



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

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## **Article 1: General Provisions**

### **Section 1: Purpose**

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

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

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

### **Section 3: Compensation**

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

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

### **Section 1: Responsibilities**

- Clause 1. The Election Commission is responsible for the administration of the Student Government Association elections, as well as the administration of additional events at the discretion of the Election Commission that aim to promote the elections, inform the student body about the elections, provide the candidates with information, allow candidates an opportunity to promote themselves, or otherwise contribute to a fair, efficient, and publicized election.
- Clause 2. The Election Commission must act impartially to any candidates or parties participating in the Student Government Association Election.
- Clause 3. The Election Commission must act in accordance with the Student Government Election Code, the Student Government Bylaws, and the Student Government Constitution.
- Clause 4. The Election Commission must ensure to the best of its ability that all information provided by its members regarding the Student Government Association Elections is correct.

- Clause 5. If a constitutional amendment to be voted on by the student body has been provided by the Student Government Association Senate to the Election Commission, the Election Commission has the responsibility to ensure that the constitutional amendment is placed on the ballot correctly.
- Clause 6. The Election Commission must attempt to respond to any questions posed to the Commission through the designated and public e-mail address in a timely manner, defined as within forty-eight (48) hours of the message being sent.
- Clause 7. The Election Commission will commence the election on the first Monday in February and conclude the election at the end of the last day of voting. Once established, the Election Commission must submit these dates to the Student Government Association Senate.

## **Section 2: Appointment**

- Clause 1. The Election Commission must be composed of, at least, a Chief Election Commissioner and a Deputy-Chief Election Commissioner.
- Clause 2. The Chief Election Commissioner must be appointed by the Student Government Association Attorney General and confirmed by a two-thirds vote of the Student Government Association Senate present and voting.
- Clause 3. Members of the Election Commission must be students currently enrolled nine (9) credit hours or more, and in good standing with the University.
- Clause 4. If, at the time of appointment, a member of the Election Commission is already an officer within the Student Government, they will automatically resign their position at the time of confirmation to the Election Commission. If their confirmation fails, they have the right to remain in their current position.
- Clause 5. Members of the Election Commission may not pursue any elected or appointed position within the Student Government Association until their term on the Commission has ended.
- Clause 6. The official term of each Election Commissioner begins at the time of confirmation by the Senate and ends on March 31st of the calendar year the election is held.
- Clause 7. The Deputy-Chief Election Commissioner will automatically become the Chief Election Commissioner should the Office of the Chief Election Commissioner become vacant between January 1st and March 31st of any given calendar year.
- Clause 8. The Attorney General will appoint, without confirmation, a Chief Election Commissioner should both the Office of the Chief Election Commissioner and the Office of the Deputy-Chief Election Commissioner be/become vacant between January 1st and March 31st.

## **Section 3: Office Hours**

- Clause 1. At least one member of the Election Commission must be present in a designated office for the Election Commission for at least twenty-five (25) hours each week.
- Clause 2. If more than one member of the Election Commission is present for the same hour in the designated office, this only counts as one hour towards the twenty-five (25) hour total.
- Clause 3. These hours may be held on any day Monday through Friday between the hours of 8:00 a.m. and 10:00 p.m.

- Clause 4. These requirements for office hours take effect exactly four weeks before the planned date of the election and end at 8:00 p.m. on the first Monday after the election has ended.

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

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

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

- Clause 1. The Chief Election Commissioner is the administrative head of the election process and must ensure that all duties of Election Commission are carried out as detailed in Article 2, Section 1 of this Election Code.
- Clause 2. The Chief Election Commissioner may delegate both tasks and authority to the Deputy-Chief Election Commissioner as necessary.
- Clause 3. If necessary, the Chief Election Commissioner may enlist the help of self-appointed Election Commission Assistants without the confirmation of the Senate. These assistants have no authority in the election process.
- Clause 4. The Chief Election Commissioner is responsible for verifying each candidate meets baseline requirements set forth in this document.
- Clause 5. The Chief Election Commissioner is responsible for making sure the topics to be discussed at the Candidate Seminar will include but are not limited to: The Election Rules and Regulations, University Policy relating to the election, Election Schedule, Structure and functions of the Student Government Association, and the duties and responsibilities of the elected officers of the Student Government Association.
- Clause 6. The Election Commission will create and maintain electronic accounts, such as email accounts and social media pages as it finds appropriate to carry out its duties. All official electronic correspondence from the Commission will only come from the official UH-email account of the Election Commission.
- Clause 7. Any Commission-related correspondence received to a personal email account or personal social media account will be immediately forwarded onto the Commission's official account.
- Clause 8. The Election Commission may provide a voter guide to all voters so long as all candidates are given equal opportunity to be included and the space allocated to each candidate is equal, based on the position they are running for. This guide will be posted on the SGA website.

