

**West Virginia University  
Student Government Association  
Elections Code  
(Effective November 2024)**

**ARTICLE I. THE ELECTIONS CODE**

**1.1 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.”

**1.2 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.

**1.3 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

**1.4 DEFINITIONS.** For the purposes of this Code:

1. “*Academic Day*” shall be any West Virginia University business day when classes are in session.
2. “*Teams*” in accordance with the detailed guidelines provided in section 5.7, shall consist of college/at-large senator candidates or a Presidential and Vice Presidential candidate.
3. “*Informal Campaigning*” in accordance with the detailed guidelines provided in section 5.8, shall be considered the period after the Official Candidates Meeting when candidates can engage in outreach activities.
4. “*Formal Campaigning*” in accordance with the detailed guidelines provided in section 5.9, shall be considered the period after Informal Campaigning when candidates can table, hold official events, make endorsements, create social media posts, distribute campaign materials, and utilizing of other promotional material for campaigning purposes.
- 5.. “*Polling Location*” shall be any building or structure in which, in the moment, students may cast their vote in the election.
- 6.. “*Agents*” shall include, but are not limited to, any individual or group of individuals who support the candidate and/or actively campaign for said candidate.

7.. “*Campaign Materials*” shall mean a communication, tangible or intangible, authorized by a candidate or candidate’s agent for the purpose of advocating the nomination, endorsement, election, or defeat of an official candidate.

8. “*Official Candidate*” shall mean an individual who has filed the appropriate paperwork pursuant to the provisions of Article III of this Elections Code and West Virginia University Student Government Association Elections Code has been declared a candidate by the Elections Committee.

9. “*Endorsement*” shall include, but is not limited to, posts or reposts on social media platforms, the distribution of campaign-related materials, verbal support during public campaigning, and other visible expressions of approval as reasonably determined by the Elections Chair. It represents an official and explicit declaration or backing for a candidate or team, excluding private interactions. Tabling, collaborative events, and finance sharing are not endorsements, and may not be done across multiple teams.

10. “*Platform*” shall be any particular stance that reflects one’s campaign purpose.

**1.5 AMENABILITY.** This Elections Code may be amended by a two-thirds ( $\frac{2}{3}$ ) vote of the West Virginia University Student Government Association Student Assembly. No amendment(s) to this code shall be made after the last regular SGA meeting in the fall semester prior to the election.

## **ARTICLE II. POWERS AND DUTIES**

**2.1. THE CHAIR.** The Elections Chair shall have the following powers and duties:

1. Create a committee to assist with the elections;
2. Shall be appointed no later than the first SGA meeting of the Fall Semester;
3. Conduct or oversee all official actions of the Committee;
4. Solicit applicants for Committee membership;
5. Conduct or oversee the selection of the Committee;
6. Establish and select other members within the Committee, delegating authority where necessary;
7. Have authority to remove any members, other than ex-officio members, for any reason;
8. Disqualify self or resign if impartiality cannot be maintained;
9. Supervise or oversee each election or vote conducted by the Committee; 10. Rule, with the advice of the Attorney General, on the qualifications of all official candidates; 11. Cooperate with the Attorney General on matters concerning violation or enforcement of the

Elections Code, the Constitution, or other Student Government Association documents; 12. 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 Court;

13. In cooperation with the Attorney General, be available to assist students in a timely manner with questions or requests involving the election process;

14. In cooperation with the Chief of Staff(s) and/or the SGA Advisor(s), arrange for all necessary reservations involving formal campaigning and informal campaigning. This includes, but is not limited to booths, banner spaces, and other campaign related materials for candidates. All reservation requests related to formal campaigning must be submitted to the Elections Chair five (5) academic days in advance of need;

15. In cooperation with the Chief of Staff(s) and/or the SGA Advisor(s), work to distribute candidate education materials to the student body.

