

**WEST VIRGINIA UNIVERSITY STUDENT  
GOVERNMENT ASSOCIATION  
ELECTIONS CODE**

**ARTICLE I. THE ELECTIONS CODE**

- A. **TITLE.** By the authority of the Student Government Association Student Assembly, this document shall be known and referred to as “The Elections Code of West Virginia University Student Government Association.”
- B. **BINDING EFFECT.** This Elections Code shall be binding upon all students of West Virginia University during elections and votes conducted by the Elections Committee, overseen by the Elections Chair.
- C. **SUBORDINATION.** This Elections Code shall be subordinate to the West Virginia University Constitution of the Student Government Association, regulations of the Division of Student Life, the Constitution of the State of West Virginia, and the Constitution of the United States of America.
- D. **DEFINITIONS.** For the purposes of this Code:
1. “*Academic Day*” shall be any West Virginia University business day when classes are in session.
  2. “*Active Campaigning*” shall be considered as, but not limited to, all actions soliciting any form of support for or endorsement of a candidate. *This includes any promotion of a candidate and the use of a ticket/party name.*
  3. “*Active Polling Location*” shall be any building or structure in which, in the moment, students may cast their vote in the election.
  4. “*Agents*” shall include, but are not limited to, any individual or group of individuals who support the candidate ~~and~~ *and/or* actively campaign for said candidate.
  5. “*Campaign Materials*” shall mean a communication, tangible or intangible, authorized by a candidate or a candidate’s agent for the purpose of advocating the nomination, endorsement, election, or defeat of an official candidate.
  6. “*Official Candidate*” shall mean an individual who has filed the appropriate paperwork pursuant to the provisions of Article III of this Elections Code and has been declared a candidate by the Elections Committee.
- E. **AMENABILITY.** This Elections Code may be amended by a two-thirds (2/3) majority vote of the West Virginia University Student Government Association Student Assembly. All amendments and changes to this Elections Code shall be applicable to all elections following the expiration of the Student Assembly’ term in which it was passed. Appendices shall be amenable during the current term by the Elections Committee following a public notification to the Student Assembly. Amendments to appendices shall only take effect with passage prior to the Candidates Meeting.
- F. **EFFECTIVE DATE.** This Elections Code shall become effective after the election period has ended by two-thirds (2/3) majority vote of approval by the West Virginia University Student Government Association Student Assembly.

## ARTICLE II. POWERS AND DUTIES

- A. **THE CHAIR.** The Elections Chair shall have the following powers and duties:
1. Create a committee to assist with the elections;
  2. Conduct or oversee all official actions of the committee;
  3. Solicit applicants for committee membership;
  4. Conduct or oversee the selection of the committee;
  5. Establish and select other members within the committee, delegating authority where necessary;
  6. Have authority to remove any Committee members, other than ex-officio members, for any reason;
  7. Disqualify self or resign if impartiality cannot be maintained;
  8. Supervise or oversee each election or vote conducted by the Committee;
  9. Rule, with the advice of the Attorney General, on the qualifications of all official candidates;
  10. Cooperate with the Attorney General on matters concerning violation or enforcement of the Elections Code, the Constitution, or other Student Government Association documents;
  11. Shall have discretion, with the advice of the Attorney General, in instances unspecified by the Elections Code, the Constitution, or other Student Government Association documents, subordinate to the opinion of the Judicial Board;
  12. In cooperation with the Attorney General, be available to assist students in a timely manner with questions or requests involving the election process.
  13. Arrange for all necessary reservations involving election events and campaigning. This includes, but is not limited to booths, banner spaces, and other campaign related materials for candidates. All reservation requests must be submitted to the Elections Chair five (5) academic days in advance of need; and
  14. Assume other powers and duties as implied by this Elections Code.
- B. **THE COMMITTEE.** The Elections Committee members shall have the following powers and duties:
1. Attend and participate in all meetings of the Committee;
  2. Obey the dictates of the Elections Chair, Attorney General, and Judicial Board;
  3. Set the election timetable;
  4. Adequately publicize the election or vote along with the pertinent procedures;
  5. Mediate Elections Code Violation Complaints filed by holding hearings to determine the culpability and penalty of candidates and their agents;
    - i. The violators shall maintain their right to appeal the Elections Committee's decision to the Judicial Board;
  6. Recommend disqualification of candidates to the Judicial Board when appropriate;
  7. Shall not engage in any ~~campaign~~ campaigning and/or endorsement of a candidate;
  8. Disqualify self or resign if impartiality cannot be maintained; and
  9. Assume other powers and duties as implied by this Elections Code.
- C. **THE ATTORNEY GENERAL.** The Attorney General shall have the following powers and duties:
1. Advise the Elections Chair on the qualifications of all the candidates;

2. Cooperate with the Elections Chair on matters concerning violations or enforcement of this Elections Code, the Constitution, or other Student Government Association documents;
3. Represent the Elections Committee concerning violations before the Judicial Board;
4. Shall not engage in any campaign endorsement of a candidate;
5. Serve as an ex-officio member on the Elections Committee; and
6. Assume other powers and duties as implied by this Elections Code.