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

- Clause 1. Failure to fulfill the duties or responsibilities as outlined in this document will constitute grounds for removal. Removal from the Commission will be decided by the Student Government Association Supreme Court. The Attorney General of the Student Government Association will serve as the prosecutor; any member of the Commission accused of failing to fulfill the duties and responsibilities will have a right to counsel.

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

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

- Clause 1. A "candidate" will be defined as a student who is eligible to run for an elected position.
- Clause 2. A student is eligible to run for an elected position if they are currently enrolled at the University of Houston, are in good standing as defined by University Policy, and are eligible under the requirements of Clause 5 and Clause 6 of this section.
- Clause 3. The right of a University of Houston student to be a candidate for any Student Government Association office will not be denied by the Student Government Association on the basis of race, color, religion, national origin, age, or sexual orientation, or gender pursuant to Title IX of the Education Amendments of 1972, Title VI & Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1963, or other Federal or state laws governing discrimination.
- Clause 4. If a candidate does not meet the requirements established above by the closing of the filing deadline, they are immediately disqualified from running in the election.
- Clause 5. For any college position, a candidate must be enrolled at the time of filing in the college that they are seeking to represent. A candidate must be majoring in a subject that falls under the domain of that college. Students with only a minor in a college are not eligible to run for that college position.
- Clause 6. All candidates must be able to serve as least two (2) full academic semesters, not including the summer after the election. If a student's degree plan does not indicate that they will be attending the University for at least two more full academic semesters, they must submit a letter with their application for candidacy from their academic advisor stating that their degree plan will continue through the term they are seeking to be elected for.
- Clause 7. The Chief Election Commissioner is responsible for verifying each candidate meets baseline requirements set forth in this document.
- Clause 8. No member of the Election Commission, the Attorney General, or member of the Student Government Association Judiciary may be a candidate for elective office.

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

- Clause 1. Sitting Presidents who served more than half of their term are not eligible to run for President

- Clause 2. Sitting Vice-Presidents who served more than half of their term are not eligible to run for Vice-President

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

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

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

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

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

- Clause 1. Individuals within and comprising parties will be subject to the responsibilities of candidates enumerated in Article 3.
- Clause 2. Parties may register with the election commission at any time before the close of the filing deadline as established by the Election Commission following the confirmation of a Chief Election Commissioner for the current election cycle.

New members may be added at any time before the close of the filing deadline by submitting a request to the election commission (see: Section 6 for potential exceptions and further clarification).

- Clause 3. Parties must register the party name and candidates with the Election Commission before engaging in campaign practices so long as the filing deadline has passed.
- Clause 4. The Election Commission reserves the right to refuse any party name so long as the Attorney General is in agreement before the filing deadline.

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

- Clause 1. A student may file as a candidate by filing their intention for candidacy by completing registration with the Election Commission during the filing period set by the Chief Election Commissioner.
- Clause 2. The filing period for candidacy must be at least ten (10) business days.
- Clause 3. In the General Election, each candidate must file for one position only. All subsequent filings must be considered void unless the second application amends the first application before the filling deadline.
- Clause 4. Available positions for filing include: President, Vice President, four (4) Graduate At-Large Senate seats, six (6) Undergraduate At-Large Senate seats, and a number of College Senate seats as outlined by the SGA Constitution.
- Clause 5. A candidate for Student Government Association President may select a Vice Presidential running mate to run for election as specified in Article V, Section 2 of the Student Government Association Constitution.
- Clause 6. A President/Vice-President ticket must remain whole for the three days leading up to the first day of voting. Either member may choose to drop from the ticket at any time after filing. A President or Vice-President withdrawing their candidacy will give the remaining party members twenty-four (24) hours to decide on a replacement. If no replacement is decided in twenty-four (24) hours, the party will forfeit this position on the ballot. If a President or Vice-President of a party drops out within three days of voting, no replacement will be allowed on the ballot.
- Clause 7. Party names will be a maximum of twenty-five (25) characters in length.
- Clause 8. The Chief Election Commissioner may publicly announce the total number of candidates who have filed for candidacy, the total number of parties, and/or the total number of candidates for each position at any stage during the filing period.
- Clause 9. The Chief Election Commissioner may not disclose the names of any candidate, party, or affiliated individuals before the filing deadline.
- Clause 10. A party will become official after being successfully registered to the election commission. The party will cease to exist after the election concludes.
- Clause 11: Independent candidates may switch their independent status to being party affiliated so long as the party leadership and the candidate confirm this in writing to the Chief Election Commissioner before the ballot is finalized and so long as the party has not reached the limit on candidates.
- Clause 12: Party-affiliated candidates may switch their status to “independent” at any point so long as they confirm this in writing with the Chief Election Commissioner and before the ballot is finalized.
- Clause 13: Candidates will be prohibited from switching from one party to another after the registration period has passed, but parties may move candidates from one position to another internally (for example, a person may not switch from “party A” to “party B”, but “party A” may move this person from an undergraduate at-large candidate to a business candidate) so long as the party leadership and the effected