16. Determine the number of College Senator positions for the Spring election, as specified in Article V of the Student Government Association Constitution prior to the third week of instruction of the fall semester; and

17. Assume other powers and duties as implied by this Elections Code.

**2.2. 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 Court;

3. Set the election timetable;

4. Adequately publicize the election or vote along with the pertinent procedures;

5. Shall serve as the main mediator of Elections Code violations;

6. Recommend disqualification of candidates to the Judicial Court when appropriate;

7. Shall not engage in any 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.

**2.3 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 Court;
  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
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**2.4 THE JUDICIAL COURT.** The duties of the Judicial Court 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. Serve as the sole appellate mediator with regard to SGA Elections, by conducting hearings on filed appeals on decisions made by the Elections Committee. The Chief Justice of the Judicial Court shall schedule appellate hearings before the Judicial Court. Following a hearing of the charges referred to it, the Judicial Court shall determine if the Elections Committee has acted in accordance with the guidelines in this Elections Code. The West Virginia University Student Government Association Elections Code Judicial Court shall, in cases where it is determined that a decision by the Elections Committee is not in compliance with the Elections code, impose the appropriate penalty/penalties or dismiss the case. All hearings, determinations, and impositions of penalties shall be subject to the following stipulations and qualifications:
  - a. The official Judicial Procedures policy as set by the Judicial Court.
  - b. The Attorney General shall notify the following people of the date, time, and place of each scheduled hearing:
    - i. The alleged violator;
    - ii. The student or group that originally filed the complaint;
    - iii. All members of the Judicial Court; and
    - iv. The Elections Chair.
  - c. The presiding officer, any member of the Judicial Court 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 Court members present at the hearing, the presiding officer shall schedule another date for the

hearing. The Judicial Court shall give proper notification of the continuance date following the provision of Article VII of this Elections Code.

### **ARTICLE III. CANDIDACY**

**3.1 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, as well as other offices, but may be applicable and used in a modified form for special elections.

**3.2 QUALIFICATIONS.** Candidates for the offices of President, Vice President, and Student Assembly, shall meet the requirements outlined in the West Virginia University Student Government Association Elections Code, West Virginia University Constitution of the Student Government Association, Article IX, Sections 1 & 2.

**3.3 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 signed statement abiding by the Code of Fair Campaign Practices in the form of Appendix Six (6); and

**3.4 CANDIDATE'S NAME ON THE BALLOT.** Each candidate shall inform the Elections Chair of how their name and pronouns should be printed on the official ballot. It shall be understood that there shall be no formal 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).

**3.5 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 with all rules and stipulations outlined in this Elections Code; and
3. Submit the appropriate application no later than 3 days after winning the election. 4.

Write-In Presidential and Vice Presidential Candidates must be written in as a pair.

**3.6 EXPENDITURES.** For official candidates seeking the executive offices (team of President/Vice President) of the Student Government Association, there shall be a spending limit of \$500 per team. For official candidates seeking the offices of Senator or College Senator, there shall be a campaign spending limit of \$100 per candidate.

1. Fundraising shall not be conducted by candidates until after the Official Candidates Meeting as outlined in Article 5.6.
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 to the designated Elections Committee member to monitor the specific candidate's expenditures by 5:00 p.m. during the following times:
  - a. Two Fridays before the start of the formal campaigning period
  - b. The first academic day of formal campaigning
  - c. 24 hours after polls close on the last day of voting
3. Upon receipt of Campaign Financial Statements by the Elections Committee, statements shall be published on the SGA website twenty-four (24) hours after each statement submission deadline.
4. All receipts must be submitted regardless of amount.
5. Campaign Financial Statement shall include the costs of all materials used to specifically document the expenditures of candidates for the purpose of soliciting votes. Included shall be items such as, but not limited to:
  - a. T-shirts
  - b. Posters
  - c. Fliers
  - d. Handbills
  - e. Cards
  - f. Media Advertisements
  - g. Donations
  - h. Any other items for the purpose of administering the campaign or soliciting votes
6. Candidates must submit a copy of all printed materials used in campaigning at the time they submit a Campaign Financial Statement

7. Any donations received by a candidate shall be considered within the expenditure limitations.  
a. Donations of any amount or more must be included with the donor's information on the Campaign Financial Statement.

8. No candidate shall receive funds from any organization or any individual acting on behalf of an organization. The Elections Chair may use discretion to caution candidates on which donors to accept funds from.

9. The Student Government Association and all subsidiary organizations specified under the authority of the Student Government Association Bylaws shall not donate or spend money on any candidate.

10. 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.

a. Controlled substances include, for the purpose of this code, but are not limited to illegal drugs, tobacco products, paraphernalia, and/or alcoholic beverages.

**3.7 WITHDRAWAL.** Candidates may withdraw until the last hour of voting by personally submitting a written statement of withdrawal to the Elections Chair. The electorate shall be notified of the candidate's withdrawal and the candidate's vote shall not be posted.

