

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

Article I. The Elections Code

- A. Title. By the authority of the Student Government Association Board of Governors, Chapter One (1) of the West Virginia University Code (WVU Code) shall be known and referred to as “The Elections Code of West Virginia University.”
- B. Binding Effect. This Elections Code shall be binding upon all student of West Virginia University during elections and votes conducted by the Elections Committee.
- C. Subordination. This Elections Code shall be subordinate to the Constitution of the Student Body of West Virginia University, regulations of the Division of Student Affairs, the Constitution of the State of West Virginia, and the Constitution of the United States of America.
- D. Amenability. This Elections Code may be amended by a two-thirds (2/3) majority vote of the West Virginia University Student Government Association Board of Governors. No changes may be made thirty (30) days prior to the day of the General Election.
- E. Effective Date. This Election Code shall become effective fifteen (15) days after a two-thirds (2/3) majority vote of approval by the West Virginia University Student Government Association Board of Governors.

Article II. The Elections Committee

- A. The Committee. There shall be a permanent committee within the Executive Branch of Student Government Association to be known as the Elections Committee.
- B. Purpose. The Elections Committee shall conduct those campus-wide general elections, special elections, and referendum and ratification votes which are provided for by the Constitution of the Student Body or the Student Government Association Board of Governors, in accordance with the provisions of this Elections Code. These elections shall include but are not limited to Student Body President/Vice President, Student Government Association Board of Governors, and Homecoming Court. At the discretion of the Elections Committee, they may, upon request, conduct those elections and votes proposed by other University groups.
- C. Composition. The membership of the Elections Committee shall consist of only full-time students that are in good academic standing. The Elections Committee shall be composed of a Chair, the committee membership, and certain ex-officio members.
 - 1. The Chair. The Chair of the Elections Committee shall be selected from a pool of applicants by a panel named by the President of Student Government. The selected student may receive the nomination of the Student Government President, and must receive the majority approval of the Board of Governors, before officially taking command of the committee. The chair may take unofficial command of the committee upon nomination by the Student Government Association President.
 - 2. The Committee Membership. The membership of the Elections Committee shall be chosen by a selections panel headed by the Elections Committee Chair. There shall be a minimum of five (5) members on the committee.
 - 3. The Ex-officio members. The Attorney General, one (1) student Board of Governors member, and one (1) student Judicial Board member may serve as ex-officio members of the Elections Committee, without vote.

D. Ineligibility. The Election committee chair and all members of the Committee, other than "ex-officio" members, shall be ineligible to be elected to or to hold any other campus-wide political office while members. Once someone accepts the role of liaison, "ex-officio" member to the Elections Committee, he/she shall not be permitted to run for any elected office in one calendar year. The election committee chair and members of the election committee including the ex-officio member shall **not** take part in active campaigning, nor publicly voice an opinion concerning an election or vote under the Committee's supervision while serving on the committee.

E. Powers and Duties.

1. The Chair. The Elections Committee Chair shall have the following powers and duties:
 - a. Conduct or oversee all official meetings of the committee;
 - b. Solicit applicants for membership;
 - c. Conduct or oversee the selection of the members via the Student Government Association office(s);
 - d. Establish and select other members within the committee, delegating authority where necessary;
 - e. Have authority to remove any Committee members, other than ex-officio members, for any reason;
 - f. Disqualify self or resign if impartiality cannot be maintained;
 - g. Supervise or oversee each election or vote conducted by the Committee;
 - h. Rule, with the advice of the Attorney General, on the qualifications of all candidates.
 - i. Cooperate with the Attorney General on matters concerning violation or interpretations of the Elections Code, the Constitution, or other Student Government Association documents;
 - j. 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 one week in advance.
 - k. Assume other powers and duties as implied by this Election Code.
2. The Committee. The committee members shall have the following powers and duties:
 - a. Attend and participate in all meetings of the Committee;
 - b. Obey the dictates of the Elections Committee Chair, the Attorney General, and the Judicial Board;
 - c. Adequately publicize the election or vote along with the pertinent procedures;
 - d. Disqualify self or resign if impartiality cannot be maintained;
 - e. Assume other powers and duties as implied by this election code.
3. The Attorney General. The Attorney General shall have the following powers and duties;
 - a. Advise the Elections Committee Chair on the qualifications of all the candidates;
 - b. Cooperate with the Elections Committee Chair on matters concerning violations or interpretations of this Elections Code, the Constitution, or other Student Government Association documents;
 - c. Assume other powers and duties as implied by this Election Code.

Article III. Candidacy

The following sections of this Election Code apply to campaigning and to the proper election procedure for candidates running for President and Vice President of the Student body, Board of Governors, seats of the Athletic Council, 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.

