



Student Government Association Electoral Act

PURPOSE

The purpose of this act is to establish clear, proper, and equitable procedures for conducting university wide student government elections and votes.

Article I

Provisions

All provisions of this Electoral Act shall be in accordance with the Constitution and By-Laws of the Student Government Association (SGA), and no provision of this Electoral Act is intended to, or shall be construed to deny any student equal opportunity under the law.

Article II

Composition

Section 1.

The composition of the Internal Affairs Committee shall be consistent with the SGA By-Laws.

Section 2.

Any election/voting procedures and practices that are not addressed in this Electoral Act shall be determined by the Student Government Association Senate, with approval from the Student Government Association Tribunal and within the limits clearly provided under Article I of this Electoral Act. Both Senate and Tribunal must agree upon proposed changes made by either body of the Student Government Association in order to amend the Electoral Act.

Section 3.

No member of the Internal Affairs Committee shall be a candidate for any SGA executive office. Members may be candidates for the Senate however said members shall declare their candidacy to the Chair of the Internal Affairs Committee. No member of the committee may campaign in any way for any candidate. No member of the Internal Affairs Committee may make any donation, monetary or otherwise, to any other student's or any other party's campaign.

Section 4.

If a member of the Internal Affairs Committee intends to seek an executive office in the SGA, then that member shall be required to resign from the Internal Affairs Committee. The member's resignation shall be permanent and shall be made fourteen (14) calendar days prior to the beginning of the first day of said elections.

Section 5.

In the event that a member of the Internal Affairs Committee is running for an executive office, then reappointments from the Senate or Tribunal shall be made by the head of that Body. The nominee shall only serve after receiving a two-thirds (2/3) approval from the Body in which they hold office.

Article III
Advertisement of Elections

Section 1.

The date of any campus-wide election shall be advertised via social media, in print format, and via the SGA website. All advertising shall begin at least twenty-eight (28) calendar days prior to the date of the election; with the exception of Fall Senate Elections, which must be advertised at least fourteen (14) days prior to the date of the election. Any other pertinent information concerning elections and/or voting shall be publicized in the same manner.

Section 2.

The Internal Affairs Committee, along with the Executive Committee, shall establish guidelines concerning violations of this Electoral Act. These guidelines shall be made public through the SGA website. The Internal Affairs Committee, along with the Executive Committee, reserves the right to update the rules each Election year.

Article IV

Applications

Section 1.

The SGA Executive Committee shall produce applications and make them available to prospective candidates at least 28 days prior to the first day of elections; with the exception of Fall Senate Elections which must be made available at least fourteen (14) days prior to the first day of elections.

Section 2.

By submitting a signed application for any SGA position, the candidate is granting permission for the staff in the Office of Student Affairs to check their academic and discipline records to establish eligibility.

Section 3.

Senators will apply for candidacy to represent a specific segment of constituents on campus.

These constituents are apportioned as follows:

- Each college shall have two (2) representatives.
- Each classification shall have three (3) representatives.
- Freshmen and the College of Graduate Studies representatives shall be elected in the fall semesters. Every other representative shall be elected in the spring semester.

Article V

Candidate Campaigning

Section 1.

Word-of-Mouth campaigning shall be permissible at any time. Print campaigning may begin twelve (12) hours after the conclusion of the final mandatory Candidate Orientation Meeting. At no point during any form of campaigning should a candidate utilize any gifts in their campaigns to win votes. The Chair of the Internal Affairs Committee will note the time of the meeting's ending thereby establishing the date and time that print campaigning may begin. This will be announced through the SGA website.

Section 2.

Gifts shall be defined as any food or object given to an individual attempting to gain their vote. This includes anything from passing out candy to students to larger gifts at organizational meetings. This does not include such campaign items as buttons, stickers, etc.

Section 3.

Malevolent interference with another candidate's campaign, either verbally or in writing, is strictly prohibited. Interfering may include, but is not limited to: any inference/suggestion that represents another candidate in a negative manner; representing information in campaign materials known to be or suspected as false; and, defacing and/or damaging campaign materials. A candidate's campaigning should only promote and not demean.