### **3.8 RULING ON CANDIDATE QUALIFICATIONS 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. Candidates deemed unqualified by the Elections Chair shall be promptly notified. Said candidates may appeal to the Judicial Court within seven (7) calendar days and shall be informed of their right to appeal by the Elections Chair at the time of notification. Said Candidates may contact the Chief Justice of the Judicial Court to arrange an appeal.

2. Information concerning the alteration or withdrawal of candidacy or of failure to meet qualifications, shall be a matter of public record.

3. The Elections Chair may disqualify candidates who make false statements about their qualifications for office.

## **ARTICLE IV. CAMPAIGNING**

**4.1 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.

**4.2 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. When an individual files his or her candidacy paperwork, the Elections Chair or designee receiving the paperwork, shall furnish a copy of Appendix Six (6) of The Code of Fair Campaign Practices.

**4.3 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 (which may not be solicited until the formal campaigning period begins) and follow the rules and regulation provided by the Division of Student Life, Departments of Housing and Residential Education, the Mountainlair/WVU Student Union, those of the facility in which they are being placed or any 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. This consent may only be requested during the formal campaigning period;
4. No stickers or other campaign materials with adhesive backing shall be permitted on university property 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 and are strictly prohibited outside of the formal campaigning period;
7. Campaign materials shall not promote or be used in conjunction with any controlled substance (i.e. campaigning in or around establishments 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**

**5.1 CANDIDACY ANNOUNCEMENT.** Potential candidates for the Student Government Association may announce their candidacy no earlier than the last SGA meeting in the fall semester prior to the election. The Elections Chair will then announce all official candidates at the regular assembly meeting following the Official Candidates meeting in the Spring semester. All official candidates are required to attend the Student Government meeting where their candidacy is officially announced by the Elections Chair, failure to do so will result in an election's violation. The Elections Chair shall publish the election timetable a week before the end of the semester in which candidates begin to announce their campaigns.

**5.2 COMPOSITION OF THE ASSEMBLY.** The Student Assembly shall be composed of twelve (12) Senators and a number of College Senators to be determined based on a proportional representation model. These Assembly members are all elected during the West Virginia University Student Government Association campus-wide election held each year. The number of College Senator positions shall be directly related to the enrollment data for the respective colleges. Each college will have one College Senator and will receive an additional College Senator for every 1,000 students enrolled in the college, abiding by the following data specifications (Ex.: A college with 500 students receives one College Senator, a college with 1,500 students receives two College Senators). This data will come from the fall enrollment of the prior calendar year for the spring election (Ex.: Spring 2020 Election will use Fall 2019 Enrollment data). The data must also come from a verifiable source, including, but not limited to, an official University database. The Elections Chair shall determine the number of College Senators for the election, as specified above, before the last meeting of the fall semester. The "Health Sciences" College Senator position shall encompass the School of Dentistry, School of Medicine, School of Nursing, School of Pharmacy, and School of Public Health for both candidacy and enrollment data purposes, as this collection of Schools shall imitate the role of Colleges in regard to the Student Assembly. The College Senators will represent the following academic colleges:

- Benjamin M. Statler College of Engineering and Mineral Resources

- College of Creative Arts and Media
- College of Law
- College of Applied Human Sciences
- Davis College of Agriculture, Natural Resources, and Design
- Eberly College of Arts and Sciences
- John Chambers College of Business and Economics
- Health Sciences

The Student Assembly will be elected in the Spring Election.

**5.3 CANDIDATE INTEREST MEETING.** The Elections Chair is mandated to organize a minimum of two (2) hybrid Candidate Information Meetings. These gatherings are aimed at informing potential candidates about student election procedures. The first meeting must be held in the last month of the fall semester prior to the election, while the second will occur in the first month of the spring semester with at least one full academic day between the meeting and the filing packet deadline. Additionally, one of these meetings will be conducted on the Downtown campus, and the other will be held on the Evansdale campus. The presence of the Attorney General and the Chief Justice of the Judicial Court is required at these meetings to ensure a thorough understanding and adherence to the election protocols.

**5.4 PACKETS AVAILABLE.** Filing Packets shall be made available on the first day that candidates are permitted to announce their candidacy and may be submitted on a rolling basis until the filing deadline.

**5.5 FILING DEADLINE.** The filing deadline for all candidates shall be 5:00 p.m. five (5) days before the official candidates meeting. 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 Court to have their names placed on the ballot. If the Judicial Court 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.