- A. Qualifications. Candidates for the offices of President, Vice President, Board of Governors, Athletic Council, and such special elections that shall include but are not limited to Homecoming Court shall meet the requirements outlined in the Constitution of the Student Body of West Virginia University, Article VI, Section 4, Subsection B.
- B. 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. The filing fee, and 5. The deposit for fines.
 1. Petitions. A President/Vice President team must submit petitions in the form of Appendix 3 only, signed by at least 5% of the student body on the Morgantown campuses to the Elections Committee Chair by the filing deadline. Candidates for Board of Governors, exclusive of President and Vice President, Athletic Council must submit petitions, in the form of Appendix 3 only, signed by at least 2.5% of the Student Body to the Elections Committee Chair by the filing deadline. Exact enrollment figures and petitions shall be available from the Elections Committee Chair.
 - a. All candidates are required to receive a seal stamped on the petition forms in Appendix 3. Failure to have a seal on the form will result in that sheet of signatures not counting toward the qualification of that candidate. Sealed forms will be provided by the Elections Committee Chair.
 - b. All petition forms in Appendix 3 must be original to count toward qualification. There will be no "white out" permitted on the forms anywhere, and there will be no copies of forms, all must be original to count toward qualification of candidates.
 - c. All forms must be turned in by the deadline, which shall be determined by the Elections Chair, or candidates will not be placed on the final ballot.
 2. Filing Fee and Deposit for Fines.
 - a. A President/Vice President team must submit a non-refundable \$20.00 filing fee and a refundable \$100.00 deposit for fines
 - b. Candidates for Student Board of Governors (exclusive of President/Vice President) and Athletic Council must submit a non-refundable \$10.00 filing fee and a refundable \$50.00 deposit for fines. Candidates for Homecoming Court must also comply with the aforementioned monetary requirements.

- c. All filing fees and deposits will be paid to the Elections Committee Chair AND the Student Government Association Treasurer by the filing deadline.
 - d. Acceptable forms of media include: Cashier's Check and Money Order. Personal or "ticket" checks will not be accepted. Cash will not be accepted under ANY circumstance. All items will be made payable to "WVU Student Government Association."
 - e. The filing fees shall become the property of the Elections Committee to be treated as revenue, and shall not be returned to the candidate, even in the case where the candidate withdraws before Election Day.
 - f. If a candidate has had no violation or charges filed against him by the deadline and has no deductions, then the full amount of this deposit for fines shall be returned to him with all due speed.
 - g. If the candidate has violation(s) or charges filed against him/her, then his/her deposit for fines shall continue to be held pending the outcome of the hearings on the charges. If the candidate has fines imposed on him/her, then the amount of the fines shall be deducted from the deposit and the balance returned to him/her with all due speed no later than six weeks after the Student Government Association Inauguration pending any violation hearings by the student Judicial Board.
 - h. Candidates must pay to the Elections Committee any amount over the amount of their deposit within two calendar weeks of the imposition of the fines. Failure to pay additional fines will result in placing a restriction in the candidate's academic file. Acceptable forms of payment include cashiers check or money order. Cash will not be accepted. All items should be made payable to "Student Government Association."
3. Candidate's Name on the Ballot. Each candidate shall inform the Elections Committee Chair of how their name should be printed on the official ballot. It shall be understood that there will 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)
 4. Candidate Profile/ Biography Each Candidate should inform the Elections Committee Chair of the information to be included for the online ballot profile. No obscenity, derogatory language, or other abusive statements are allowed on ballot. All information is left to the Election Committee Chair for either inclusion or exclusion on the final ballot.
 5. Withdrawal. Candidates may withdraw until the day of the election by personally submitting a notarized written statement of withdrawal to the Elections Committee Chair. The electorate will be notified of the candidate's withdrawal and the candidate's vote total will not be posted. The deposit will be returned by the Student Affairs Business Operations. All inquiries must be directed toward that office.
 6. Ruling on Candidate Qualification and Filed Materials.
 - a. The Elections Committee Chair shall investigate the qualification and filed materials of all candidates and shall, with the advice and consent of the Attorney General, reject unqualified candidates based on this investigation, within seven (7) days after the filing deadline.
 - b. Candidates disqualified by the Elections Committee Chair shall be promptly notified by the Elections Committee Chair. Said candidates may appeal to the Judicial Board.

- c. Information concerning alteration or withdrawal of candidacy, or of disqualification by the Election Committee chair shall be a matter of public record.
- d. The Elections Committee Chair may disqualify candidates who make false statements about their qualifications for office.

