

4/19/2020

The Student Government

Code of Laws

2020 - 2021

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American Society for Public Administrators: Code of Ethics

Illinois State University: Bylaws

Louisiana State University: Rules of Court

Texas A&M: Student Government Code of Laws

University of Houston: Bylaws

The University of Texas at Austin: Election Code

Questions or comments regarding this publication may be addressed to the Student Government office directly via the following contact information.

ATTN: Attorney General

The Student Government

601 University Dr.

LBJ Student Center 4-5.1

San Marcos, TX 78666

512.245.1274

<https://studentgovernment.dos.txstate.edu/about-us/governing-documents.html>

Printed in the United States of America

Document Control Log

Version Number	Summary of Changes	Approval Date
1.0	<p>Full document revision to update the Student Government Code of Laws for compliance with the newly ratified Constitution passed through student referendum election in February 2020.</p> <p><u>Legislative Citation:</u></p> <ol style="list-style-type: none">1. S.B.2019.2020.11 - Student Government Codification Reform and Overhaul2. S.B.2019.2020.13 - Election Code Update Act3. S.B.2019.2020.14 - Office of the President, Executive Departments, and Cabinet Reform Act4. S.B 2019.2020.15 - The Assembly and Senate Procedures Act5. S.B 2019.2020.18 - Attendance Policy Update Act	04/14/2020

*“At its best, mankind is the noblest of all animals;
separated from law and justice, it is the worst.”*

-Aristotle

Annual Certification

I certify that I have prepared this 2020-2021, Official 1st Edition of the Student Government Code of Laws pursuant to S.G.C. I. §100.3(4) to the best of my ability. This document reflects all legislative, executive, and judicial changes impacting the governing laws of the Student Government at Texas State University. Additionally, I certify the attached appendix has been modified for use during the 2020-2021 term.

FirstName LastName

Attorney General

I certify that the 2020-2021, Official 1st Edition of the Student Government Code of Laws has been reviewed, and the attached appendix has been properly modified for use during the 2020-2021 term.

FirstName LastName

Dean of Students, or designee

Citing the Student Government Code of Laws: Recommended Models

Long Form – The specific location of a rule may be listed, followed by the long title of the document in which it is located. For example; Article I, Section II of the Constitution or Article III, and Section II of the Election Code.

Short Form – This format is highly recommended for use in court documents or when referencing provisions of the Code of Laws in Senate legislation or Executive/Judicial Orders. The title within which a specific rule is located under followed by the short form of the Code of Laws and the annotated reference of the specific section of the rule in question in the following manner:

S.G.C., space

The Title's Roman numeral, space

The section symbol (§) (done by typing Alt-2-1), no space

The three-digit chapter number, a period, no space

The article number in digit form, open parenthesis

The section number in digit form, closed parenthesis, space

Any other sub-section or other classification with no space separating. Any additional sections are separated by a comma.

Example 1: Article 3, Section II, Subsection B of the Election Code						
Written	Title	Chapter	Article III	Section I	Subsection B	S.G.C. III. §101.3(1) (b)
Abbreviated	S.G.C. III.	§101	.3	(1)	(b)	

Example 2: Article V, Section VI, Sub-Sections (a)-(d) of the Senate Standing Rules.						
Written	Standing Rules	Chapter	Article IV	Section II	Subsection A through D	S.G.C. VI. §200.5(6) (a)-(d)
Abbreviated	S.G.C. VI.	§200	.5	(6)	(a)(b)(c)(d)	

The Student Government Organizational Chart

An example organizational chart for the Student Government can be found in [**Appendix 13.**](#)

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TITLE I - THE STUDENT GOVERNMENT CODE OF LAWS**CHAPTER 100 - ADMINISTRATIVE****ARTICLE I. NAME AND SHORT TITLE**

- §1 **AUTHORIZATION.** As permitted under Article III, Section 4(a), and (b) of the Student Government Constitution, this Code of Law is hereby established.
- §2 **NAME.** These rules and procedures will be known as the Student Government Code of Laws or Student Government Code (S.G.C.) for short.
- §3 **ORGANIZATION.** This title and chapter is a statute, codified separately for organizational purposes.
- §4 **SUSPENSION.** The rules and regulations contained within the S.G.C. may only be suspended by lawful amendment by way of a bill, or judicial review as outlined in the Constitution, or if some other method of suspension is provided for by the individual statute.

ARTICLE II. PURPOSE

- §1 **PURPOSE.** The purpose of S.G.C. is to codify all the statutes, which are the laws of Student Government, enacted by Student Government, and the other rules and procedures enacted under the authority of the preceding governing documents of the Student Government for everyday reference by the Executive, Senate, House, Judiciary, the university administration, and the student body.
- §2 **JURISDICTION.** The S.G.C. serves as the organizational rules and guidelines for members and is applicable to persons seeking membership in Student Government. All processes and procedures exist to promote an educational experience related to representation, self-governance, navigation of political, bureaucratic, and legal systems, but no process or term should ever be interpreted to be legally binding outside of the context of behavior related to Student Government and as a representative therein.

ARTICLE III. ORGANIZATION

- §1 **DIVISIONS OF THIS DOCUMENT.** The laws of the Student Government are codified in a Student Government Code of Laws. Bills, when properly passed and approved, will establish Student Government law as statutes to guide specific actions and detail the methods by which the provisions of the constitution, the law, programs, and policies of the Student Government are to be executed. These acts will be codified as part of the Code of Laws. The Code of laws has two parts: the bylaws and the operational procedures:
- (a) The bylaws relate to the Student Governments' ethical rules, election rules, and overall structure of the Student Government Code of Laws and are governed by Texas State University System Regent's Rules and Regulations Chapter VI, Section 7.11. Amendments to Titles I, II, and III (the bylaws) require review and approval from the University President.
 - (b) The operational procedures related to the daily operation and administrative regulations of the Student Government, including all laws passed that are not a part of the scope of the bylaws, and are governed by SA/PPS 07.03.03.04. Amendments to Title IV through Title IX are subject to review and approval by the Dean of Students.
- §2 **DOCUMENT SECTIONS.** The S.G.C. must be organized into titles, which will further be divided into sub-titles as needed, chapters, articles, sections, sub-sections, numbers, roman numerals, letters, and such further common divisions as the Attorney General may deem necessary to codify any statute or other rule or procedure, into a common format. The titles for the S.G.C. will divide differing governing documents in order of decreasing precedence, excluding the Constitution, in the following manner:
- (a) Title I will be a part of the bylaws and will be called "The Student Government Code of Laws." and includes all statutory provisions for the organization, dissemination, and display of this S.G.C., as well as definitions for its interpretation (excluding the Constitution).
 - (b) Title II will be a part of the bylaws and be called the "Code of Ethics" and includes the most recent copies of the Code of Ethics as amended and ratified.

