

SGA Bill Number: AB 057-15

SGA Bill Title: Election Bylaws Act

Date of Introduction: 01/30/2024

Sponsor(s): Savannah Raley

Subject: Election Bylaws

Purpose: To provide guidance and regulations for the election process.

Identification of Problem and/or Need: The SGA needs to have rules for an election.

History of Problem/Need: We must have elections.

Desired Outcome: To have elections.

Exact Wording of Resolution and/or Initiative:

I. Definitions

A. The following are the official Elections Bylaws Definitions:

1. Campaign Material: Electronic and physical material used to promote nominees and otherwise garner votes for an election.
2. Campaign Staff: Individuals directly involved in promoting a campaign, distributing materials, or serving as a direct aid to a candidate.
3. Official Capacity: Acting as or on behalf of a campaign or candidate.
4. Electronic Communication: Any message sent via the Internet or other electronic mediums.

5. Ticket/Campaign: Candidates for President and Vice President or candidates for Assembly positions.
6. Majority: A percentage equal to half of the total population plus one or more.
7. Candidates and Campaign Staff:
 - a) All individuals acting at the specific request of a candidate/campaign to aid in the candidate's campaign for office are considered "campaign staff."
 - b) Individuals making a supporting statement or copying and pasting messages on social media are not part of the "campaign staff."

B. The Student Assembly may establish additional definitions.

II. Assembly Elections

A. Assembly Candidate Eligibility

1. Candidates will be ranked by the number of votes they receive in order from greatest to least. Candidates must receive at least one vote to be eligible to hold an assembly seat. The top "n" candidates will fill the "n" number of seats available for which they are running.

B. Assembly Election Policy

1. President and Vice President candidates shall not concurrently run in Assembly Elections.

III. Presidential and Vice-Presidential Elections

A. Election Governance

1. The Presidential and Vice Presidential elections shall be supervised by two separate organizational boards: The Elections Oversight Board (EOB) and The Elections Court.
 - a) The Elections Oversight Board shall be responsible for the general supervision and administration of these elections bylaws.
 - b) The Elections Court shall be responsible for adjudicating and resolving questions related to alleged violations of the elections code and the elections bylaws, actions of individuals, interpretation of policies, and other related matters per these bylaws.

IV. Elections Officials

A. The Deputy Assembly Speaker

1. Responsibilities:
 - a) The EOB Chair shall be the Deputy Speaker or their designee. If the EOB chair is not the Deputy Speaker, they must be confirmed by the Assembly.
 - b) Supervise the Homecoming Elections process along with Campus Activities staff and Advisors.
 - c) Maintains a transition file. The file shall be composed of any documents that would contribute to successful future

elections and assist the incoming Deputy Assembly Speaker and Chairperson of the EOB in facilitating elections.

2. The Chairperson of the EOB

a) Responsibilities:

- (1) Hold the authority to delegate any administrative tasks to the EOB as deemed necessary.
- (2) Work to promote elections to the Student Body.
- (3) Host a minimum of one presidential and vice-presidential interest meeting.
- (4) Host a minimum of one Assembly interest meeting.
- (5) Educate campaigns as to their rights and responsibilities.
- (6) Make a budget request to the SGA Treasurer to fund any materials necessary to carry out or promote elections.
- (7) Appoint a vice-chair from the membership of the EOB to assist them in administering the elections.
 - (a) The Vice-Chair shall not have to be confirmed by the Assembly.
- (8) Appoint additional leadership positions to the EOB.
- (9) Carry out official correspondence with all candidates promptly.

- (10) Oversee the tallying of the votes and reception of results in all SGA elections along with Campus Activities staff and Advisors.
- (11) Schedule rooms and facilities for planning, promoting, and implementing the election process.
- (12) Enforce all debate procedures not delegated to the moderator before and throughout the debate.
- (13) Conduct training for the EOB Members in partnership with Advisors. Members may not serve in an official capacity without formal training.
- (14) Notify candidates of any mandatory meetings at least 48 hours in advance of the beginning of a meeting.
- (15) Serve as a nonvoting member of the elections court.
- (16) Schedule and coordinate a “Transition Dinner” between outgoing and incoming administrations.

3. Elections Oversight Board (EOB) Members

a) Membership and Position Requirements:

- (1) The EOB shall be an advisory group consisting of at minimum five currently enrolled students.
- (2) The membership shall be nominated by the Chairperson of the EOB.

(3) All members must attest that they are not involved or affiliated with any campaign, and will remain so throughout the process.