**5.6 OFFICIAL CANDIDATES MEETING.** Within four (4) weeks of the start of the spring semester, the Elections Chair and committee members shall call a mandatory meeting for all official candidates for presentation and qualifications of the election and campaign procedures as outlined in this Elections Code. The Elections Chair shall publicize this meeting, and the candidates must attend. Failure of candidates to attend this meeting shall result in an automatic violation unless excused by the Elections Chair for academic purposes. If a candidate misses the meeting, they must meet with the Elections Chair before being allowed to campaign. At this

meeting, each candidate shall sign and submit a copy of the Statement of Understanding and Agreement Appendix Seven (7). The Elections Chair must provide all candidates with all necessary documents for the signage of this appendix form. Candidates shall also have their first opportunity to provide information for candidate education materials during this meeting.

**5.7 TEAMS.** Shall consist of college/at-large senator candidates, while the President and Vice President running mates shall be considered a distinct team and cannot join others. Registration opens at the Official Candidates Meeting and closes upon the first financial statement deadline. During registration, teams must submit member names, team names, and logos on a first-come, first-served basis. If logos or team names are the same or reasonably similar as determined by the Elections Chair, the later filing team must change their team name or logo. Candidates not registered by this date shall not be considered team members. Promotion of teams is allowed only during the formal campaigning period, and any collaboration must involve individuals officially registered within the same team, except for the endorsement of President and Vice President candidates. Teams are the sole entities permitted to share finances and collaborate with other candidates during the election process. Independent candidates are not considered part of any team and are restricted from financial collaboration or joint promotional activities with other candidates or teams.

**5.8 INFORMAL CAMPAIGNING.** Begins immediately following the conclusion of the Official Candidates Meeting. Students shall be considered official candidates. During this designated term, candidates can announce their candidacy as individuals and engage in outreach activities with students and student organizations but are prohibited from using logos, slogans, or promoting other candidates, including those affiliated with the same registered team, except for the President and Vice President candidates; however, even in the case of President and Vice President candidates, team names and logos remain prohibited from promotion. The Elections Chair shall work with the Chief of Staff(s) and/or the SGA Advisor(s) to schedule a minimum of two (2) educational events—one on the Downtown campus and another on the Evansdale campus. During these events, candidates are allocated at least two hours to promote their platforms in a designated space determined by the Election Chair and the Attorney General. A designated election information booth, supervised by the Election Chair, will also be established at these events. An election information booth, supervised by the Elections Committee, Elections Chair, or Attorney General must also be present at the HSC for a minimum of one (1) day during this period. Additionally, at least one (1) piece of educational material shall be released to the student body.

**5.9 FORMAL CAMPAIGNING.** Begins during a convenient time following the informal campaigning period to be determined by the Elections Chair and shall be limited to a period not exceeding four academic days and one weekend before the election begins. Permissible activities during Formal Campaigning for all candidates include tabling, official events, endorsements, team and individual social media posts, distribution of campaign materials, and utilization of

other promotional material for campaigning purposes. Any of the aforementioned activities between candidates must involve only individuals officially registered as part of the same team, except for endorsements. Officially registered teams are only permitted to share finances among its members. Independent candidates are not considered part of any team and are restricted from financial collaboration and participating in the aforementioned activities with other candidates or teams. No formal campaigning will occur before this date. The banner drop event will take place on the night when formal campaigning is set to begin.

**5.10 DEBATES.** All candidate debates sponsored by the Student Government Association shall be coordinated through the Elections Committee. A debate, incorporating all official candidates, shall occur on the academic day before the first day of voting and be structured in accordance with the guidelines in Appendix Nine (9).

**5.11 GENERAL ELECTION.** The general election dates shall be during a convenient week following midterms, but no later than the second week after Spring Break in which students may vote.

1. In person polling locations shall be open on the final day of active campaigning. Voting shall be available from 9:00 a.m. - 7:00 p.m EST. During this time, candidates are prohibited from soliciting votes within thirty (30) feet of a polling location.
2. Online voting, also known as online polling, shall be held on two (2) congruent academic days directly following the last two days of active campaigning. Voting shall be available from 9:00 a.m. - 7:00 p.m. EST on both days. During this time, candidates are prohibited from participating in any form of campaigning outlined in Sections 5.8 and 5.9, with the exception of social media posts. Candidates caught doing so will receive a violation. The Elections Committee shall be required to do impartial tabling on voting days to advertise that voting is open and provide help as needed. Locations and frequency are up to the discretion of the Elections Chair.

**5.12 CLEAN UP.** Two (2) academic days after the last day of voting at 5:00 p.m. shall be the deadline for removing 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.

**5.13 NEW ELECTIONS DUE TO DISQUALIFICATION.**

1. In the 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 elections 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 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**

### **6.1 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:
  - a. Login Security shall be based on valid WVU Student login credentials and Duo Two-Factor Authentication. Voters attempting to vote more than once shall not be able to do so and shall not be able to access another ballot; and
  - b. Votes are kept anonymous to any administrator who is able to access the system.

### **6.2 VOTING PROCEDURE.**

1. The voting franchise shall be extended to all students enrolled at West Virginia University's Morgantown campus, who possess a valid West Virginia University student login and Duo Two-Factor Authentication credentials.
2. The procedure for casting a vote in person shall meet all of the following requirements if it shall take place at a physical location:
  - a. Locations or substitute locations shall be determined by the Elections Chair and approved by the Judicial Court. There shall be a minimum of two required voting locations. The Mountainlair and the Student Rec Center shall be required locations on all dates;
  - b. Once a student has selected the candidates for whom they wish to cast a vote, they shall be asked to confirm their choices; and
  - c. If a student encounters technical difficulties, they shall be able to contact the poll location attendant and receive a paper ballot if needed.
  - d. If a student begins waiting in line during polling hours and remains in line once polling hours end, they are still guaranteed the right to cast their ballot after polling hours end.
  - e. Students studying abroad shall be granted eligibility for and shall receive the WVUENGAGE link to vote one (1) academic day prior to the start of voting if they have not already been granted eligibility by applying for the absentee option outlined in 6.2.10.

3. Polling Locations and hours shall be publicized and designated with adequate signage by the Elections Committee.
4. Polling location attendants must be either members of the Elections Committee or members of the WVU Student Engagement and Leadership team.
5. Polling location attendants shall perform the following duties:
  - a. Watch for and respond to suspicious activity;
  - b. Provide paper ballots if necessary;
  - c. Respond to technical difficulties;
  - d. Open and close voting locations at the designated times; and
  - e. Other duties as deemed necessary by the Elections Chair or Attorney General.
6. The procedure for casting a vote online shall meet all of the following requirements:
  - a. Online voting shall take place online via a WVUENGAGE link;
  - b. If a student encounters technical difficulties, they shall be able to easily contact the elections committee to receive assistance;
  - c. Should persistent technical issues arise with the online voting system before or during active polling, additional physical locations may be established at the discretion of the Elections Chair.
7. If the Elections Chair and the WVU Student Engagement and Leadership office are aware of any unique challenges related to an individual's ability to cast their ballot, they may make a decision and allow that individual to vote in a special manner deemed to be appropriate for that individual's circumstances (e.g. when a student simultaneously resides within two different colleges).
8. Photographs of each candidate, provided by the candidate to the Elections Chair shall be made available in some way to voters on the official ballot.
9. 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:
  - a. The student is approved as an official candidate;
  - b. The intention shall be deemed clear if:
    - i. The write-in vote cast for an office contains both the first and last name of an official candidate for that office;
    - ii. No technical error makes it impossible to determine the voter's choice;
    - iii. The write-in vote cast contains the intended office for the write-in candidate; and
    - iv. In the case of President/Vice-President, the two names are listed in tandem.

10. No candidate or their agents shall assist a voter in the use of the online voting system other than providing instructions on how to access the online ballot page. Once the potential voter has received instructions and pulled up the online ballot, candidates shall not be involved any further in the individual's voting process.

### **6.3 COUNTING PROCEDURES.**

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

### **6.4 POST-COUNTING PROCEDURES.**

1. When the total ballots have been counted and the winners known, the Judicial Court shall be immediately presented with 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 Court. 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 Court is unable to certify the election before the announcement deadline, the Judicial Court 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 Court is able to properly certify the results. The Judicial Court shall conduct this process with all due speed.

3. In the event of a tie or the threshold is not met per Article 9.2(a)(1) of the SGA Constitution, a runoff election shall take place.

4. In the event of a tie in the Presidential and Vice Presidential elections, or if the minimum threshold is not met, a runoff election shall be conducted. The runoff will involve the tied parties or, if applicable, the pair with the highest number of votes. The procedures for runoff elections will be determined by regulations outlined in the Elections Code and enforced by the Elections Chair. 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.

