

The background of the page features a large, faint, orange-toned seal of The University of Texas at Austin. The seal is circular and contains the text "THE UNIVERSITY OF TEXAS" at the top, "AT AUSTIN" at the bottom, and "DISCIPLINA CIVITATIS" on the sides. In the center of the seal is a shield with a five-pointed star, a book, and a laurel wreath.

# **Student Government Election Code**

## **2013**

**The University of Texas at Austin**

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# STUDENT GOVERNMENT ELECTION CODE

## TITLE I CAMPUS-WIDE STUDENT ELECTIONS

### Chapter I GENERAL PROVISIONS

- Sec. 1.1 PURPOSE. This code exists to facilitate a fair and educational experience for student governance positions at The University of Texas at Austin. The election of students is designed to expand their knowledge about running for office, navigating political systems, and building community coalitions for the purpose of express advocacy.
- Sec. 1.2 ENACTMENT. This code shall become effective and be implemented immediately after its passage by all entities participating in campus-wide elections and approval by the necessary and proper channels, and shall supersede any and all previous election codes.

## TITLE II CAMPUS-WIDE ELECTION COMMON CODE

### Chapter I GENERAL PROVISIONS

- Sec. 1.1 UNIVERSAL APPLICATION. The provisions of TITLE II apply to all entities participating in campus-wide elections.
- Sec. 1.2 PARTICIPANTS' COMPLIANCE. All entities participating in campus-wide elections agree to adopt this title and have their candidates and races adhere to the provisions contained within.
- Sec. 1.3 ENTITY-SPECIFIC & UNSPECIFIED SITUATIONS. Entity-specific situations not specified in this code should be addressed by each entity's respective election code.
- Sec. 1.4 REFERRING VIOLATIONS. All aforementioned entities may refer alleged violations of their election processes to the Election Supervisory Board.
- Sec. 1.5 SINGULAR REFERENCES INCLUDE PLURAL. References to the singular shall be construed to include the plural.

- Sec. 1.6 CANDIDATE REFERENCES INCLUDE ALL CAMPAIGN STAFF. References to candidates shall be construed to apply to their agents and workers as well.
- Sec. 1.7 RESPONSIBILITIES. Candidates, agents, or workers for any campaign shall be responsible for the regulations relevant to their election, as defined by this election code.
- Sec. 1.8 IGNORANCE. Ignorance of this code shall not be an acceptable defense in response to any offence committed in any election under this code; either by the candidates themselves, their agents or workers, or the election regulatory bodies, as defined by this code.
- Sec. 1.9 SINGLE AND SEPARATE APPLICATION. Each election under this code shall be considered a single and separate application of this code.
- Sec. 1.10 RELEVANCY OF RULINGS. Rulings made by the Election Supervisory Board during any election period are relevant only to that election and associated runoff elections.
- Sec. 1.11 UNIVERSITY REGULATIONS. All candidates, and their agents and workers, and the Election Supervisory Board shall be responsible for following all applicable University regulations in addition to the provisions contained within this code.

## **Chapter II**

### DEFINITIONS

- Sec. 2.1 “ADVISORY OPINION” refers to any opinion issued by the Election Supervisory Board concerning any matter affecting the campus-wide elections that may not be included within the language of the election code.
- Sec. 2.2 “AGENT” refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.
- Sec. 2.3 “CAMPAIGN” and “CAMPAIGNING” refer to statements, literature, activities or deliberate uses or distribution of materials of any kind that have or are intended to have the effect of soliciting votes, support or interest for a candidate or elective office. Campaigning should only occur during the official campaign period as defined in this code.
- Sec. 2.4 “CAMPAIGN MATERIALS” refers to all materials and literature of any kind concerning any candidate that have or are intended to have the effect of soliciting

votes, support, or interest for a candidate or elective office but excludes any individual endorsement not approved by the candidate.

Sec. 2.5 “CAMPUS-WIDE ELECTIONS” refers to any elections involving multiple entities that are governed by this code.

Sec. 2.6 “CAMPUS-WIDE ELECTIONS FILING AGREEMENT” refers to the document signed by the candidate that acknowledges the candidate is aware of and will adhere to this code.

Sec. 2.7 “CANDIDATE” refers to any student consenting and/or endeavoring to be elected as expressed by filing to run for office in accordance with this and all applicable election codes.

Sec. 2.8 “DAY” is one 24-hour period. A day includes both weekdays and Saturday and Sunday.

Sec. 2.9 “DEFEATED CANDIDATES” refers to candidates, whose elections already being decided, have lost in their respective elections.

Sec. 2.10 “ENTITY/ENTITIES” refers to the organizations that utilize and participate in campus-wide elections. They are currently as follows: Graduate Student Assembly, Student Government, Texas Student Media, the University Co-operative Society, and University Unions.

Sec. 2.11 “ESB” refers to the Election Supervisory Board established by and defined within this Code.

Sec. 2.12 “OFFICER” refers to any sitting officer of any entity participating in campus-wide elections.

Sec. 2.13 “OFFICER-ELECT” refers to a candidate whose election already being decided, has won his/her respective election, but who has not yet been sworn-in nor seated yet.

Sec. 2.14 “POLLING LOCATION” refers to any internet-enabled device available for public use that is being used to vote in campus-wide elections.

Sec. 2.15 “POLLING STATION” refers to any publicly accessible on-campus polling location designated for the use of voting in the campus-wide elections by the Election Supervisory Board.

Sec. 2.16 “RULING” refers to any decision or ruling issued by the Election Supervisory Board resulting from a hearing.

Sec. 2.17 “STUDENT” refers to any individual whose name appears on the current roster of the Registrar of the University.

- Sec. 2.18 “UNIVERSITY” refers to The University of Texas at Austin.
- Sec. 2.19 “WEEK” is defined as seven calendar days.
- Sec. 2.20 “WORKER” refers to any person that contributes time, effort, or services for the purpose of supporting or furthering a candidacy, where the candidate or agent has knowledge of said contributions.