D. **THE JUDICIAL BOARD** The duties of the Judicial Board concerning the elections shall include:

1. Certifying, by a simple majority vote, the results of the election;
2. Disqualifying self or resign if impartiality cannot be maintained;
3. Conducting hearings on alleged violations. The Chair of the Judicial Board shall schedule hearings before the Judicial Board. Following a hearing of the charges referred to it, the Judicial Board shall determine if a violation was or was not committed on each charge heard. The Judicial Board ~~will~~ shall, in cases where it is determined that a violation or violations was committed, impose the appropriate penalty or penalties. All hearings, determinations, and impositions of penalties shall be subject to the following stipulations and qualifications:
  - i. The official Judicial Procedures policy as set by the Judicial Board.
  - ii. The Attorney General shall notify the following people of the date, time, and place of each scheduled hearing:
    - a. The alleged violator;
    - b. The student or group that originally filed the complaint;
    - c. All members of the Judicial Board; and
    - d. The Elections Chair.
  - iii. The presiding officer, any member of the Judicial Board present at the hearing, Student Government Association through the Attorney General, or his/her assigned agent, or the alleged violator(s), or his/her assigned agent, may make a motion that the hearing be continued at a later time. If such a motion is approved by over one-half of the Judicial Board members present at the hearing, the presiding officer shall schedule another date for the hearing. The Judicial Board shall give proper notification of the continuance date following the provision of Article VII of this Elections Code.

### ARTICLE III. CANDIDACY

- A. **PURPOSE.** The following sections of this Elections Code *shall* apply to campaigning and to the proper election procedure for candidates running for President and Vice President of the Student body, Student Assembly, Senator for Athletics, as well as other offices, but may be applicable and used in a modified form for special elections; such elections may include, but are not limited to, the election of the Homecoming Court.
- B. **QUALIFICATIONS.** Candidates for the offices of President, Vice President, Student Assembly, Senator for Athletics, shall meet the requirements outlined in the West Virginia University Constitution of the Student Government Association, Article X,

C. **FILING.** All candidates seeking to secure a place on the official ballot shall submit to the Elections Chair, before the deadline:

1. A registration form, in the form of Appendix One (1);
2. Verification of their qualifications, both rank and grade point average, in the form of Appendix Two (2);
3. A petition with no less than the required minimum number of valid signatures, in the form of Appendix Three (3);
4. A signed statement abiding by the Code of Fair Campaign Practices, in the form of Appendix Six (6); and
5. A filing fee.

D. **PETITIONS.** A President/Vice President team shall submit petitions in the form of Appendix Three (3) only, signed by at least 1,000 students on the Morgantown campuses to the Elections Chair by the filing deadline. Candidates for Student Senator and Senator for Athletics shall submit petitions, in the form of Appendix Three (3) only, signed by at least 500 students on the Morgantown campuses to the Elections Chair by the filing deadline. Candidates for College Representative must have the signature from their academic advisor within their college.

1. No signature shall be solicited before the candidate has filled in their name and position sought at the top of the petition form;
2. A valid signature shall be legible and contain an enrolled student's first and last name in print, the last four digits of their University student identification number, and their initials.
  - i. A petition form shall be considered invalid if it contains any writing other than the candidate's name, position being sought, and signatures solicited.
  - ii. Any form of campaigning or promotion on the petition form shall invalidate that form.
  - iii. All signatures shall be completed by the petitioned student in order to be considered valid. Falsifying a signature shall constitute a violation of this Elections Code.
3. All petition forms in Appendix Three (3) must be original in blue or black ink to count towards qualification. There shall be no "white out" permitted on the forms anywhere, and there shall be no copies of forms, all must be original to count toward qualification of candidates.
4. All student signatures shall only constitute as an endorsement for a person to have an opportunity to be included as a candidate on the ballot, and shall not be used in conjunction with any other petition on the same page.
5. All petitions must be completed by the specific individual seeking candidacy and shall not be completed by an agent of the individual.
6. All forms must be turned in by the deadline for candidates to be placed on the final ballot.
7. All regulations and restrictions applied to Active Campaigning shall also be applicable to the petitioning period.

E. **FILING FEE AND FINES.**

1. A President/Vice President team shall submit a non-refundable \$20 filing fee.
2. Candidates for Student Assembly (exclusive of President/Vice President) and Senator for Athletics shall submit a non-refundable \$10 filing

fee.

3. All filing fees shall be paid to the Elections Chair by the filing deadline.
4. Acceptable forms of payment shall include: Cashier's Check, Personal Check and/or Money Order.
5. The filing fees shall become the property of the Student Government Association to be used on election expenses, and shall not be returned to the candidate, even in the case where the candidate withdraws.
6. Candidates shall pay to the Elections Chair or designee all violation fines in full within ten (10) academic days of the imposition of the fines. Failure to pay fines shall result in placing a restriction in the candidate's academic file. Acceptable forms of payment include cashier's check, personal check, or money order.
7. Candidates that demonstrate extraordinary personal financial need may request to waive the candidate filing fee at the discretion of the Elections Chair.

F. **CANDIDATE'S NAME ON THE BALLOT.** Each candidate shall inform the Elections Chair of how their name should be printed on the official ballot. It shall be understood that there shall be no active campaigning on the ballot and that only the name that a candidate is commonly known by shall be permitted on the official ballot (i.e...middle name or initials). If a ticket exists, and a candidate is part of a ticket, the candidate may choose to affiliate with his/her ticket on the ballot.

G. **WRITE-IN CANDIDATES.** To be a write-in candidate, a student must fulfill the following requirements:

1. Meet all qualifications to hold a public office as outlined in this Elections Code and the West Virginia University Constitution of the Student Government Association;
2. Remain compliant to all rules and stipulations outlined in this Elections Code; and
3. Submit the appropriate application by the Filing Deadline or within 24 hours of notice of ineligibility to be on the ballot in the form of Appendix Eight (8).

H. **EXPENDITURES.** For official candidates seeking the executive offices (team of President/Vice President) of Student Government Association there shall be a spending limit of \$750 per team. For official candidates seeking the offices of Senator/College Representatives or Senator for Athletics, there shall be a campaign spending limit of \$325 per candidate. If there is a group of candidates running as a ticket, the expenditure limitation shall be \$325 per Senator/College Representative and Senator for Athletics candidate plus the \$750 for the President/Vice President candidates, and may be divided amongst all members of the party as needed. No ticket shall spend more than \$7,125.