## **ARTICLE VII. VIOLATIONS**

**7.1 PURPOSE.** The purpose of this article is to ensure 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.

**7.2 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.

**7.3 SUBORDINATION.** Article VII of this Elections Code shall remain to be subordinate to all items listed in Article 1.3 of this Elections Code.

**7.4 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 Court:

1. All campaign materials shall adhere to Article IV of this Code;
2. All Candidates shall attend the Candidate Meeting unless excused by the Elections Chair. Failure to comply shall result in a strike;
3. Candidates shall not remove, deface, or cover posted campaign materials;
4. Any reservations on campus that occur without the consent of the Elections Chair shall incur a strike;
5. Formal campaigning outside of the designated dates as detailed in the published elections timeline shall incur a strike;
6. 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;
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 strike and/or disqualification;
8. Candidates shall not use Student Government Association or subsidiary organizations servers, listserv, media distribution, or social media accounts for campaigning purposes unless expressly authorized by the Elections Chair;
9. Candidates shall not use the offices affiliated with Student Activities or Student Government Association for petition, campaign, or electioneering purposes;
10. No defacing of University property. Such practices include, but are not limited to, chalk writing on sidewalk, carving, painting, or spray painting during the campaign
11. Students shall not solicit or loiter inside or within thirty (30) feet of the entrance to an active polling location;



12. Students shall not engage in electioneering at an active polling location or while voting;
13. Students shall not vote with a Mountaineer Student ID or login other than their own. This violation shall constitute immediate disqualification in addition to further consequences;
14. Failure of a candidate to comply at the request of the Elections Chair, Attorney General, or Judicial Court shall incur a strike;
15. Failure of a candidate to comply with campaign finance restrictions shall incur a strike; 16. Candidates shall be disqualified or a strike 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 strike per item;
18. Candidates who are found guilty of manipulating the online voting system or students who utilize the online voting system will be immediately disqualified from the election, pending disciplinary action under the student code of conduct.
19. All quid pro quo practices shall be considered as a violation of this Elections Code.

**7.5 PROCEDURES FOR FILING CHARGES.** Any West Virginia University student, faculty, or staff members 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 Article 7.3 of this Elections Code or online via the Elections Violation form, located on the West Virginia University Student Government Association website. The Elections Chair or Elections Committee may also file complaints through a member of the Elections Committee. 1. No complaint shall be considered valid unless it contains the following information in the form of Appendix Four (4):

- a. The name, contact information, and signature of the person filing the complaint;
- b. A written statement of the allegation(s); and
- c. List of any evidence relevant to the allegation.

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 Elections Chair, Elections Committee, and Judicial Court, 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

Chief Justice of the Judicial Court.

4. The Elections Chair and Elections Committee 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.

**7.6 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.

**7.7 HEARINGS, DEPOSITIONS, SANCTION.** All candidates shall be required to make themselves available to respond in person at the request of the Judicial Court, Elections Chair, Elections Committee, or Attorney General during the three (3) to five (5) hour period following the termination of voting. Failure to do so shall result in a violation. Two (2) 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.

**7.8 PENALTIES'**

1. Upon finding that a candidate or candidates has violated any part of this Elections Code, the Elections Committee or Judicial Court may impose upon the candidates(s) one or more of the following penalties on a "three strike" system with formal reprimands made public to the student body:

- a. A warning/notification about the violation
- b. A warning/notification about the violation; with caution that one more violation would result in a referral to the Judicial court.
- c. A referral to the Judicial Court

2. Failure to fix, remove, or otherwise resolve a violation within 24 hours shall constitute another strike unless specified otherwise by the decision of the Elections Committee or the Judicial Court

3. Any efforts to subvert election integrity may be referred directly to the Judicial Court at the discretion of the Elections Chair. This shall include, but is not limited to, improperly soliciting votes or manipulating election results.

4. Penalties imposed by the Judicial Court shall not be greater than the exclusion from any Student Government Association position, appointed or elected, for a period specified by the

Judicial Court. The authority to exclude any student from an election or from holding any position within the Student Government Association shall belong only to the Judicial Court.

5. 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 Elections Committee or Judicial Court may view the act in violation as though the candidate(s) personally committed the act. The mediating body may implicate the guilt to the candidate(s) and shall impose the proper penalty or penalties.

*By the authority of the Student Assembly:*

*November 20, 2024.*