- (c) Title III will be a part of the bylaws and will be called the “Election Code” and includes the most recent copies of the Election Code as amended and ratified.
- (d) Title IV will be a part of the operational procedures and will be called “The President” and outlines the policies and procedures to be used by the Student Body President in executing their constitutional powers. This title outlines the Student Body President’s operational and administrative procedures, including keeping records of properly issued Executive Orders.
- (e) Title V will be a part of the operational procedures and will be called “Executive Departments and Cabinet” and will include the administrative mechanism and policy and procedures to be used by the Cabinet to execute their constitutional powers.
- (f) Title VI will be a part of the operational procedures and will be called “The Assembly” and outlines definitions and the standing rules of the House and Senate for the proper and orderly operation of meetings.
- (g) Title VII will be a part of the operational procedures and will be titled “The Judiciary” and outlines the operational procedures and rules for the conduct of judicial business, including the recording of court orders and opinions.
- (h) Title VIII will be a part of the operational procedures and will be titled “The Budget” and outlines policies, procedures, rights, and responsibilities relating to the use of student government funds.
- (i) Title IX will be a part of the operational procedures and will be called “Statutes” and includes bills that establish other policies and procedures as are necessary for the regulatory or administrative operation of the Student Government.

§3 **ORGANIZATIONS OF OTHER CHAPTERS AND TITLES.** The chapters of the titles of the S.G.C. will further divide the title or sub-title into distinguishable documents, categories, or enactments as may be enacted or amended from time to time by the Student Senate or the various entities of the Student Government.

§4 **STANDARDIZED PRESENTATION.** The S.G.C. must be presented in a standard, non-annotated form, including a cover and table of contents, certification statement with the Attorney General signature affixed, and other items as they may direct. The Dean of

Students, or designee, must certify that the S.G.C. is up to date, as needed, and its attachments are updated annually by the Attorney General. If the Attorney General is vacant, only the Dean of Students certification is necessary for publication. All documents must be modified to meet a standardized format, so long as no modifications are made to the content of those documents. The Attorney General will also provide a recommended citation guide for citing the various statutes, rules or procedures, or the Student Government Constitution in documents in cases before the Supreme Court, in bills and resolutions of the Student Government, and orders amending rules or procedures in this S.G.C. The Attorney General will also certify the S.G.C. as accurate according to the provisions of this chapter. The Attorney General may also provide other non-binding parts to the S.G.C. as they may deem necessary and proper to aid the reader in understanding or navigating its contents.

- (a) Titles should begin with a table of contents for each Title. Titles will be denoted by upper case roman numeral, sub-titles by digits, chapters by three digits, articles by upper case roman numeral, sections by the section symbol (§) and number, sub-sections by lower case letter enclosed in parenthesis, numbers by digits enclosed in parenthesis, roman numerals by lowercase Roman numerals enclosed in parenthesis, letters by a lowercase letter, and further common divisions by any use of the above characters at the discretion of the Attorney General to codify all statutes, rules or procedures, into a common format.

§5 **STATUTES.** Statutes are defined as a written rule passed by the House or Senate and approved by the President. Statutes start as bills and upon passage and approval become Student Government law. Statutes set forth general propositions of law that apply to specific situations. A statute may forbid a certain act, direct a certain act, make a declaration, or set forth mechanisms to aid members of the Student Government in the operation of the Student Government. All bills are to become statutes as amendments to the S.G.C.

§6 **NATURE OF AMENDMENTS.** All bills which, when passed and approved, become statute and are amendments to the S.G.C. All bills regulating Student Government are subject to the ratification of the Student Senate, except in the case of S.G.C. VI. §300, and will be denoted with reference to the Senate or House bill from which such amendments were

enacted below the specific chapter amended. All other amendments will denote the student body petition number, executive order number, Supreme Court order number, or such other order number amending the statute or rule or procedure below the specific chapter amended.

- (a) All new titles or chapters will cite the section(s) of the Student Government Constitution, which authorize(s) new regulation pursuant to the powers granted under it.
- (b) All amendments must be formatted to conform to the language, style, and format of the other sections of this the S.G.C.
- (c) The Attorney General may make amendments to the Appendix section of this document and will not require Senate approval so long as it is not changed in such a way that it no longer fulfills its purpose.

§7 **DATING AND RECORDING.** The chapters, sub-titles, and titles of the S.G.C. will indicate the date of the last revision to that section.

ARTICLE IV. DEFINITIONS

§1 **DEFINITIONS.** In determining the meaning of any usage by the Student Government, unless the context indicates otherwise:

- (a) All references to President will mean the Student Body President unless otherwise stated.
- (b) All reference to Vice President will mean the Student Body Vice President unless otherwise stated.
- (c) Words importing the singular include and apply to several persons, parties, or things.
- (d) Words importing the plural include the singular.
- (e) Words importing gender include all genders.
- (f) Words used in the present tense include the future as well as the present.
- (g) All references to a business day will mean one 24-hour period,
- (h) Any reference to business hours will mean 8:00 a.m. to 5:00 p.m. on any normal operating day of the university.

ARTICLE V. DISSEMINATION AND DISPLAY

- §1 **PREFACE.** The pages preceding the actual text of Title 1 are the preface and may be formatted, sized, or adjusted without approval from the Assembly, including the introductory quote, certification statement, or introduction to the document. This includes the table of contents at each Title.
- §2 **RESPONSIBILITIES OF THE ATTORNEY GENERAL.** The Attorney General is hereby vested the duty to enact the provisions of this chapter, including codifying the S.G.C. in compliance with this chapter. The Attorney General will update this S.G.C. to reflect all reported changes within one calendar month, and present to the President for review.
- (a) The President will forward to the Attorney General any Executive Orders and any statutes passed by the Senate and signed by the President within six days.
 - (b) The Chief Justice will forward to the Attorney General all court opinions and orders within two days of their issuance.
 - (c) The Chair, Director, or chief student leader of any Student Government Department will forward to the Attorney General all changes made to that particular department regulation within two days of their amendment.
- §3 **UNIVERSITY ADMINISTRATIVE CHANNELS.** In accordance with the Student Government Constitution legislation, once passed by either the House or Senate, legislation is transmitted to the President for signature or veto. The President will have five business days to either sign or veto the legislation. If, after five business days, the President has not acted, the legislation will be considered signed and will be forwarded to the Dean of Students by the Senate or House Leader.
- (a) If signed, the President will transmit the legislation to the Student Government Advisors with an attached memorandum from the President with their comments about the legislation and a summary of the bill or resolution's intent. If applicable, the legislation will then be forwarded to the Vice President for Student Affairs and the University President.
 - (1) Passed bills, which have been signed by the President and are related to an amendment to Title I, II, and III, will be forwarded to the Vice President for

Student Affairs via the Dean of Students and the University President via the Vice President for Student Affairs for final approval.