(4) Nominees must be approved by the Assembly by a $\frac{2}{3}$ vote.

b) Duties and Responsibilities

(1) Members of the EOB shall be assigned by the Chairperson of the EOB to each ticket to assist candidates and their staff in adherence to election policies and procedures. EOB Members shall serve as the primary liaison to campaigns regarding education, communication, oversight, and resources to the candidates, their staff, and any other interested parties about the election process, policies, and procedures.

(2) The EOB shall assist the Chairperson of the EOB in the day-to-day supervision of the elections: including but not limited to maintaining and supervising all campaign materials, campaign budgets, and monitoring campaign staff lists.

(3) Members of the EOB are prohibited from expressing any opinions concerning the candidates during the election.

- (4) Members of the EOB shall comply with all reasonable requests of the Elections Court during investigations into alleged policy and procedure violations.
- (5) Assist the EOB Chairperson in maintaining and certifying all records relating to the elections process.
- (6) Complete EOB training and swear the oath of office before the Assembly before acting in an official capacity.
- (7) Ensure all candidates meet the qualifications of their prospective offices as prescribed by the SGA Constitution.
- (8) The Elections Oversight Board will be responsible for reserving contact tables and display cases in the Plemmons Student Union (PSU) to be made available to candidates during the Active Campaigning period. Candidates are specifically disallowed from reserving additional contact tables and display cases in the PSU.
 - (a) Candidates may have a computer or electronic device at all contact tables, but those devices shall not be used for voting.
 - (b) The EOB will determine which tickets will have what locations within the Plemmons Student Union on which days through a random

assignment process and provide such assignments at least one full week before the campaigning period.

4. The Elections Court Chair

a) Position Requirements

(1) The Elections Court Chairperson shall be appointed by the Deputy Speaker before the Spring Election. The Elections Court Chair shall possess at least 12 consecutive weeks of experience in SGA or another student organization.

b) Duties and Responsibilities:

(1) Call and Chair meetings of the Elections Court.

(2) Maintain all records in an Elections Court file and forward all rationales to parties involved.

(3) Elections Court rationales must be uploaded to the Student Government's official website immediately following the election.

(4) Appoint a Vice-Chairperson to the Elections Court to assist in requests of the Chairperson.

(5) Establish any additional officer positions within the Court as needed.

(6) Plan and Conduct at least one training meeting for the Elections Court members to include input from Advisors.

(7) Assist Candidates and their staff with appropriate, impartial, and objective advice relating strictly to pending or potential cases upon request.

5. The Elections Court

a) Position Requirements

(1) The Elections Court Members must be appointed and confirmed at least one week before the first action of the election process during the spring semester.

b) Duties and Responsibilities

(1) Elections Court members are charged with adjudicating and resolving questions related to alleged violations of elections policies, actions of individuals, interpretation of policies, and other related matters following but not limited to these statutes, all Student Government governing documents, and University Policy.

(2) Using a preponderance of the evidence, determine the parties' responsibility and render outcomes if appropriate. Review all allegations of violations by

candidates, members of their staff, and any other concerned parties.

(3) Adjudicate cases brought before the Elections Court with fairness, impartiality, and objectivity.

(4) Review all facts of the cases brought forth and provide due process to all parties involved.

(5) Request appropriate records from the EOB Chairperson.

(6) Forward all relevant documents and records used in cases to the Elections Court Chairperson for documentation.

(7) The Elections Court may request that the EOB Chairperson and Elections Oversight Board members present relevant information during hearings.

V. General Policies

A. Declaring a Candidacy

1. Candidates shall fully sign and complete the “Declaration of Candidacy Form” to register as a candidate.

B. Mandatory Meeting Summons

1. Campaigns must represent themselves at election court hearings in which they are a party.
2. If Candidates choose not to attend, evidence and concerns will be reviewed without their presence.

3. The Presidential Policies and Procedures Meeting

- a) The EOB Chairperson shall host a “Policies and Procedures” meeting after the conclusion of the declaration period to prepare presidential and vice presidential campaigns to navigate election procedures. This meeting shall be mandatory for all presidential and vice presidential candidates and a minimum of three (3) campaign staff (or all campaign staff for a ticket with less than three (3) campaign staff). The EOB Chairperson may grant exceptions to this requirement at their discretion.

