

AN ACT TO CREATE AN SGA ELECTIONS COMMISSION AND CLARIFY THE JUDICIAL AUTHORITY OF THE SUPREME COURT

Short Title: Creating an Elections Commission

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First Reading:

Second Reading:

WHEREAS, the SGA Constitution empowers “[t]he Student Government Association [to] enact Bylaws to implement the provisions of this Constitution,” and that “[e]ach Branch and Arm shall have the power to enact and amend Bylaws pertaining to their Branch and Arm, subject to a majority vote of the Student Senate, present and voting” (SGA Constitution Preamble Section IV);

WHEREAS, the SGA Constitution and Bylaws shall be interpreted and applied in accordance with the principles of fairness, justice, and democratic governance.” (SGA By Law 2.5.9);

WHEREAS, “Proposed amendments to the SGA Bylaws must be submitted in writing to the Executive Board, which shall prepare a recommendation concerning the amendments for consideration by the Student Senate,” and “[t]he Executive Board shall submit its recommendation to the Student Senate, along with a written or digital copy of the original proposal [to] serve as a first reading” (SGA By-Law 10.1.1);

WHEREAS “The Senate may adopt the amendment by two-thirds (2/3) vote at a meeting following the first reading by at least five (5) days” (SGA By-Law 10.1.2);

WHEREAS SGA By-Law 10.1.3 mandates that the amendment shall become effective ten (10) calendar days after Senate passage,

NOW, THEREFORE BE IT RESOLVED, pursuant to said articles and provisions of the SGA Constitution and By-Laws, Hagan O'Daniel Deputy Speaker of the Student Senate now submits the following amendments to the SGA By-Laws for consideration by the Student

Senate:

BE IT RESOLVED that SGA By-Law 1.6.3 is amended to read “If the office of the SGA President becomes vacant, a special election shall be held under the coordination and supervision of the SGA Elections Commission.”

BE IT RESOLVED that SGA By-Law 1.6.3 a is amended to read “The Elections Commission shall have the responsibility of overseeing the election.”

BE IT RESOLVED that SGA By-Law 1.6.3 e is created to read “The Supreme Court shall certify the election results and shall hear and adjudicate all election-related disputes in accordance with the SGA Constitution, Bylaws, and applicable election rules.”

BE IT RESOLVED that SGA By-Law 4.1.1 a. is amended to read “Attending all meetings of the Student Senate. At each Senate meeting, the Supreme Court shall submit a report of all cases adjudicated by the Court since the last Student Senate meeting attended.”

BE IT RESOLVED that SGA By-Law 4.6.1 is amended to read “The maximum amount of financial remuneration for the Chief Justice and Associate Justices of the Supreme Court, and members of the Elections Commission, shall be set by the Student Senate.”

BE IT RESOLVED that SGA By-Law 4.7.3 is amended to read “The Chief Justice shall also be responsible for maintaining an online file detailing the duties of the Chief Justice and Associate Justices and any relevant SGA actions, as well as information that may be useful to new Justices.”

BE IT RESOLVED that SGA By-Law 8.1.1 is amended to read “The Elections Commission of the SGA shall oversee and manage the general SGA elections. The Elections Commission shall also draft the election timeline as outlined in these Bylaws. The election timeline shall include all relevant dates as outlined in this document, including, but not limited to, filing deadlines, interest meetings, forums, and all other election-related dates. The Student Senate shall review, make any necessary changes to, and approve the timeline. No changes to the rules outlined in these Bylaws may be made without Senate approval.

BE IT RESOLVED that SGA By-Law 8.1.2 a. is amended to read “Certify the qualifications of all candidates.”

BE IT RESOLVED that SGA By-Law 8.1.2 b. is amended to read “Maintain public records within the Student Affairs Office of all election information, rules, violations, and appeals for a period of not less than seven (7) years.”

BE IT RESOLVED that SGA By-Law 8.1.2 c. is amended to read “Adjudicate all challenges, contests, appeals, and accusations of election violations brought under the Constitution, Bylaws, or applicable election rules in these bylaws.”

BE IT RESOLVED that SGA By-Law 8.1.2 d. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.1.2 e. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.1.2 f. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.1.2 g. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.1.2 h. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.1.2 I. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.1.2 j. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.1.2 k. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.1.2 l. is hereby STRUCK

BE IT RESOLVED that SGA By-Law 8.2.1 is amended to read " The time or times of the SGA General Election shall be set by the SGA Elections Commission in the SGA election timeline and confirmed by the Student Senate before the beginning of the Spring Semester, in accordance with the following guidelines:"

BE IT RESOLVED that SGA By-Law 8.4.1 is amended to read “The SGA President and Vice Presidents shall be elected by a plurality vote of at least forty percent (40%) for the respective office in the Spring General Election of the SGA on a day or days confirmed by the Student Senate. If a candidate fails to receive the sufficient percentage of votes, there shall be a runoff election in a time, date, and manner set by the Elections Commission for that office between the two (2) candidates receiving the most votes.”

BE IT RESOLVED that SGA By-Law 8.6.1 is amended to read " The Elections Commission may hold a series of interest meetings to explain election procedures for potential candidates."