- (2) Passed bills, which have been signed by the President and are related to the amendments to the remaining Titles will be forwarded by the President to the Dean of Students for final approval.
 - (3) Passed resolutions, which have been signed by the President will be forwarded to the Dean of Students, and from the Dean of Students to the Vice President of Student Affairs for transmission to the appropriate department.
 - (4) So long as their subjects are proper and duly passed, Simple Resolutions do not need a signature from the President and will be forwarded to the Dean of Students by the leader of the respective chamber.
- (b) If vetoed, the President will return the legislation back to the body it originated in and the Student Government Advisors. If it is a piece of legislation that was jointly passed in the Senate and House, it will be returned to both chambers and the Student Government Advisors. In either case, the President will author a veto statement via written memorandum declaring the legislation vetoed and attach it to the legislation being returned. The President may use this memorandum to justify their actions or suggest how the legislation may be made acceptable but is not required to provide justification or suggested corrections.

§4 **PUBLICATION.** The most recent copy of the S.G.C. will be made available for reasonable review by the general public in electronic format online as well as in physical form in the Student Government Office each semester.

§5 **REPORTING.** If changes have occurred, a copy of the S.G.C. will be forwarded by the Attorney General to the Dean of Students Office, the Texas State University Archive, the President, and the Chief Justice of the Supreme Court for reference as it is updated and inbound format within five business days of the ending of each semester.

§6 **FUNDING.** All costs associated with the production and amending of this S.G.C. will be incurred by the Student Government's annual budget.

TITLE II - CODE OF ETHICS**CHAPTER 100 - CODE OF ETHICS****ARTICLE I. ADMINISTRATIVE**

- §1 **AUTHORIZATION.** This Code of Ethics is hereby enacted pursuant to Article VI, Section 17 (n), and Article VII, Section 13 (d) of the Student Government Constitution.
- §2 **PURPOSE.** As members of the Texas State University Student Government, we hold ourselves to a higher standard as student leaders. We represent the student body and university at all times and in all places. We uphold the ethical standards, the Student Government Constitution, and university policies as guiding principles in our work serving the student body.

ARTICLE II. PROFESSIONAL INTEGRITY

- §1 **PROFESSIONAL STANDARDS.** Members should demonstrate high standards of work and professional integrity. The actions and decisions of individual members serve to strengthen the organization overall. To exemplify membership in Student Government, you are expected to:
- a. Representing the students' interests above all others, including that of self, university administrators, and outside influences,
 - b. Opposing all forms of harmful discrimination,
 - c. Opposing all forms of harassment,
 - d. Recognizing and supporting the students' right to know the affairs of the university and Student Government,
 - e. Engaging with students and assessing their needs and wants whenever possible,
 - f. Exemplifying the principles of servant leadership: listening, empathy, healing, awareness, persuasion, conceptualization, foresight, stewardship, commitment to the growth of people, and building community,
 - g. Maintaining truthfulness and honesty,
 - h. Upholding the rule of Student Government law and democratic principles,

- i. Guarding against conflicts of interests for personal gain or abuses of power,
- j. Taking responsibility for our own actions,
- k. Being compassionate, benevolent, and fair.
- l. Other standards as prescribed by Student Government law.

ARTICLE III. OATH AND AFFIRMATION

§1 **OATH OF OFFICE.** As prescribed in the Student Government Constitution, every elected and appointed member of the Student Government will swear an oath to the principles stated within this Code of Ethics, the laws of Student Government, and the Student Government Constitution. The oath will read;

“I, [NAME], do hereby swear that I, in my capacity as [OFFICE], will represent the students to the utmost of my ability and will discharge the duties of my office with integrity and honesty. I further state that I will support and uphold the Student Government Constitution and the laws of the Student Government of Texas State University and will strive to promote student government throughout the campus community.”

TITLE III - ELECTION CODE

CHAPTER 100 - ADMINISTRATIVE

ARTICLE I. PURPOSE

- §1 **AUTHORIZATION.** This Election Code is hereby enacted pursuant to Article VI, Section 17 (f)(g) of the Student Government Constitution.
- §2 **PURPOSE.** This Election Code exists to facilitate and enforce a fair and educational experience for the election of student governance positions at Texas State University. The primary purpose of electing of students under this code is to ensure democratic representation of the student body. Secondary objectives include: expanding a candidate's knowledge about running for office, following election laws, navigating political systems, and building community coalitions for the purpose of advocacy.

- §3 **ENACTMENT.** This Election Code will become effective and be implemented immediately after its passage and approval by the University President and will supersede any and all previous election codes.

ARTICLE II. DEFINITIONS

- §1 **“APPELLATE COURT”** refers to the Supreme Court, as empowered by the Student Government Constitution to serve as the court holding the appellate jurisdiction over the Election Board.
- §2 **“ALLIANCE”** refers to a collaborative campaign between a presidential, vice presidential, and senator candidates that are approved by the Election Board. Candidates in an alliance may engage in tangible or substantive endorsements and can collaborate, share financial resources, or provide other tangible or substantive support for any fellow candidates.
- §3 **“ADVISORY OPINION”** refers to any opinion issued by the Election Board concerning any matter affecting the campus-wide elections that may not be included within the language of the election code but will be considered binding as an opinion of the Election Board and extension of this code, which will be published primarily in the Operating Memorandum.
- §4 **“ASSOCIATE” and “ASSOCIATED”** refers to those persons, individuals or organizations, and its members who are registered agents, workers, or endorsers.
- §5 **“BRIBERY”** refers to when a candidate, agent, or worker offers an exchange of anything of value, in return for a guarantee of a vote.
- §6 **“CAMPAIGN AGENT” or “AGENT”** refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.
- §7 **“CAMPAIGN WORKER” or “WORKER”** refers to any candidate-appointed person whose purpose is to further a candidacy
- §8 **“CAMPAIGN” and “CAMPAIGNING”** refer to statements, literature, activities, or deliberate uses or distribution of materials of any kind including electronic or virtual, that have or are intended to have the effect of soliciting votes, support or interest for a candidate, alliance, or elective office. Campaigning must only occur during the official campaign period, as defined in this code.

