

West Virginia University
The Student Assembly - Student Government Association
Assembly Bill: AB-2023-10-02
**AN ASSEMBLY BILL TO AMEND THE STUDENT GOVERNMENT
ASSOCIATION ELECTIONS CODE**

Short Title:	Clarification, Financial, Team/Educational Period, and Election Location Adjustments
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Committee Endorsement:	Governing Documents
First Reading Date:	11/8/2023
Second Reading Date:	11/15/2023
Date of Approval:	11/15/2023
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, upon evaluation of the SGA Elections Code, the members of the Governing Documents Review Committee, collectively voted on the following proposed amendments; and,

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

Section 1: The following clarification related amendments and additions set forth by the Governing Documents Review Committee shall take immediate effect:

Article 1.4 Definitions Shall be amended as:

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. **“Candidate Education” “Informal Campaigning” shall be any events and distributed materials that are to be considered as distinctly separate from active campaigning, while still allowing for affiliation with a team, logo, officially advertised platform and/or utilized goods and services that require monetary expenditures. 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.**
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4. ~~“Active Campaigning”~~ **“Formal Campaigning”** shall be any action undertaken by a potential or official candidate that involves affiliation with a team, logo, officially advertised platform and/or utilized goods and services that require monetary expenditures. **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 utilize other promotional material for campaigning purposes.**

4. ~~“Help Desk”~~ **5. “Polling Location”** shall be any building or structure in which, at the moment, students may cast their vote in the election.

5. ~~6.~~ **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.

6. ~~7.~~ **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.

7. ~~8.~~ **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 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 of 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.

8. ~~10.~~ **10. “Platform”** shall be any particular stance that reflects one’s campaign purpose.

Section 2: The following financial related amendments and additions set forth by the Governing Documents Review Committee shall take immediate effect:

Article 3.6 Expenditures shall be amended as:

3.6 EXPENDITURES. For official candidates seeking the executive offices (team of President/Vice President) of 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 \$150 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 5:00pm during the following times:

- a. ~~The day that a candidate education event is to be held~~ **Two Fridays before the start of the formal campaigning period**
- b. The first academic day of ~~campaigning~~ **formal campaigning**
- c. ~~The academic day after the election period has ended.~~ **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. 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.

Section 3: The following team and elections period amendments set forth by the Governing Documents Review Committee shall take immediate effect:

Article V Elections Timetable shall be amended as:

ARTICLE V. ELECTIONS TIMETABLE

5.1 CANDIDACY ANNOUNCEMENT. Potential candidates for Student Government may announce their official candidacy no earlier than the last SGA meeting in the fall semester prior to the election. All candidates must announce their candidacy at an SGA meeting before any other method of publicity shall be utilized. 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
- 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
- Reed College of Media

The Student Assembly will be elected in the Spring Election.

5.3 CANDIDACY INFORMATION SESSIONS. Beginning in the last academic week of the fall semester and ending after the first two (2) academic weeks of the spring semester, the Elections Chair shall hold at least one (1) virtual and one (1) in person or at least two (2) hybrid Candidate Information Session(s) to inform potential candidates about student election procedures. It is expected that the Attorney General and the Chief Justice of the Judicial Court shall be in attendance at these meetings. **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. 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) academic 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. At 5:00 p.m. on the **first 2nd** Thursday **after the** _____ of the spring semester, the Elections Chair and committee members shall call a mandatory meeting for all official candidates for the purpose of presentation and qualifications of the election and campaign procedures as outlined in this Elections Code.

_____. Failure of candidates to attend this meeting shall result in an automatic violation unless excused by the Elections Chair for academic _____. If a candidate misses the meeting, they shall be required to 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. However, the President and Vice President candidates cannot endorse college/at-large senate candidates or teams. 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.

5.7.5.8 CANDIDATE EDUCATION INFORMAL CAMPAIGNING BEGINS. Within at least the first two (2) academic weeks following the official candidates meeting, the Elections Chair shall work with the Chief of Staff(s) and/or the SGA Advisor(s) to schedule events and produce materials for candidate education purposes. During the candidate education period, campaigning on social media will be restricted to official SGA and WVU SEL accounts and

must be conducted under the supervision of the Elections Chair and the Elections Committee. Students shall be considered official candidates once this period begins. During this period, at least two (2) educational events must be held. 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. **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.**

5.8.5.9 ACTIVE CAMPAIGNING FORMAL CAMPAIGNING BEGINS. Begins during a convenient time following the ~~candidate education~~ **informal campaigning** period to be determined by the Elections Chair, ~~the active campaigning~~ **and shall be limited to a period** ~~shall begin and shall last no more than~~ **not exceeding** four (4) academic days and a full weekend. **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, including endorsements, must involve only individuals officially registered as part of the same team, except for the endorsement of President and Vice President candidates. However, the President and Vice President candidates cannot endorse college/at-large senate candidates or teams. 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 active campaigning formal campaigning** will occur before this date. The banner drop event will take place on the night in which ~~active campaigning~~ **formal**

campaigning is set to begin.

5.9-5.10 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 prior to the first day of voting and be structured in accordance to the guidelines in Appendix Nine (9).

5.10 5.11 GENERAL ELECTION. The dates of the general election shall be during a convenient week, following midterms, but no later than the second week after Spring Break in which students may vote. Voting, also known as active polling, shall be held on two (2) congruent academic days during the last week of campaigning. Voting shall be available from 9:00 a.m. - 7:00 p.m. EST on both of these days. During this time, candidates are prohibited from soliciting votes within thirty (30) feet of a polling location.

5.11 5.12 CLEAN UP. Two (2) academic days after the last day of voting at 5:00 p.m., shall be the deadline for removal of 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.

5.12 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.

Section 4: The following campaign related amendments set forth by the Governing Documents Review Committee shall take immediate effect:

All mentions of active campaigning throughout the entirety of the elections code shall be changed to “formal campaigning”;

All mentions of campaign education period throughout the entirety of the elections code

shall be changed to “informal campaigning”;

Section 5: The following election location related amendments set forth by the Governing Documents Review Committee shall take immediate effect:

Article 6.2 Voting Procedure shall be amended as:

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 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. 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.
 - c. 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).
5. Polling Locations and hours shall be publicized and designated with adequate signage by the Elections Committee.
6. Polling location attendants must be either members of the Elections Committee or members of the WVU Student Engagement and Leadership team.
7. 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.
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. Absentee Voting
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- 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 6: Upon passage and approval, this legislation shall be forwarded to:

Mandates:

G. Corey Farris, Dean of Students

Dr. Thanh Le, Director, Student Engagement and Leadership (Advisor)

Daily Athenaeum

Madison Santmyer, Student Body President

Brogan Dozier, Student Body Vice President

Karsey Prichard, Executive Secretary