### **Chapter III**

#### **THE ELECTION SUPERVISORY BOARD**

- Sec. 3.1 ADMINISTRATION OF ELECTIONS. The Election Supervisory Board shall be responsible for the administration of Campus-wide elections.
- Sec. 3.2 JURISDICTIONAL BOUNDARIES. The jurisdiction of the Election Supervisory Board applies both on-campus and off-campus.

#### *SUBCHAPTER A: Selection*

- Sec. 3.3 ESB SELECTION COMMITTEE. Each entity participating in campus-wide elections will put forward one representative to participate in the selection of the Election Supervisory Board members.
- Sec. 3.4 ESB SELECTION PROCESS. The Election Supervisory Board shall be assembled through an application and interview process, to be completed, when possible, by the last day of classes in the spring semester.
- (a) Members of this Election Supervisory Board are not allowed to serve on any entity with appellate jurisdiction.
- Sec. 3.5 ESB QUALIFICATIONS. A total of nine (9) members will be selected to comprise the Election Supervisory Board from the applications submitted. Each shall possess the following qualifications:
- (a) Shall not hold an elected position, endeavor to run, or be engaged in actively campaigning for an elected position for one of the entities; and,
- (b) Must either be a graduate student, or an undergraduate student who has completed one semester in residence; and,
- (c) Must have and maintain a minimum 2.5 cumulative grade point average; and,

(d) Must not be serving a disciplinary penalty, as so recorded by the Office of the Dean of Students.

Sec. 3.6 ESB CHAIR SELECTION. The chair of the Election Supervisory Board shall be selected in the initial application and selection process.

Sec. 3.7 ESB MEMBER REMOVAL. Any member of the Election Supervisory Board may be removed for just cause by a unanimous vote of the ESB Selection Committee.

(a) Should a member of the Election Supervisory Board be removed, the Election Supervisory Board selection committee shall convene and determine a replacement.

#### SUBCHAPTER B: *Positions and Responsibilities*

Sec. 3.8 CALLING MEETINGS. The chair of the Election Supervisory Board shall facilitate and organize the necessary meetings and hearings in order to accomplish tasks set forth by this code.

Sec. 3.9 SECRETARY. The Election Supervisory Board shall appoint the Secretary; who shall be responsible for recording the minutes of Election Supervisory Board meetings and hearings, and keeping records of all opinions, rulings, and filings required of candidates under this code.

(a) The Secretary shall provide a written copy of all decisions concerning individual candidates to the candidates involved.

(b) Failure to do so may result in revocation of duties by the Election Supervisory Board Chair.

Sec. 3.10 ASSIGNMENT OF CANDIDATES. The remaining members of the Election Supervisory Board shall be assigned an equal group of candidates for whose questions, complaints, and financial statements they are responsible.

### **Chapter IV** VIOLATIONS

#### SUBCHAPTER A: *Hearings & Procedures*

Sec. 4.1 FILING OF COMPLAINTS. Any student may file a complaint with the Election Supervisory Board.

- (a) All complaints must be filed under the name of the student filing the complaint.
- (b) Members of the Election Supervisory Board are prohibited from filing complaints.

Sec. 4.2 TIMEFRAME FOR ACTING ON COMPLAINTS. The Election Supervisory Board shall act on all complaints within two (2) days after they are received by either dismissing the complaint or calling a hearing under the provisions of this subchapter.

- (a) If after the two (2) days, the Election Supervisory Board fails to act, the Chair of the Election Supervisory Board shall have original jurisdiction over the matter.

Sec. 4.3 DISMISSAL OF COMPLAINTS. The Election Supervisory Board may dismiss a complaint if:

- (a) The complaint was not filed within a reasonable amount of time; or,
- (b) The complaint fails to state a cause of action for which relief may be granted; or,
- (c) The filing of the complaint violates a provision of TITLE II, Sec. 4.1.

Sec. 4.4 NOTIFICATION OF HEARING. If a complaint is not dismissed, then a hearing must be held.

- (a) The Election Supervisory Board shall inform, in writing or via e-mail, the complaining party and all individuals or groups named in the complaint of the time and place of the hearing.
- (b) The parties are not considered notified until they have received a copy of the complaint.

Sec. 4.5 TIMEFRAME FOR HEARING. The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours after receipt of the notice described in the previous section, unless all parties agree to waive the twenty-four (24) hour time constraint.

- (a) This twenty-four (24) hour time constraint is waived if the complaint is filed during the voting period.

Sec. 4.6 TEMPORARY RESTRAINING ORDERS. At the time a notice of a hearing is issued, the Election Supervisory Board, by majority vote, may issue a temporary restraining order if it determines that such action is necessary to prevent undue or adverse effects on any individual or entity.

- (a) Any restraining order, once issued, will remain in effect until a decision of the Election Supervisory Board is announced after the hearing or until rescinded by the Election Supervisory Board.
- Sec. 4.7 PUBLIC ACCESS. All Election Supervisory Board hearings, proceedings, records, and meetings must be open to the public, except for the deliberations that determine the outcome of complaint hearings.
- Sec. 4.8 PRESENT AT HEARING. All parties involved in an Election Supervisory Board hearing shall present themselves at the hearing or authorize an agent in writing to serve during the proceedings in their stead.
- Sec. 4.9 RIGHT TO COUNSEL. Parties may be accompanied by any other student from which they can receive counsel and have the option to be represented by that counsel.
- Sec. 4.10 ESB QUORUM & CHAIR. For any hearing, a majority of sitting Election Supervisory Board members must be in attendance with the Chair of the Election Supervisory Board presiding.
  - (a) In absence of the Chair, the responsibility to preside shall fall to an Election Supervisory Board member designated by the Chair.
- Sec. 4.11 ESB HEARING PROCEDURE. The Election Supervisory Board shall determine the format for the hearing but must require that both the complaining and responding parties appear physically before the Election Supervisory Board to discuss the issues through a complaint, answer, rebuttal, and rejoinder format, when applicable.
  - (a) The purpose of the hearing is to gather the information necessary to make a decision, order, or ruling that will resolve an election dispute. To effectuate this purpose, the following rules should prevail at all hearings:
    - (i) Complaining parties shall be allowed no more than two witnesses; however, the Election Supervisory Board may call witnesses in accordance with previous sections of this code; and,
      - (A) If witnesses are unable to appear at the hearing signed affidavits may be submitted to the Election Supervisory Board Chair for the purpose of testifying by proxy.
    - (ii) All questions and discussions by the parties involved in the dispute shall be directed to the Election Supervisory Board; and,

- (iii) There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings; and,
- (iv) Reasonable time limits may be set by the Election Supervisory Board, provided they give fair and equal treatment to both sides; and,
- (v) The complaining party shall bear the burden of proof.