candidate(s) confirms this in writing to the Chief Election Commissioner in writing, before the ballot has been finalized.

- Clause 14: Independent candidates may switch their position registration before the ballot is finalized so long as they confirm this in writing to the Chief Election Commissioner (for example, an independent Technology Senator candidate may switch to running for President or Undergraduate At-Large).

## **Article 4: Campaigning**

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

- Clause 1. Campaigning is defined as the intentional direct or indirect solicitation of votes, the purposeful bolstering of one's personal brand and/or name, and/or any form of personal, group, or mass advertising initiated by a known and/or prospective candidate or campaign staff member with the purpose of effecting the election outcome.
- Clause 2. "Direct solicitation of votes" is defined as an attempt to obtain votes through personal communication.
- Clause 3. "Indirect solicitation of votes" is defined as an intentional attempt to obtain votes through materials that can be seen or heard by potential voters.
- Clause 4. In the case of ambiguity related to whether or not an activity constitutes "campaigning," the decision is at the discretion of the Election Commission. This decision must be consistent between different candidates and campaigns.
- Clause 5. A "campaign staff member" is any individual aiding a candidate or party in any matter related to the election.
- Clause 6. Campaigning does not include any actions taken by known and/or prospective candidates, campaign staff, or parties to organize or recruit on a peer to peer basis before the close of the filing deadline. Party meetings are permitted, but a candidate or party staff member may not, through any means, publicly or broadly recruit candidates. This includes, but is not limited to: mass advertising, listservs, and public announcements of party recruitment.

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

- Clause 1. All campaigning is subject to the authority of entities or individuals that have jurisdiction over the location in which campaigning is occurring. If any complaint is filed concerning whether campaigning in a certain building is permissible, the filer must prove a prohibition on campaigning within said building is (1) in writing and (2) well-communicated to students/candidates before the alleged violation took place.
- Clause 2. No campaign may use personal property without the consent of the owner.
- Clause 3. No campaign may interfere with the online voting system.
- Clause 4. No candidate or party staff member may assist a voter in the online voting system, except as authorized by the Election Commission.
- Clause 5. No candidate may assist a voter in the use of the online voting system other than what is authorized by the election commission.
- Clause 6. No candidate or party may campaign door to door in residence halls or take any other action that violates University of Houston Student Housing & Residential Life Policy.

- Clause 7. No campaigning may occur before the start of the official campaigning period as dictated by the Election Commission.
- Clause 8. The Election Commission may not place the start of the campaigning period before the end of the candidate-filing period.
- Clause 9. No candidate will utilize any materials or resources provided by the University (excluding sanctioned university postings and resources provided by the election commission) or Student Organizations for the purposes of campaigning or housing campaign materials, despite receiving prior permission or not:
- a) This does not include student organization social media for the purposes of a single instance social media platform of endorsement. Any campaign activities on Student Organization social media outside of a single endorsement post per-platform is prohibited (for instance, if an organization has a Facebook and an Instagram, they may post the same endorsement post on both platforms, but no more);
  - b) No university-sponsored (department, division, office, etc.) social media will be used for the purposes of campaigning.
- Clause 10. No candidate, or authorized person thereof, may, in the course of campaigning, disrupt any academic function.
- Clause 11. No candidate, or authorized representative thereof, may distribute or make available any campaign material prior to the commencement of the campaign period. This section will also apply to the creation and availability of any website, social networking group, or other online campaign tool.
- Clause 12. No university academic system, such as Blackboard, may be used to promote, aid, or advertise any campaign. This includes mass emails to students.
- Clause 13: Campaigners cannot offer anything of value to a voter on the condition the voter casts a vote for said campaigner or said campaigner's team. Anything given to voters by candidates must be unconditional in nature
- Clause 14: Campaigning within the walls of the library, student centers (north, south, and satellite), recreation and wellness center, dining halls, and/or within any dining establishment owned/operated by the University of Houston is prohibited. The Chief Election Commissioner may make exceptions to this at their discretion.