- §9 **“CAMPAIGN MATERIALS”** refers to all materials and literature of any kind, including electronic or virtual, concerning any candidate that has or is intended to have the effect of soliciting votes, support, or interest for a candidate or elective office.
- §10 **“CAMPUS-WIDE ELECTIONS”** refers to any elections open to all students for the purpose of referenda or election.
- §11 **“CAMPUS-WIDE ELECTIONS FILING AGREEMENT”** refers to the document signed by the candidate that acknowledges the candidate is aware of and will adhere to this code.
- §12 **“CANDIDATE”** refers to any student consenting and/or endeavoring to be elected as expressed by filing to run for office in accordance with this and all applicable election codes.
- §13 **“CANDIDATE-APPOINTED”** refers to persons officially registered with the election board for a candidate by the candidate
- §14 **“DAY”** is one 24-hour period. A day includes weekdays, Saturday, and Sunday.
- (a) **“BUSINESS DAY”** is one 24-hour period, a non-weekend day, during a normal operating day for the university.
 - (b) **“CLASS DAY”** is one 24-hour period, non-weekend day, during a normal operating scheduled class day for the university.
- §15 **“DEFEATED CANDIDATES”** refers to candidates, whose elections already being decided, have lost in their respective elections.
- §16 **ELECTIONS, TYPES**
- (a) **“GENERAL ELECTION”** refers to the annual election of Student Government officers, as specified in the Student Government Constitution.
 - (b) **“RUNOFF ELECTION”** refers to all secondary elections held to resolve races not initially determined by a general or special election.
 - (c) **“SPECIAL ELECTION”** refers to an election called by the Student Government President or Senate as specified in Student Government Constitution.
- §17 **“ELECTION BOARD”** refers to the Election Board established by the Constitution and further defined by law.

- §18 **“ENDORSEMENT” and “ENDORSING”** refer to any form of communication expressing support for a candidate. Social media follows or “likes,” and equivalent do not constitute endorsements.
- §19 **“EXPLORATORY PERIOD” AND “EXPLORATION”** refers to the period of time that potential candidates may privately consult and recruit for the formation of an Alliance. Exploration must only occur during the official exploratory period, November 1, to the filing deadline, as defined in S.G.C. III §102.1(2).
- §20 **“MATERIAL SUPPORT” OR “MATERIAL DONATION” AND VARIATIONS** **HEREIN** refers to that which is a non-monetary donation or assistance and includes items owned or actions taken by the candidate, agents, workers, or others.
- §21 **“MEMBER”** refers to any sitting member of the Student Government who is participating in campus-wide elections. Members may also be substituted for specific offices or titles.
- §22 **“MEMBER-ELECT”** refers to a candidate whose election already being decided has won their respective election but who has not yet been sworn-in nor seated yet.
- §23 **“POLLING LOCATION”** refers to any internet-enabled device that is being used to vote in campus-wide elections.
- §24 **“POLLING STATION”** refers to any publicly accessible on-campus polling location designated for the use of voting in the campus-wide elections by the Election Board.
- §25 **“REGULATORY BODIES”** include the Election Board and all other administrative bodies of the election process.
- §26 **“RULING”** refers to any decision or judgment issued by the Election Board resulting from a hearing rectifying a violation of this code or clarifying the interpretation of a rule.
- §27 **“STUDENT”** refers to any individual whose name appears on the current roster of the Registrar of the university.
- §28 **“STUDENT GOVERNMENT”** refers to the Student Government of Texas State University.
- §29 **“TIME”** all references to time of day are in Central Time Zone (CT).
- §30 **“UNIVERSITY”** refers to Texas State University.

- §31 **“UNIVERSITY RESOURCES”** refers to any asset located on or off Texas State University property that is under the control of the university and is not accessible to all students. This definition does not include university service, whereby the university delivers some products in exchange for compensation.
- §32 **“VOTER FRAUD”** is the illegal interference with the process of an election and includes, but is not limited to, increasing the vote share of a favored candidate, depressing the vote share of a rival candidate, or both and is determined by the Election Board.
- §33 **“WEEK”** is defined as seven constitutive calendar days.

ARTICLE III. ADMINISTRATIVE

- §1 **ELIGIBILITY.** All candidates must be deemed eligible in accordance with the Student Government Constitution, by the Dean of Students Office, and Election Board.
- §2 **EXCLUSIVITY TO STUDENTS.** Only students on the current semester official roll of the Office of the Registrar may actively seek office or vote in campus-wide elections.
- §3 **CAMPAIGN AGENTS.** Each candidate will be required to submit to the Election Board, a list of agents they have authorized for their campaign on or before the Rules Reading Seminar date. Any updates to the list of agents after the Rules Reading Seminar must be submitted to the Election Board Chair within 24 hours.
- §4 **CAMPAIGN WORKERS.** Each candidate will be required to submit to the Election Board, a list of campaign workers they have authorized for their campaign on or before the Rules Reading Seminar date. Any updates to the list of workers after the Rules Reading Seminar must be submitted to the Election Board Chair with each financial disclosure statement. The candidate is free to use workers at their discretion. However, the candidate takes full responsibility for the actions of the workers on their campaign.
- §5 **OPERATING MEMORANDUM.** The Election Board must publish an operating memorandum outlining the expected processes and procedures, violation classifications, dates, interpretations, and advisory opinions for the coming election at least five business days before the Election Board’s first Rules Reading Seminar.

ARTICLE IV. GENERAL REGULATIONS

- §1 **UNIVERSAL APPLICATION.** The provisions of this title are applicable to all Student Government elections and student referendums.
- §2 **PARTICIPANTS' COMPLIANCE.** All persons participating in campus-wide elections agree to comply with this code, Student Government Constitution, S.G.C., university policies, and local, state, and federal laws.
- §3 **UNSPECIFIED SITUATIONS.** The Election Board has the powers to regulate, administer, and take other actions that are expressly authorized or implied in this Title to provide direction and oversight of election-related issues that are not directly codified in herein. However, in the interest of transparency, consistency, and judicial prudence is critical that the Election Board exercise this broad power of regulation in a few circumstances and only when absolutely necessary. When applying this power, the Board must be clear as to why it is exercising such broad regulatory power.
- §4 **SINGULAR REFERENCES INCLUDE PLURAL.** References to the singular will be construed to include the plural.
- §5 **CANDIDATE REFERENCES INCLUDE ALL CAMPAIGN AGENTS AND WORKERS.** References to candidates will be construed to apply to their agents and workers as well unless specified by the Election Board.
- §6 **RESPONSIBILITIES.** Candidates, agents, or workers for any campaign will be responsible for the regulations relevant to their election, as defined by this election code.
- §7 **IGNORANCE NOT A DEFENSE.** Ignorance of the Election Code will not be an acceptable defense in response to any offense committed in any election under this code; either by the candidates themselves, their agents or workers, or the election regulatory bodies, as defined by this code.
- §8 **SINGLE AND SEPARATE APPLICATION.** Each election under this code will be considered a single and separate application of this code.
- §9 **RELEVANCY OF RULINGS.** Rulings made by the Election Board during any election period will have full force and effect only for the election and associated runoff elections in which they are issued.

