are new to Texas Tech. All undergraduates must be enrolled for at least twelve (12) semester hours and have at least a 2.5 cumulative GPA. All graduate students must be enrolled in at least nine (9) semester hours and have at least a 3.0 cumulative GPA. The winner of Homecoming King and Queen must be a student at Texas Tech in the semester following the election and be present for official functions. Students from the Texas Tech University Health Sciences Center and School of Nursing who meet all necessary requirements may run for Homecoming King or Queen.
- Sec. 9.05     Any candidate for Homecoming King or Queen must be sponsored by at least one registered student organization. No organization may sponsor more than one candidate for King and/or Queen. A registered student

organization may sponsor one candidate for King and one candidate for Queen.

- Sec. 9.06 All qualified candidates for Homecoming King and Queen must submit a Sponsor Verification Form to the Homecoming committee in accordance with dates and procedures set forth under Sec. 9.03.
- Sec. 9.07 A Sponsor Verification Form may be obtained from the Homecoming Committee and must contain at least the name, address, phone number, email address, Student ID number, and signature of any sponsored candidate.
- Sec. 9.08 The Homecoming committee shall give a list of candidates and their sponsoring organization(s) to the Election Commission no later than 5:00 p.m. on the second Monday before the Homecoming King and Queen election.
- Sec. 9.09 A mandatory "Homecoming King and Queen Candidate Seminar", hosted by both the Homecoming Committee and the Election Commission, will be held no later than the Tuesday before the beginning of Homecoming Week. The location and time of the seminar will be made known to each candidate no later than the time of submittal of the Sponsor Verification Form. A member of the Homecoming Committee shall be responsible for informing the candidates of the roles, responsibilities, and duties of the King and Queen and their Court. Members of the Election Commission shall be responsible for informing the candidates of all processes relating to the selection of the King and Queen and the Court.
- Sec. 9.10 Any Homecoming King or Queen candidate who fails to attend the "Homecoming King and Queen Candidate Seminar", personally or by representative, or fails to contact the Homecoming Committee no later than the day before the seminar citing valid reasons for the absence, shall have his/her name removed from the ballot.
- Sec. 9.11 The Homecoming King and Queen, members of the Court, and Homecoming candidates must be present throughout all Homecoming activities or shall forfeit their title to the next runner-up. Absences are excused only with proper documentation from extreme circumstances.
- Sec. 9.12 All administrative issues that arise with a candidate's absence at an event, missed deadline, or other issues shall be dealt with on a case-by-case basis by the Homecoming Committee. All sanctions against a candidate are subject to review by the Election Commissioner.

## SUBCHAPTER B. "INITIAL RESUME SCREENING" AND "PERSONAL CANDIDATE INTERVIEWS"

- Sec. 9.13 The "initial resume screening" shall be held at a date set by the Homecoming Committee. This date must be no later than the Thursday, one week before the election.
- Sec. 9.14 The "initial resume screening" shall be a process for narrowing down the Homecoming Candidate pool. The process shall be defined by the Homecoming Committee prior to the screening.
- Sec. 9.15 The "personal candidate interviews" shall be held at a date set by the Homecoming Committee. This date must be after the "initial resume screening."
- Sec. 9.16 The scoring procedure for the "personal candidate interview" shall be outlined by the Homecoming Committee and approved by the Election Commissioner.
- Sec. 9.17 The Homecoming King and Queen "personal candidate interviews" shall consist of nine (9) questions asked in private to each candidate. The questions asked to the King candidates will be unlike those asked to the Queen candidates. The logistics of conducting the Homecoming King and Queen "personal candidate interviews" shall rest with the Homecoming Committee and shall be announced no later than the "Homecoming King and Queen Candidate Seminar."
- Sec. 9.18 Questions asked in the Homecoming King and Queen "personal candidate interview" shall be selected through secret ballot by the Homecoming Candidate Screening Committee on the day of the interview from a list of 18 questions proposed by the Homecoming Committee. The questions shall be approved by the Election Commissioner prior to the beginning of the interviews.
- Sec. 9.19 The Homecoming Court will be determined by the top 5 King and top 5 Queen "personal candidate interview" scores (in the event of a tie, candidates tied for the fifth spot shall all be included). The high and low interview scores shall be dropped prior to the calculation of the final interview score.
- Sec. 9.20 The Homecoming Court will be announced at the Rowdy Raider Rally the Friday preceding the homecoming game.

