Article I: Campus-Wide Student Elections

Section I: General Provisions

Sec. 1.1 PURPOSE. This code exists to facilitate a fair and educational experience for student governance positions at Prairie View A&M University. 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 and approval by the student senate and all participating entities, and shall supersede any and all previous election codes.

Article II: Campus-Wide Election Common Code

Section I: General Provisions

Sec. 1.1 UNIVERSAL APPLICATION. The provisions of Article II apply to all entities participating in campus 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 REFERRING VIOLATIONS. All aforementioned entities may refer alleged violations of their elections process to the Elections Committee.

Sec. 1.4 SINGULAR REFERENCES INCLUDE PLURAL. All references to a singular entity shall be also understood in include the plural form.

Sec. 1.5 CANDIDATE REFERENCES INCLUDE ALL CAMPAIGN STAFF. References to candidates shall be construed to apply to their agents and workers as well.

Sec. 1.6 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. 1.7 IGNORANCE. Ignorance of this code is not an acceptable defense in response to any offences committed in any election under this code; either by the candidates themselves, their agents or workers, or the elections committee as defined in this code.
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Sec. 1.8 SINGLE AND SEPARATE APPLICATION. Each election under this code shall be considered a single and separate application of this code.

Sec. 1.9 UNIVERSITY REGULATIONS. All candidates, and their agents and workers, and the Elections Committee shall be responsible for following all applicable University regulations in addition to the provisions contained within this code.

Section 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 documents 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 Cooperative 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 or 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 five business days to include Monday through Friday.

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.

Section III: Elections Committee

Sec. 3.1  ADMINISTRATION OF ELECTIONS. The Elections Committee shall be responsible for the administration of campus-wide elections.

Sec. 3.2  JURISDICTIONAL BOUNDARIES. The jurisdiction of the Elections Committee applies to both on and off the physical boundaries of campus to include but not limited to our main campus, nursing campus, northwest campus, and Social media.

Section IV: Violations
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Sec. 4.1 FILING OF COMPLAINTS. Any student may file a complaint with the Elections Committee.
   
   A. All complaints must be filed under the name of the student filing the complaint.
   
   B. Members of the Elections Committee are prohibited from filing complaints

Sec. 4.2 TIMEFRAME FOR ACTING ON COMPLAINTS. The Elections Committee shall act on all complaints within two (2) business days after they have been received by either dismissing the complaint or calling a hearing under the provisions of this section.

Sec. 4.3 DISMISSAL OF COMPLAINTS. The Elections Committee may dismiss a complaint if:
   
   A. The complaint was not filed within the time allocated.
   
   B. The complaint fails to state a cause of action for which relief may be granted.
   
   C. The filling of the complaint violates a provision of A

Sec. 4.4 NOTIFICATION OF HEARING. If a complaint is not dismissed, then a hearing must be held.
   
   A. The Elections Committee 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 a 24 hour period after the complaint was received. This hearing can only be held before the 24 hour period if all parties involved waive their right to time constraint.

Sec. 4.6 TEMPORARY RESTRAINING ORDERS. The Elections committee, by majority vote, may issue a temporary restraining order upon the notice of a hearing if 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 by the Elections Committee is announced after the hearing or until rescinded by the same governing body.
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Sec. 4.7  PUBLIC ACCESS. All Elections Committee hearings shall be closed to the public and shall include only the parties involved. However, all records excluding deliberation minutes shall be deemed as public information.

Sec. 4.8  PRESENT AT HEARING. All involved parties of an Elections Committee investigation hearing shall present themselves at the hearing unless authorization is given for an agent to take their place. This authorizations must be given in writing and will serve for the durations of the proceedings.

Sec. 4.9  ELECTIONS COMMITTEE QUORUM & CHAIR. The Elections Committee for any hearing, must have a simple majority. The presiding officer of the hearing shall be the Elections Committee Chairman.

B. In the absence of the chair, the responsibility to preside shall fall to the designated Co-Chairman of the committee.

Sec. 4.10  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) There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings; and,

(III) Reasonable time limits may be set by the Election Supervisory Board, provided they give fair and equal treatment to both sides; and,

(IV) 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 in writing within twenty-four (24) hours of the announcement of the decision.

(B) 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.

(C) 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 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.
Section 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.

Section 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.

Section 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.

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