- §10 **PRECEDENT.** All rulings must set a precedent for future the Election Board, and any change to precedent by succeeding Boards must come with written justification citing the Election Code and any other applicable regulation or Supreme Court decision that justifies the overturned precedent.
- §11 **UNIVERSITY REGULATIONS.** All candidates and their agents and workers, and the Election Board will be responsible for following all applicable university regulations in addition to the provisions contained within this code. University regulation will be enforceable by the Election Board upon candidates.

CHAPTER 101 - PROCEDURAL DUE PROCESS

ARTICLE I. HEARINGS AND PROCEDURES

- §1 **FILING OF COMPLAINTS.** Any student, except for Supreme Court Justices, may file a complaint with the Election Board.
- §2 **STATUTE OF LIMITATIONS.** No case must be heard by the Election Board more than 60 business days after the alleged act, occurrence, or transaction that constitutes the basis of the case.
- (a) Should a contested action occur during a recess of Board, the start date for the statute of limitations must begin on the first business day that Board resumes.
 - (b) Actions outside of the 60-business day statute of limitations are only admissible to establish a pattern of behavior related to the case and is completely admissible as evidence.
- §3 **TIMELINE – ELECTION COMPLAINT.** All Election Complaints must be filed in accordance with Election Code Chapter 105; Article I. All filed election complaints must receive a response of accepted or not accepted (dismiss) within two days. If a complaint is accepted, the board will notify the accused through a Notice of Election Complaint ([**Appendix 8**](#)), all parties, and include the date, time, and location of the hearing. Once a Notice of a Complaint is sent, a hearing must be held within two business days but not less than 24 hours.

- (a) A complaint is filed and then reviewed by the Board, and within two days, decides to accept or not accept (dismiss) the complaint and inform the complainant.
- (b) If a request is accepted the Election Board Chair must, within two days of receiving a filed complaint, notify (Notice of Election Complaint) via Texas State e-mail the Election Board, the Chief Justice, the President, the Vice President, the Dean of Students, student government advisors, the complainant, and the respondent of the complaint. The Chair must arrange the meeting time and location and include the date, time, and place of the hearing in the Notice of Election Complaint. If the Board receives a complaint during the voting period, the Election Board must either decide to accept or reject (dismiss) the complaint within 24-hours.
- (c) All hearings must be heard held by Election Board within two business days of the Board's decision to hear the Election Compliant but not less than 24 hours. This 24-hour restriction may be waived with the permission of the respondent and complainant. The 24-hour restriction for hearings is automatically waived when a complaint is filed during the voting period.
- (d) A Notice of Election Complaint and the scheduled hearing must be published on the Student Government website for public review within 12 hours of their issuance.

§4 **FAILURE TO ACT ON COMPLAINTS.** If after the two days, but before the deadline to issue a Notice of Complaint, the Election Board cannot reach quorum, the Chair of the Election Board will have sole jurisdiction to hear and decide the case so long as the Student Government Staff Co-Advisor accents with the decision before the publication of the ruling.

- (a) If the Election Board, or Chair as sole judge, does not act within the prescribed time for any reason, the complaint can appeal to the Supreme Court to hear the case.
- (b) The Staff Co-Advisors accent to a sole judgment of the Election Board Chair does not constitute approval of the decision; the co-advisors' role simply is to make sure the decision is void of due process issues and violations of the Student Government Constitution, Student Government law, or University Policy and Procedure.
- (c) If the Election Board does not reply to a complaint within two days, the complainant may file an appeal to the Supreme Court to hear the case.

- §5 **DISMISSAL OF COMPLAINTS.** The Election Board may only dismiss a complaint if:
- (a) The complaint violates the statute of limitations.
 - (b) The complaint fails to state a cause of action for which relief may be granted.
 - (c) The complaint is deemed as being outside the board's jurisdiction
 - (a) The complaint is clearly not a violation of the Election Code, because the action is expressly permitted by the S.G.C. or previous Court rulings.
- §6 **TEMPORARY RESTRAINING ORDERS.** At the time a Notice of Election Complaint is issued, the Election Board Chair may issue a temporary restraining order if they determine that such action is necessary to prevent undue or adverse effects on any candidate. Any restraining order, once issued, will remain in effect until a decision of the Election Board is announced after the hearing or until rescinded by the Election Board.
- §7 **PUBLIC INFORMATION.** All Election Board hearings, proceedings, records, including those collected under the Election Code, and meetings must be open to the public, except for the deliberations and records related to deliberations that determine the outcome of hearings.
- §8 **PRESENT AT HEARING.** All parties involved in a complaint, if called to do so by the Election Board, will present themselves at the hearing or authorize an agent in writing to serve during the proceedings in their absence.
- §9 **RIGHT TO COUNSEL.** Parties may be accompanied by a maximum of two Texas State students from whom they can receive counsel and have the option to be represented by that counsel.
- §10 **ELECTION BOARD HEARING PROCEDURE.** The Election Board will determine the format for the hearing but must invite both the complaining and responding parties to appear physically before the Election Board to discuss the issues through a complaint, answer and rebuttal, format, when applicable. The purpose of the hearing is to gather the information necessary to make a decision, order, or ruling that will resolve an election dispute. To this purpose, the following rules must prevail at all hearings:
- (a) Complaining parties will be allowed no more than two witnesses; however, the Election Board may call other witnesses if it deems necessary.

- (b) If witnesses are unable to appear at the hearing, signed and notarized affidavits may be submitted to the Election Board Chair for the purpose of testifying by proxy. The affidavit will be read aloud in the hearing.
- (c) All questions and discussions by the parties involved in the dispute will be directed to the Election Board.
- (d) There will be no direct or cross-examination of any party or witness by complaining or responding to parties during hearings.
- (e) Reasonable time limits may be set by the Election Board, provided they give fair and equal treatment to both sides.