## SUBCHAPTER C. POPULAR VOTE



- Sec. 9.21 All polls shall open after the public announcement of the Homecoming Court and shall run for the following 12 hours.
- Sec. 9.22 The Homecoming King & Queen shall be chosen from the Homecoming Court by a combination of popular votes in the Homecoming King and Queen Election and “personal candidate interview” scores that were conducted by the Homecoming Candidate Screening Committee. If there are no adequate candidates that could comprise Homecoming Court, the Homecoming Candidate Screening Committee shall choose candidates that represent Texas Tech University in a professional and respectful manner, even if it does not represent the ten highest totals.
- Sec. 9.23 Final selection of the Homecoming King and Queen will be calculated using the formula  $(P * 50\%) + ((I * c) * 50\%) = S$  [where P = Popular vote; I = Interview score; c = a conversion factor derived by dividing the highest popular vote by the highest interview score; and S = Total score] as set forth and explained in Sec. 9.24 - Homecoming King and Queen Selection Formula. The high and low interview score shall be dropped prior to the calculation of the final interview score.

Sec. 9.24 Homecoming King and Queen Selection Formula

$$(P * 50\%) + ((I * c) * 50\%) = S$$

P = Popular vote  
I = Interview score  
C = conversion factor ==  $\frac{\text{highest popular vote}}{\text{highest interview score}}$   
S = Total score

Step 1. Create a table with the following column headings:

- 1) Name of candidate
- 2) Popular Vote (raw)
- 3) Interview Score (raw)
- 4) Converted Interview Score
- 5) Popular Vote multiplied by fifty percent (50%)
- 6) Converted Interview Score multiplied by fifty percent (50%)
- 7) Total Score

Step 2. Upon the completion of the popular election, each candidate will be listed on the form in decreasing order of votes. (Column 1 and 2).

Step 3. Upon the completion of the interview, enter the interview score into the table (Column 3).

Step 4. A conversion factor will be calculated to set the popular vote and interview scores equal. This conversion factor will be derived by dividing the highest popular vote by the highest interview score. All interview scores are then multiplied by this factor and entered into the table (Column 4).

Step 5. Multiply the popular vote by fifty percent (50%) and enter the new amount into the table (Column 5).

Step 6. Multiply the converted interview scores by fifty percent (50%) and enter the new amount into the table (Column 6).

Step 7. Add together Column 5 and 6 to obtain the final score for each candidate (Column 7). The candidate with the highest final score shall be the Homecoming King and Queen. The candidates with the next four (4) highest totals shall constitute the Homecoming Court.

Sec. 9.25 The popular vote shall be used to break any tie under Sec. 9.24, either for Homecoming King and/or Queen. In any tie, the candidate with the highest popular vote shall be named to the position.

Sec. 9.26 The Election Commission shall certify the results of the Homecoming elections three (3) hours prior to the Homecoming football game by giving the Homecoming Director a letter containing the results of the election. The Homecoming King and Queen shall be announced at the Homecoming football game.

#### SUBCHAPTER D. THE HOMECOMING CANDIDATE SCREENING COMMITTEE

Sec. 9.27 The Homecoming Candidate Screening Committee shall consist of seven (7) voting members and two (2) ex-officio members:

- (a) A representative of the Alumni Association, an Alumnus of five (5) or more years, or a member of the Tech Parents Association
- (b) A representative of the Texas Tech Staff Senate or Faculty Senate
- (c) A representative of the Lubbock Chamber of Commerce (or a representative from a member business)
- (d) A member of the Student Government Association

- (e) A student representative of Texas Tech ROTC
- (f) A student member of the Residence Hall Association
- (g) A student member of the Texas Tech Honors College
- (h) The Chairman of the Election Commission (ex-officio, non-voting)

No voting member of the committee shall be a member, sponsor, or former member of an organization sponsoring a candidate for Homecoming King or Queen. No voting member of the committee shall be a family member of a candidate for Homecoming King or Queen. The Homecoming Candidate Screening Committee shall elect a voting member of the committee to serve as Chairman.

Sec. 9.28 The Homecoming Candidate Screening Committee shall oversee the “initial resume screening” and “personal candidate interviews” portions of the Homecoming process. Due to the enormous time constraints on volunteers, the members of the committee may vary for each of the two portions of the Homecoming Process. The members may not change *during* a portion of the Homecoming process. (Example: A member of Texas Tech ROTC may serve during the “initial resume screening,” and a different member of the Texas Tech ROTC may serve during the “personal candidate interview” portion. However, for consistency, the same member of the Texas Tech ROTC shall sit on the Committee for all of the “personal candidate interviews.”)

Sec. 9.29 The Texas Tech Homecoming Association shall present before the Election Commissioner their recommendation for the appointments to the Homecoming Candidate Screening Committee prior to the date of the “initial resume screening” and again prior to the date of the “personal candidate interviews.” The Election Commissioner will review the appointments to see they are in compliance with the Election Code.