1. Active Fundraising shall not begin prior to an announcement of an intention to run, as outlined in Article V.
2. All candidates must submit an itemized list of all campaign incomes, including donations, and expenditures on the official Campaign Financial Statement, in the form of Appendix Five (5), which shall be provided by the Elections Chair during the candidate information session and throughout the campaign. Campaign Financial Statement sheets must be returned into the Elections Committee member designated to monitor the specific candidate's expenditures by 5:00p.m. during the following times:

- i. The first academic day of campaigning;
    - ii. The academic day after the election period has ended.
  3. All receipts must be submitted regardless of amount. If the candidates are running as a ticket, one unified Campaign Financial Statement may be turned in for the entire party and shall be responsible for accounting for each candidate members' information.
  4. Campaign Financial Statement shall include the costs of all materials used specifically to expose a candidate for the purpose of soliciting votes. Included shall be items such as T-shirt, posters, fliers, handbills, cards, media advertisements, and any other items for the purposes of administering the campaign or soliciting votes.
  5. Candidates must submit a copy of all printed materials used in campaigning at the time they submit a Campaign Financial Statement.
  6. Any donations received by a candidate shall be considered within the expenditure limitations. Donations include both monetary and nonmonetary donations, including but not limited to T-shirts, food, pens, and printed materials. Donations of \$25 or more must be included the donor's information on the Campaign Financial Statement.
  7. No organization shall spend money on behalf of or in opposition to any candidate without the candidate's written permission signified by the candidate's written disclaimer. A candidate deemed by the Elections Chair to benefit from actions commenced without the candidates prior consent shall be held responsible for them through implicit consent if such actions are not remedied immediately upon notification by the Elections Chair. All money spent for the benefit of a candidate by an organization shall be considered as a donation to the candidate.
  8. Student Government Association and all subsidiary organizations specified under the authority of the Student Government Association Bylaws shall not donate or spend money on behalf of any candidate.
  9. During the specified campaign period, candidates shall not use any personal monies, campaign monies, or any donated monies, for the purchase of any controlled substance(s) with the intention to deliver or provide these items to others. These controlled substances may not be accepted by candidates as a donation from another person. Controlled substances include, for the purpose of this code are, but are not limited to, illegal drugs, tobacco products, paraphernalia, and/or alcoholic beverages.
  10. Candidate filing fees and violation fines shall be exempted from this section.
- I. **WITHDRAWAL.** Candidates may withdraw until the last hour of voting by personally submitting a notarized written statement of withdrawal to the Elections Chair. The electorate shall be notified of the candidate's withdrawal and the candidate's vote total shall not be posted.
- J. **RULING ON CANDIDATE QUALIFICATION AND FILED MATERIALS.**
1. The Elections Committee shall investigate the qualification and filed materials of all potential candidates and shall, with the advice and consent of the Attorney General, reject unqualified candidates based on this investigation, within seven (7) calendar days after the filing deadline.
  2. Candidates deemed unqualified by the Elections Chair shall be promptly notified. Said candidates may appeal to the Judicial Board, and shall be informed of

their right to appeal by the Elections Chair at the time of notification. Said candidates may contact the Chair of the Judicial Board to arrange an appeal.

3. Information concerning the alteration or withdrawal of candidacy or of failure to meet qualifications, shall be a matter of public record.
4. The Elections Chair may disqualify candidates who make false statements about their qualifications for office.

#### **ARTICLE IV. CAMPAIGNING**

- A. **RESPONSIBILITY OF CANDIDATES.** Candidates for all offices shall be held responsible for their actions and the actions of their agents. Candidates are expected to be familiar with the Student Elections Code of West Virginia University, the West Virginia University Constitution of the Student Government Association, as well as the regulations set forth by West Virginia University, and to abide by them throughout the campaign. These documents shall be made available online, on the official West Virginia University Student Government Association website. Any questions concerning these documents shall be directed to the Elections Chair and/or the Attorney General.
- B. **CODE OF FAIR CAMPAIGN PRACTICES.** The West Virginia University Student Government Association hereby finds and declares that every candidate in the election at West Virginia University shall follow the basic principles of decency, honesty and fairness in the course of their campaign practices. The Elections Committee hereby further declares that the code of fair campaign practices, as contained in this section and Appendix Six (6), as the standard to which all candidates for public office shall aspire and is a guideline for voters to determine fair play in the conduct of campaigns for public office. It is further the goal of the election that every candidate for public office at West Virginia University shall subscribe and adhere to this code of campaign practices. At the time an individual files his or her candidacy paperwork, the Elections Chair, or designee receiving the paperwork, shall furnish a copy of Appendix Six (6) The Code of Fair Campaign Practices.
- C. **CAMPAIGN MATERIALS.** Banners, brochures, posters, and other advertising materials must conform to the following standards:
  1. Campaign banners, brochures, posters, and other advertising materials placed on University property must have official permission, and follow the rules and regulations provided by the Division of Student Life, Departments of Housing and Residential Education, the Mountainlair/WVU Student Union, or relative West Virginia University entity;
  2. No campaign materials are permitted on departmental bulletin boards;
  3. No campaign material shall be posted on the Daily Athenaeum newspaper box without the Daily Athenaeum's written consent;
  4. No stickers or other campaign materials with adhesive backing shall be permitted during the campaign;
  5. No campaign materials shall be posted in classrooms;
  6. All posted campaign materials on residence hall doors must include a visible signature of the resident;
  7. Campaign materials shall not promote, or be used in conjunction with, any controlled substance (i.e. campaigning in or around establishments serving and/or selling such controlled substances, placing campaign materials on a

- controlled substances, etc...). Controlled substances include, but are not limited to, illegal drugs, tobacco products, and/or alcoholic beverages; and
8. Campaign materials such as coupons, gift cards, etc. from establishments that serve alcohol (i.e. restaurants) must explicitly state that any such coupons, gift cards, etc. may not be redeemed towards the purchase of any of the aforementioned controlled substances that are specifically prohibited by this Elections Code.

## **ARTICLE V. ELECTIONS TIMETABLE**

- A. **FORMING A TICKET.** Potential candidates for Student Government can begin the process of forming a ticket no earlier than the last regular Student Government Association Meeting of the Fall Semester. By doing this, a Presidential or Vice Presidential candidate can actively state that they are wishing to form a ticket for the election, but may only supply the public with their names and contact information. This only includes an announcement at a Student Government Association Meeting. Any other method of publicity shall first be cleared by the Elections Chair. The Elections Chair shall publish the election timetable a week before the day in which tickets may form.
- B. **CANDIDACY INFORMATION SESSIONS.** Within the first four (4) academic weeks that tickets may form in the spring semester, the Elections Chair shall hold Candidacy Information Session(s) to inform potential candidates about student election procedures. It is expected that the Attorney General and the Chair of the Judicial Board shall be in attendance at this meeting.
- C. **PACKETS AVAILABLE.** Filing Packets shall be made available ten (10) academic days prior to the designated filing deadline.
- D. **FILING DEADLINE.** The filing deadline for all candidates shall be 5:00 p.m. ten (10) academic days after packets are made available. No materials *shall* be accepted after 5:00 p.m., and only candidates that file before the deadline *shall* have names placed on the official ballot. Late filers may petition the Judicial Board to have their names placed on the ballot. If the Judicial Board finds that the cause of the material being filed late is exclusively due to an unavoidable extreme extenuating factor, which shall rarely be the case, then the late filer's name shall be placed on the official ballot if still physically and financially possible.
- E. **CANDIDATE MEETING.** At 5:00 p.m. on the academic day prior to the beginning of active campaigning, the Elections Chair and committee members shall call a mandatory meeting for all candidates for the purpose of presentation and qualifications of the election and campaign procedures as outlined in this Elections Code. This meeting shall be publicized by the Elections Chair and it is the duty of the candidates to attend. Failure of candidates to attend this meeting shall result in an automatic violation unless excused by the Elections Chair for academic reasons. If a candidate misses the meeting they shall be required to meet with the Elections Chair before the start of campaigning. At this meeting, each candidate shall sign and submit a copy of the Statement of Understanding and Agreement Appendix Seven (7).
- F. **CAMPAIGNING BEGINS.** The first Sunday following the candidates'



meeting shall be the first active day of campaigning. Active campaigning shall not exceed six (6) days. This includes days of Election. No active campaigning or affiliation with a party/ticket by students running for the position of Senator/College Representative or Senator for Athletics or is permitted before this date. All students seeking office shall be considered as potential candidates until active campaigning begins, although the entirety of the Elections Code shall still apply to them and their agents.

- H. **DOOR KNOCKING.** Off campus door to door campaigning shall be limited to three academic days prior to the general elections during the hours of 12:00 p.m. to 9:00 p.m. Door to door campaigning outside of this time frame shall constitute a campaign violation resulting in a fine per instance.
- I. **DEBATES.** All candidate debates sponsored by Student Government Association shall be coordinated through the Elections Committee. A debate, incorporating all official candidates, shall occur on the academic day prior to the first day of voting and be structured in accordance to the guidelines in Appendix Nine (9).
- J. **GENERAL ELECTION.** The dates of the general election shall be during a convenient week, following midterms, but no later than the second week after Spring Break in which students may vote. Voting shall be no fewer than two (2) and no more than three (3) congruent academic days during the last week of campaigning from 9:00 a.m. to 7:00 p.m.
- K. **CLEAN UP.** Two (2) academic days after the last day of voting at 5:00 p.m., shall be the deadline for removal of all election related materials from all campus buildings. This is the responsibility of each candidate. Failure to remove an election related item from University buildings by the deadline shall result in a violation per item as assessed by the Elections Chair. The candidate shall be unable to hold office until all fines are paid.
- L. **NEW ELECTIONS DUE TO DISQUALIFICATION.**
  - 1. In case the winner of the President/Vice President race is disqualified because of penalties imposed due to a violation(s), a new election shall take place for that office. The new election shall take place within fifteen (15) academic days of the last day of the first election.
  - 2. In case a winner(s) of a Student Assembly or Senator for Athletics seat is disqualified because of penalties imposed due to a violation(s), the next non-winning candidate in line by the most total votes shall be declared elected to that office.