§11 **DECISIONS.** Decisions, orders, and rulings are all synonymous terms and must be agreed to by a majority of the Election Board present at the hearing where the case was heard and formatted similarly to that found in [Appendix 9](#).

- (a) If an Election Board member is not present at the hearing, they may not contribute to the decision-making process and will not have a vote.
- (b) Decisions may be orally delivered immediately but must be followed up with a written Order and Opinion.
- (c) A writing ruling must be announced within 24 hours after the hearing and should be issued sooner than 24 hours after a hearing during the voting period.
- (d) The written ruling must set forth the findings of fact by the Election Board and the conclusions of Student Government regulation in support of it.
- (e) Written rulings and Operating Memorandums will set a precedent and will guide future Election Board in its proceedings.
- (f) Upon consideration of prior written rulings, the Election Board may negate the decision but must provide written documentation a citation of the law of reasons for doing so. These reasons must be written in an academically and justifiable way. It is not acceptable for the Board to overturn precedent for spurious or unjustified reasons.
- (g) The Election Board is not a legal proceeding, and as such, the threshold of evidence is not a finding of fact.

(h) Decisions will be made based on a preponderance of the evidence. A preponderance of the evidence decision is based on what is most likely to have occurred and the greater weight of evidence submitted.

(i) The Election Board must not issue or publicly discuss dissenting or minority opinions.

§12 **REQUEST FOR DOCUMENTS OR TESTIMONY.** The Election Board may compel any candidate, worker, agent, or member of the Student Government to appear before the Board and/or to provide documentation as necessary for each case. Failure by any member of the Student Government, candidate, worker, or agent to comply with this request will result in their disqualification of candidacy and, if not a candidate forwarding of the case to the Supreme Court, Student Conduct, or appropriate entity for disciplinary remedy.

§13 **FAILURE TO APPEAR.** Failure to appear to a hearing of the Board will not result in a suspension of the hearing. The Board is to hear and decide the case even in the absence of those associated with it.

§14 **OATH OF AFFIRMATION OF TRUTH.** An oath or affirmation of truth will be administered to all participating parties and witnesses prior to motions and arguments in every Election Board hearing and serves as agreement on the part of the witness, to tell the truth. Failure to abide by the oath will result in a disciplinary penalty as prescribed by the board.

(a) The oath or affirmation of truth will be administered by the Election Board Chair or their designee.

(b) The form for the oath or affirmation of truth will be as follows:

"I [state your full name] – do solemnly swear (or affirm) – that I will tell the truth, the whole truth, and nothing but the truth – as the laws of Student Government require."

§15 **ADVISORY OPINIONS.** Questions of interpretation must be submitted to the Board via formal written memorandum to the Election Board Chair. The timeframe for action from the Election Board is the same for a duly filed Complaint. Advisory Opinions should not embrace a subject of controversy or seek to remedy the harm. For subjects of controversy or

remedy, an Election Complaint must be filed. An Advisory Opinion request must contain the following;

- (a) A statement of pursuance under which the complainant is filing the action,
- (b) A statement of standing under which rules, or law the complaint is referring to,
- (c) Optionally, the filer may attach a statement of their interpretation of the Election Code with justification and statute citation,
- (d) A statement of the requested outcome of the complainant's filing, and
- (e) Any further format is to be stipulated in **XIII.**

ARTICLE II. REMEDIES AND SANCTIONS

§1 **DEFINING CLASSES OF VIOLATIONS.** At the Rules Reading Seminar, the Election Board will clearly define what would constitute each class of a violation in ascending order of severity from the less severe class C offense to the most severe class A offense.

§2 **CLASSES OF VIOLATIONS.** Violations of the Election Code will be divided into three classifications. Classifications will be in ascending from minimal to extreme, where Class C will be minimal, and Class A will be extreme:

- (a) Class C violation will result in a moratorium of campaigning and/or a fine. Class C fines will be limited to a maximum of one-fourth of the candidate's total allowed spending for each individual Class C violation.
 - (1) Accumulating two Class C violations during the election cycle will constitute one class B violation.
 - (2) Accumulating four Class C violations during the election cycle will constitute one class A violation.
- (b) Class B violations will result in a combination of suspension of campaigning and a fine. Class B fines will be limited to a maximum of one-third of the candidate's total allowed spending for each individual Class B violation. Class B violations may not result in the candidate's disqualification.
 - (1) Two Class B violations during the whole election cycle will constitute one class A violation.

(c) Class A fines will be limited to a maximum of one-half of the candidate's total allowed spending for each individual Class A violation. Conviction of a single class A violation may result in disqualification from the election, but only when such a violation has caused tangible harm to the election process, principles of the democratic process introduced provable fraud or voter manipulation.

(1) One Class A violation must result in the suspension of a candidate's campaign for no more than 48 hours. The Election Board may also apply a fine with the suspension or disqualify the candidate if it so chooses.

(2) Two Class A violations must result in the suspension of a candidate's campaign for no less than 72 hours and no longer than four days. In this event, the Election Board may choose to result in disqualification.

(3) Three Class A violations will result in a disqualification of a candidate from running for office and will disqualify the candidate from running for any office in Student Government indefinitely.

(d) This code may outline other violations and related, appropriate sanctions outside of this article, which will not be construed to be in conflict with these provisions.

§3 **FINE LIMITS.** If a candidate, or a candidate's agents or workers, commits a violation resulting in a fine, the Election Board has the authority to fine the candidate, which will be recorded as an expense during financial disclosure. Candidates, agents, and workers will not be required to actually make payment for any fines. The total amount of any one fine against a candidate in an election cycle may not exceed the spending limit, violations which cause a candidate to go over their spending limit are not to consider technical violations of the Election Code. However, candidates will not be able to spend any more money on their campaign except in the event of a run-off and even then only to the limits established by law.

§4 **FAILURE TO COMPLY.** Any person who fails to comply with an order or advisory opinion of the Election Board or Supreme Court must immediately be disqualified from candidacy. If the person is a member of the Student Government, they must be forwarded to the appropriate entity for disciplinary remedy.

- §5 **VOTER FRAUD.** Voter fraud is the most egregious form of code violation, punishable by nothing less than disqualification.