4. The Presidential Debate

- a) The EOB Chairperson shall host a minimum of one (1) debate during the first week of the Presidential and Vice Presidential Campaign period.
- b) Candidates must attend at least one (1) public debate during the election process.
- c) Candidates must comply with the requests of the Moderator during the debate.
- d) The format of the debate shall be as follows:
 - (1) Welcome, and introduction of the candidates and the moderator by the EOB Chairperson.
 - (2) Announcement of the debate rules.
 - (3) Opening statements by each ticket.

(4) Questioning period, which may include submitted questions from the audience.

(5) Closing remarks from each ticket, in the same order as opening statements.

(6) Conclusion, by the EOB Chairperson.

(a) This format may be altered at the discretion of the EOB Chairperson and Moderator.

5. Campaign Phases:

a) The Declaration Period

(1) The Student Assembly establishes the Declaration period dates at the beginning of each legislative session. This is the period during which candidates may officially declare their candidacy.

b) The Campaigning Period

(1) The Student Assembly shall establish the Campaigning period dates at the beginning of each legislative session. This period is when candidates and their staff share their campaign platforms and materials. Candidates and staff shall be permitted to solicit votes during this time.

c) The Voting Period

(1) The Voting Period dates shall be established at the beginning of each legislative session by the Student

Assembly and shall be the period in which the Student Body casts their ballots.

d) The Runoff Period

(1) The Run-Off period dates shall be established by the Deputy Speaker before the Declaration Period and shall be the period in which an additional Presidential election will take place if no candidate receives 50% +1 of the vote during the original election. Candidates receiving the first and second most votes shall proceed to a runoff election at the request of the second-place vote recipient during this time.

e) The Due Diligence Period

(1) The due diligence period shall begin upon the announcement of unofficial election results and end after the fourth calendar day following the announcement.

VI. Campaign Conduct

A. Campaign Materials and Marketing

1. Physical materials must be distributed per the policies of Appalachian State University, the Town of Boone, and the ASU-SGA.

- a) Campaign materials improperly used or placed may only be removed by the offending ticket, the EOB, or a University official acting in executing their duties.
2. Correspondence and Communication
 - a) Campaigning in residence halls must comply with University Housing policy.
 - b) Online social network groups, campaign websites, blogs, and other online campaigning conduits may not be publicly posted or published until the Campaigning period commences; however, campaigns may create private groups at any time.

VII. Campaign Finance Regulations

A. Spending Documentation

1. Campaigns must document all purchases of materials on a uniform spreadsheet provided by the EOB.
2. Copies of receipts from campaign purchases must be provided to the EOB member assigned to each campaign.
3. Services such as photography, graphic design, websites, or other electronic materials must be reported as spending.
4. If materials are provided to a campaign at no cost, the candidate must submit a price valuation for the materials to be reviewed by the EOB for approval or modification. The EOB will adhere to

market price in determining the amount deducted from a campaign's budget for items provided at no cost.

5. Any taxes incurred on purchases of campaign materials will not count toward the campaign budget.

B. Spending Limits

1. The following are the maximum amounts campaigns can spend on an election:
 - a) Presidential and Vice Presidential: \$700 per ticket.
 - b) Assembly Elections: \$50 per ticket.
 - c) Presidential and Vice Presidential runoff elections: \$100.
 - d) Every donation must be accompanied by a receipt signed by the donor and the candidate.

VIII. Vote Counting and Certification

A. Vote Counting

1. Once the polls have closed, the EOB Chairperson shall redact or delete personally identifying voter information from the voting data, then, with the assistance of the EOB vice-chair and the Elections Court chair, tally the votes cast and calculate the results. The ASU-SGA advisors, two members from each campaign, and one representative from each recognized student newspaper shall be permitted to observe the vote counting.

2. In Assembly elections, the winner(s) shall be the “n” tickets earning the greatest number of votes, where “n” is the number of Assembly seats in that constituency.

B. Declaration of Unofficial Results

1. The EOB Chairperson shall declare the unofficial results of an election within 12 hours of the closing of the last poll.
2. The EOB Chairperson shall individually notify each campaign of their right to challenge the election results within the due diligence period.

C. Certification of Elections

1. The EOB Chairperson shall present the election's unofficial results to the Elections Court for certification after the conclusion of the due diligence period.
2. After the presentation of the unofficial election results by the EOB Chairperson to the Elections Court, the Elections Court Chair must sign the unofficial Election Results along with the EOB Chairperson and advisors for the results to become official and final.

Assembly Vote Count:

Yes _____

No _____

Abstain _____

Certification by Speaker of the Assembly:

Date:

Signature of Student Body President:

Date: