

SUBTITLE 6 – ELECTIONS, REFERENDUMS, PETITIONS, AND VOTING

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.

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.

SECTION III. Candidates and their staff members may contact the Election Commissioner for the purpose of consultation pertaining to the election at the official email of the Election Commissioner, tamuelection@gmail.com.

SECTION IV. The only entity that may grant reprieve due to extenuating circumstances from any penalties incurred due to a violation of the rules and regulations outlined in Title V, Chapter 601 is the SGA Judicial Court.

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 and measures to accept plurality voting for determination of yell leader election winner.
- (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 fifteen (15) calendar 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 bylaws 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 bylaws 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 bylaws 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) 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.

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 on the Texas A&M Election Commission website.
 - (iii) Finance Forms:
 - (I) Expense Report
 - (II) Fair Market Value Assessment Form
 - (III) Null Expenditure Statement
 - (iv) Co-candidacy forms
 - (I) Any group of candidates running for the class agent position may file as co-candidates to constitute a class agent team
- (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 designated filing system found through the Texas A&M Election Commission website 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. 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
 - (I) Candidates in major races shall be assessed a \$20 filing fee
 - (II) 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 designated filing 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 they were 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 first Monday of February at 10:00 a.m. and shall conclude on the Friday that is 11 days in advance at 3:00 pm. Filing may not be re-opened for any reason.

(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.

(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.

(c)

SECTION IV. Write-In Candidates

(a) To be considered for a write-in seat, a candidate must receive at least 10 votes for that position. 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 to the Election Commissioner within seventy-two (72) hours or be subject to disqualification:

(1) The same finance form as is submitted by candidates on the ballot.

(2) The filing fee for the position to which they were elected

(3) Fines payable shall be enforced in the same manner as those assessed against balloted candidates.

(b) Write-in winners must first initiate contact with the Election Commissioner through tamuelection@gmail.com to submit the necessary materials to be certified.

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. These include:

- (i) Student Body President
 - (ii) Yell Leader
 - (2) A Minor Race is any race not classified as a Major Race.
 - (i) RHA position(s) are to only be voted on by those students who live on campus.
- (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 immediately preceding their 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 they seek office, but does anticipate entering that caucus, they may run for that position.
 - (I) 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. **Students are ineligible to run for office within the semester they are graduating, unless they are accepted to attend graduate school at Texas A&M.**
 - (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 they shall be automatically removed from office.
 - (3) 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 form 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.

- (4) Honors Student Council
 - (i) See HSC Governing Documents for eligibility information
 - (ii) Races for Honors Student Council shall not allow for write-in winners
- (5) All Other Races
 - (i) See respective organization Governing Documents for eligibility information.
- (c) G.P.R Appeals
 - (1) Candidates who do not meet the G.P.R. requirements to run for office may have the right to appeal through their respective organizations, the Student Organization Development Administration, and/ or the Department of Student Activities. Any approved appeals will be honored by the Election Commission and therefore will be able to continue the elections process as long as they are approved prior to the start of voting.
 - (i) To ensure that the appeals can be processed with sufficient time so as to not delay the elections process, it is recommended that any G.P.R appeals with the Student Organization Development Administration and/ or the Department of Student Activities be submitted within 7 business days after the final posting of grades for the semester that is subject to appeal.
 - (ii) Candidates must notify the Election Commissioner that an appeal is in progress by the time filing closes.
 - (iii) Approved appeals must be submitted to the Election Commissioner within 24 hours of the decision being released.
 - (iv) If appeals are not submitted to the Election Commissioner prior to the start of voting, the candidate will be ineligible to win.

SECTION VI. Mandatory Candidates' Meeting

- (a) For spring elections, the mandatory candidates' meeting shall be held the Sunday that is after the closing of filing. 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 complete finance forms 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 their 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) Failure for a candidate or their registered proxy to attend the Mandatory Candidate's Meeting in a timely manner shall result in disqualification.

(f) All candidates are responsible for all information covered at the Mandatory Candidates' Meeting without exception.

ARTICLE IV. CAMPAIGNING

SECTION I. Process

(a) A candidate may not campaign until the time and dates specified by the Election Commission and these regulations.