Article IV. Campaigning

- A. Responsibility of Candidates. Candidates for all offices will be held responsible for their actions *and the actions of their agents*. Agents shall include, but are not limited to, any individual or group of individuals who support the candidate and actively campaign for said candidate. Candidates are expected to be familiar with the Student Elections Code of West Virginia University, The Constitution of the Student Body of West Virginia University, as well as the regulations set forth by the Divisions, and to abide by them throughout the campaign. These documents shall be made available through the office of Student Organizations Services. Any questions concerning these documents shall be directed to the Elections Committee Chair and/or the Attorney General.
- B. 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, indicated by a stamp or seal, and follow the rules and regulations provided by the Division of Student Affairs, Departments of Housing and Residential education and the Mountainlair, WVU Student Union.
 - 2. Candidate web pages may not be posted on the West Virginia University server. Failure to comply will result in a \$100.00 fine and/or possible disqualification at the discretion of the student Judicial Board.
 - 3. No stickers or other campaign material with adhesive backing will be permitted during the campaign.
 - 4. Candidates and their workers shall not destroy or deface campaign materials of another candidate.
 - 5. No campaign materials may be posted in classrooms.
 - 6. Campaign materials may 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.
 - 7. Campaign donations 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.
 - 8. An illegally placed campaign materials will result in a \$10.00 fine per item.
- C. Campaign Poll Procedures.
 - 1. There shall be no active electioneering within thirty (30) feet of the entrances of the buildings where WVU owned and operated computers are located. Failure to adhere to this will result in a \$20.00 fine. (i.e...Wise Library, White Hall, Engineering, Residence Halls, etc...)

2. No candidates may loiter within thirty (30) feet of the entrances of the buildings where WVU computers are owned and operated are located with the exception of the time it takes the candidate to cast his/her own ballot.
3. No agents of candidates may loiter within thirty (30) feet of the entrances of the buildings where WVU computers are owned and operated with the exceptions of the time it takes for said agent to cast his/her vote.

Article V. Election Timetable

- A. The dates of the General Election. The dates of the general election shall be the last Tuesday, Wednesday, and Thursday of February.
- B. Fifteen (15) calendar days before the first Election Day. The filing deadline for all candidates shall be 5:00 p.m. on that day. No materials will be accepted after 5:00 p.m., and only candidates that file before the deadline will 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.
- C. Thirteen (13) calendar days before the first Election Day. Within five (5) days after the close of the filing deadline for all candidates, the Election Committee 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 will be publicized by the Elections Committee and it is the duty of the candidate to attend. Candidates will be presumed to have notice of all that is said and done at this meeting. Failure of candidates to attend this meeting will result in an automatic \$20.00 fine.
- D. Ten (10) calendar days before the first Election Day. The campaign begins. No active campaigning is permitted before this date.
- E. Three (3) calendar days before the first Election Day.
 1. The official candidate biography and ballot will be posted on the WVU Internet for purposes of voter familiarity.
- F. Two (2) class days after the last Election Day. The deadline for removal of all election related posters, materials, etc. from all campus buildings shall be 5:00 p.m. on that day. This is the responsibility of each candidate. Failure to remove an election related item from University buildings before the deadline will result in a \$10.00 fine per item as assessed by the Elections Committee and to be deducted from the deposit for fines. If there are fines imposed beyond the deposit, the candidate will be unable to hold office until said fees are paid.
- G. 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 or violations, a new election shall take place for that office. The new election shall take place within twenty-one (21) days of the last day of the first election.
 2. In case a winner or winners of a Student Board of Governors or Athletic Council seat is disqualified because of penalties imposed due to a violation or violations, the next-non winning candidate in line by the most total votes shall be declared elected to that office.
- H. Fair Campaign Practices.

1. Purpose. The West Virginia University Election Committee hereby finds and declares that every candidate in a student election at WVU should follow the basic principals of decency, honesty and fairness in the course of their campaign practices. These elections include but may not be limited to the offices of President/vice President, Student Government Association Board of Governors, Athletic Council, and Homecoming Court. The Election Committee hereby further declares that the code of fair campaign practices, as contained in this section, is a standard to which all candidates for public office should 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 Elections Committee that every candidate for public office at West Virginia University will subscribe and adhere to the code of campaign practices.
2. Definitions. For the purposes of this section:
 - a. "Campaign advertising or communication" means a communication authorized by a candidate or a candidate's committee for the purpose of advocating the nomination, election or defeat of a candidate.
 - b. "Candidate for public office" means an individual who has filed the appropriate paperwork pursuant to the provisions of Article III, Section B of this Elections Code and has been declared a candidate in the West Virginia University general election;
 - c. "Code" means the code of fair campaign practices as set forth in this section; and
 - d. "Committee" means the West Virginia University Elections Committee created pursuant to the provisions of Article II of this Elections Code.
3. Powers and duties of the Committee. In addition to the powers and duties of the committee prescribed in Article II of this Elections Code, the committee has:
 - a. The power to issue advisory opinions on whether an action or proposed action of a candidate violates the code of fair campaign practices.
 - b. The duty to prepare and distribute copies of the code of fair campaign practices to students, faculty, staff, all candidates, as well as the public;
 - c. The duty to receive, investigate and act on complaints or other information concerning noncompliance with the code by candidates for public office who subscribe to the code; and
 - d. The duty to make public the name and identity of candidates subscribing to the code and the findings of compliance or noncompliance with the code upon the conclusion of a hearing conducted pursuant to section four of this article.
4. Hearings, dispositions, sanction. If a majority of the committee determines that there is a reasonable likelihood that a candidate for public office who subscribes to the code of fair campaign practices has violated a provision of the code, then the committee shall inform the candidate in writing and notify the candidate in writing that the candidate has forty-eight (48) hours from receipt of the notice to request a hearing with the committee. If the candidate requests a hearing, then one shall be scheduled in all due speed. If a majority of the committee determines, based upon clear and convincing evidence, after a hearing or after a candidate has violated a provision of this code, the committee may issue a public opinion stating the candidate has committed a violation of the code. If the committee does not find by clear and convincing evidence that a subscribing candidate has violated a provision of the code, then the commission shall issue a public statement that the candidate has not violated the code. Said statement shall be issued on the same date of the hearing.

1. Code of fair campaign practices. At the time an individual files his or her candidacy paperwork, the Election Committee Chair, or person receiving the paperwork, shall furnish the individual a copy of Appendix Ten (10), The Code of Fair Campaign Practices.

Article VI. Election Procedures

A. Ballots.

1. Ballot form and Candidate Position. Ballot position shall be determined by following the instructions in Appendix Five (5).
2. Security. To prevent any infraction of this Elections Code, the following measures shall be taken:
 - a. Login Security will be based on WVU supplied user ID and personal identification numbers. Voters attempting to vote more than once will not be able to do so and will not be able to access another ballot.
 - b. Votes are kept anonymous to any administrator who is able to access the system.
 - c. eBallot™ and Votenet ensure 128-bit SSL (Secure Socket Layer) technology guaranteeing an accurate and verifiable election result

B. Voting Procedure.

1. Franchise. 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 student identification number and Mountaineer Information Express (MIX) identification.
2. Opening the poll.
 - a. Procedure for Casting Vote.
 1. Polling times are as follows: Tuesday 7am through Thursday 10:59pm.
 2. Each student will be given or already have a login name and password to access the Votenet server.
 3. The voter will have the opportunity to view biographies of each candidate before making their choice.
 4. Once a student has selected the candidates for whom they wish to cast a vote, they will be asked to confirm their choices.
 5. Shall a student encounter technical difficulties; they will be able to contact the Elections Chairperson.
 - b. Write-in Votes. A blank space will be provided on the official ballot so that write-in votes may be cast. In order for write-in votes to be valid and counted, the following conditions must be met:
 1. The write-in vote must be cast for a student enrolled at one of the Morgantown campuses of West Virginia University.
 2. Write-in candidates are subject to all rules and stipulations outlined in this elections code.
 3. The write-in candidate must be a full-time student and must meet both the rank and grade point average qualification requirements of the Elections Code and the Constitution of the Student Body of West Virginia University.
 4. The office intended for the write-in candidate must be written along with the write-in candidate's name.
 5. If the write-in vote is for a President/Vice President team, it must list two names in tandem and specify the office President/Vice President.

C. Counting Procedures.

1. All votes will be counted by Votenet and will be accessible by the Elections Chair.
- D. Post-counting procedures.
1. Announcing the Results. When the total ballots have been counted and the winners known, the results will be announced at a previously designated place. The results shall also be posted in the Student Organization Wing of the Mountainlair the following day. At the discretion of the Elections Committee Chair, unofficial, individual poll totals may be announced or posted as they are counted.
 2. In the event of a tie. In the event of a tie, a runoff election will take place
 3. Runoff Elections. Runoff elections will be governed by the same regulations set forth in the Elections Code. The runoff candidates will meet with the Elections Committee Chair no later than twenty-four (24) hours after a runoff election has been deemed necessary, to determine the times and circumstances that will govern the runoff election. The runoff election shall be held no less than seven (7) and no more than fourteen (14) calendar days from the date of the original election. Only the names of the candidates who tied will be placed on the 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. It shall also be subordinate to the West Virginia Code, Chapter Three (3) regulating the election process in the State of West Virginia.
- D. Definitions. The term “violation” is further defined in Appendix Five (5). Items, which will be considered violations, are outlined in Appendix Five (5) also, Chapter Three (3) of the West Virginia Code outlines activities, which will be considered illegal as well.
- E. Procedure for filing charges. Any West Virginia University student, including individual members of the Elections Committee, shall have the right to file charges against students or groups of students. All charges must be presented in writing to the Elections Committee Chair in the manner detailed in Section C, paragraph 1 of Article VII of this Election Code.
 1. Complaint Form. No complaint shall be considered valid unless it contains the following information in form of Appendix Eight (8).
 2. Time Limitations. No complaint, with the exception of failure to remove campaign material, shall be accepted later than 5:00 p.m. on the Monday following the last Election Day. Charges of failure to remove all campaign materials from all University property may be filed until noon of the Wednesday immediately following the election. Candidates are still subject to actions of the Violations Panel and the Judicial Board even though the election may be certified.
 3. Service of Charges. For each complaint form filed with the Elections Committee Chair, a copy of the complaint shall be sent with all due and reasonable speed, to the alleged violator, to the student filing the complaint, and to the Attorney