## **ARTICLE VI. ELECTION PROCEDURES**

### **A. BALLOTS.**

- 1. The type of Ballot shall be determined by the Elections Chair.
- 2. To prevent any infraction of this Elections Code, the following security measures shall be taken:
  - i. Login Security shall be based on a valid Mountaineer Card Student ID. Voters attempting to vote more than once shall not be able to do so and shall not be able to access another ballot; and
  - ii. Votes are kept anonymous to any administrator who is able to access

**B. VOTING PROCEDURE.**

1. The voting franchise shall be extended to all students enrolled at West Virginia University's Morgantown campuses and who possess a valid West Virginia University Mountaineer Card Student ID.
2. The procedure for casting a vote shall meet all of the following requirements:
  - i. Voting shall take place at designated physical voting locations. Additional locations or substitute locations shall be determined by the Elections Chair and approved by the Judicial Board. There shall be a minimum of three required voting locations. The Mountain Lair and the Evansdale Crossing shall be required locations on all Election days. Additional locations may include Brooks Hall, the Student Recreation Center, the Evansdale Residential Complex, the Engineering Sciences Building, the Health Science Center, and the College of Law.
  - ii. Each student shall be required to present their Mountaineer Card Student ID to the voting location attendant;
  - iii. Once a student has selected the candidates for whom they wish to cast a vote, they shall be asked to confirm their choices; and
  - iv. If a student encounters technical difficulties, they shall be able to contact the poll station attendant.
3. All polling locations shall be publicized and designated with adequate signage by the Elections Committee.
4. Polling station attendants shall perform the following duties:
  - i. Continuous monitoring of voting location;
  - ii. Confirm voter identity;
  - iii. Ensure each voter only votes once;
  - iv. Watch for and respond to suspicious activity;
  - v. Provide paper ballots if necessary;
  - vi. Respond to technical difficulties;
  - vii. Open and close voting station at the designated times; and
  - viii. Other duties as deemed necessary by the Attorney General or the Elections Chair.
5. The academic day before the general election begins, Study Abroad students and students with University excused absences shall be able to absentee vote. All study abroad students shall be notified of their opportunity to vote via their official University student email account no later than 24 hours prior to start of absentee voting. These votes and university excuses shall be verified by the Elections Committee.
6. A blank space shall be provided on the official ballot so that write-in votes may be cast. Write-in votes shall be considered valid if:
  - i. The student is approved as an official candidate.
  - ii. The intention of the voter is clear. Voter intention shall be deemed clear if:
    - a. The write-in vote cast for an office contains both the first and last name of an official write-in candidate for that office,
    - b. If no two official write-in candidates for that office share a first or last name, the write-in vote cast may contain either the first name or last name alone,
    - c. No technical error makes it impossible to determine the

- voter's choice;
- d. The write-in vote cast contains the intended office for the write-in candidate; and
- e. In the case of President/Vice-President, two names are listed in tandem;

**C. COUNTING PROCEDURES.**

1. All votes shall be counted and shall be accessible to the Elections Chair. The Elections Committee shall be responsible for ensuring the impartiality and security of the counting process.

**D. POST-COUNTING PROCEDURES.**

1. When the total ballots have been counted and the winners known, the Judicial Board shall be immediately presented the Election Results by the Elections Chair. The official results shall be announced no later than the following calendar day, pending official certification by the Judicial Board. The results shall also be posted online, on the official West Virginia University Student Government Association website, the following day after announcement.
2. If the Judicial Board is unable to certify the election before the announcement deadline, the Judicial Board shall set a timetable for the certification and announcement process and make this timetable known to the Student Body. The official results of the election shall not be announced until the Judicial Board is able to properly certify the results. The Judicial Board shall conduct this process with all due speed.
3. In the event of a tie, a runoff election shall take place.
4. Runoff elections shall be governed by the same regulations set forth in the Elections Code. The runoff candidates shall meet with the Elections Chair no later than twenty-four (24) hours after a runoff election has been deemed necessary, to determine the times and circumstances that shall govern the runoff election. The runoff election shall be held no less than five (5) and no more than ten (10) academic days from the date of the original election. Only the names of the candidates who tied shall be placed on the ballot. There shall be no absentee or write-in section for a runoff ballot.

**ARTICLE VII. VIOLATIONS**

- A. **PURPOSE.** The purpose of this article is to insure that a fair and impartial election has been held. No person, or group of persons, shall prevent this upright purpose from being achieved by violating the provisions of this Elections Code.
- B. **SCOPE.** These provisions on violations govern the procedure in all cases and proceedings on violation of this Elections Code, and in any appellate review thereof. They shall be construed to secure the just determination of every action.
- C. **SUBORDINATION.** Article VII of this Elections Code shall remain to be subordinate to all items listed in Section C of Article I of this Elections Code.
- D. **DESIGNATION.** A violation of this code shall include the following and/or any action deemed disruptive to the purpose of the Elections Code by the Judicial Board:
  1. All campaign materials shall adhere to Article IV of this Code;

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2. All Candidates shall attend the Candidate Meeting unless excused by the Elections Chair. Failure to comply shall result in an automatic \$20 fine.
3. Candidates shall not remove, deface, or cover posted campaign materials;
4. No campaigning shall take place prior to active campaigning. Failure to comply shall result in an automatic \$15 fine per instance;
5. No University facility shall be used to produce campaign materials including, but not limited to, the Student Activities office, Student Government Association office, etc. Additionally, candidates shall not use University purchased supplies in administering a campaign;
6. Candidates shall not reserve any location on campus without the Elections Chair's consent;
7. Candidates shall not use a West Virginia University server, listserv, or media distribution list, with the exception of membership in a Student Organization, for campaign purposes. A listserv shall be defined as an electronic mailing list. Failure to comply shall result in a \$100 fine and/or disqualification;
8. Candidates shall not use Student Government Association or subsidiary organizations servers, listserv, media distribution, or social media accounts for campaign purposes;
9. Candidates shall not use the offices affiliated with Student Activities or Student Government Association for petition, campaign, or electioneering purposes;
10. Candidates may not campaign door to door outside of the outlined time periods;
11. No defacing of University property. Such practices as, but not limited to, chalk writing on sidewalks shall not be permitted during the campaign;
12. Students shall not actively campaign or loiter inside or within thirty (30) feet of the entrance to an active polling location;
13. Students shall not engage in electioneering at an active polling location or while voting;
14. Students shall not vote with a Mountaineer Card Student ID other than their own. This violation shall constitute immediate disqualification in addition to further consequences;
15. Failure of a candidate to appear at the request of the Elections Chair, Attorney, or Judicial Board after receiving notification of an alleged violation ~~will~~ shall result in a minimum \$20 fine;
16. Candidates shall be disqualified or fined a minimum of \$50 for not providing accurate financial accounts via the Campaign Financial Statement by the designated times;
17. All campaign materials must be removed from campus by the clean up deadline. Failure to remove campaign materials from campus by the deadline shall result in a \$20 fine per item;
18. All quid pro quo practices shall be considered as a violation of this Elections Code.