Sec. 4.12 DECISIONS. Decisions, orders, and rulings of the Election Supervisory Board must be concurred to by a majority of the Election Supervisory Board present and shall be announced as soon as possible after the hearing.

- (a) Such decisions may be delivered orally or in writing.
- (b) The Election Supervisory Board shall issue a written opinion of the ruling within twenty-four (24) hours of the announcement of the decision.
  - (i) The written opinion must set forth the findings of fact by the Election Supervisory Board and the conclusions of law in support of it.
- (c) Written opinions shall set a precedent for a time period of three election cycles for Election Supervisory Board rulings and shall guide the Election Supervisory Board in its proceedings.
- (d) Upon consideration of prior written opinions, the Election Supervisory Board may negate the decision but must provide written documentation of reasons for doing so.

Sec. 4.13 SUBMISSION OF DOCUMENTS FOR APPEAL. If the decision of the Election Supervisory Board is appealed, the Election Supervisory Board must immediately submit its ruling and appropriate accompanying documents to the entity with appellate jurisdiction.

#### SUBCHAPTER B. *Remedies and Sanctions*

Sec. 4.14 CLASSES OF VIOLATIONS. Violations of the Code shall be divided into four classifications:

- (a) Class A violation shall result in a fine.
- (b) Class B violation shall result in a moratorium of campaigning.



(c) Class C violations shall result in a combination of moratorium of campaigning and a fine.

(d) Class D violation may result in a disqualification from the election.

Sec. 4.15 DEFINING CLASSES OF VIOLATIONS. At the candidate seminar, Election Supervisory Board shall clearly define what would constitute each class of a violation.

Sec. 4.16 FINE LIMITS. If a candidate, or a candidate's agents or workers, commits a violation resulting in a fine, the Election Supervisory Board has the authority to fine the candidate.

(a) Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined by each race's respective code of origin.

Sec. 4.17 CONSEQUENCES OF A CLASS A VIOLATION. Within the ranges established by the Election Supervisory Board, the Election Supervisory Board shall select the amount of the fine or length of the suspension most appropriate to both the severity of the infraction and the intent of the violator as determined by the Election Supervisory Board.

Sec. 4.18 CONSEQUENCES OF A CLASS B OR C VIOLATION. If, after a hearing, the Election Supervisory Board finds a candidate, or a candidate's agents or workers, has committed a Class B or Class C violation, the Election Supervisory Board may restrict the candidate, or the candidate's agents or workers, from engaging in some or all campaign activities for some or all of the remainder of the campaign period. If an order is issued covering only part of the remaining campaign period, it shall take effect within twenty-four (24) hours so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the election days.

Sec. 4.19 CONSEQUENCES OF A CLASS D VIOLATION OR OTHER DISQUALIFICATION RULING. If after a hearing, the Election Supervisory Board finds that provisions of this code or the decisions, opinions, orders, or rulings of the Election Supervisory Board or appellate entity with jurisdiction over the election in-question have been violated by a candidate, or a candidate's agents or workers, or finds a Class D violation to have been committed, the Election Supervisory Board may disqualify the candidate.

Sec. 4.20 VOTER FRAUD. Any complaints concerning voter fraud filed through the Election Supervisory Board must be immediately and wholly turned over to the Office of the Dean of Students.

## **Chapter V**

### **APPEALS**

Sec. 5.1 APPEAL OF ESB DECISION. Any party adversely affected by a decision of the Election Supervisory Board may file an appeal with the entity with appellate jurisdiction within twenty-four (24) hours after the adverse decision is announced, unless the Election Supervisory Board's decision takes place during a voting period.

(a) The entity with appellate jurisdiction shall have discretionary appellate jurisdiction over the Election Supervisory Board in all cases in which error on the part of the Election Supervisory Board is charged.

Sec. 5.2 DECISION OF THE ELECTION SUPERVISORY BOARD. The decision of the Election Supervisory Board shall stand and shall have full effect until the appeal is heard and decided by the entity with appellate jurisdiction.

Sec. 5.3 HEARING OF APPEALS. The entity with appellate jurisdiction shall hear appeals of the Election Supervisory board rulings as soon as possible, but not within twenty-four (24) hours after the Election Supervisory Board delivers to the Appellant and the entity with appellate jurisdiction a copy of its written opinion in the case.

(a) Appeals may be heard prior to this time, but only if the Appellant waives the right to a written opinion and the entity with appellate jurisdiction agrees to accept the waiver.

Sec. 5.4 REVIEWING ELECTION SUPERVISORY BOARD APPEALS. The entity with appellate jurisdiction shall review findings of the Election Supervisory Board when appealed.

(a) The entity with appellate jurisdiction may affirm or overturn the decision of the Election Supervisory Board, or modify the sanctions imposed.

Sec. 5.5 APPELLATE REVIEW. The entity with appellate jurisdiction shall have full authority to fashion an equitable remedy appropriate to the circumstances of the case, but should endeavor to avoid remanding the case to the Election Supervisory Board.

Sec. 5.6 PROHIBITION ON SERVING ON ESB. Members of any entity with appellate jurisdiction are not allowed to serve on the Election Supervisory Board.

## **Chapter VI**

### ELECTION TIMETABLE

Sec. 6.1 ELECTION DAYS. General elections shall be held on the Wednesday and Thursday of the week two weeks prior to the start of the University's spring break.

(a) Polling hours for the campus-wide elections shall be from 8:00am CST on the first day of voting in the campus-wide elections until 5:00pm CST on the second day of voting in the campus-wide elections.

Sec. 6.2 RUNOFF ELECTION DAYS. In the case of a runoff in any race, voting will take place exactly one week after the campus-wide elections, as defined by TITLE II, Sec. 6.1.