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

- Clause 1. All physical or online campaign materials must be accompanied by the name of the individual(s), candidate(s), and/or party responsible for funding, producing, and distributing the material.
- Clause 2. All physical or online campaign materials must be in accordance with the Student Government Association governing documents.
- Clause 3. All physical and non-physical campaign materials, including but not limited to: Flyers, Social Media, Buttons, T-Shirts, etc., must be originally created, and cannot be reused year to year. This does not include party names.
- Clause 4: Parties and individual candidates have a right to their likeness, and any attempt to copy a party or individual's likeness is prohibited. A complaint regarding this clause must prove opposition marketing materials are too close to be easily distinguished. This includes party names.
- Clause 5. Candidates or parties that are found to have presented a false claim of endorsement by any individual, organization, or business, are subject to penalties following a formal complaint.

- Clause 6. If a student group chooses to endorse a candidate, the candidate will be held responsible for all activities of the endorsing student group in regards to activities which are intended to advance or inhibit a candidacy.

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

- Clause 1. Members of the Election Commission and members of the Student Government Association Judiciary/Justice Department are prohibited from campaigning or verbalizing support for a particular candidate or party.
- Clause 2. Candidates must act in accordance with the Student Government Association governing documents.
- Clause 3. No candidate or campaign staff member may interfere with the campaign materials of an opposing candidate or party.
- Clause 4. No candidate or campaign staff member may make any threats of physical or emotional abuse of an opposing candidate or party.
- Clause 5. No candidate or campaign staff member may offer anything of value nor threaten or promise any particular action to a member of the Election Commission, or a member of the Justice Department with the intention of incentivizing or causing undue influence in the election process. The Election Commission and Attorney General reserves the right to file a complaint against any individual who violates this clause.
- Clause 6. No candidate or campaign staff member may request proof that an individual voted for a candidate or party that they claim to have voted for.
- Clause 7. No candidate or campaign staff member may encourage or require campaign team-members to campaign in lieu of fulfilling academic obligations.
- Clause 8. No candidate or campaign staff member will physically or emotionally abuse campaign team-members.
- Clause 9. No candidate will be involved in or have a history of involvement in physical or emotional abuse of any kind within or outside the context of the Student Government Elections. This includes, but is not limited to physically abusive behavior, emotionally abusive behavior, sexual abuse, sexual harassment, etc.
- Clause 10. No candidate or campaign staff member may make threats towards any individual or group. This includes but is not limited to: physical threats, emotional threats, social threats, or any threat which might prove distressful to an individual or group's physical, emotional, and/or financial well-being.

### **Article 5: Voting**

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

- Clause 1. Each member of the Student Body as defined by the Student Government Constitution will be entitled to vote in the Student Government Elections.
- Clause 2. Each voter must agree to the UH computer use policy and the Student Code of Conduct in order to access the voting application upon login.

#### **Section 2: Election Date**

- Clause 1. General Election voting will open on the third Thursday in February. Voting will be open from Thursday at 12:00 AM until the following Wednesday at 11:59

PM, with physical campaigning prohibited from Sunday 12:00 AM to 11:59 PM the same day. Special extensions will only be allowed at the discretion of the Chief Election Commissioner.

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

- Clause 1. Voting will take place online through an online voting system.
- Clause 2. No University of Houston student, faculty, or staff member may use their personal device or a public device for the purpose of soliciting students to vote at that device.