General. The Elections Committee Chair shall be responsible for serving all copies. Service of the copies of the complaint shall be by mail accompanied by an oral communication of the same.

4. Counseling. The Elections Committee and Violations Panel 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 Committee Chair receives a complaint form, a copy of the form will be hand delivered or mailed to the Candidate(s) via registered mail. The candidate(s) will agree to meet with the Elections Committee Chair and discuss the alleged violation within forty-eight (48) hours of receiving the notification. The Elections Committee Chair will make them self readily available. Failure to arrange to meet with the Elections Chair will result in a \$20.00 fine.
 5. A candidate may be disqualified or fined for not providing accurate accounts on campaign expenditures.
- F. Violations Panel. There shall be a panel of students called the Violations Panel. This panel shall consist of the Elections Committee Chair as chair of the Panel, and four (4) selected members of the Elections Committee. The Attorney General shall serve as ex-officio member of the panel. During the election process, the members of the Violations Panel shall remain anonymous to everyone excluding the elections committee and advisors. At the time of the violations hearing, the identities of the panel are disclosed.
1. The violations panel shall review all charges to determine if the charge was filed in accordance with the provisions of this Elections Code, and to determine if there is an initial examination evidence of a violation.
 2. The violations panel shall meet within seven (7) calendar days after the election to consider all charges of violation. Within this period, the Violations Panel shall rule on all charges unless a violation warranting possible disqualification would require them to meet before the election concludes. The committee would then meet in its best interest as soon as possible.
 3. The Violations Panel shall not conduct business unless the Attorney General, the Elections Committee Chair and one of the four remaining members are present.
 4. If the Violations Panel determines, by a simple majority vote, that a complaint was filed in accordance with the provisions of this Election Code and that the complaint contained initial examination evidence of a violation.
 - a. The Violations Panel may conduct a hearing and impose penalties upon the offender. Such hearings shall be open to the public. An appeal to the Judicial Board is possible.
 - b. The Violations Panel, using its discretion, may refer cases directly to the Judicial Board. Only the Judicial Board may hear cases in which the penalty of disqualification is imposed.
 5. The Violations Panel shall have the power to levy fines against a candidate based on an examination of the violations against him/her in accordance with the Elections Code.
 6. If the Violations Panel fails to determine, by the required simple majority vote, that a complaint was filed in accordance with the provisions of this Elections Code, and that upon the complaint contained initial examination evidence of a violation, then the complaint shall be dropped and not considered further. Any individual member of the Violations Panel who has a complaint filed against him/her will be disqualified from the Violations Panel for that particular case.
- G. The Judicial Board. The duties of the Judicial Board concerning the elections include:
1. Certifying, by a simple majority vote, the results of the election.

2. Conducting hearings on alleged violations. The Attorney General shall schedule hearings before the Judicial Board by the Violations Panel. 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, 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:
 - a. Time limitations and hearings for rulings. The Judicial Board shall conduct its hearings and make its final rulings within seven (7) calendar days after the election unless a continuance past the deadline is granted.
 - b. Notification of hearings. The Attorney General shall notify the following people of the date, time and place of each scheduled hearing:
 1. The alleged violator;
 2. The student or group that originally filed the complaint;
 3. All members of the Violations Panel;
 4. All members of the Judicial Board;
 5. The Election Committee Chair.
 - c. Conducting the hearing. All hearings on alleged election violations before the Judicial Board shall be conducted according to the following provisions and procedures:
 1. Each hearing shall commence with a summary statement of the charges to be considered which shall be read aloud by the Clerk of the Judicial Board.
 2. After the summary statement of charges has been read, the presiding officer of the Judicial Board shall allow Student Government Association, through the Attorney General, or his/her assigned agent, to present oral arguments, to call witnesses, and to present evidence in support of the charges in support of the charges referred by the Violations Panel. If Student Government Association, through the Attorney General or his/her assigned agent, fails to appear at the hearing to support the charges, the presiding officer of the Judicial Board shall rule that Student Government Association has forfeited its opportunity to support the charges, and shall dismiss the case.
 3. Following the presentation of the Student Government Association case, the presiding officer of the Judicial Board shall allow the alleged violator(s), or their designated representative(s), to present oral arguments, to call witnesses, and to present evidence in defense of the accused. If the alleged violator(s) fail to appear, or fails to send a representative to present a defense, the presiding officer of the Judicial Board shall rule that the alleged violator has forfeited the right to respond to the charges against him/her. The presiding officer shall then refer the case to the Judicial Board for decision.
 4. Both Student Government Association, through the Attorney General, or his/her assigned agent, and the accused violator, or his/her assigned agent, shall have the right to cross-examine the witnesses presented by the opposing side.
 5. After Student Government Association and the alleged violator have presented their cases, as provided for by the procedures for

