

West Virginia University
The Student Assembly - Student Government Association
Assembly Bill: AB-2024-11-02
**AN ASSEMBLY BILL TO AMEND THE STUDENT GOVERNMENT
ASSOCIATION ELECTIONS CODE**

Short Title: Changes to Election Timeline Requirements and Voting Procedure

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Committee Endorsement: Governing Documents

First Reading Date: 11/13/2024

Second Reading Date: 11/20/24

Date of Approval: 11/20/24

Presidential Signature:



Whereas, according to Article VII, Section II of the Student Government Association (SGA) Constitution, “The West Virginia University Student Government Association shall be bound by the West Virginia University Student Government Association Elections Code, which will provide guidelines, rules, and regulations for the Homecoming and Student Government Association Elections. No amendment, varying

a change in elections procedures to the Election Code, shall take effect, until an election,”; and

Whereas, according to Article V, Section III of the SGA Bylaws, the purpose of the Governing Documents Committee is to, “Critically evaluate the relevance and purpose of this organization’s governing documents”; and,

Whereas, previous candidates provided feedback stating that the informal campaigning period felt “too long” and “drawn out”; and,

Whereas, a total of 857¹ students voted in the 2024-2025 SGA election and nearly 800¹ students voted in the 2023-2024 election, with absentee ballots by request; and,

Whereas, a total of 3,865¹ students voted in the 2022-2023 SGA election when online voting was easily accessible; and,

Whereas, a total of 2,671¹ students voted in 2020 when all voting was online; and,

Whereas, WVU Homecoming Royalty is elected every year via online voting through WVUENGAGE without issue; and,

Whereas, almost all other Big 12 institutions conduct their Student Government elections primarily through online voting and/or do not hold voting during active campaigning days.²

Therefore, be it enacted by the Student Assembly of West Virginia University:

Section 1: The following amendments regarding the elections timetable set forth by the Governing Documents Review Committee shall take immediate effect:

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 is scheduled for the final academic week of the fall semester, while the second will occur in the opening week of the spring semester.~~ **The first meeting must be held in the last month of the fall semester prior to the election, while the second**

¹ All official voting numbers come from the Daily Athenaeum

² See Appendix A

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.

5.6 OFFICIAL CANDIDATES MEETING. At 5:00 p.m. on the 2nd Thursday of the Spring Semester, 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.

5.8 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, ~~and this must be released before absentee ballots are available to request.~~

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.
2. Online voting, also known as online polling, shall be held on two (2) congruent academic days ~~during the last week of campaigning.~~ **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 ~~soliciting votes within thirty (30) feet of a polling location.~~ **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.**

Section 2: The following amendments regarding voting procedure set forth by the Governing Documents Review Committee shall take immediate effect:

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. 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.

7. 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.

8. 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).

9. 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.

10. 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.

11. 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.

3. The procedure for casting a vote shall meet all of the following requirements if it shall take place via an online platform determined by the Elections Chair and the WVU Student Engagement and Leadership Office:

a. An election may only be moved online in its entirety under extreme and extenuating circumstances which would threaten the well-being of students if they are forced to cast their ballots in person. These circumstances include, but are not limited to, global pandemics or other emergencies.

b. Students studying abroad shall receive the WVUENGAGE link to vote one (1) academic day prior to the start of voting.

e. Should 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, subject to this Elections Code.

4. 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.

10. Absentee Voting

a. The Elections Committee shall offer a robust absentee ballot option to ensure that each student's right to exercise their vote is accessible.

b. All students, regardless of circumstance, shall have the option to request an absentee ballot from the first day of the academic week following the Official Candidates Meeting until twenty-four (24) hours before voting is to begin. This option shall be regularly published to official SGA media and to the student body throughout the spring semester upon its availability.

c. Absentee ballots may be submitted from 12:01 a.m. on the first day of the election and shall be returned by 7:00 p.m. on the final day of voting.

d. The procedure for casting an absentee vote shall meet all of the following requirements:

e. A link will be sent to all eligible voters requesting an absentee ballot in a timely manner through their official MIX emails.

f. Should technical issues arise with the absentee voting system before or during active polling, the Elections Chair shall take all reasonable actions to ensure that all valid votes are collected.

Section 3: The following amendments regarding election code violations set forth by the Governing Documents Review Committee shall take immediate effect:

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. Active Formal campaigning before the start date outside of the designated dates as detailed in the published elections timeline shall incur a strike;

Mandates:

G. Corey Farris, Dean of Students
Dr. Thanh Le, Director, Student Engagement and Leadership (Advisor)
University President Gordon E. Gee
Daily Athenaeum
Charlie Long, Student Body President
Abigail Browning, Student Body Vice President
Haley Orcutt, Executive Secretary

Appendix A - Election Code References from Big 12 Schools

University of Kansas:

Section 6. Election Ballot and Process.

1. Election Ballots must be in an electronic form and shall use Rock Chalk Central as the voting platform.
2. The election ballot must include the names of registered candidates, as requested on their Declaration of Candidacy Forms, unless the requested names are vulgar or obscene.
3. The order of candidates' names on the election ballot must be randomized.
4. The official election ballot must be publicly reviewable by 5:00p.m. on the Friday before the election week. Each candidate must verify the accuracy of the ballots no later than 5:00p.m. on the Sunday before the election week.
5. Only the Student Elections Commission and authorized technical assistance personnel can have access to electronic election data before CONSTITUTION OF THE UNIVERSITY OF KANSAS STUDENT SENATE Page 101 the publication of unofficial election results and before the certification of official election results.

Colorado University:

Section 303: Voting

1. CU Student Government Elections shall be conducted through an online voting system that provides:

- a. A ballot that includes the candidate's name as it appears on the petition for candidacy and, if provided, a ticket affiliation.
 - i. The ballot shall be randomly ordered and present the candidates for a particular office.

Iowa State University:

- I. Voting
 - A. Online polling will be the only available forum for voting in student body elections.

University of Houston:

Section 3: Polling Locations and Regulations

Clause 1. Voting will take place online through an online voting system.

Clause 2. The Election Commission shall host an in person voting option on the University of Houston main campus.

Section 4: Ballots

Clause 1. All ballots will be cast online through the online voting system.

Texas Tech:

Sec. 7.25 Voting shall begin online at 9:00 a.m. on the first day of elections and end at 7:00 p.m. on the second day of elections.