

Student Government Association



Election Bylaws

Elections Bylaws

The Student Government Association (SGA) of Appalachian State University (ASU) is responsible for providing supervision and administration of the Presidential and Vice Presidential Elections, Student Senate Elections, and Homecoming King and Queen Elections. The following Bylaws provide specific policies, rules, and procedures related to these elections. Additional policies not contained in these Bylaws can be established in accordance with these Bylaws, the Constitution, and the Bylaws of the Student Senate.

Section I: The Presidential and Vice Presidential General Election

1.1 The Presidential and Vice Presidential Election shall be supervised by two separate committees: the SGA Elections Board (Elections Board) shall be responsible for the general supervision and administration of these elections as further outlined below. The SGA Elections Judicial Board (Judicial Board) shall be responsible for adjudicating and resolving questions related to alleged violations of elections policies, actions of individuals, interpretation of policies, and other related matters in accordance with these Bylaws.

1.2 The day-to-day supervision of the elections is the responsibility of The Director of Elections and the Elections Board, a committee consisting of up to nine undergraduate students who are nominated by the Vice President and approved by a majority of the SGA Student Senate (Senate). Membership on the Elections Board will be open to all undergraduate students, and an open application process will be followed. The nominees for the board must be presented to the Student Senate for approval prior to the declaration date of candidates to run for President and Vice President.

1.3 The Director of Elections will serve as the chairperson of the Elections Board. This person must be a full-time undergraduate student with a minimum cumulative GPA of 2.25. The Elections Board will be sworn in before the Senate by the Director of Elections, following their confirmation by senate. Members of this board must not express any opinions concerning the candidates prior to or during the election.

1.4 Any alleged campaign violations and/or issues of conflict(s) between tickets shall be reviewed by the Judicial Board. The Judicial Board is responsible for reviewing complaints, concerns, and accusations of violations of the Presidential and Vice Presidential elections by candidates or members of their staff and interpretation of rules as outlined in these Bylaws. The Judicial Board is responsible for reviewing the facts of the case, allowing individuals to present information on their behalf, asking relevant questions regarding the case, determining responsibility or lack thereof for the alleged violations, making a decision on an appropriate

sanction should a candidate or a member of their staff be found responsible, and forwarding a recommendation to the Director of the CSIL and the Director of Elections.

1.5 The Judicial Board shall be composed of five undergraduate students including the chairperson. The Judicial Board shall be appointed by the Vice President with the majority approval of the Senate. All members of the Board must be undergraduate students with a cumulative GPA of at least 2.50. The chair is to be approved concurrent with, or prior to, approval of the Judicial Board by a majority vote of the Senate. The chair of this board will be sworn in by the Director of the CSIL, and the board will be sworn in before the Senate by the Judicial Board Chair.

1.6 The Judicial Board may establish policies and procedures governing the operations of the board which are consistent with the policies and procedures of Appalachian State University and which are subject to review by the Senate.

1.7 Homecoming elections will be overseen by the SGA Director of Elections with advisement from the Chief of Staff.

1.8 Senatorial elections shall be overseen by the Director of Elections with advisement of the Chief of Staff and the Chairman of the Rules Committee.

1.9 Every other fall semester, or sooner if decided by a majority vote of the Senate, the Vice President shall form a SGA Elections Bylaws Review Committee (Review Committee) to review the various elections processes at Appalachian and recommend any necessary changes; the Rules Chair may chair this Board or the Vice President may appoint another person.

1.10 The Review Committee Chair shall be appointed by the Vice President; if the Review Committee Chair is different than the Rules Chair, the appointment is subject to approval by the Senate.

Section II: Duties of the SGA Director of Elections During Election Season

2.1 Keep records of all elections data on file for a period of time determined at his or her discretion but not less than one month following the conclusion of any election.