outlined in this Elections Code, the presiding officer shall refer the case to the Judicial Board for a decision.

6. The Judicial Board shall determine if the alleged violator(s) in each case referred to it for decision did commit the alleged violation or violations. If there is more than one alleged violator, the Judicial Board shall make a separate determination for each alleged violator.
 7. The standard by which the Judicial Board shall decide cases of alleged violations is by a preponderance of evidence.
 8. Provided that at least one-half of the Judicial Board members are present at the hearing, the Judicial Board may, by simple majority vote of the members present and voting, determine that an alleged violator did commit one or more of the alleged violations. If the Judicial Board rules that the alleged violator did commit a violation, the Judicial Board will impose one or more of the appropriate penalties. If the Judicial Board does not rule by the requisite simple majority vote that a violation was committed, the charges against the alleged violator shall be dismissed and the case against him closed.
 9. All witnesses shall be bound by oath to tell the truth. The presiding officer shall administer the oath to each witness and shall not allow testimony from witnesses who do not agree to take the oath.
 10. No person may be forced to testify. Neither the Judicial Board nor any individual shall have the power to compel a person to appear or testify against his/her will.
 11. The Judicial Board shall base its determination in a case solely upon the arguments, testimony and evidence presented at the hearing.
 12. The presiding officer shall have the power to limit both Student Government Association and each alleged violator to one hour in which to present their cases. However the presiding officer may do so only before the hearing begins. In no case shall either Student Government Association or each alleged violator be allowed more than two hours to present a case.
- d. Continuance of a hearing. 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, Section E, Subsection 2, Paragraph B, of this Elections Code.

H. Penalties.

1. Penalties for a candidate. 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:

- a. A reprimand from the Judicial Board given by the Chair of some other member, which the Chair selects.
 - b. A fine of not less than \$10.00 or more than \$200.00.
 - c. Disqualification from current election.
 - d. Exclusion from any Student Government Association position, appointed or elected, for a period specified by the Judicial Board.
 - 1. If an agent of a candidate or candidates has committed a violation of this Election 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 will impose the proper penalty or penalties as provided for in a, b, c, and d.
2. Penalties for non-candidates. 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:
- a. Disqualification from holding any elective Student Government Association office for one calendar year, beginning on the date of imposition.
 - b. Disqualification from holding any position on any Student Government Association committee or agency for one calendar year, beginning on the date of imposition.
 - c. Disqualification from being appointed to any position requiring Student Board of Governors approval for one calendar year, beginning on date of imposition.
3. Mandatory Disqualification. A candidate or non-candidate shall be immediately be disqualified from holding an elective office and disqualified from holding an appointed position within Student Government Association for no less than one calendar year if one of the following situations or acts occurs:
- a. A violation of Article III, Section A;
 - b. A candidate has failed to pay the balance of fines imposed on him within two calendar weeks from the date of imposition.

Article VIII. Legislative Intent

Recordings or transcripts of the discussions and debates of this Election Code received during passage by the Student Board of Governors shall serve as a guide in making interpretations or establishing legislative intent.

Article IX. Campaign Expenditures

- A. For any unit seeking the executive offices (team of President/Vice President) of Student Government Association there will be a spending limit of \$1000.00 for the general election. For candidates seeking other elective offices there shall be a campaign-spending limit of \$500.00.
- B. All candidates must submit an itemized list of all campaign incomes and expenditures on the official expenditure-reporting sheet (Appendix 9), which shall be provided by the Elections Committee, before 3:00 p.m. each Friday during the campaign. Expenditure reporting sheets must be returned in to the Elections Committee member designated to

monitor the specific candidate's expenditures. Receipts of over \$20.00 must be submitted.