(b) The candidate shall be held responsible for the actions taken by their supporter. Any violation of the regulations by a supporter of a candidate could result in a fine for the candidate. A supporter is anyone who (including but not limited to):

(1) Speaks as a delegate of the candidate, posts or shares material online as a delegate of the candidate, holds banners, or distributes campaign materials as a delegate of the candidate.

(2) Works on any financial reports for a candidate.

(c) Pre-Campaigning Period

(1) The pre-campaigning period shall be defined as the period of time during which candidates and their supporters may begin speaking to any university-recognized student organization during meetings at locations on-campus or off-campus.

(2) 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 their supporters 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.

(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-campaigning periods) while following all campaign rules listed in these Election Regulations.

- (i) Candidates may engage in actions that support their election such as, but not limited to, the distribution of any flyers and campaign materials, publication of social media ads, and holding campaign signs during this period.
- (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 12:00 pm on the second day of voting.
- (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 at 12:00 pm on the second day of voting.
- (4) Materials used for general campaigning must be included in the expense report that is to be submitted on the Wednesday during the week of voting by 5:00 p.m.. No expenses shall be made past this deadline.
 - (i) Social media purchases must be made prior to these days and included in expense reports
- (5) Candidates may not speak to organizations on voting days.

SECTION II. Commission-Sponsored Campaigning

- (a) Debates
 - (1) The Election Commissioner may set dates and times for candidates to participate in sponsored 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.
 - (i) Any student organization or group interested in hosting an Election Commission-sponsored campaign event for any elected position must register their event with the Election Commissioner no less than one week prior to the date that their event is expected to occur
 - (ii) To seek event registration, a student organization or group should contact the Election Commissioner via email (tamuelection@gmail.com) and inform them of the name, student organization affiliation, intended date, time, and location of the event. The Election Commission maintains discretion in granting sponsorship of any campaign events.
 - (2) During such forums or debates, 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) SGA-Affiliated Election Events

(1) The Election Commissioner may designate up to two (2) dates and times for Student Body President candidates to participate in SGA commission or SGA committee sponsored campaign events excluding all Election Commission organized events.

(i) Any entity of SGA may request to hold an SGA-affiliated election event. All events must be approved by the Election Commissioner and announced at the Mandatory Candidates' Meeting to receive the SGA-Affiliated designation.

(ii) All events shall be non-biased and impartial to all candidates.

(2) All SGA affiliated campaign events shall be announced at the Mandatory Candidates Meeting and no additions shall be made after the meeting. Any changes to the location or time must be given to the candidates at least 72 hours prior to the event.

(3) At all SGA affiliated campaign events, all general campaign practices in or around the area, as defined by the Election Commission, where these are taking place shall be prohibited. This includes holding signs or banners, distributing materials, etc. The Election Commission shall notify candidates of 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.

(4) Any candidate wishing to attend an SGA-Affiliated election event must RSVP at least seventy-two (72) hours before the event date announced at the Mandatory Candidate's Meeting to participate in the event. Exceptions to the RSVP deadline may be granted pending extenuating circumstances as decided by the Election Commission.

(i) If a candidate withdraws their RSVP in the seventy-two (72) hour window between the start of the event and the RSVP deadline or does not show up to the event after they submitted an RSVP, they shall be subjected to a Tier 1 violation unless reprieve is given through unforeseen or emergent circumstances as proven by sufficient supporting evidence and granted by the Election Commission.

(ii) Proxies may only be sent in cases of extenuating circumstances as approved by the host Committee Chair or host Commissioner.

(c) Candidates Guide

(1) A Commission-compiled candidate's guide may be posted 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.
- (b) 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. 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.
- (c) 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.
- (d) No candidate may distribute any food or beverage while campaigning; this includes the distribution of candy.
- (e) Facilities run by Department of Residence Life 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.
- (f) The Election Commission has the power to remove or order the removal of any materials that are in violation of the Election Regulations.
- (g) 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.
- (h) Each candidate shall be responsible for the removal and disposal of all displayed campaign materials.

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 on the official Election Commission website.

(1) Reports made through this system shall have the optional protection of anonymity.