2.2 Oversee all administrative aspects of the Presidential and Vice Presidential Election.

2.3 Carry out official correspondence with all candidates.

2.4 Accumulate all materials necessary to carry out an efficient election.

2.5 Plan mandatory meetings for the Presidential and Vice Presidential candidates, including the “Policies and Procedures” meeting that all tickets and staff, up to six not including the candidates, must attend.

2.6 Swear in the members of the Elections Board.

2.7 Plan and organize at least one debate to be held in the first week of Regular Campaigning, and along with input from the Elections Board, will develop the guidelines for any debate including, but not limited to, a student panel approved by the candidates who will ask questions at the debate.

2.8 Oversee the tallying of the votes in all SGA elections.

2.9 Number any ballots before distribution in the event a paper ballot process is followed.

2.10 Hold the authority to delegate any of these administrative tasks to the Elections Board as he or she sees fit.

Section III: Duties of the SGA Elections Board

3.1 Attend a mandatory meeting of all candidates, to take place within three days after nominations are closed, which will be held in order to go over these Bylaws.

3.2 Ensure that all candidates meet the qualifications of their prospective offices as prescribed by the SGA Constitution.

3.3 Certify, for the individual tickets, any materials requiring approval.

3.4 Investigate all alleged violations of these Bylaws.

3.5 The Elections Board members must convene as a whole to determine the validity of an alleged violation before referring it to the Judicial Board

3.6 Bring charges against anyone alleged to have violated any of these Election Bylaws in accordance with Judicial Board guidelines and applicable Appalachian State University Student Code of Conduct guidelines.

3.7 Assist the SGA Advisor in training the Judicial Board.

3.8 Members failing to adhere to these Bylaws are subject to removal at the discretion of the Director of Elections.

Section IV: Duties of the SGA Judicial Board Chairman

- 4.1** Chair meetings of the Judicial Board.
 - 4.2** Appoint a Vice Chair for the Board.
 - 4.3** Submit written reports or summaries of judicial proceedings of the board to the Director of the CSIL, all involved parties, the Director of Elections, and file a copy in a Judicial Board notebook for future review.
 - 4.4** Assist the SGA Advisor in training and orientation of Board members.
 - 4.5** Ensure that the policies and procedures of the Board are followed in accord with these Bylaws.
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Section V: Duties of the SGA Judicial Board

- 5.1** Recommend to the Director of Elections policies governing the investigation and adjudication of elections complaints.
 - 5.2** Conduct inquiries or hearings as regards alleged violations of elections procedures and policies.
 - 5.3** Arbitrate questions or interpretations of policies as requested by the Elections Board and/or a candidate/ticket.
 - 5.4** Review all complaints, concerns, and accusations of violations of the Presidential and Vice Presidential elections by candidates, members of their staffs, and any other concerned parties.
 - 5.5** Review the facts of the case: allow individuals to present information on their behalf and ask relevant questions regarding the case; and, finally, determine responsibility or lack thereof.
 - 5.6** Make a recommendation to the Director of the CSIL of the Board's findings and recommended action regarding an alleged violation or question of policy.
 - 5.7** Members of this Board must strive to be impartial at all times and may not express any opinions concerning the candidates prior to or during the election period.
 - 5.8** Members failing to adhere to these Bylaws are subject to removal at the discretion of the Judicial Board Chairman.
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Section VI: Duties of the SGA Elections Bylaws Review Committee Chair

6.1 Chair the Review Committee.

6.2 Assign tasks outside of meetings to Review Committee members, lead meetings, and organize the research and direction of the Review Committee.

6.3 Lead the efforts of adopting any Bylaws revisions that the Board deems necessary.

6.4 Report all research and progress to the Director of Elections, Rules Committee, the Senate, and the Director of the CSIL.

6.5 Present to the Senate for approval any proposed changes of these Bylaws.

Section VII: Duties of the SGA Election Review Board

7.1 Review all elections of the previous two years.

7.2 Interview and take suggestions from anyone involved with past elections or Bylaw revisions, including the Director of Elections, SGA Advisor, sitting President and Vice President, Chairman of the Judicial Board, and any staff from previous campaign tickets that are available.