(a) Polling hours for the runoff election shall be from 8:00am CST on the first day of voting in the runoff election until 5:00pm CST on the second day of voting in the runoff election.

Sec. 6.3 PROHIBITION OF ELECTION CODE CHANGE. No changes to the Election Code may be enacted within four (4) week of the campus-wide elections.

Sec. 6.4 SUBMISSION OF CANDIDATE LIST. A list of all candidates campaigning for races in their organization must be submitted by each group to the Office of the Dean of Students by 12:00pm CST on the day of the candidate seminar.

Sec. 6.5 ADVERTISEMENT OF BALLOT. The Election Supervisory Board shall advertise the complete ballot, with proper ballot order, in the student newspaper of the University at least seven (7) days prior to the campus-wide elections

Sec. 6.6 POSTING OF CANDIDATE INFORMATION. The Election Supervisory Board shall designate a publically acceptable place to post the following information on each candidate: name, position sought, major(s), and a statement of no more than one hundred-fifty (150) words.

(a) The Election Supervisory Board shall be able to restrict any false information.

- Sec. 6.7 FILING COMPLAINTS. Complaints can be filed with the Election Supervisory Board from the moment the Election Supervisory Board is created until forty-eight (48) hours after the certification of the final results.
- Sec. 6.8 WEB ADDRESS RELEASE. The official web address used for voting shall be announced no later than the candidate seminar.

## Chapter VII CANDIDATES

- Sec. 7.1 QUALIFICATIONS. All candidates must adhere to the qualifications set forth in this code, University policy, the general information catalogs of the University, and all statutes enforceable by the Election Supervisory Board.
- Sec. 7.2 ELIGIBILITY. All candidates must be deemed eligible by the respective election code of the group for which they are running in order to be able to participate in campus-wide elections.
- Sec. 7.3 EXCLUSIVITY TO STUDENTS. Only students on the official roll of the Office of the Registrar of the University may actively seek office or vote in campus-wide elections.
- Sec. 7.4 SUBMISSION OF CAMPAIGN AGENTS. Each candidate shall be required to submit to the Election Supervisory Board a list of agents they have authorized for their campaign on or before the candidate seminar date.

### SUBCHAPTER A: *Filing*

- Sec. 7.5 FILING PERIOD. The filing period shall open at 9:00am CST on the first day of the spring semester and shall remain open until 12:00pm CST noon the day of the candidate seminar.
- Sec. 7.6 FILING AGREEMENT. Each candidate must complete and submit to the appropriate entity a campus-wide elections filing agreement for each race he or she is entering.
- Sec. 7.7 CODE AVAILABILITY. A copy of the updated version of the code shall be made available to each candidate by the time of filing.

### SUBCHAPTER B: *Candidate Seminar*

- Sec. 7.8 DATE OF CANDIDATE SEMINAR. The Election Supervisory Board shall set the candidate seminar date.
- (a) The exact time and place of the seminar shall be set no later than the beginning of the filing period.
- Sec. 7.9 CANDIDATE SEMINAR AGENDA. The Election Supervisory Board shall set the agenda for candidate seminar.
- (a) The agenda must include the assignment of ballot positions in accordance with this code, and may include explanations of this code, review of the election timetable, and answering of candidate questions.
- Sec. 7.10 CANDIDATE SEMINAR ATTENDANCE. Attendance at the candidate seminar is required of each candidate running in a race that is part of the campus-wide elections process.
- (a) Failure to attend the seminar shall not be an acceptable excuse for violating this code.
- Sec. 7.11 CANDIDATE SEMINAR ABSENCE. If the candidate has an excused absence as determined by the Election Supervisory Board, then he or she may send an authorized agent in his or her place.
- (a) The Election Supervisory Board must be notified of the substitution at least twenty-four (24) hours in advance of the candidate seminar.
- Sec. 7.12 PRIMACY PENALTY. No absent candidate may receive a ballot position above a candidate who was at the candidate seminar.
- (a) The first ballot position available to absent candidates shall be after the last position assigned to a candidate who was present.
- Sec 7.13 CANDIDATE ELIGIBILITY. Each group will be responsible for certifying each candidate's eligibility before the candidate seminar.
- (a) Candidates who fail to meet eligibility requirements will be disqualified immediately and notified of this action in writing.

#### SUBCHAPTER C: *Financial Disclosures*

- Sec. 7.14 CAMPAIGN EXPENDITURE RECORDS. Each candidate must keep accurate and up-to-date records of all campaign receipts and expenditures.

- Sec. 7.15      **TEMPLATE.** A template for financial disclosures for use by all candidates will be developed by the Election Supervisory Board and provided to each group by the first day of filing.
- Sec. 7.16      **PROHIBITED AFFILIATION.** Except in cases of a bona fide executive alliance as provided for in this code, no candidate is allowed to contribute financially or provide any other form of tangible support, including but not limited to campaign materials, to another candidate's campaign.
- (a)      Sharing campaign money, campaign materials, and resources between and amongst candidates who are not in a bona fide executive alliance is strictly prohibited.
- Sec. 7.17      **FINANCIAL DISCLOSURE STATEMENT.** Financial disclosure statements shall be filed with the Election Supervisory Board, in the Student Government Office (SAC 2.102) or other locations designated by the Election Supervisory Board, at the following times:
- (a)      by 4:30pm CST, on the first day of campaigning; and,
- (b)      by 4:30pm CST, on the last day of the second week of campaigning; and,
- (c)      by 4:30pm CST, on the last day before the general or special election; and,
- (d)      by 4:30pm CST, on the first day of campaigning in a runoff election; and,
- (e)      by 4:30pm CST, on the last day of voting in a runoff elections.

## **Chapter VIII**

### **CAMPAIGNING**

- Sec. 8.1      **SPENDING LIMITS.** Each group participating in campus-wide elections will set its own spending limits for campaigns and is responsible for enforcing these limits with the candidates running in their respective races.
- Sec. 8.2      **UNAUTHORIZED CAMPAIGNING.** All candidates are prohibited from campaigning, soliciting, or otherwise bringing attention to their campaign or election before the sanctioned campaign period.
- (a)      This prohibition includes all attempts to secure endorsements, sponsorships, or any other presentation of information made for public consumption or use.