ARTICLE III. APPEAL

- §1 **REVIEWING ELECTION BOARD APPEALS.** The Supreme Court has jurisdiction over all election, Election Code, or related appeals.
- §2 **APPEAL OF ELECTION BOARD ADVISORY OPINION.** Any party seeming to be adversely affected by a ruling of the Election Board may file an appeal with the Supreme Court within three class days of the announcement of an adverse decision(s) unless the Election Board's decision takes place during a voting period.
- §3 **APPEAL OF ELECTION COMPLAINTS.** Only a party to an Election Complaint may appeal the decision of the Election Board to the Supreme Court.
- §4 **HEARING OF APPEALS.** The Supreme Court may hear appeals of the Election Board rulings as soon as possible, but not within 24 hours of the submission of an appeal. After acceptance of an appeal by the Supreme Court, the Election Board delivers to the Supreme Court Chief Justice a copy of its written ruling in the case. Appeals may be heard prior to this time, but only if the appellant waives the right to a written ruling and the Supreme Court Chief Justice accepts the waiver.
- §5 **SUBMISSION OF DOCUMENTS FOR APPEAL.** If the decision of the Election Board is appealed, the Election Board must immediately submit its ruling and all accompanying documents of public record to the entity with appellate jurisdiction.
- §6 **APPEALING A SUPREME COURT DECISION.** Supreme Court decisions are appealed to the Dean of Students. Only a party to the Supreme Court case can file the appeal to the Dean of Students.

CHAPTER 102 - ELECTION TIMETABLE

ARTICLE I. ELECTION CYCLE DATES AND DEADLINES

- §1 **EXPLORATION PERIOD.** The exploration period must open at 9:00 a.m. on November 1 and remain open until 5:00 p.m. on the last day of the filing period. During the exploration

period, persons interested in pursuing office may privately recruit candidates for an alliance. It is not permitted to solicit for votes, endorsements, or support from non-candidates.

§2 **PROHIBITION OF ELECTION CODE CHANGE.** No changes to the Election Code may be enacted within eight weeks of the campus-wide elections.

§3 **FILING PERIOD.** The filing period must open at 9:00 a.m. on the first class day of December and must remain open until 5:00 p.m. on the first class day of the spring semester (filing deadline). Final changes for filing must be submitted by the Friday of the first week of class in the spring semester.

§4 **AUTHORIZED CAMPAIGN PERIOD.** Solicitation for public support and votes will be permitted from the first Monday in February through the final day of the voting period. In the case of a runoff election, campaigning is permitted from the first day after the runoff race is announced through the final day of voting.

§5 **POSTING OF CANDIDATE INFORMATION.** Within 48 hours after the filing period has closed, the Election Board will publicly disclose the following information on the Student Government website related to each candidate: name, position sought, major(s), registered agents, workers, and a statement of no more than 150 words. The Election Board will be able to restrict any false or misleading information.

§6 **WEB ADDRESS RELEASE.** The official web address used for voting will be announced no later than the first Rules Reading Seminar.

§7 **DATE OF RULES READING SEMINAR.** The Election Board must conduct two Rules Reading Seminars. The first Rules Reading Seminar must be on the last day of the filing period after filing has closed. The second Rules Reading Seminar must be on the following Monday. Attending a Rules Reading Seminar is mandatory for all candidates.

§8 **SUBMISSION OF CANDIDATE LIST.** Candidates must submit the names and NetIDs of all agents by 12:00 p.m. on the day of the final Rules Reading Seminar.

§9 **RELEASE TO MEDIA.** The Election Board will submit to the University Star, KTSW, and Student Government social media a summary of election-related information ten business days prior to the voting period. The Election Board may submit at any time election-related

information to any other student media outlet at their own discretion. The information will include:

- (a) All polling stations.
- (b) The names, positions sought, and alliances or independent affiliations of all candidates who have filed and have met the criteria for office.
- (c) The date of any debate.

§10 **CONFIRMATION OF BALLOT.** The Election Board will publicize a complete sample ballot that includes the first and last name of each candidate, position sought, and their alliance or independent affiliation, at least one week prior to the campus-wide elections.

§11 **DEBATE.** No less than one week prior to the voting period, the Student Government Election Board must hold a debate between any contesting alliances or individual candidates, the format of which will be determined by the Election Board.

§12 **BALLOT ITEM CERTIFICATION.** Ballot items declared, pursuant to the Student Government Constitution, or university regulations must be presented to the Election Board for certification at least three business days prior to the voting period. All ballot items must contain the exact wording of the items to be presented.

§13 **VOTING PERIOD.** Voting in general elections will occur for four consecutive business days starting on the third Monday in February.

- (a) Online polling hours for the campus-wide elections must be from 8:00 a.m. on the first day of voting to 5 p.m. on the last day of voting.

§14 **RUNOFF VOTING PERIOD.** In the case of a runoff race, voting will occur for four consecutive business days starting on a Monday, one week after the run-off is announced.

- (a) Online polling hours for the runoff race must be from 8:00 a.m. on the first day of voting to 5:00 p.m. on the final voting day.
- (b) New candidates will not be permitted in runoff elections.

ARTICLE II. EXPLORATORY PERIOD AND CAMPAIGNING PERIOD

- §1 **AUTHORIZED EXPLORATORY PERIOD.** Verbal and electronic communication for the purpose of gauging interest in forming, joining, and exploring platforms for the alliances must be allowed from November 1 to the filing deadline.
- §2 **UNAUTHORIZED EXPLORATORY PERIOD.** All potential candidates are prohibited from gauging interest in forming, joining, and exploring platforms for alliances and independent candidacy prior to the opening of the exploratory period. This rule does not apply to individual students exploring the option to run for President or Vice President, though they cannot attempt to recruit any other alliance members than those seeking executive office until the authorized exploratory period.
- §3 **AUTHORIZED CAMPAIGN PERIOD.** Public, printed, verbal, and electronic campaigning must be prohibited until the day after the final Rules Reading Seminar. Campaigning will then be permitted through the final voting day of the general election. In the case of a runoff election, campaigning is permitted from the first day after the runoff race is announced through the final day of voting.
- §4 **UNAUTHORIZED CAMPAIGNING.** All candidates are prohibited from campaigning, soliciting, or otherwise bringing attention to vote for their campaign or their election to the office before the sanctioned campaign period.
- (a) This prohibition includes all attempts to secure endorsements, sponsorships, or any other presentation of information made for public consumption or use.
 - (b) This prohibition does not include the personal recruitment of individual agents and workers.
 - (c) This prohibition does not include the solicitation of personal advice by a candidate to another person so long as the advice does not meet the criteria of a worker or agent.
 - (d) Violations of this restriction must be considered by the Election Board as among the most severe violations of this Election Code.