E. **PROCEDURE FOR FILING CHARGES.** Any West Virginia University student, faculty, or staff member shall have the right to file charges against students or groups of students. All charges must be presented in writing to the Elections Chair in the manner detailed in Section C, of Article VII of this Elections Code or online via the Elections Violation form, located on the West Virginia University Student Government Association website.

1. No complaint shall be considered valid unless it contains the following information in the form of Appendix Four (4):
  - i. The name, contact information, and signature of the person filing the complaint;
  - ii. A written statement of the allegation(s); and
  - iii. List of any evidence relevant to the allegation(s).
2. No complaint, with the exception of failure to remove campaign material, shall be accepted later than two (2) hours following the close of voting on the final day of the election. Charges of failure to remove all campaign materials from all University property may be filed until noon of the third academic day immediately following the election. Candidates are still subject to actions of the Judicial Board even though the election may be certified.
3. For each complaint filed with the Elections Chair, a copy of the complaint shall be sent with all due and reasonable speed, to the alleged violator, to the complainant, and to the Attorney General. The Elections Chair shall be responsible for serving all copies. Service of the copies of the complaint shall be by email. The Elections Chair shall report all alleged violations to the Judicial Board Chair.
4. The Elections Chair and Judicial Board shall work under the premise that blatant violations of this Elections Code must be corrected with all due speed so that they do not occur in the future. When the Elections Chair receives a complaint form, a copy of the form shall be hand delivered or emailed to the Candidate(s) via his/her official University student email account. The candidate(s) shall agree to meet with the Elections Chair and discuss the alleged violation within forty-eight (48) hours of receiving the notification. The Elections Chair shall make his/her self readily available. Failure to arrange to meet with the Elections Chair shall result in an additional violation for not cooperating.

**F. REQUESTS FOR VIOLATION FORMS.** Violation forms shall be submitted to the Elections Chair. Violation forms shall be made available upon request of the Elections Chair, and shall also be available online, on the official West Virginia University Student Government Association website.

**G. HEARINGS, DEPOSITIONS, SANCTION.** All candidates shall be required to make themselves available to respond in person at the request of the Judicial Board, Elections Chair, or Attorney General during the three to five hour period following the termination of voting. Failure to do so shall result in a violation. Two hours following the termination of voting, all violations shall be due with the exception of posted material removal violations. Further hearings may be scheduled if needed.

**H. PENALTIES**

1. Upon finding that a candidate or candidates has violated any part of this Elections Code, the Judicial Board may impose upon the candidates(s) one or more of the following penalties:
  - i. A reprimand from the Judicial Board given by the Chair or some other member, which the Chair selects.
  - ii. A fine of not less than \$10 or more than \$200. When a candidate reaches \$500 in total fines from violations, the candidate shall automatically be disqualified.

- iii. Disqualification from current election.
  - iv. Exclusion from any Student Government Association position, appointed or elected, for a period specified by the Judicial Board.
  - v. If an agent of a candidate or candidates has committed a violation of this Elections Code, and if the candidate(s) ordered the agent to commit the act in violation or knew of the agent's act of violation and failed to take steps to prevent it, then the Judicial Board may view the act in violation as though the candidate(s) personally committed the act. The Judicial Board thus may implicate the guilt to the candidate(s) and shall impose the proper penalty or penalties.
2. The Elections Committee may hold hearings to mediate violation complaints filed. The Elections Committee may issue penalties to candidates or their agents upon finding them guilty of violating any part of this Elections Code. These penalties can be appealed to the Judicial Board.
3. Upon finding that a non-candidate or non-candidates has violated any part of this Elections Code, the Judicial Board may impose upon the non-candidate(s) one or more of the following penalties:
  - i. Disqualification from holding any elective Student Government Association office for one calendar year, beginning on the date of imposition.
  - ii. Disqualification from holding any position on any Student Government Association committee or agency for one calendar year, beginning on the date of imposition.
  - iii. Disqualification from being appointed to any position requiring Student Student Assembly approval for one calendar year, beginning on date of imposition.
4. A candidate or non-candidate shall immediately be disqualified from holding an elective office or an appointed position within Student Government Association for no less than one calendar year if the candidate or non-candidate fails to meet the qualifications outlined the Student Body Constitution of West Virginia University or fails to pay the balance of imposed fines within ten (10) academic days.
4. Violations containing more than one official candidate shall hold joint responsibility among the candidates for penalties.
5. In extraordinary circumstances, the Judicial Board may reassess penalties as deemed necessary and just.