(2) Photographic, video, and written testimonies shall be considered in assessing violations

SECTION II. Campaigning

(a) No candidate or their supporters may remove, deface, destroy, or obscure any campaign material of any candidate.

(b) Off-campus campaigning shall be prohibited. No campaign materials shall be distributed, posted, or held off campus (excluding car chalk).

(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.

(c) 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.

(d) 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.

(e) Areas inside the Memorial Student Center, Rudder Buildings, Rudder Fountain, Rudder Plaza, classrooms, the Rec Center, 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.

(f) 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. No form of campaigning can impede the health and wellness of any candidate or student. Candidates must submit a written request for prior approval from the Election Commissioner before campaigning activities that may reasonably impede the health and wellness of any candidate or student. This will be determined by a unanimous vote of the commission as well as the approval of the Election Commission advisor. The approval or denial must be within two (2) business days of the candidate asking for permission else the activity will be approved.

(g) 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.

(h) 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 Corps dormitories.

(i) Candidates are not permitted to display campaign slogans or other campaign related messages by marking them on university sidewalks or buildings.

(j) Only the following may be left unattended on campus

(1) Signs flyer-size or smaller may be posted.

(i) Flyer-size or smaller materials may not ever be placed, whether attended or unattended, on structures such as light poles, utility poles, street posts, trashcans, newspaper stands nor can they be placed on or in landscaping such as trees, shrubs or gardens/garden beds.

(2) Standard campaign signs sized less than 24" x 18" may be left unattended in outside areas where campaigning is allowed and in accordance with university rules.

(k) Live animals are permitted in photographs used for campaign purposes, but may not be present at campaigning locations. Exceptions shall be granted for service animals.

(1) Reveille may not be used for campaigning in any manner and cannot be present at campaigning locations through intentional solicitation by a candidate.

(l) Paid social media ads cannot be displayed until the start of the general campaigning period

(m) In accordance with Texas state law, raffles may not be conducted.

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 there is a monetary transaction, 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) Use of the Texas A&M University bulk mail system available through bulkmail.tamu.edu is in violation of university policy.

(3) Candidates may begin contacting organizations via email to request to speak at their meeting beginning two weeks prior to the Mandatory Candidates' Meeting.

(4) Evidence found on the internet of physical campaign

violations shall be accepted by the Election Commission.

(5) Videos created in support of a candidate shall be considered campaign materials and the contents within such materials may be subject to regulation. Equipment that is used in the production and creation of electronic media need not be expensed.

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 twenty-four (24) hours of the alleged violation. The violation report can be found at tamuelection.com.

(b) Violations will not be accepted after 7 p.m. of the day that results are announced.

(c) The Election Commissioner shall keep record of all reported violations against candidates and the resulting decision to assess or not assess a fine in a document available to the public.

SECTION III. Tiered Violations

(a) Tier 1

(1) Major violations. Major violations include, but are not limited to: proven offenses against local, state or federal law to any degree; sabotage of opposing campaigns; voting fraud; falsified documents (with proof included to show falsification, including finance form); campaign ethics violations; and obstructions of the free and fair nature of voting.

(i) 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.

(ii) Falsification of documents refers to the intentional and substantive corruption of documents that undermines the transparent nature of the election.

(iii) 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 coercing students to vote against their own volition.

(iv) The Election commission may determine what constitutes significant ethical violations based on judgement

of common sense and reasonability, in accordance with the Election Commission's duties to uphold a free and fair election, to look after the safety of their fellow students, and to adhere to the standards of the Aggie Core Values.