Section 4.

A candidate is responsible for making sure their supporters adhere to the guidelines set forth herein. If a violation is made by a supporter during the election period, the candidate may be held responsible for those actions, as if they have committed the violation, in accordance with this Electoral Act.

Section 5.

All campaign signs on campus shall conform to the following guidelines:

- A. Three (3) banner signs, any size, may be placed on campus. A banner is defined as any material that together forms a sign that is more than 2 by 3 feet.
- B. There shall be no limit on the number of 8 ½ by 11 inches or smaller signs that may be placed on campus.
- C. All signs should be in accordance with the APSU policy/guideline 3:001 and any other applicable policies and/or guidelines.
- D. All signs must be in accordance with the policies/guidelines/procedures of the particular APSU building/area in which it is located.

Section 6.

Any campaigning or campaign literature distribution in any APSU computer lab is strictly prohibited. The Woodward Library is considered a computer lab; however, posting is allowed on the bulletin board located near the entrance/exit of the library.

Section 7.

The print provisions of this Electoral Act extend to internet communication, including but not limited social networking sites (Facebook, Myspace, Twitter, etc.), electronic mail, and announcements.

Section 8.

Once the SGA election begins, it shall be strictly prohibited for any candidate to actively campaign within 50 feet of any polling location. No candidate shall provide, or allow any other person to provide laptops or any other voting device to potential voters during the elections.

Article VI

Appearance before Internal Affairs

Section 1.

Any violation of this Electoral Act will result in a mandatory appearance before the Internal Affairs Committee. The Chair shall immediately notify the candidate by phone or the email listed on the candidate application form that a complaint has been filed against them. Once the candidate is notified, they must respond via email or phone call that they are aware of the complaint within twenty-four (24) hours. The Internal Affairs Committee shall convene and meet with the candidate within twenty-hours of the candidate's acknowledgement that a complaint has been filed. Any candidate that fails to appear before the Internal Affairs Committee when called upon shall not have the right to physically plead their case. The Internal Affairs Committee shall notify the candidate of their decision immediately after the proceedings.

Section 2.

When the Internal Affairs Committee convenes to hear an election violation brought before it, all candidates/parties involved are eligible to be present. The party bringing the forth the alleged violation shall be allowed to present their evidence to the Committee. The defending party shall then have the opportunity to dispute the allegations and present their side of the case before the Committee. Outside legal counsel or advocates are not permitted in these proceedings.

Article VII

Appeals

Section 1.

A candidate may appeal the decision of the Internal Affairs Committee to the Student Tribunal in writing within three days of the Committee's decision. The appeal hearing shall prescribe to the same guidelines as the initial Internal Affairs Committee meeting. The Student Tribunal shall notify the candidate of their decision immediately following the appeal proceedings. The candidate shall address one or more of the following as grounds for appeal.

- A. Were the procedures of the SGA Constitution, By-Laws and/or Electoral Act followed?
- B. Was the evidence presented to the Internal Affairs Committee "substantial"?
- C. Was the sanction imposed in keeping with the gravity of the violation?

Section 2.

The Vice President for Student Affairs, or designee, shall have the authority to do any of the following upon review of an appeal:

- A. Sustain the previous decision including the penalty imposed, or
- B. Sustain the previous decision but impose a greater or lesser penalty, or
- C. Remand the case for further consideration, or
- D. Reverse the previous decision.

Article VIII

Voting Procedures

Section 1.

Only students who have paid the SGA fee are eligible to vote.

Section 2.

All votes shall be cast by secret ballot or electronically online through the APSU Website. Exceptions may be granted in rare circumstances with advance approval of the Associate Vice President for Student Affairs.

Section 3.

The candidates for each office or position shall be listed under the heading indicating the office or position for which they are candidates. Ballot position shall be determined by alphabetical order by last name. The SGA Executive Committee shall determine the form of the ballots.

Section 4.