*By the authority of the Student Assembly  
Comprehensive Revision: August 31, 2016.*

**APPENDIX ONE (1)**

**CANDIDATE REGISTRATION FORM**

(Please Print)

Last Name \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_\_

Student ID # \_\_\_\_\_

Position you are seeking: (circle one)

President/Vice President

Student Senate (Athletics)

Student Senate

College Representative

\*If College Representative, which college? \_\_\_\_\_

Local Address \_\_\_\_\_ Apartment/Room \_\_\_\_\_

Local City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Cell Phone \_\_\_\_\_ Email \_\_\_\_\_

Home Address \_\_\_\_\_ Apartment/Room \_\_\_\_\_

Home Town \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Rank: (circle one)

Freshman

Sophomore

Junior

Senior

Graduate/Professional

Number of Semesters Completed \_\_\_\_\_

I, the undersigned, a candidate for election to public office at West Virginia University hereby endorse, subscribe to, and solemnly pledge myself to conduct this campaign in accordance with guidelines set forth in the West Virginia University Elections Code. I understand that adherence to the Elections Code is mandatory and failure to adhere to it will result in penalties outlined in Article VII.

Candidate Signature \_\_\_\_\_

Date \_\_\_\_\_

**APPENDIX TWO (2)**

**CANDIDATE QUALIFICATION FORM**

By signing this form, I hereby give consent for a staff member of the Student Organizations to verify my GPA and apply any necessary charges to my Student Account, Completed Hours and other academic qualifications in regards to running for Student Government Association.

Last Name \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_\_

Student ID # \_\_\_\_\_

Candidate Signature \_\_\_\_\_

Date \_\_\_\_\_





**APPENDIX FOUR (4)**

STUDENT ELECTION CANDIDATE POSITION

WE THE UNDERSIGNED ACKNOWLEDGE THE RIGHT OF \_\_\_\_\_ TO SEEK THE OFFICE OF  
\_\_\_\_\_ IN THE 20\_\_ STUDENT GOVERNMENT ASSOCIATION COLLEGE REPRESENTIVES  
ELECTION.

NAME \_\_\_\_\_

SIGNATURE \_\_\_\_\_

FACULTY POSITION \_\_\_\_\_

**APPENDIX FIVE (5)**

**CODE VIOLATIONS COMPLAINT FORM**

(Please print, attach additional pages if needed)

Complainant's Name: \_\_\_\_\_

Local Address \_\_\_\_\_ Apartment/Room \_\_\_\_\_

Local City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Cell Phone \_\_\_\_\_ Email \_\_\_\_\_

Violator's Name: \_\_\_\_\_

Statement of Charges:

Sections Allegedly Violated:

Summary of Evidence (include date, time, place, witnesses):

Signature of Complainant

Date

Signature of Elections Chairperson

Date

\_\_\_\_\_

\_\_\_\_\_

**APPENDIX SIX (6)**

**CAMPAIGN FINANCIAL STATEMENT**

Candidate/Ticket Name	Candidate/Ticket Treasure's Name (if applicable)
Office Seeking	Email Address
Phone Number	Mailing Address

Election Cycle Reporting Period	
<input type="checkbox"/> <i>Pre-campaign Report</i> Due by the first day of campaigning for pervious the applicable election timeline.	<input type="checkbox"/> <i>Final Report</i> Due by the day immediately after the completion of the election.
<input type="checkbox"/> <i>First Report</i> Due the day after the first week of campaigning.	<input type="checkbox"/> <i>Amended Report</i> If requested by Elections Chair.

EXPENDITURE SUMMARY		
1.	Total Incomes <i>(from page 2)</i>	
2.	Total Expenditures <i>(from page 2)</i>	
3.	Ending Balance <i>(subtract line 1 from 2)</i>	

Required attachments to this forum:

1. Page two of this forum
2. Copy of all campaign related receipts
3. Copy of all printed campaign materials

**OATH OR AFFIRMATION**

I, \_\_\_\_\_, swear or affirm that the attached statement is true and correct, to the best of my knowledge, of all financial transactions occurring within the period covered by this statement, as required by the applicable sections of the Elections Code.

Signature of Candidate/ Treasurer: \_\_\_\_\_ Date: \_\_\_\_\_

CAMPAIGN FINANCIAL STATEMENT CONTINUED.

ITEMIZED INCOME

\$25 or Less			More than \$25		
Date	Full Name	Amount	Date	Full Name: Email:	Amount
				Current WVU Student (Y/N): If No, affiliation:	
				Full Name: Email:	
				Current WVU Student (Y/N): If No, affiliation:	
				Full Name: Email:	
				Current WVU Student (Y/N): If No, affiliation:	
				Full Name: Email:	
				Current WVU Student (Y/N): If No, affiliation:	

ITEMIZED EXPENDITURES

Any Amounts Spent For Campaign Purposes			
Date	Item Name, Business Name	Purpose	Amount

MAKE AS MANY COPIES OF THIS PAGE AS NECESSARY

<input type="checkbox"/>	Check this box if additional copies of this page are attached.	Total number of attached pages:
--------------------------	--	---------------------------------

**APPENDIX SEVEN**  
**(7)**

**CODE OF FAIR CAMPAIGN PRACTICES**

I SHALL CONDUCT this campaign openly and publicly, discussing the issues as I see them, presenting positions and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of candidates or political parties which merit such criticism.

I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander or scurrilous attacks on any candidate or his/her personal family life.

I SHALL CONDEMN the use of campaign advertising or communication of any sort that misrepresents, distorts, or otherwise falsifies the facts regarding any candidate or issue raised in my campaign.

I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, sexual orientation, national origin, physical disability or age.

I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder, or prevent, or discourage any eligible student from voting, or which is intended to affect voting through the buying of influence or votes. During the campaign period, I shall not promote the use of alcoholic beverages or other aforementioned legally controlled substances. I further agree that, during the campaign period, I shall not purchase any alcoholic beverage for consumption by anyone other than myself.

I SHALL NOT COERCE election help or campaign contributions for my committee or myself or for any other candidate or any ballot issue from my employees or from any person under my authority influence or control.