- C. Expenditure reports shall include the costs of all materials, used or unused, specifically to expose a candidate for the purpose of soliciting votes. Included should be items such as T-Shirts, posters, fliers, handbills, cards, media advertisements, and any other items for the purposes of administering the campaign or soliciting votes. Candidates should not include items such as thumbtacks, glue, tape and envelopes.
- D. Any material donated to the candidate that is directly construed as active campaign material (i.e. t-shirts, campaign posters, services of a professional agency) shall be limited to \$500.00 for President/Vice President and \$250.00 for all other candidates, and shall not count in your campaign expenditure limit (see Appendix Eight). No organization may spend money on behalf of any candidate without the candidate's written permission signified by the candidate's written disclaimer. A candidate deemed by the Elections Committee 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 Committee.
- E. 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, and/or alcoholic beverages.
- F. Each unit and candidates shall voluntarily agree to comply with Article IX of the Elections Code of West Virginia University Student Government Association. Any unit campaigning for the offices of President/Vice President not agreeing to comply with Article IX shall be required to submit a non-refundable \$1000.00 filing fee. Other candidates seeking elective office who do not agree to comply with Article IX shall submit a non-refundable \$500.00 filing fee.

Article IX. Effectiveness

- A. Upon ratification by the West Virginia Board of Governors, this Elections Code shall become effective for the 2004 General Elections.
- B. All amendments and changes to this Elections Code shall be applicable to the February 2004 General Election and all elections thereafter.

Appendix One (1)

West Virginia University Student Elections Code

CANDIDATE REGISTRATION FORM

(PLEASE PRINT)

Last Name _____

First Name _____ **MI** _____

Social Security Number _____

Position you are seeking: (circle one) President/Vice President Board of Governors
Athletic Council

Local Address _____ **Apartment/Room** _____

Local City _____ **State** _____

Zip _____

Local Phone _____ **Cell Phone** _____

Email _____

Home Address _____

Apartment/Room _____

Home Town _____ **State** _____ **Zip** _____

Home Telephone (_____) _____

Rank: (circle one) Freshman Sophomore Junior Senior

of Semesters Completed _____

Other Extracurricular Involvement:

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)

West Virginia University Student Elections Code
CANDIDATE QUALIFICATION FORM

Please attach a copy of your most recent grade report, which each candidate must obtain, from the Office of Admissions and Records. A representative of Admissions and Records must sign this form verifying your grade report was obtained.

Candidate's Last Name _____

First Name _____ **MI** _____

Social Security Number _____

Candidate Signature _____

Date _____

ADMISSIONS AND RECORDS USE ONLY

Representative's Name _____

Signature _____

Title _____

Date _____

Appendix Four (4)

West Virginia University Student Elections Code BALLOT ORDER INSTRUCTIONS

In order to insure that ballot order is completely random the following measures will be taken.

1. An alphabetical numbered list (Beginning with zero (0) if a table of random numbers is used) of all candidates will be generated by the Elections Chair.

For example:

President/Vice President

1. Bill Clinton/Al Gore
2. John F. Kennedy/Lyndon B. Johnson
3. Ronald Reagan/George Bush

Board of Governors

1. Andrea Adams
2. Barbara Bush
3. Clara Cash
4. David Dover
5. Emma Elise
6. Fred Flintstone
7. Gary Gray
8. Harry Hanover
9. Irving Isly
10. Jenny Jones
11. Kelly Kerchew
12. Larry Landing
13. Mickey Mouse

1. The names will then be cut out and placed in a hat (one office at a time), thoroughly mixed and randomly drawn out by the Elections Committee Chair at the Student Board of Governors meeting. The order in which the names are drawn will construct ballot order.
2. A table of random numbers may also be used to create ballot order.

Appendix Five (5)

West Virginia University Student Elections Code VIOLATIONS

Violations of the Elections Code of West Virginia University will not be tolerated.

What follows is a listing of what will be defined as a violation of the Elections Code. Each item will be considered a violation and the consequences outlined in the Elections Code will apply.

1. Campaign Materials

- a. Hangings must meet University standards. If it is in the Mountainlair or in any residence hall it must be stamped by the proper authority. It must also be hung in the proper places. These places are public bulletin boards only. Candidates must not hang their paraphernalia anywhere else. If a bulletin board is labeled "Department Use Only" candidates may not hang your posters there.
- b. Materials are not allowed to be in Daily Athenaeum boxes.
- c. No adhesive material. Items secured with tape are forbidden.
- d. Posters should never be removed by anyone but the proper authorities. Candidates are not allowed to remove or deface posters. Candidates may not "stagger" posters.
- e. Only one layer of posters on a bulletin board is permitted.
- f. Campaign paraphernalia is not allowed to be passed out in classrooms. This is disruptive to the educational process. This does not apply to students who wear candidate badges or material lying around. The candidates are charged with removing any materials that might be lying in classrooms and disposing of it.
- g. Any placement of campaign material that is illegal by city, county, state, or federal law is in violation of the WVU Student Elections Code. The Elections Committee will be charged with the responsibility of filing criminal charges in the instance that this occurs.
- h. No campaign materials are to be displayed or publicly distributed before the campaign officially begins.
- i. No University facility is to be used to produce campaign material. This includes, but is not limited to: The Student Organization Services office, any University owned computer, any University office, and the supplies kept in these places. This does not apply to places like the Copy Center, or anywhere on campus where materials can be made at the cost of the candidate.
- j. Candidates are not allowed to place campaign materials on any University server or use any University-sponsored listserv. This includes, but is not limited to, telnet sites, gophers, and WVU-hosted World Wide Web pages. E-mail(s) sent to a student's personal MIX account is acceptable.
- k. Campaign literature that has more than one candidate listed holds joint responsibility for violations. For example, a ticket card taped to a wall in the Mountainlair is considered a violation by each candidate listed.