### **Section 4: Ballots**

- Clause 1. All ballots will be cast online through the online voting system.
- Clause 2. If a candidate is affiliated with an approved party, the candidate's party affiliation will be listed next to their name on the official ballot. Any candidate who is not affiliated with a party will have the word "Independent" next to their name.
- Clause 3. The number of seats available in each Senatorial Contest will be placed on the official ballot.
- Clause 3. The Election Commission will post the sample ballot for the purpose of correcting errors the day after the mandatory candidate's meeting by 5:00 P.M. If a candidate does not appeal any error on the sample ballot by 5:00 P.M. on the following day, they lose their right to contest the error.
- Clause 4. The sample ballot will not be used for any voting. It will only be used for a candidate to verify that their name has been properly recorded for the election process, and for other administrative purposes as needed by the Election Commission.
- Clause 5. Any withdrawn or disqualified candidates' voters' votes will be automatically, and before all redistributions/elimination, distributed to their second-choice preference, as determined by the ranked-choice voting system, and should a voter decide to only rank a, now, withdrawn or disqualified candidate first, without indicating any subsequent preferences, their vote will be taken out of the pool. This will occur after the completion of the voting period.
- Clause 6: The Election Commission will post the final ballot for any election at least five (5) business days prior to the voting period and will post a copy to the Student Government Association website as well as submit a copy of the final ballot to The Cougar for publishing.
- Clause 7. Candidates' ballot positions will be randomly ordered as a pre-set for each voter (i.e. the list of candidates' names, per ballot, will be randomly ordered once, and that random order will be the fixed-order of candidates each voter will see). If ballot position can be randomized for each voter's ballot, the Election Commission will completely randomize the ballot. Candidates have the right to know the process for how the ballot was randomly ordered.
- Clause 8. Any Constitutional Amendments and/or referendums will be placed at the bottom of the ballot.
- Clause 9. The SGA President may place, with the advice and consent of the SGA Senate, University-related items requiring a student body vote at the end of the ballot, after all Constitutional items.

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

- Clause 1. Candidates running for President and Vice President must receive a majority (50% + 1) of the votes cast to be seated. A Presidential candidate without a Vice-Presidential candidate will run against all others who have a complete ticket.
- Clause 2. Voters will vote via a ranked choice system for each seat or set of seats. Each voter may rank their candidate choice in descending order from most (1) to least preferred (equal to the number of candidates). Voters will have the option to rank as many candidates as offered on the ballot, without a mandate to rank all candidates offered or rank any candidates at all.
- Clause 3. Students will rank candidates for President and Vice-President in order of preference. If no candidate receives a majority in the first round, the candidate with the lowest number of votes will be eliminated, and their votes will be distributed based on their voters' subsequent preference. This will happen until a candidate receives a majority of preferences.

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

- Clause 1. The results of any election, ballot measure or referendum will be determined as follows:
- a) For electoral races in which only one seat is available, the candidate in the given electoral race who receives over 50% of the "first choice" votes will win. If no such candidate surpasses the majority vote threshold, the candidate with the lowest number of "first choice" votes will be taken out of consideration, and all voters who chose said candidate will then have their "second choice" votes counted towards the remaining candidates. If any candidate at this point surpasses the 50% threshold, they will win. If no candidate yet receives 50% of the votes, the process of taking out the candidate with the lowest number of votes and redistribution of ranked votes will be repeated until a candidate surpasses the 50% threshold.
  - b) Races for Multiple Seats:
    1. For electoral races in which multiple seats are available, the "first choice" votes will be counted first. A winning percentage of the vote for a candidate to win a seat will be defined by  $(N/(x+1))+1$ , where x is the number of seats available in an election and N is the total number of votes within a specific constituency's election (the "Droop" method). If any candidate passes this percentage threshold in "first choice votes", they will immediately win a seat, and promptly be taken out of consideration;
    2. Following this removal of victorious candidates, the surplus votes of the victorious candidates will be distributed to their second-choice preference. If any candidate(s) surpasses the given percentage threshold for the race, they are then awarded a seat, and promptly be taken out of consideration;
    3. If, following the process of (b)(2) (above), no candidate surpasses the given threshold defined in (b)(1)(above), then the

candidate with the lowest number of votes will be taken out of consideration, and their votes reassigned to their respective next “choice”;

4. The process of taking out candidates surpassing the given percentage threshold, and appropriate reassignment, then removal of candidates with lowest vote totals will repeat in that order until all seats are filled with candidates that surpassed the given threshold;
5. If a situation arises at any stage of determination in this section where more/less candidates surpass a given threshold than there are seats available, the remaining seats will be won by the respective candidates with the largest percentage of the vote.

Clause 3. In the case of an exact tie in number of votes at any point in the ranked-choice process, the candidate with the lower number of first-choice preferences will be eliminated. If there is a tie in the first-choice preferences, the candidate with the lower number of second-choice preferences will be eliminated. This process will continue until the tie is resolved.