- (b) Tier 2
 - (1) 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.
 - (c) 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) Tier 1 violations shall be assessed by the entire Election Commission. Meetings shall be called at the discretion of the Election Commissioner to address potential Tier 1 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 fine of 15% of the candidate's allotted budget.
 - (2) Disqualification
- (b) Disqualification shall only be applied in cases where the violation can be confidently determined to undermine the free, fair, and safe nature of the election, or the candidate has committed an act which prevents them from maintaining qualification as a candidate within the current election.
 - (1) The following acts prevent a candidate from maintaining qualification within a current election: failure to meet eligibility requirements, failure of themselves or their registered proxy to attend the Mandatory Candidates' Meeting, failure to submit a signed and completed finance form by the appropriate deadline, complete lack of receipts or Fair Market Value form submitted, exceeding the defined budget limitations, and failure to submit payment of all fines by the appropriate deadline to the location designated and communicated by the Election Commissioner.
- (c) Decisions must be the result of a majority of the Election Commission members present. The Election Commissioner shall be a non-voting member unless they are required to achieve a majority. The Election Commissioner shall notify the candidate of the decision through email and the violation report within forty-eight (48) hours of the Election Commission meeting.
 - (1) Candidates who commit a minor campaigning violation will be assessed one (1) warning for the respective violation and notified of this warning via email. This warning will be documented on the public report of submitted violations that can be found at election.tamu.edu. Any additional offenses of the same violation will be assessed as minor violations, warranting the appropriate fine amount.

(d) 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 \$75 fine following their first warning of the relevant offense. Each subsequent related offense shall result in an additional fine, with a \$15 increase to the amount of the last fine.

(2) Candidates filing under a Minor Race shall be subject to a base \$15 fine following their first warning of the relevant offense. Each subsequent related offense shall result in an additional fine, with a \$3 increase to the amount of the last fine.

(e) The total amount of fines shall be deducted from the candidate's budget, however, only one-half of the fine shall be paid by the candidate to the election commissioner.

(1) Any candidate who fails to pay their fines to the location designated and communicated by the Election Commissioner, or fails to request an extension by emailing the official email of the Election Commissioner, within ten (10) class days after the final day of voting, shall be disqualified from the current election cycle and will be ineligible to participate in future elections conducted by the SGA Election Commission until such time as his or her fines are paid in full

Common Violation Table

Violation	Fine
Live animal used for campaigning	Minor violation
Unattended campaign materials	Minor violation
Campaigning in unapproved locations	1st Offense-5% of budget 2nd Offense-10% budget 3rd Offense-15% of budget
Missing Mandatory Candidates' Meeting	Disqualification
Failure to submit Finance Form	Disqualification
Putting flyers on light posts and trees	Minor violation
Total lack of receipts or fair market value form to expense purchases	Disqualification
Less than 2 valid vendors on Fair Market Value Form	Minor violation

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) A complete finance form is defined as one of the following:

- (i) A signed null expenditure statement OR
- (ii) A finished and signed expense report (Sections A,B,C), receipts, and Fair Market Value Form.

(2) 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 their campaign and any fines incurred by the candidate. To be considered valid, a receipt must have all of the following qualities:

- (i) Vendor with contact information (website or phone number preferred)
- (ii) Date of purchase.
- (iii) Verification of amount being paid in full
- (iv) Itemized list of purchases

(3) Actual cost is defined as the cost as enumerated on an official sales receipt including the cost of tax.

(4) 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 unless approved by the Election Commissioner.

(5) 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 expense report.

(6) 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.

(7) The term "campaign materials" shall be defined by Article 4 Section 3 Subsection a.

(8) Shipping and handling costs need not be expensed for any item.

(9) Resources specific to the position for which a candidate is seeking election, if they are an incumbent in that position or its relevant governing organization, must be expensed if used or worn by the candidate during campaigning in any way. This includes uniforms, polos, t-shirts, badges, nametags, mailing lists, and other resources that were provided to the candidate during their incumbency or association with the organization.

Candidates running for seats in the Corps Residence Halls do not have to expense the Corps of Cadets Uniform, this does not justify needing to expense Corps of Cadets Uniforms for non-corps of Cadets related elections.

(b) Candidates must use the following system when determining the expensed cost of materials:

(1) All campaign materials must be expensed at actual cost.

(2) 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.

(3) All donated materials are to be expensed at fair market value, regardless of quality.

(4) Rented items 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 a minimum of two (2) vendors. If a candidate lists less than the required amount of acceptable vendors, the candidate shall receive a minor violation. This form shall serve as the receipt for donated items and must be included in the submitted finance form.

(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 campaign materials bearing the name of more than one candidate, one candidate must submit the original receipt and the additional candidates must 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 a separate candidate per race and must submit a finance form for each race.

SECTION II. Budget

(a) Any candidate who exceeds their allotted budget shall be

disqualified.