7.3 Suggest bylaw changes to the SGA Student Senate.

Section VIII: Campaign Rules

8.1 Candidates and their staff may not use campaigning which is or can be construed as slander, libel or statements with malicious intent.

8.2 Upon nomination, all candidates must sign a statement adhering to these Bylaws. If not signed, their nomination will be declared invalid by the Elections Board. This statement is to be turned in along with the nomination form no more than two days following the nomination.

8.3 All campaign staff must sign a statement adhering to these Bylaws. Each staff member's statement must also be signed by a member of the respective ticket and a member of the Elections Board. Tickets are responsible for filing statements of all current staff members with the Elections Board. All campaign staff, up to six not including the candidates, must attend the mandatory "Policies and Procedures" meeting once established by the Director of Elections, per Section 2.5 of these bylaws.

8.4 Door-to-door campaigning will not be allowed in the residence halls unless in compliance with Housing and Residence Life regulations: approval by the residence director and the resident

assistant(s) of the floor on which the campaigning will occur. Forums must be approved by the Residence Hall Association (RHA) Hall Council President if the forum is to take place at an Hall Council meeting.

8.5 Door-to-door campaigning will be allowed off-campus as long as it complies with the rules and policies of that particular complex.

8.6 Candidates may hold forums with any student organization provided it is approved by that organization.

8.7 There shall be no limit on the number or size of posters anywhere except where existing university policies or state law addresses such; however, candidates and their staff should use discretion in placement of flyers and/or posters.

8.8 All campaign material must be approved by the Elections Board before being publicly displayed.

8.9 After campaign material has been placed, it may not be removed by anyone other than the candidates, campaign managers, campaign staff, or the Elections Board while voting is in progress. University employees acting in accordance with their duties and in enforcement of university policy may remove materials as well.

8.10 There will be no limit on the number of campaign displays anywhere except in the Student Union where a campaign may have one display case and one staffed table.

8.11 There are no restrictions on any candidate or staff painting the tunnels under Rivers Street unless otherwise established by the Elections Board.

8.12 Candidates and their staff may use e-mail, as defined in Section 15.4, as well as conventional paper mail, telephone calls, and text messaging at their discretion, while maintaining compliance with applicable University Policies and Procedures.

8.13 Online social network groups, campaign websites, and blogs may not be publicly posted until Regular Campaigning period commences. However, private groups may be created for each ticket. Private groups must reflect staff lists on file with the Elections Board. All social media groups must include the Director of Elections and any members of the Elections Board assigned to oversee the ticket with which the group is affiliated.

8.14 All candidates and their staff must adhere to the Election Bylaws, Election Policies and Procedures, SGA Constitution, Student Bill of Rights, Student Code of Conduct, and all applicable institutional policies during the election period.

8.15 Additional policies and procedures approved by the Student Senate for the purpose of managing the elections process may be develop in addition to these Bylaws and must be adhered

to by all candidates and staff. All additional policies will be provided to candidates prior to the start of any campaign period.

8.16 All posters and other campaign materials must be removed within forty-eight hours after the closing of the election. It is the responsibility of all candidates to see that their materials are removed.

8.17 Should polling centers be used, no candidates or campaign staff members are allowed within fifty feet of any on-campus poll at any time while the poll is open except the following: 1) When a candidate is casting his or her vote. 2) When a candidate is at their assigned contact table, and any other incidental traffic flow. 3) The candidate is removing campaign materials at the direction of the Elections Board. Furthermore, neither verbal campaigning nor campaign materials shall be allowed within fifty feet of the polling centers while polls are open, with the above exemptions.

8.18 All Presidential and Vice Presidential candidates must attend all election meetings including an election forum to be held within three school days after the nominations are closed.