Clause 4. Regardless of complaints or appeals, the unofficial results of the general election will be announced by the Chief Election Commissioner in an appropriate campus location on the day after the General Election.

Clause 5. If no complaints or appeals are registered within one (1) business days of the announcement of election results, all election results will be deemed final.

Clause 6. Candidates for College Senate seats will run in conjunction with all other candidates running for the same seats.

Clause 7. Candidates running for Senate within the Undergraduate At-Large and Graduate At-Large categories will run in individually numbered seats which are elected separately (for example, if there are six Undergraduate At-Large Senator seats, there will be one individual, separate, election for each of the six seats):

- a) No member from the same party will run against each other within the same numbered at-large seat;
- b) Multiple independents in the same numbered at-large seat is permissible only if there are more independent candidates than there are seats available (for example, if there are seven independent candidates registered for a undergraduate at-large with six seats, randomly, there will be one numbered seat with two independent candidates, and five numbered seats with one independent);
- c) When able, the Election Commission will attempt to eliminate the possibility of a candidate running unopposed for Undergraduate At-Large and Graduate At-Large (for instance, if undergraduate at-large has six seats, and Party A has six undergraduate at-large candidates, Party B has four undergraduate at-large candidates, and there are two independent undergraduate at-large candidates, the election commission will place these candidates in such a way that all six seats are contested);

- d) It is permissible, and required, to have an individual run unopposed in the case, and only in the case, that there are less, or an equal amount of, candidates filed in a category than there are available seats (i.e. if there are only six people running for the six Undergraduate At-Large seats, they will all run unopposed. If there are seven people running for the six Undergraduate At-Large seats, it will be random that two of the seven will compete for one seat and five of the seven will run unopposed for each subsequent seat);
- e) Parties will not have discretion which candidates they place in which specific seats (i.e. whether to place candidate “A” as an undergraduate at-large seat #1 or #2). Independents will not have this discretion either. Candidates will only indicate the generic position they are registering within (“Undergraduate At-Large” or “Graduate At-Large”), and the exact people running within each numbered at-large seat will be randomly chosen in a process determined by the Chief Election Commissioner. Candidates have the right to know the exact process of how the candidates were randomly assigned seats.

## **Article 6: Campaign Finance**

### **Section 1: Expenditures**

- Clause 1. Candidates running to be the Student Government Association Senator as an independent for a specific college are limited to expenditures totaling no more than One-Thousand (\$1,000) dollars.
- Clause 2. Candidates running to be one of the At-Large Senators as an independent are limited to expenditures totaling no more than Fifteen-Hundred (\$1,500) dollars.
- Clause 3. Political parties are limited to expenditures totaling no more than Twenty-Five Hundred (\$2,500) dollars.
- Clause 4. Any use of work product from a previous campaign must be considered expenditures and assessed at fair market value.

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

- Clause 1. Each candidate for office is required to keep accurate and up-to-date records of all campaign expenditures. The Election Commission may request to view these records at their discretion, and candidates must present these records to the Election Commission within twenty-four (24) hours of the Commission’s request.
- Clause 2. Any good or service actually purchased or paid for by the candidate for their campaign will be reported at the actual value expended by the candidate for the given good or service. All goods or services purchased by a candidate or party must have a reported value reasonably close to a market value (i.e. if a candidate is offered to buy one-hundred thousand fliers for \$1, they still need to apply a reasonable market value to the fliers, and reporting \$1 on their campaign finance expenditure form would be a violation). If items were bought on discount or sale, the discount/sale must be proven to be (1) reasonably well advertised to the public and (2) universally available to all that might wish to participate. Candidates must provide receipts in person or via email to prove the actual value of each good or service purchased or paid for. If the Election Commission requests such, the candidate must provide the original receipt(s) in person.