(b) However, this prohibition does not include the personal individual recruitment by a candidate of individual team members.

Sec. 8.3 ENTITY-SPECIFIC ELECTION CODES. Specific details regarding campaigning for a particular race that are not outlined within this code fall under the jurisdiction of the race's respective entity.

## **Chapter IX**

### **POLLING LOCATIONS & STATIONS**

Sec. 9.1 JURISDICTION. The Election Supervisory Board shall have jurisdiction over all polling locations on the days of elections governed by this code.

(a) All polling locations must abide by the code.

Sec. 9.2 PUBLISHING STATION LOCATIONS. The locations of polling stations must be published online and publicized at least twenty-four (24) hours before the start of the first election day.

Sec. 9.3 PROHIBITION OF CAMPAIGNING AND CAMPAIGN MATERIALS WITHIN POLLING LOCATION PERIMETER. No campaigning or campaign materials may exist within twenty (20) feet of any on-campus polling location.

Sec. 9.4 INTERNET-READY DEVICES. All reported and published polling locations must have an internet-ready device available on voting days, during voting hours, for the express purpose of facilitating voting.

Sec. 9.5 CONSISTENT POLLING STATIONS. The same polling stations must be used on both voting days, but may be modified with the same time constraints for the runoff elections if necessary.

Sec. 9.6 POLLING HOURS. The Election Supervisory Board may set limitations on the hours of operation for the polling stations, but may not deny the right to vote to any person standing in line to vote at the time the polling station closes.

## **Chapter X**

### **ELECTION RATIFICATIONS**

Sec. 10.1 CERTIFICATION OF VOTES. The Dean of Students and the Election Supervisory Board Chair shall certify the votes in all races that are part of campus-wide elections immediately following the closing of polls.

- Sec. 10.2 ELECTION RESULTS. Results of any election under this code shall be announced no later than twenty-four (24) hours after the polls close for the election.
- Sec. 10.3 LOCATION OF RESULTS. The location of both the announcement and posting of the results is to be announced by the Election Supervisory Board no later than the candidate seminar.

### **TITLE III**

## **STUDENT GOVERNMENT SPECIFIC ELECTION CODE**

### **Chapter I**

#### **PROVISIONS**

- Sec. 1.1 CODE DEADLINES. If this code is enacted after any of the enclosed deadlines, such deadlines shall be immediately due, and the Election Supervisory Board shall meet those deadlines with all deliberate speed.
- Sec. 1.2 CODE REFERENCES. Pursuant to Section 5.44 of the Student Government Constitution, this act shall be referred to and cited as the "Student Government Election Code", "Election Code", or the "Code."
- Sec. 1.3 ENACTMENT. TITLE III shall only apply to campus-wide elections of the Student Government at the University of Texas at Austin.
- Sec. 1.4 APPLICATION. A copy of this election code, the Student Government Constitution, and the Student Government Internal Rules of Procedure shall be made available to each candidate no later than the time of the candidate's filing to run for office in the Student Government Office (SAC 2.102).
- Sec. 1.5 AVAILABILITY. Any student may receive a full copy of this election code at any time.

### **Chapter II**

#### **DEFINITIONS**

- Sec. 2.1 INCORPORATION OF DEFINITIONS. All definitions in TITLE II, Article II of this Code are incorporated into this article of TITLE III as if set forth in-full.



- Sec. 2.2 “APPELLATE COURT” refers to the Judicial Court, as empowered by Article 5.3 of the Student Government Constitution to serve as the court holding the appellate jurisdiction over all campus-wide Student Government elections.
- Sec. 2.3 “ENDORSEMENT” and “ENDORISING” refer to any form of communication expressing support for a candidate by a party other than the candidate.
- Sec. 2.4 “EXECUTIVE ALLIANCE” refers to collaborative campaign plan or activity between a presidential and vice presidential candidate. No other candidates may engage in written or verbal endorsements, collaboration, financial, or other tangible support for any fellow candidates.
- Sec. 2.5 “GENERAL ELECTION” refers to the annual election of Student Government officers, as specified in Article 6.1 of the Student Government Constitution.
- Sec. 2.6 “REGULATORY BODIES” include the Election Supervisory Board and all other administrative bodies of the election process.
- Sec. 2.7 “RUNOFF ELECTION” refers to all secondary elections held to resolve races not initially determined by a general or special election as specified in Article 6.5 of the Student Government Constitution.
- Sec. 2.8 “SPECIAL ELECTION” refers to an election called by the Student Government President, as specified in Article 6.2 of the Student Government Constitution.
- Sec. 2.9 “STUDENT GOVERNMENT” refers to the Student Government of the University

### **Chapter III**

#### **CANDIDATE RIGHTS & DUTIES**

##### **SUBCHAPTER A: *Filing Process***

- Sec. 3.1 ELIGIBILITY. Eligible individual students may file as candidates for a position in their respective school or file for a position as a University-wide representative.
- Sec. 3.2 FORMATION OF AN EXECUTIVE ALLIANCE. Two eligible students, one seeking the office of the President and the other the office of Vice President, may create an executive alliance as defined by TITLE III, Sec. 2.4.
- (a) Candidates who properly form and conduct executive alliances under the election code are not subject to the restrictions of TITLE II, Sec. 3.3.
- Sec. 3.3 PROHIBITED ASSOCIATION. Except in cases of a bona fide executive alliance as provided for in this election code, the prohibition against association means

that no candidate is allowed to contribute financially or provide any other form of tangible support to another candidate.

- (a) This generally includes, but is not limited to, donating or sharing of campaign materials, campaign money, and campaign organization resources, including people, or jointly soliciting votes between and amongst candidates who are not in a bona fide executive alliance.
- (b) Because the purpose of the association rule is to encourage a diverse slate of candidates to compete in a fair and equitable election on the basis of their positions, the association prohibition should be applied only to further this purpose.