I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support on behalf of or in opposition to any candidacy deriving from any individual or group, which resorts to the methods, and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate or associate who violates any provisions of this code or the laws governing elections.

I SHALL DEFEND AND UPHOLD the right of every qualified voter to full and equal participation in the electoral process.

I SHALL NOT HARASS any other candidate who is seeking an office in Student Government.

I SHALL promote these practices to the best of my ability.

I, the undersigned, a candidate for election to public office at West Virginia University, hereby endorse, subscribe to, and solemnly pledge myself to conduct this campaign in accordance with the above principles and practices. I understand that adherence to the code is mandatory and failure to adhere to it will result in penalties outlined in Article VII of the Elections Code of West Virginia University.

Candidate Signature \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX EIGHT (8)**

STATEMENT OF UNDERSTANDING AND AGREEMENT

Every candidate must sign this form and return it to the Elections Chair at the Candidate Meeting or alternately scheduled meeting (if the candidate was excused due to academic conflict). Any potential candidate will NOT be allowed to participate in ANY campaigning until this form is submitted.

I, \_\_\_\_\_, have been presented with the full West Virginia University Student Government Association Elections Code by the Elections Chair, and I have read and fully understand all Articles and Appendices therein contained. Including but not limited to the election rules, violations, procedures, and hearing process, additionally I take full personal responsibility for adhering to the Elections Code and ensuring that any agent acting on behalf of myself is also fully informed, understands, and adheres to the West Virginia University Student Government Association Elections Code.

Candidate Signature \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX NINE (9)**

**WRITE-IN CANDIDATE REGISTRATION FORM**  
(Please Print. Form must bear a stamped seal for validation)

Last Name \_\_\_\_\_

First Name \_\_\_\_\_ MI \_\_\_\_\_

Student ID # \_\_\_\_\_

Full Name Used in Seeking Office \_\_\_\_\_

Position you are seeking: (circle one)

President/Vice President

Student Assembly

Senator for Athletics

Local Address \_\_\_\_\_ Apartment/Room \_\_\_\_\_

Local City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Cell Phone \_\_\_\_\_ Email \_\_\_\_\_

Rank: (circle one)

Freshman

Sophomore

Junior

Senior

Graduate/Professional

Number of Semesters Completed \_\_\_\_\_

I, the undersigned, a write-in candidate for election to public office at West Virginia University hereby endorse, subscribe to, and solemnly pledge myself to conduct this campaign in accordance with guidelines set forth in the West Virginia University Elections Code. I understand all privileges awarded to me as a write-in candidate by the Elections Code. Furthermore, I understand that adherence to the Elections Code is mandatory and failure to adhere to it will result in penalties outlined in Article VII.

Candidate Signature \_\_\_\_\_

Date \_\_\_\_\_



## APPENDIX TEN (10)

### ELECTIONS COMMITTEE DEBATE FORMAT

#### Debate Guidelines

1. Only official candidates shall participate in the debate.
2. All actions must be conducted in an equal and fair manner towards all official candidates.
3. Props may be utilized in the debate, but are limited to the following: Posterboard, Charts, Graphs, or other small objects. Paper to take notes may be allowed.
4. Electronic devices, including but not limited to, laptops, tablets, or cell phones, shall not be allowed under any circumstances for use in the debate. Additionally, no reference materials beyond the scope of a candidate's notes shall be allowed for use in the debate.

#### Student Assembly/Senator for Athletics Candidate Structure

1. All Senator for Athletics candidates will go first, followed by all of the Student Assembly candidates. The order of the individuals in the debate will be the same as the order of the official ballot.
2. In the event of a conflicting academic obligation, a candidate shall notify the Elections Chair at least 24 hours prior to the start of the debate. The candidate will then be placed at the end of their given category, in the order of requests received.
3. Each candidate will be given up to 60 seconds to deliver their platform.
4. Following this, candidates will have up to 30 seconds to respond to a question delivered to them by the moderator or the moderator's designee.

#### President/Vice President Candidate Structure

1. Prior to the beginning of the debate, a coin toss will decide the assignment of Team A and Team B of the candidates for executive office.
2. Team A shall have up to 2 minutes to first deliver their opening statement. Followed then by Team B, which shall have up to 2 minutes to deliver their opening statement second.
3. Team A and Team B shall then be presented with questions in the following manner:
  - a. Question 1:
    - i. Team A gets up to 90 seconds to answer Question 1
    - ii. Team B gets up to 90 seconds to answer Question 1
    - iii. Team A gets up to 30 second for rebuttal
    - iv. Team B gets up to 30 second for rebuttal
  - b. Question 2:
    - i. Team B gets up to 90 seconds to answer Question 2
    - ii. Team A gets up to 90 seconds to answer Question 2
    - iii. Team B gets up to 30 seconds for rebuttal
    - iv. Team A gets up to 30 seconds for rebuttal
  - c. The rest of questions shall follow in this rotating format until at least eight (8) but no more than twelve (12) questions are completed.
4. After completion of the prepared questions, Team B will have up to 2 minutes to deliver a closing statement. Following this, Team A will have up to 2 minutes to deliver their own closing

statement.

#### Debate Questions

1. A question bank containing submissions from the Daily Athenaeum, U92, WVU News, and the Elections Committee will be utilized for candidate questions during the debate.
2. All parties that submit questions to the question bank shall not share their final list of questions with candidates prior to the debate. Failure to abide by this, will result in the removal of said party from participation in the debate.
3. No more than the moderator and two members of the Elections Committee shall have access to the question bank or be involved in selecting each candidate's question for the debate.
4. Candidates shall not be informed of their question until it has been presented during the debate.