Write-in votes shall be allowed, as long as the vote is for a student enrolled at Austin Peay State University who has paid the SGA fee. Any ballots so marked shall be counted. Write-in candidates shall be subject to the same rules and regulations governing official candidates.

Section 5.

Any student who votes more than once shall have all votes disqualified.

Article IX

Ratification of Votes

Section 1.

The Associate Vice President for Student Affairs or designee shall be responsible for verifying all votes cast. All votes shall be counted as soon as possible within twenty-four (24) hours of the expired designation time of voting. Quorum must be met in order for the Internal Affairs Committee to conduct official business (i.e. ratify votes, issue sanctions). The announcement of SGA election results shall be open to the public. The Internal Affairs Committee certifies the final results for all elections and votes.

Section 2.

The Internal Affairs Committee or the Student Tribunal may order a recount within twenty-four (24) hours of certification.

Section 3.

The candidate for President, Vice President, and Executive Secretary who receive a plurality of votes cast shall be elected. If no candidate receives a plurality of the eligible votes cast, there shall be a runoff.

A run-off, if necessary, shall be completed within 10 days and no write-in votes shall be allowed. If the Internal Affairs Committee deems extenuating circumstances exist, the run-off election may be postponed for up to seven additional days.

Section 4.

Should any candidate be disqualified from an election, voters shall be informed that the individual is no longer a candidate for the position through the online SGA election site.

Article X

Contesting Election Results and Appealing Sanctions

Section 1.

Any candidate may contest election results by alleging violation of any provisions of this Electoral Act to the Internal Affairs Committee up to 24 hours after the closing of the poles. The candidate may contest the election results by addressing, in writing, the specific provision(s) of the Electoral Act violated. The Internal Affairs Committee shall convene within two regular class days upon receipt of the written contest to determine what action shall be taken to ensure an orderly and fair process.

Section 2.

The alternatives for action available to the Internal Affairs Committee are

- A. Declare election results for an individual position invalid.
- B. Declare results of all elections invalid.
- C. Order a new election for either a specific office or all offices.
- D. Declare that a candidate is disqualified.
- E. Declare candidate elected.
- F. Declare that no violation is found therefore the results of the election stand.
- G. Conduct a recount.
- H. Asses a monetary fine, based upon violations. The monetary fine can range from \$10-\$100 per violation.

Section 3.

If a candidate, who has alleged any election procedure violations, is not satisfied with the decision of the Internal Affairs Committee pursuant to either Section 1 or Section 2 of this Article they may appeal to the Student Tribunal to contest the decision up to 24 hours after the decision of the Internal Affairs Committee. The candidate may contest the election results by addressing, in writing, the specific provision(s) of the Electoral Act violated. The Student Tribunal shall convene within two regular class days upon receipt of the written contest to determine what action shall be taken to ensure an orderly and fair process.

Section 4.

The candidate shall address one or more of the following as grounds for appeal.

- A. Were the procedures of the SGA Constitution, By-Laws, and/or Electoral Act followed?
- B. Was the evidence presented to the Election Board “substantial”?
- C. Was the sanction imposed in keeping with the gravity of the violation?

Section 5.

The Student Tribunal shall have the authority to do any of the following upon review of an appeal:

- A. Sustain the previous decision including the penalty imposed, or
- B. Sustain the previous decision but impose a greater or lesser penalty, or
- C. Remand the case for further consideration, or
- D. Reverse the previous decision.

Article XI Referendums

Section 1.

The SGA may have a referendum placed on the ballot by passing legislation in the Senate with a 2/3 vote at a regular meeting.

Section 2.

The Internal Affairs Committee shall make all referenda public at least 14 calendar days prior to the election through the SGA website and *The All State*.

Section 3.

For referenda, eligible voters shall cast ballots either “for” or “against,” or “yes” or “no” to the issue in question, and “for” shall be listed before “against” and “yes” shall be listed before “no”.

Article XII

Section 1.

Any issue not specifically covered in these procedures will be taken to the Internal Affairs Committee for review and resolution.

Updated May 2, 2017