2. Residence Halls:

- a. Candidates, or agents acting on their behalf, are not allowed to passively hand out, post materials or influence the residents to go online and vote in residence halls. An example of this would be sliding election posters, flyers, nametags under residence doors, or placing materials on resident's doors. Any violation shall constitute a \$20.00 fine per offense.
- b. To insure that candidates are not wrongfully charged with a violation, when a resident places your campaign poster on his/her door, ask them to please sign the front, lower right hand corner.

Appendix Five (5) Continued

3. Candidates

- a. There shall be no active electioneering within thirty (30) feet for the entrances of the buildings where WVU owned and operated computers are located. Failure to adhere to this will result in a \$20.00 fine. (i.e ...Wise Library, White Hall, Engineering, etc.)
- b. No candidates may loiter within thirty (30) feet of the entrances of the buildings where WVU computers are owned and operated are located with the exception of the time it takes the candidate to cast his/her own ballot.
- c. Students are not permitted to access system under another login name than their own. Shall a student be found connected to the candidate and in violation of this policy; the candidate will be automatically disqualified from the election with further consequences.
University policy strictly prohibits "solicitation" in residence halls. Covered under this policy is "dorm storming," where one or more candidates will canvas a hall, knock on the door, and offer a brief campaign speech.
- d. Candidates are not allowed to solicit votes before the date indicated in the Elections Code.
- e. Candidates are responsible for agents acting on their behalf. This is defined as someone campaigning for you. Previous knowledge is not an issue. If someone has a stack of materials to distribute, it is very likely that the candidate has authorized it.
- f. Candidates are not allowed to campaign in the Student Organizations Office, any Student Government Association office. Campaigning in any university office will be considered disruptive.
- g. Non-candidates electioneering for a candidate inside the polling place, who are commonly known as "runners," will not be tolerated. These people are considered agents of the candidate(s). The candidate will ultimately be responsible for their actions.

Appendix Six (6)

West Virginia University Student Elections Code

CODE VIOLATIONS COMPLAINT FORM

Complainant's Name: _____ Phone: _____

Address: _____

Availability: _____

Violator's

Name: _____ Phone: _____

Address: _____

Statement of

Charges: _____

Sections Allegedly

Violated: _____

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

Signature of Complainant

Date

Signature of Elections Committee Chairperson **Date:**

Appendix Seven (7)

West Virginia University Student Elections Code

CANDIDATE EXPENDITURE FORM

A candidate may be disqualified or fined for not providing accurate accounts on campaign expenditures.

NAME _____

DATE _____

OFFICE SEEKING _____

TOTAL CAMPAIGN EXPENDITURES TO DATE

\$ _____

ITEMIZATION OF EXPENDITURES

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____

ITEMIZATION OF INCOMES

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____

TO THE BEST OF MY KNOWLEDGE, THE ABOVE REPORTED CAMPAIGN EXPENDITURES ARE ACCURATE AND TRUE.

Candidate Signature **Date**

Appendix Eight (8)

West Virginia University Student Elections Code

CANDIDATE DONATION FORM

A candidate may be disqualified or fined for not providing accurate accounts on campaign-related expenditures that are donated.

NAME _____

DATE _____

OFFICE SEEKING _____

TOTAL CAMPAIGN EXPENDITURES DONATED TO DATE

\$ _____

ITEMIZATION OF DONATIONS

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____
- 8) _____

TO THE BEST OF MY KNOWLEDGE, THE ABOVE REPORTED CAMPAIGN DONATIONS ARE ACCURATE AND TRUE.

Candidate Signature **Date**

Appendix Nine (9)

West Virginia University Student Elections Code
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, 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 principals 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.

Signature

Date

Appendix Ten (10)

West Virginia University Student Elections Code PERSONAL PROFILE

1. Digital Picture if desired to be posted on e-ballot. Photo must be approved by Elections Committee Chair.
2. Biography, 150 words MAXIMUM.
3. Extracurricular activities, limit 5 per person
4. Current Positions (i.e. any SGA offices currently held), limit 1 per person