- Clause 3. Candidates that are not a member of a party are required to file a statement of financial disclosure weekly on each Monday from the first Monday after the start of the campaigning period until and including the first Monday after the end of all elections. The Chief Election Commissioner has the discretion to change the day that these financial disclosures are due to the commission.
- Clause 4. The first statement of financial disclosure must detail the names and monetary values of each expenditure the campaign has made thus far. Each subsequent statement of financial disclosure must detail the names and monetary values of each expenditure the campaign has made since the submission of the last statement.
- Clause 5. Political parties must submit a financial disclosure form that accounts for the spending of all members of the party. This form must be submitted on a weekly basis, defined in the same way as prescribed for independent candidates in Clause 3 of this section.
- Clause 6. Each party must be aware of the total expenditures of its members and is responsible for not exceeding its total expenditure limit.
- Clause 7. The Election Commission must keep running totals for the expenditures of each candidate and party to ensure that the limits presented in Section 1 of this article are not exceeded.
- Clause 8. Statements of financial disclosure as well as running expenditure totals are public record. This information may be requested at any time. The Election Commission must provide this information in a timely manner. The Election Commission must make available on the Student Government Association website all financial disclosures form once they have been submitted within twenty-four (24) hours.
- Clause 9. The total cost of an expenditure benefiting multiple candidates may be divided for financial disclosure at the preference of the candidates involved.
- Clause 10. No candidate or campaign staff member will falsify any entry on a statement of financial disclosure.
- Clause 11. For each election, each independent candidate and each party listed on the ballot will be required to submit a 'donation list' with their weekly financial disclosure form containing a list of individuals who have donated to their campaign. Candidates or parties that received no donations are still required to submit this list to the Election Commission. The Election Commission will provide this form on its website prior to the registration period, with the form including the following sections:
- a) Names of the those responsible for the donation;
  - b) The fair market value of the donation; and
  - c) The date the donation was received.
- Clause 12: All donations both tangible and intangible, financial or non-financial, must be disclosed on an individual's or party's donation list and counted as part of their campaign expenditures, limited by the campaign expenditure limits. All non-financial contributions/donations to an individual or party (this includes but is not limited to: printed materials, signage, t-shirts, etc.), must be assessed a fair market value and included on both the weekly donation list and the financial disclosure form.

## **Article 7: Violations**

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

- Clause 1. Any University of Houston student, faculty, or staff member may file a complaint.
- Clause 2. The filer of the complaint has three (3) calendar days after the incident to file the complaint. No complaints filed after three (3) calendar days of the incident will be considered by the Attorney General, the Election Commission, or Judiciary.
- Clause 3. An official complaint must first be filed with the Student Government Association Attorney General. The Attorney General will then reach out to the accused, in the cases of alleged Class B and Class C violations (and cases of alleged Class A violations which place no one at risk of harm) and provide them the option to submit a Statement of Defense, to be submitted within four (4) hours of the Attorney General reaching out (extensions shall be provided at the discretion of the Attorney General). If the Attorney General solicits a Statement of Defense after 8:00 PM, then the accused will have until 10:00 AM the following day to provide the Statement of Defense. The Attorney General will then investigate said complaint and decide its merit. The Attorney General will then decide the merit of the complaint. The Attorney General must submit written documentation of review to the Election Commission no more than one day, twenty-four (24) hours, after the Attorney General receives the complaint.
- Clause 4. The Attorney General will make a decision pertaining to the merit of the complaint, and provide substantive reasoning based on the Election Code, Constitution, Bylaws, Student Code of Conduct, and/or any other University policies.
- Clause 5. The Attorney General will decide within one (1) class day whether a complaint has merit. The Attorney General must also receive written agreement from the Chief Election Commissioner before being able to proceed. If the complaint is deemed legitimate, then the Attorney General may penalize the candidate(s)/individuals according to the penalties proscribed in the Election Code.
- Clause 6. Candidate(s)/individuals may appeal their penalty or its severity before the Student Government Association Supreme Court or designated lower court. Appeals regarding Class A violations must be heard by the Supreme Court or designated lower court. The Court, after receiving appeals regarding Class B, Class C, and Class D, may review the appeal and choose to hear the appeal in court, and may reject the appeal. All election complaint appeals must be filed within eight (8) hours of receiving the initial decision from the Attorney General
- Clause 7. If an appeal is rejected by the Supreme Court, the Attorney General's ruling on the violation is final and the penalty will be immediately enforced.
- Clause 8. If the Student Government Association Supreme Court or designated lower court chooses to hear the appeal, the Court must meet within forty-eight (48) hours to rule on the appeal. The Attorney General's ruling will be considered final if the Court is unable to meet in the specified time-frame, unless in the case of a disqualification decision/recommendation. In the case of a potential disqualification, the court will have an additional seventy-two (72) hours to meet in addition to the allotted forty-eight (48) hours. In the case of potential

disqualification, the Attorney General’s ruling will be considered final if the Court is unable to meet within five (5) calendar days (120 hours) from receiving the appeal.