BE IT ADVISED that SGA By-Law 8.7.3 is amended to read “Withdrawal of Candidacy: To withdraw from the SGA General Election, a candidate must contact, by electronic email, the Supervisor of Elections prior to the deadline outlined in the bylaws.”

BE IT RESOLVED that SGA By-Law 8.9.3 is amended to read “The candidacy papers must be received in the Student Life Office, or such other office or offices designated by the Elections Commission, before the end of the business day on the due date.”

BE IT RESOLVED that SGA By-Law 8.10.7 a. is amended to read " Time Restrictions: Campaigning is prohibited prior to the timeline set for the commencement thereof in the SGA Bylaws and election timeline as approved by the Senate. Campaigning and intent for endorsement shall not begin until immediately after all candidates are confirmed by the Elections Commission through email to candidates."

BE IT RESOLVED that SGA By-Law 8.15.1 is amended to read "The Elections Commission shall be responsible for holding at least one (1) official debate which involves all Executive Officer candidates. The time and place of this debate shall be set in the SGA election timeline and approved by the Student Senate. This debate shall be moderated by the Supervisor of Elections or their designee. Candidates may answer or decline to answer questions at their discretion."

BE IT RESOLVED that SGA By-Law 8.15.2 a. is amended to read “Questions shall be supplied by the student body and shall be given to candidates by the Supervisor of Elections or their designee.”

BE IT RESOLVED that SGA By-Law 8.15.6 is amended to read “All debates must be moderated by the Supervisor of Elections or their designee.”

BE IT RESOLVED that SGA By-Law 8.17.5 c. is amended to read " The Supervisor of Elections" shall determine the order in which each candidate appears on the ballot by lot."

BE IT RESOLVED that SGA By-Law 8.17.5 d is amended to read "The ballot shall display each candidate's name in the form on file with the University Office of the Registrar. A different name may be used if approved by the Supervisor of Elections."

BE IT RESOLVED that SGA By-Law 8.18.1 is amended to read “Any candidate or their representative may contest the validity of the unofficial results by filing a petition no later than the deadline outlined in the election timeline following the Elections Commission’s disclosure of the unofficial results.”

BE IT RESOLVED that SGA By-Law 8.21.2 is amended to read " Candidates are allowed to campaign once notice is given of the dates and times of the runoff election set by the Elections Commission."

BE IT RESOLVED that SGA By-Law 8.22.1 is amended to read " The Elections Commission shall disclose the unofficial election results of the SGA General Election to candidates at the time set in the election timeline."

BE IT RESOLVED that SGA By-Law 8.22.5 is amended to read " As soon as the Elections Commission has counted and totaled the ballots for SGA elections, the election results shall be made available to the public through the SGA Office. Complete results for all races, all candidates, and all polling places shall be made available through the SGA Office and electronically through the SGA website. Full and complete SGA election returns, including complete results for all races, all candidates, and all polling places, shall be made available on the SGA website no later than twenty-four (24) hours after the returns have been tabulated by the Elections Commission."

BE IT RESOLVED that SGA By-Law 8.24.1 is amended to read " In the event that a member of the Supreme Court or Elections Commission is found guilty of malfeasance during the conduct of their election-related duties and is removed from office, the Development Board shall have the power to dictate the means of remediation, up to and including new elections."

BE IT RESOLVED that SGA By-Law 8.27.3 is amended to read " Powers and Duties of the Circuit Justices: The presiding Circuit Justice(s) shall have cases brought to them specifically, and the duties of the presiding Circuit Justice shall include: providing clarification as to the meaning of the SGA Bylaws or Constitution, or of university policy, and accepting all petitions filed by eligible persons within their assigned Election Circuit. All Cases will be brought to the Supreme Court who, as a whole, will decide if they plan to hear the case."

BE IT RESOLVED that Section 29 of Title 8 shall be created and titled "SECTION 29: ELECTIONS COMMISSION"

BE IT RESOLVED that SGA By-Law 8.29.1 is created to read " All powers of election administration shall be vested in the Elections Commission. The Commission shall have the following responsibilities:"

BE IT RESOLVED that SGA By-Law 8.29.1 a. is created to read "Establish the election timeline consistent with the provisions of the Elections Title and the Constitution and Bylaws, as approved by the Executive Board and Student Senate. This timeline shall be presented to and voted upon by the Student Senate by the final meeting of the Fall Semester. Upon approval, the Commission shall work with the advisor of the SGA, or their designee as outlined in the Constitution, to prepare the Office of Student Affairs for the election."

BE IT RESOLVED that SGA By-Law 8.29.1 b. is created to read "Arrange for an online voting system to be implemented."

BE IT RESOLVED that SGA By-Law 8.29.1 c. is created to read "In the event online voting is not used, arrange for physical ballots to be used at polling sites. Polling sites shall be clearly marked with noticeable and readable "Vote Here" election signs."

BE IT RESOLVED that SGA By-Law 8.29.1 d. is created to read "Approve the design of the official ballot consistent with the rules herein."

BE IT RESOLVED that SGA By-Law 8.29.1 e. is created to read "Provide timely and adequate information concerning the SGA election to students and candidates."