8.19 It is the duty of the Senate to set the election dates each year for the period of declaration, the period of non-campaigning (Limited Campaign Period), the period of Regular Campaigning, the period of voting, and, if necessary, the period for a run-off election.

8.20 Limited Campaigning, as defined in Section 15.5, shall not begin until the period of declaration ends. Regular Campaigning, as defined in Section 15.2, shall not begin until the period of Limited Campaigning ends.

Section IX: Expenditures Related to Presidential and Vice Presidential Campaigning

9.1 The following are the maximum amounts candidates may spend on their campaign: Presidential and Vice Presidential Elections: \$750.00 per ticket, Senate Elections: \$25.00, Runoff for Presidential and Vice Presidential Elections: \$150.00, Runoff for Senate Elections: \$10.00.

9.2 Any type of material donation to the campaign by any person or organization will be considered an expenditure.

9.3 The Elections Board will set a specific price for commonly used items. These prices will be distributed at the first election forum.

9.4 If a candidate or campaign staff member wants to use material(s) for which prices have not been provided, they must submit a receipt of sale to their Elections Board Member.

9.5 Every donation must be accompanied by a receipt signed by the donor and the candidate. The Elections Board reserves the right to establish a fair market value on all donated or purchased items if it believes that the receipt presented is not an accurate or truthful statement of cost.

9.6 In case of a runoff, any funds left over from the first elections may be used in the runoff in conjunction with the \$150.00 runoff budget.

Section X: Voting for Senate Seats

10.1 Per article VIII, Section 2, Subsection B of the ASU SGA Constitution, Senate elections will take place concurrently with the Student Body President and Vice President elections during the spring semester.

10.2 Candidates for President and Vice President may run concurrently in Senatorial Elections. However, if the individual wins both elections, they are required to resign the senate seat within five (5) school days of the election result certification.

10.3 Elections for freshman and University College senators, as well as any other seats left vacant by the first day of the class of the fall semester, will take place within twenty (20) school days of the first day of class of the fall semester.

10.4 When possible, voting shall be conducted electronically via AppalNet.

10.5 In the event that electronic voting is not possible, voting for off-campus Senate elections will take place in the Student Union on two consecutive days; on-campus voting will take place in each residence hall lobby on the same two days.

10.6 Vote counting shall be supervised by The Director of Elections in consultation with the SGA Advisor and the Chairman of the Committee on Rules.

10.7 If applicable, all votes shall be counted in a location designated by the Director of Elections and the Director of CSIL on the night of the final closing of the polls.

10.8 The only people allowed in the counting room during the vote counting will be the Director of Elections, and designees appointed by him or her. Also, one representative each from WASU, The Appalachian, and other media outlets that have submitted credentials to the Director of Elections at least forty-eight hours in advance.

10.9 Vote counts must be verified by the Director of Elections.

10.10 If applicable, no ballot boxes shall be opened until all ballot boxes are returned to the designated location for vote tabulation on that Election Day.

10.11 The Director of Elections shall notify winners as soon as the results are final.

Section XI: Voting for Presidential and Vice Presidential Election

11.1 The vote counting shall be supervised by the Director of Elections.

11.2 All votes shall be counted in a location designated by the Director of Elections on the night of the final closing of the polls.

11.3 The only people allowed in the counting room during the vote counting will be the Director of Elections and members of the Elections Board he or she deems necessary, the Judicial Board Chair and its member, two representatives from each campaign staff, excluding the nominees, and the SGA Advisor. Also, one representative each from WASU, The Appalachian, and other media outlets that have submitted credentials to the Director of Elections at least forty-eight hours in advance.

11.4 All vote counts must be verified by the Director of Elections.

11.5 The Director of Elections will notify winners of Presidential and Vice Presidential elections as soon as the results are final.

Section XII: Declaration of Winners

12.1 In an election in which there is only one winner, the winner must receive a majority of all valid votes cast.

12.2 A person running for a Senate seat must receive a minimum of twenty-five votes before he or she can be declared an elected senator.