- Clause 9. If the Student Government Association Supreme Court or designated lower court chooses to hear an appeal, the court may decide that enforcement of the penalties contained in the appeal be suspended until a final ruling is made on the case.
- Clause 10. The Attorney General will make final complaint decisions public within one (1) business day after delivering the final decision to relevant parties. All fruits of investigation will be made available upon request, including but not limited to: the original complaint filing, any written correspondence (including email), and all evidence supporting and/or negating the complaint. The Attorney General has the discretion to withhold names should the Attorney General determine it necessary to protect an individual’s identity
- Clause 11. In the case that a known and/or prospective candidate, or campaign staff, is found to have violated the Election Code before the campaign period has begun, any penalties decided upon by the Attorney General will be put into effect after the campaign period begins, with the Attorney General’s discretion on the exact time (for example, if a student is found to be posting campaigning materials such as flyers in September, and the Attorney General decides to suspend their campaign for twenty-four (24) hours, the Attorney General must ban them from campaigning at any twenty-four (24) hour interval within and after the start of the campaign period.

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

- Clause 1. The Supreme Court or designated lower court will have the discretion to consider the severity of each violation in their final ruling of punishment.
- Clause 2. The following lists will never be construed to be an exhaustive list of all violations.
- Clause 3. Class A violations include but are not limited to: select violations of the Student Code of Conduct and/or local, state, and/or federal laws, select violations of the Election Code campaign ethics section (Article 4, Section 4), election fraud, falsified campaign documents, and identity theft.
- Clause 4. Violations of the Student Code of Conduct and University Policies may be classified as Class A, B, or C, at the discretion of the Attorney General. Only the most egregious Student Code of Conduct or University Policy violations will merit a class A classification, worthy of potential disqualification.
- Clause 5. “Election Fraud” is defined as the unauthorized tampering, altering, or abuse of the voting process.
- Clause 6. The penalty for a Class A violation is the disqualification of the candidate(s) from the election and an automatic referral to the Dean of Student’s Office.
- Clause 7. All complaints of Class A violations, after being confirmed of having merit by the Attorney General and Chief Election Commissioner, will be immediately presented to the Supreme Court for final ruling.
- Clause 8. Class A complaints are not subject to time constraints as outlined in Article 7, Section 1, Clause 2 of the Election Code.

- Clause 9. Class B violations include but are not limited to: deliberately defacing, altering, or destroying the campaign material of another candidate without that candidate's explicit written permission; the obstruction of the Election Commission in the discharge of their official duties; exceeding campaign spending limits; and/or failing to appear before the Supreme Court or designated lower court for hearings.
- Clause 10. The penalty for a Class B violation is a temporary suspension of campaigning. The Attorney General will have the discretion of administering a fair and proportional suspension. The Attorney General's decision may be appealed to the Supreme Court or designated lower court.
- Clause 11. Class C violations include but are not limited to: pre-campaigning; failure to submit required campaign documents to the Election Commission; and/or failure to attend mandatory meetings.
- Clause 12. Any party whose candidate(s) violate suspensions of campaigning will be issued a warning and a suspension of campaigning at the first occurrence and will be placed on Election Probation at the next occurrence in addition to the penalty for committing a Class B violation.
- Clause 13. A Class D violation is a violation of any suspension of campaigning by any member(s) of a party on Election Probation.
- Clause 14. All complaints of Class D violations, after being confirmed of having merit by the Attorney General and Chief Election Commissioner, will be immediately presented to the Supreme Court for final ruling.
- Clause 15. The penalty for a Class D violation is the disqualification of the candidate(s) from the election.
- Clause 16. After three (3) Class C violations, each subsequent Class C violation will be considered a Class B violation and will be treated accordingly. After multiple Class B violations, the subsequent Class B violation will be considered a Class A violation and will be treated accordingly. The Attorney General will notify each violator when they are one violation away from having their next violation up-classified.
- Clause 17. The penalty for a Class C violation is a written warning from the Attorney General at the first occurrence, and a temporary suspension of campaigning for every subsequent occurrence. The Attorney General will administer a fair and proportional suspension for Class C violations. The Attorney General's decision may be appealed to the Supreme Court or designated lower court.
- Clause 18. Party staff members and volunteers are subject to the same violations and penalties as candidates. The Attorney General and Supreme Court or designated lower court will have jurisdiction to decide whether or not it is necessary to penalize the party for a violation of its staff/volunteer members.