Sec. 3.4 PERMITTED ASSOCIATION. Only the presidential and vice presidential candidates that have jointly filed under this code as an executive alliance are allowed to participate in campaigning together, endorse each other, and otherwise engage in joint, collaborative campaigning planning or activities.

- (a) All non-executive alliance candidates in the election must campaign separately, without written or verbal endorsements, collaboration, financial or other tangible support from any fellow candidate in any campus-wide election.
- (b) Candidates found in violation of this rule may be subject to sanctions under this code, including but not limited to, disqualification.

Sec. 3.5 ADHERENCE TO QUALIFICATIONS. All candidates must adhere to the qualifications set forth in the Student Government Constitution, this code, University policy, the general information catalogs of the University, and all statutes enforceable by the Election Supervisory Board

Sec. 3.6 TRANSFERRING BETWEEN SCHOOLS. Candidates must file for a position in their current college or school, but those in the act of transferring may provide verifiable written documentation of transfer to run in another college.

Sec. 3.7 ADVERTISEMENT OF FILING DATES. The Election Supervisory Board shall set and advertise the dates for filing along with a list of the contestable positions in the student newspaper of the University on the first day of the spring semester.

Sec. 3.8 FILING PERIOD. The filing period shall open at 9:00 AM on the first day of the spring semester. The filing deadline shall be by 12:00 PM CST on the day of the candidate seminar.

Sec. 3.9 IF NO ONE FILES. In the event that no one files to run for a particular office, the Election Supervisory Board may extend the filing for that particular race for a period of up to three (3) class days.

Sec. 3.10 POSTING OF CANDIDATE LISTS. The Senior Administrative Associate of Student Government shall post online the names and positions sought of all candidates who have filed.

- (a) The list shall be updated at the end of each filing day by 7:00pm CST. Once campaigning begins, candidate statement shall be included after ESB review.

**Sec. 3.11 JURISDICTION OF CODE.** Candidates, their agents, and workers are subject to governance by this code both before and after they have filed for candidacy during the filing period established in TITLE II, Sec. 3.8.

Sec. 3.12 FILING DOCUMENTS. The appropriate documents that all candidates seeking to run for office in the Student Government must file in the Student Government Office (SAC 2.102) are:

- (a) A statement announcing the intention of the candidate to run for a particular office, listing the candidate's current address, phone number, and college;
- (b) A statement signed by the candidate which gives permission to the Election Supervisory Board to solicit the Dean of Students to verify the requirements for the appropriate office, in accordance with Article I of the Student Government Constitution.

Sec. 3.13 MUTUAL EXCLUSION OF FILING FOR OFFICE. Candidates may file to run for only one elected Student Government office per election cycle.

Sec. 3.14 IDENTITY OF CANDIDATES. Upon request, prospective candidates shall be informed, prior to their filing for office, of the identity of candidates already filed for any office for which the prospective candidate is eligible.

Sec. 3.15 CANDIDATE SEMINAR. At the time of filing, candidates shall be informed of the candidate seminar and the advantages of attending.

Sec. 3.16 CANDIDATE-ENTITLED CODES. At the time of filing, candidates shall each be entitled to one free copy of this code, the Student Government Constitution, Student Government Bylaws, and the election timetable.

Sec. 3.17 DEPOSIT. At the time of filing, each candidate shall be required to submit a good faith deposit, made payable to Student Government.

- (a) The deposit of twenty dollars (\$20) shall be held by the Election Supervisory Board until the election process is completed. At that time, the deposit will be immediately refunded, unless failure to follow this code or ruling of the Election Supervisory Board has resulted in forfeiture of all or part of the deposit.
- (b) In any case, no portion of a candidate's deposit shall be refunded until all the candidate's signs are removed from the campus of the University.
- (c) Failure to do so within three (3) class days after the election shall result in forfeiture of the deposit.
- (d) Failure to pick up your refunded deposit within two (2) weeks after the election process has been completed will also result in forfeiture of the deposit.

Sec. 3.18 WITHDRAWAL. Any candidate wishing to withdraw from an election may do so by turning in a written request no later than four (4) class days before the voting period.

#### SUBCHAPTER B: *Financial Disclosure*

Sec. 3.19 RECORD KEEPING. Each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures.

Sec. 3.20 RECEIPTS. Receipts must be provided for all campaign expenditures.

- (a) All expenses in excess of one dollar (\$1) shall be included in the candidate disclosure statements.

Sec. 3.21 CONTRIBUTIONS. Contributions to a candidate by individuals or organizations are allowed, but all contributions must be documented in a financial disclosure statement in accordance with this code.

- (a) Student organizations receiving student fee allotments shall not contribute funds derived from student fees to any candidate or executive alliance, nor use such funds to purchase any items to be used in campaigning.
- (b) This provision shall not be construed to prohibit any Texas Student media coverage of campus-wide Student Government elections.

Sec. 3.22 FINANCIAL DISCLOSURES. Each candidate's financial records must list identifying information (name, item, etc.) and amounts of each contribution and expenditure.

- (a) Contributions and expenditures of non-monetary assets of in-kind efforts must be listed and valued at their fair-market value, as determined by the Election Supervisory Board.
  - (b) Each financial disclosure statement must have all expenditure receipts attached.
  - (c) All expenses must be included in the financial disclosure report.
- Sec. 3.23 ENDORSEMENTS. All campaign materials distributed by and/or paid for by an endorser of a candidate must be included in the candidate's campaign expenditures.
  - (a) If an endorser pays for campaign materials promoting multiple candidates, the full cost of those materials must be included in the campaign expenditures of each candidate promoted by the materials.
- Sec. 3.24 FORMS. The Election Supervisory Board shall provide all necessary standardized forms for the purpose of this code by the filing deadline.
- Sec. 3.25 REPORTING EXPENSES. The financial disclosure statements in TITLE III, Sec. 3.18 must contain all the expenses incurred by the candidate during the campaign.
  - (a) A candidate does not have to file a report in accordance with TITLE II, Sec. 7.17 and TITLE III, Sec. 3.18 of this code, provided that there are both no contributions and no expenditures to report.
- Sec. 3.26 PUBLIC RECORDS. Each candidate's financial records shall be available for public inspection.
  - (a) Each candidate or executive alliance must submit a spreadsheet in digital format summarizing their campaign expenditures to the Election Supervisory Board for each disclosure required by TITLE II, Sec. 7.17.
  - (b) This summary of records shall be placed online by the Election Supervisory Board within twenty-four (24) hours after records are submitted.
- Sec. 3.27 DISQUALIFICATION. Failure to file accurate financial disclosure statements by the deadlines listed in this section, or falsification of financial statements, shall qualify the candidate for disqualification by the Election Supervisory Board.