12.3 Results are not final for at least twenty-four hours.

Section XIII: Violations and Sanctions

13.1 Actions or misconduct in breach of these Bylaws, other related elections policies or rules, and/or applicable University policies either by candidates or their campaign staff will result in sanctions deemed appropriate by the Judicial Board.

13.2 Violations shall fall into two categories: minor and major. A minor violation includes, but is not limited to: failure to meet deadlines set by elections committee, campaigning by a poll worker, door-to-door campaigning, campaigning within fifty feet of a poll, or third party violations. A major violation includes, but is not limited to: slander, libel, malicious campaigning, falsification of receipts, vandalism of other ticket's campaign documents, or failure

to comply with the direction of the Elections Board. Two minor violations shall constitute a major violation.

13.3 Sanctions forwarded by the Judicial Board may include, but are not limited to: reprimands, restitution, campaign restrictions or disqualification. Punishments for minor violations may include, but are not limited to: verbal reprimands, written reprimands, twenty-four hour suspensions of campaigning, and/or disqualification from the election. Punishments for major violations may include, but are not limited to: suspension of campaigning for the rest of the election, written reprimands, forty-eight hour suspensions of campaigning, and/or disqualification from the election.

13.4 A deliberate and/or persistent pattern of violation may result in disqualification.

Section XIV: Duties of the Poll Workers

14.1 Section XIV shall apply in the event that paper ballots are to be utilized.

14.2 No candidates may work the poll.

14.3 During Presidential and Vice Presidential elections, there shall be one representative from each campaign to work each poll.

14.4 Sign an oath of honor.

14.5 Enforce a “no loitering” policy within fifty feet of the election poll by persons exhibiting campaign materials or expressing opinions that may influence a student’s vote.

14.6 Remove all campaign materials within fifty feet of the election polls.

14.7 Present ASU I.D.

14.8 Confirm that the voter is voting at the correct poll by checking the voter’s name on the roster and marking through it to ensure that no one votes twice.

14.9 Initial the ballot and hand it to the voter. After voting, the voter then will place the ballot in the ballot box.

14.10 Refrain from expressing opinions that might influence the voters.

14.11 Explain to voters that any improperly marked ballots will not be counted.

Section XV: Definitions

15.1 Campaign Material: Electronic and physical material used to promote nominees and otherwise garner votes for an election.

15.2 Regular Campaign Period: The pre-designated period of time during which candidates and/or their staff may promote or otherwise garner votes for their ticket.

15.3 Campaign Staff: Individuals promoting a ticket in an official capacity, as observed by the Elections Board and in accordance with section 8.3

15.4 E-mail: Any message sent via the Internet.

15.5 Limited Campaign Period: The pre-designated period of time during which candidates and/or their staff may hold discussions with students or student organizations for the purpose of gathering student feedback. Candidates and their staff may present their credentials but are prohibited from displaying campaign materials, including platform goals or directly soliciting votes.

15.6 Ticket: Candidates for President and Vice President who run as a team

15.7 Additional definitions can be found in the Policies and Procedures and carry the same validity.

Section XVI – Amendment Procedures

16.1 The Student Government Elections Bylaws may be amended by a simple majority vote of the Student Senate.

16.2 These Bylaws are effective upon passage, and all previous Bylaws are hereby declared null and void.

16.2.1 Any copies of these Bylaws that do not list the date of ratification below should be disposed of.

(As passed by the ASU Student Senate, Spring 1992)

(Amended by the ASU Student Senate, Spring 1996)

(Amended by the ASU Student Senate, Spring 1997)

(Updated to bring into compliance with voting changes, 2002)

(Amended by the ASU Student Senate, Spring 2005)

(Amended by the ASU Student Senate, Spring 2010)

(Amended by the ASU Student Senate, Fall 2011)

(Amended by the ASU Student Senate, Spring 2012)

(Updated and Amended by the ASU Student Senate, Spring 2014)