BE IT RESOLVED that SGA By-Law 8.29.1 f. is created to read "Provide for the training of election officials in their duties and responsibilities in the operation of the polls prior to each election, if online voting is not used."

BE IT RESOLVED that SGA By-Law 8.29.1 g. is created to read "Provide a minimum of one (1) election officials for each polling place, if online voting is not used."

BE IT RESOLVED that SGA By-Law 8.29.1 h. is created to read "Tabulate and announce the unofficial results of all elections by noon on the day following the election."

BE IT RESOLVED that SGA By-Law 8.29.1 i. is created to read "Maintain public records within the Student Affairs Office of all election information, including results, voting rosters, and rules, for a period of not less than seven (7) years."

BE IT RESOLVED that SGA By-Law 8.29.1 j. is created to read "Prepare candidacy forms."

BE IT RESOLVED that SGA By-Law 8.29.1 k. is created to read "Collaborate with the larger SGA in outreach efforts to drive out the vote and keep students engaged in SGA elections."

BE IT RESOLVED that SGA By-Law 8.29.2 is created to read "The Elections Commission shall be comprised of the Supervisor of Elections and four (4) Commissioners."

BE IT RESOLVED that SGA By-Law 8.29.3 is created to read "The Supervisor of Elections shall be a sitting member of the Supreme Court. The SGA President shall nominate the Supervisor of Elections. The Senate Executive Board shall approve or reject the nominee by majority vote. Upon approval, the nominee shall be referred to the full Student Senate for confirmation by majority vote. Further, If the nominee for Supervisor of Elections is rejected by the Student Senate, the nominee shall not serve as Supervisor of Elections but shall retain their position as a Justice of the Supreme Court."

BE IT RESOLVED that SGA By-Law 8.29.4 is created to read "All Commissioners shall undergo an application process conducted by the respective appointing authority. Two (2)

Commissioners shall be appointed by the SGA President, and two (2) Commissioners shall be appointed by members of the Legislative Branch. All nominees shall be referred to the Senate Executive Board by the appointing authority. The Senate Executive Board shall approve or reject each nominee by majority vote. Upon approval by the Senate Executive Board, the nominee shall be referred to the full Student Senate for confirmation by majority vote. No Commissioner shall be serving in an SGA position at the time of their appointment. Furthermore, no Commissioner shall, at the time of their appointment or during their service, be involved in any campaign for the election or defeat of a candidate.”

BE IT RESOLVED that SGA By-Law 8.29.4 a. is created to read "Any member of the Student Senate may submit nominees to the Executive Board for the two nominees for the two (2) Commissioner positions appointed by the Legislative Branch. The Executive Board is responsible for conducting the application process and selecting two (2) nominees among the applicants to advance to the Senate Floor for consideration.

BE IT RESOLVED that SGA By-Law 8.29.5 is created to read "All members of the Elections Commission shall serve for two (2) year terms. Any member of the Commission appointed to fill a vacancy shall serve for the remainder of the unexpired term."

BE IT RESOLVED that SGA By-Law 8.29.5 a. is created to read “If a vacancy opens for the office of Commissioner, the appointing authority responsible for the vacant seat shall conduct an application process and select a qualified applicant to fill the vacancy. Vacancies among the two (2) Commissioners appointed by the SGA President shall be filled through an application process conducted by the SGA President, while vacancies among the two (2) Commissioners appointed by the Legislative Branch shall be filled through an application process conducted by the Legislative Branch. The selected nominee shall be referred to the Senate Executive Board for approval by majority vote and, upon approval, to the full Student Senate for confirmation by majority vote.”

BE IT RESOLVED that SGA By-Law 8.29.5 b. is created to read "If the office of Supervisor of Elections becomes vacant, the Supreme Court shall choose another Justice to fill the position, and the Justice shall be confirmed through the process established by these Bylaws."

BE IT RESOLVED that SGA By-Law 8.29.6 is created to read "The Elections Commission shall operate independently of all candidates and campaigns and shall administer elections impartially and in accordance with the Constitution, Bylaws, and applicable election rules."

BE IT RESOLVED that SGA By-Law 8.29.7 is created to read "Members of the Elections Commission shall be subject to impeachment proceedings through the process established by these Bylaws."

BE IT ADVISED that no later than three (3) years following the effective date of this Act, the Legislative Review and Oversight Committee shall conduct a comprehensive review of the

implementation and effectiveness of the amendments contained herein. The review shall consider the effectiveness and usefulness of the Elections Commission, the separation of election administration and adjudication, the appointment and confirmation process for Commissioners, and any other effects or unintended consequences resulting from this Act. The Legislative Review and Oversight Committee shall solicit feedback from the Supreme Court, Elections Commission, SGA President, Student Senate, candidates who have participated in SGA elections, and other members of the student body as appropriate. Upon completion of its review, the Committee shall submit a written report to the Student Senate containing its findings and recommendations, including whether the provisions established by this Act should be retained, amended, or repealed.”

BE IT FINALLY ADVISED that these amendments shall take effect ten (10) calendar days after passage by the Student Senate, in accordance with SGA By-Law 10.1.3.