## **Chapter IV**

### **CAMPAIGN PROVISIONS AND PROCEDURES**

### SUBCHAPTER A: *Expenses*

- Sec. 4.1 SPENDING LIMITS. Candidates in all Student Government campus-wide elections shall adhere to the following spending limits:
- (a) Executive Alliance: \$1,000 in any general election or special election; and,
  - (b) University-wide Representative: \$600 in any general election or special election; and,
  - (c) First-Year Representative: \$600 in any general election or special election; and,
  - (d) College Representatives: \$400 in any general election or special election.
- The amounts listed herein shall be indexed yearly for inflation based upon the latest published rate of inflation according to the United States Department Bureau of Labor and Statistics.
- Sec. 4.2 RUNOFF EXPENSE LIMIT. Candidates and executive alliances shall be allowed an extra \$150 each for campaigning in a runoff election.
- Sec. 4.3 EXCEEDING EXPENDITURES. Candidates whose campaign expenditures exceed 20% over their designated spending limit shall be immediately disqualified by the Election Supervisory Board.
- Sec. 4.4 TOTAL EXPENDITURES. Total expenditures shall include all campaign expenditures and fines issued by the Election Supervisory Board.
- (a) Any fines against a candidate must be paid in-full, or else that candidate will receive a Dean of Students Bar on their registration until the time the candidate has paid his or her fines in-full; and,
  - (b) In addition, a candidate with outstanding fines cannot be certified in his or her respective race until the time the candidate has paid his or her fines in-full; and,
  - (c) A candidate has forty-eight (48) hours from the announcement of the election results to pay his or her fines in-full, else the Election Supervisory Board may disqualify the candidate.

### SUBCHAPTER B: *Campaigning and Endorsing*

- Sec. 4.5 EARLY CAMPAIGNING OR ENDORSING. No campaigning or endorsing will be allowed until the official campaign period has begun as determined by the Election Supervisory Board.
- (a) Please refer to TITLE II, Sec. 2.3 and TITLE III, Sec. 2.3 of this Code for a definition of campaigning and endorsing, respectively.
- Sec. 4.6 FILED CAMPAIGN MATERIALS. A sample of all campaign materials must be filed with the Election Supervisory Board prior to its public distribution or posting.
- Sec. 4.7 CANDIDATE RESPONSIBILITIES. Candidates are responsible for all actions and conduct of their agents and workers.
- Sec. 4.8 ELECTRONIC MEDIA. All campaign materials must be in compliance with University regulations governing the use of electronic media.
- Sec. 4.9 PROHIBITION OF CAMPAIGNING AND CAMPAIGN MATERIALS WITHIN POLLING STATION PERIMETER. No campaigning or campaign materials may exist within twenty (20) feet of any polling stations.
- Sec. 4.10 PROHIBITION OF CAMPAIGNING AND CAMPAIGN MATERIALS WITHIN POLLING LOCATION PERIMETER. No campaigning or campaign materials may exist within twenty (20) feet of any polling voting location.
- Sec. 4.11 DESTRUCTION OF MATERIALS. No candidate, agent, or worker shall remove, obscure, or damage any sign, which is in compliance with the posting policies of that locale.
- Sec. 4.12 DECEPTIVE OR MISLEADING CAMPAIGNING. Candidates shall refrain from knowingly deceptive campaign activities, including any act or statement reasonably calculated to injure or compromise the rights or interests of any student, faculty member, or administrator.
- Sec. 4.13 VERBAL HARRASSMENT. Candidates, as well as their agents and workers, shall not engage in campaigning activities that subject students, faculty, or the administration to demeaning verbal harassment as determined by the University's institutional rules.
- Sec. 4.14 REQUIREMENT TO PROVIDE EID. Students must provide their University of Texas Student EID in order to vote.
- Sec. 4.15 ID COLLECTION. The collection of personal identifiers or student identification to facilitate voting is prohibited in accordance with the policies of the University IT Security Policy Office, and shall subject the candidate to disqualification by the Election Supervisory Board.

- Sec. 4.16 REASONABLE LATITUDE. Reasonable latitude will be allowed by the Election Supervisory Board to electioneering activities during the campaigning process, as long as those activities are in line with those specified within this code, the general information catalogs, and in accordance with University policy.
- Sec. 4.17 RESTRICTED ACTIVITY. Any activity which is not expressly allowed within these boundaries is hereby expressly denied except by clear and distinct ruling by the Election Supervisory Board prior to commission of the activity.
- Sec. 4.18 FILING ENDORSEMENTS. All endorsements must be filed in the Student Government Office (SAC 2.102). This includes endorsements by registered campus organizations or their representatives.
- Sec. 4.19 CONSENT TO ENDORSEMENT. A candidate must expressly consent to an endorsement before it is publicized by the Election Supervisory Board.
- (a) Further consent shall be required if the endorsing party intends to make campaign expenditures on a candidate's behalf.
- Sec. 4.20 PUBLISHING OF ENDORSEMENTS. The Election Supervisory Board shall be responsible for publishing endorsements and informing student organizations of the endorsement process.
- Sec. 4.21 ENDORSEMENTS BY CANDIDATES. No Student Government representative, executive board member, agency, or committee member, may endorse any candidate or executive alliance on behalf of Student Government in accordance with Section 10.4 of the Student Government Constitution.

## **Chapter V**

### **ELECTION TIMETABLE AND PROCEDURES AND GUIDELINES**

#### *SUBCHAPTER A: Election Timetable*

- Sec. 5.1 TIMING OF ELECTIONS. The general election shall be held on two (2) consecutive weekdays two (2) weeks prior to the start of the University's Spring Break, in accordance with Section 6.1 of the Student Government Constitution.
- (a) Runoff elections will be held on two (2) consecutive weekdays in the following week.