(b) All candidates filed under a minor race will have a budget of \$300.

(c) All candidates filed under a major race will have a budget of \$1500.

SECTION III. Campaign Reporting

(a) Finance Forms are due Wednesday of the week of voting at 5:00 PM to a location specified by the Election Commissioner. Candidates failing to comply shall be disqualified.

(b) The Election Commission shall notify the candidates forty-eight (48) hours prior to the finance form deadline.

(c) If no campaign spending has occurred, the candidate must submit a Null Expenditure Statement in place of an expense report by the deadline.

ARTICLE VIII. AUDITING

SECTION I. Auditing

- (a) The Commission shall audit all finance forms to determine compliance with necessary and applicable regulations
- (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 the following criteria:
 - (1) The item meets the description of campaign material as defined in Article IV Section III Subsection a.
 - (2) The item cannot be accessed for free by the regular student.

SECTION II. Transparency

- (a) The Election Commission shall make all candidates' finance forms publicly available on the official Election Commission website before 7:00 p.m. on the first day of voting.
- (b) Inaccuracies or omissions suspected in campaign budgets may be reported to the Election Commission in the same way that finances 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 before 7:00 p.m. on the second day of voting
- (c) After the audit period, if it is found that a campaign material remains unexpensed, the cost of that material will be added onto the candidate's budget through fair market value, along with the assigned Tier 2 fine for each unexpensed campaign material. If six (6) hours lapse during 8 a.m. and 8 p.m. after receiving this notification and the FMV is not sent to the Election Commissioner by email, the candidate will be fined according to a Tier 1 violation.

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.

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, they lose their 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) The Election Commission shall post the final sample ballot for any election at least four (4) class days prior to the election onto the official Election Commission website.
- (d) 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 their 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 the 7 days prior 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.
- (2) Candidates who have been disqualified are ineligible to win as a write-in candidate for the race in which they were disqualified during that election cycle.
- (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) The following definitions shall be ascribed to these terms in this subsection:
 - (i) 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.

- (ii) Round: Any count of ballots cast.
- (iii) 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.
- (iv) 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. PROCEDURES – SINGLE SEAT RACES

SECTION I. 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.

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

(f) Candidates on the ballot for a race are ineligible to receive write-in votes for that race. Write-in votes will not be counted in the total amount of votes a candidate already on the ballot has received.

SECTION II. Locations

- (a) The official polling place for elections shall be online at *vote.tamu.edu* for the fall and spring general elections.
- (b) 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.
- (c) Students shall have the right to vote online with the use of an electronic device free from pressure or obstruction.

SECTION III. Results

- (a) 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 their discretion, so long as all certifications are completed according to the above timeline.
- (b) 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.
- (c) The winners in elections other than Student Senate and Yell Leader elections are determined by the instant runoff process above.
 - (1) In the Student Senate 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.
 - (2) 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 their 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

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

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.

 - (1) 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.
 - (2) 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) The student body shall have the power to enact statutes in the form of a petition containing the signatures of at least 1% of the total number of the student body population at the time the referendum petition is being proposed with $\frac{1}{3}$ of support in the form of certified signatures from total current sitting senators that shall be recorded in a separate document to be counted towards the overall signature tally; Such statutes, if approved of by a majority

vote of the student body, shall be binding.

(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) The student body shall have the power to enact statutes in the form of a petition containing the signatures of at least 1% of the total number of the student body population at the time the referendum petition is being proposed with $\frac{2}{3}$ of support in the form of certified signatures from total current sitting senators that shall be recorded in a separate document to be counted towards the overall signature tally; Such statutes, if approved of by a majority vote of the student body, shall be binding.

(1) In the case of referendum petitions enacting statutes, the Chief Justice determines that the petition contains certified signatures of at least 1% of the total number of the student body population at the time the referendum petition is being proposed as well as $\frac{1}{3}$ of certified signatures from current student senators.

(2) In the case of referendum petitions enacting constitutional amendments, the Chief Justice determines that the petition contains certified signatures of at least 1% of the total number of the student body population at the time the referendum petition is being proposed as well as $\frac{2}{3}$ of certified signatures from current student senators.

(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.

(c) 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.

(d) 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.