## SUBCHAPTER E. HOMECOMING ELECTION PROVISIONS

Sec. 9.30 Due to the time-restricted nature of the Homecoming King & Queen Election, the Homecoming Court, Homecoming Candidates, and any other interested parties shall be governed by the campaigning rules outlined in SUBCHAPTER. E and SUBCHAPTER F. of this chapter.

- Sec. 9.31 This chapter is effective during the polling period (defined in Sec. 9.21) and for any campaigning associated with Homecoming before and after the polling period.
- Sec. 9.32 Campaigning shall be defined as the promotion of a candidate directly or indirectly. This includes but is not limited to associating a candidate's name, face, voice, or person with general election advertisement.
- Sec. 9.33 There shall be no campaigning in the library, Student Union Building, any academic areas, administrative or staff offices, or any other space detrimental to the operation of Texas Tech University or its entities.
- Sec. 9.34 Candidates or supporters of candidates shall not be allowed to spend money on a campaign. This includes utilizing any materials that were purchased prior the Homecoming elections. (From a historical prospective this is to "even the playing field" for the candidates and simplify the election process).
- Sec. 9.35 There shall be no material campaigning or written advertisement promoting a candidate or organization. This includes, but is not limited to: posters, signs, handouts, text messages, or emails.
- Sec. 9.36 Campaigning through social media (e.g. Facebook, Twitter, etc.) is acceptable as long as there is no money spent on the social media campaign.
- Sec. 9.37 Any campaigning deemed grossly disruptive, inappropriate, or disorderly is strictly prohibited.
- Sec. 9.38 No candidate or supporter of a candidate shall distribute, in any media, any type of campaign material with the malicious intent of defaming, committing libel, or slandering another candidate.
- Sec. 9.39 Sponsors of the candidate and the candidate may verbally campaign.
- Sec. 9.40 A candidate may not solicit votes by going door-to-door either on or off campus.
- Sec. 9.41 The use of sound trucks or similar sound system is prohibited both on and off campus.
- Sec. 9.42 In conjunction with the Code of Student Conduct, "spamming," which is defined as the sending of unsolicited written correspondence to parties with whom there is no existing business, professional, or personal acquaintance, is prohibited in elections.

- Sec. 9.43 All activities and campaigning must be in accordance with the *Student Code of Conduct*.
- Sec. 9.44 Ignorance of this Chapter shall not be an acceptable defense, either by the candidates themselves, by individuals campaigning on behalf of any candidate, or the Election Commission.

#### SUBCHAPTER F. HEARINGS, JURISDICTIONS, AND PROCEDURES

- Sec. 9.45 The Election Commissioner and/or the Chairmen of the Election Commission shall be responsible for receiving any complaints before, after, and during the Homecoming Election polling period.
- Sec. 9.46 Complaints must be filed as a formally written, self-inclusive statement that provides overwhelming proof, beyond a reasonable doubt, that one or more candidates violated the rules outlined in this chapter. The complaint must be endorsed by a candidate involved in the election.
- Sec. 9.47 The burden of proof lies with the candidate filing the complaint. They must show a blatant disregard or violation of the rules outlined in this chapter.
- Sec. 9.48 Complaints must be filed and acknowledged by the Election Commissioner and/or the Chairmen of the Election Commission 4 hours prior to the kick-off of the Homecoming football game.
- Sec. 9.49 Due to time constraints on the election, a complaint may be voted on by as few as two (2) members of the Election Commission. Should they disagree the Election Commissioner shall serve as the tie-breaking vote.
- Sec. 9.50 Once a complaint is acknowledged, the Election Commission can vote to:  
(a) Affirm the complaint, and disqualify the involved candidate(s)  
(b) Dismiss the complaint
- Sec. 9.51 The Election Commission must notify all involved parties after a decision is made.
- Sec. 9.52 Candidates that are disqualified shall still be allowed to appear on the field as a member of the Homecoming Court, but shall be removed from consideration for Homecoming King or Queen.
- Sec. 9.53 If a decision is not reached by 3 hours prior to the kick-off of the Homecoming football game, the complaint is considered dismissed.

## **CHAPTER X – ENACTMENT**

- Sec. 10.01    If this Act is enacted after any of the enclosed deadlines, the Election Commission shall meet them with deliberate speed. This Act shall amend and henceforth considered Title V of the Codified Statutes of the Student Government Association.

## **CHAPTER XI – ADOPTION AND REVISION**

- Sec. 11.01    The passage of this code shall take effect immediately upon its final approval by the SGA president.
- Sec. 11.02    The senate must approve changes to the code at least one week prior to the beginning of an election. This rule excludes any changes affecting homecoming elections.