- Sec. 5.2 PROHIBITION OF ELECTION CODE CHANGE. No changes to the election code may be enacted within four (4) weeks of the general election, in accordance with Section 5.44 of the Student Government Constitution.
- Sec. 5.3 BALLOT ADVERTISEMENT. The Election Supervisory Board shall advertise the complete ballot, with proper ballot order, in the student newspaper of the University at least seven (7) days prior to a general or special election, and during the week of a runoff election if necessary.
- Sec. 5.4 BALLOT ITEM CERTIFICATION. Ballot items declared, pursuant to the Student Government Constitution, must be presented to the Election Supervisory Board for certification at least three (3) weeks prior to the election. All ballot items must contain exact wordings of the items to be presented.
- Sec. 5.5 POLLING LOCATION ADVERTISEMENT. The Election Supervisory Board shall advertise in the student newspaper of the University the official polling website.
- (a) This shall also include all polling locations accessible to persons with disabilities, and must be published prior to a general or special election, or the week of a runoff Election.
- Sec. 5.6 AVAILABILITY OF BALLOT INFORMATION. On the ballot and the Student Government website, a link shall be provided to the following information on each candidate:
- (a) Name; and,
- (b) Position sought; and,
- (c) Registered major(s); and,
- (d) Statement of no more than one-hundred fifty (150) words.
- (e) The ESB shall be able to restrict any untrue information.
- Sec. 5.7 EXECUTIVE ALLIANCE DEBATE. No less than one (1) week prior to the election, the Student Government Deputy Advisor must hold a debate between any contesting executive alliances.

#### SUBCHAPTER B: *Election Procedures*

- Sec. 5.8 NEWSPAPER ADVERTISEMENT. The number of representatives for each College shall be advertised in the student newspaper of the University at least four (4) weeks prior to the general election, in accordance with Section 4.3 of the Student Government Constitution.

- (a) Campaigning shall begin the Wednesday two weeks prior to the first election date.
- Sec. 5.9 NUMBER OF VOTES A STUDENT MAY CAST. Each student may cast one (1) vote for president and vice president (executive alliance), one (1) vote for each available seat for their respective school in the Assembly, and one (1) vote for each available University-wide representative seat, in accordance with Section 6.3 of the Student Government Constitution.
- Sec. 5.10 ELECTION RESULTS. Election results shall be determined in accordance with Section 6.4 and Section 6.5 of the Student Government Constitution.
- Sec. 5.11 VOTER EXCLUSION. No potential voter may be specifically excluded from casting a vote at any polling location.
- Sec. 5.12 BRIBERY ON ELECTION DAYS. On election days, no candidate, agent, or worker may exchange anything of value, excluding campaign material, in return for guarantee of vote.
- Sec. 5.13 POLLING FOR STUDENTS WITH DISABILITIES. The Election Supervisory Board must coordinate with the Office of Services for Students with Disabilities in the Office of the Dean of Students, or other appropriate office, to ensure that at least one polling station is accessible to students with disabilities.
- Sec. 5.14 POLLING HOURS FOR GENERAL ELECTION. Polling hours for the general election shall be from 8:00am CST on the first day of voting in the general elections until 5:00pm CST on the second day of voting in the general elections.
- Sec. 5.15 POLLING HOURS FOR RUNOFF ELECTION. Poll hours for the runoff election shall be from 8:00am CST on the first day of voting in the runoff elections until 5:00pm CST on the second day of voting in the runoff elections.
- Sec. 5.16 CANDIDATE INFORMATION ON THE BALLOT. Candidate information on the ballots shall include:
- (a) The candidate's name; and,
  - (b) Position sought; and,
  - (c) Other information pertinent to voting procedure.
- Sec. 5.17 VALID VOTING MECHANISMS. Any computer with internet access is acceptable for use in voting in all elections governed by this code.
- Sec. 5.18 APPROVAL OF CHANGES. Any change in the election process or this code shall be presented before the Assembly, and shall be implemented following approval of the Assembly.

Sec. 5.19 VOTE TABULATION. The final vote tabulation shall be under the supervision of the Election Supervisory Board.

- (a) No candidate for any Student Government office or position shall participate in vote tabulation.
- (b) The Election Supervisory Board shall annually determine the process of certification, in accordance with the Student Government Constitution.

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*Approved by the Student Assembly January 27, 1998  
As Amended by the Student Assembly January 18, 2000 A.B. 21  
Establishing Judicial Commission Oversight for  
Absentee Balloting and A.B. 22 Amending the Election code  
As Amended by the Student Assembly 02/01/2000 by A. B. 24  
Amending the Election Code  
As Amended by the Student Assembly 02/08/00 (Amendment addition  
approved by ESB chair Nathan Brown) by A.B. 25  
Amending the Election Code.  
As Amended by the Student Assembly 11/14/00 by A.B. 11 Amending  
the Election Code As Amended by the Student Assembly 12/05/00 by  
A.B. 14 Amending the Election Code As Amended by the Student  
Assembly 01/30/01 by A.B. 18 Amending the Election Code  
As Amended by the Student Assembly 02/13/01 by A.B. 19 Amending  
the Election Code to Require an Advisory Opinion of the Election  
Supervisory Board  
As Amended by the Student Assembly 01/22/02 by A.B. 13 Amending  
the Election Code As Amended by the Student Assembly 12/03/2002  
A.B. 13 Amending the Election Code As Amended by the Student  
Assembly 02/03/2004 A.B. 15 Amending the Election Code As  
Amended By the Assembly 11/30/2004 A.B. 13 Revising the Election  
Code  
As Amended by the Assembly 03/08/2005 A.B. 17 Enforcing the  
Dispute Resolution Requirement  
As Amended By The Assembly 4/19/2005 A.B. 1 Election Improvement  
act of 2005  
As Amended by the Assembly 1/24/2006 AB 27. Code Clarifications for  
Fall 2005  
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– Miscellaneous Things  
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– Tickets As Amended by the Assembly 4/1/2008 AB 26 Changing  
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