CHAPTER 103 - RULES READINGS AND CANDIDATE ELIGIBILITY**ARTICLE I. CANDIDATE RULES READING SEMINAR**

- §1 **RULES READING SEMINAR AGENDA.** The Election Board will set the agenda for Rules Reading Seminar and must include an example of name placement on the ballot in accordance with this Election Code, clarification of the Operating Memorandum, explanations of this Election Code, Election Board Advisor assignments, review of the election timetable, Election Code violations, appellate process, and questions and answers from the candidates.
- §2 **RULES READING SEMINAR ATTENDANCE.** Attendance at the Rules Reading Seminar is required of each candidate.
- (a) Failure to attend the rules reading seminar or an individual make up session must result in a disqualification to run for office.
 - (b) In exceptional circumstances, candidates may send agents to represent them with special permission from the Election Board should such a proxy be justified.
 - (c) A candidate may schedule and attend a one-on-one appointment within three class days after the last seminar so long as the following are true:
 - (1) The candidate failed to attend because of an illness or injury, documented by a health professional,
 - (2) A death in the family, or
 - (3) The candidate was involved in a school-related travel, documented and approved by an authorized University official.
 - (4) Attendance to class, verified by the student's schedule.
- §3 **CANDIDATE ELIGIBILITY.** All candidates must adhere to the qualifications set forth in this Election Code, university policy, and all statutes enforceable by the Election Board. All candidates must adhere to the qualifications set forth in this Election Code, university policy, and all statutes enforceable by the Election Board.
- §4 **ELIGIBILITY VERIFICATION.** The Election Board Chair will transmit to the Dean of Students Office the list of new candidates who have filed each week during the filing period.

The Chair will send a final list of all who attended the Rules Reading Seminar by the second-class day in February.

- (a) The Election Board will check that the students who have filed are constitutionally and statutorily compliant and eligible to run for office.
- (b) The Dean of Students will check that the students who have filed are academically and disciplinarily eligible to run for office.

§5 **WRITE-IN CANDIDATES.** Write-in candidates will be allowed, so long as they meet all constitutional, statutory, academic, and disciplinary qualifications.

- (a) All write-in candidates must have attained at least ten votes cast in their favor during the election to be considered. Students wishing to run as write-in candidates must release any privacy holds currently filed with the Office of the Registrar prior to ballot certification.
- (b) Campaigning and the use of campaign materials by write-in candidates are subject to the established Election Rules and their enforcement. Write-in candidates are expected to immediately schedule and attend a one-on-one appointment with the Election Board Chair, or designee, as soon as possible.
- (c) Candidates who are write-in and win a seat must affirm or decline in writing that they wish to be elected within seven days following the election.

ARTICLE II. COMPLIANCE AND ELIGIBILITY

§1 **ELIGIBILITY.** Eligible individual students may file as candidates for a position as a Senator, Vice President, or President in accordance with the Student Government Constitution and this Election Code.

§2 **ADHERENCE TO QUALIFICATIONS.** All candidates must adhere to the qualifications set forth in the Student Government Constitution, this code, S.G.C., university policies, and all Senate statutes enforceable by the Election Board.

§3 **IF NO ONE FILES.** In the event that no one files to run for a particular office, the Election Board may extend the filing for that particular race for a period of up to three class days.

- §4 **POSTING OF CANDIDATE LISTS.** The Election Board will post online the names and positions sought of all candidates who have filed upon certification by the Dean of Student Office.
- §5 **FILING DOCUMENTS.** Candidates wishing to run for office will submit via the electronic form the following information: full name, Texas State email address, NetID, phone/cell number, alliance or independent affiliation, specific office sought, and a statement of no more than 150 words. Alliances will also submit a full listing of candidates running under the alliance, which will include: full names, NetIDs, specific offices sought, the alliance's executive agenda, and a short, concise name of the Alliance. The Election Board may add reasonable additional requirements to the filing form.
- §6 **MUTUAL EXCLUSION OF FILING FOR OFFICE.** Candidates may file to run for only one Student Government office per election cycle.
- §7 **CANDIDATE INFORMATION.** Upon request, information about who has filed for specific offices may be released.
- §8 **RULES READING SEMINAR.** At the time of filing, candidates must be informed of the Rules Reading Seminar date.
- §9 **WITHDRAWAL.** Any candidate wishing to withdraw from an election may do so by turning in a written statement to the Election Board.

CHAPTER 104 - VOTING AND RESULTS

ARTICLE I. POLLING STATION RESTRICTIONS

- §1 **PROHIBITION OF CAMPAIGNING AND CAMPAIGN MATERIALS WITHIN POLLING STATION PERIMETER.** No campaigning or campaign materials may be displayed, posted, or distributed within a marked 50-foot radius of any polling station.
- (a) This must be considered one of the most severe violations of the Election Code.
 - (b) An act of campaigning will be defined as any actions directly committed by a candidate, campaign agent, or campaign worker that results in a solicitation of votes within a 50-foot radius of the polling stations.

- §2 **INTERNET-ENABLED DEVICES.** All reported and published polling stations must have an internet-ready device, preferably wired, available on voting days for the express purpose of facilitating voting.
- §3 **PROHIBITION ON TABLETING.** It is a violation of this Election Code for a candidate their workers or agents to present or issue any type of internet-enabled device to a voter and instruct them through casting a ballot.
- §4 **PROHIBITION ON ELECTIONEERING.** A candidate their workers or agents are prohibited from loitering around a voter that has the effect of soliciting for or against any candidate, measure, or alliance while the student is logged into the ballot. Doing so may be considered by the Election Board as prohibited electioneering, voter suppression, or voter intermediation. If a candidate is found in violation of this provision, they will be sanctioned with a Class B violation, and those situations witch the Board considers especially egregious, including intimidation or suppression, may result in disqualification.

ARTICLE II. BALLOTS, RESULT CERTIFICATION, AND RESULTS ANNOUNCEMENT

- §1 **CANDIDATE INFORMATION ON THE BALLOT.** Candidate information on the ballot must include:
- (a) The candidate's name,
 - (b) Position sought,
 - (c) Alliance or independent affiliation,
 - (d) A statement of no more than 150 words, and
 - (e) Any other information that is pertinent to the voting procedure.
- §2 **ELECTION RESULTS.** Election results must be determined by Article IX, Section 13 of the Constitution.
- §3 **NUMBER OF VOTES A STUDENT MAY CAST.** Each student may cast one vote for president, one vote for vice president, and one vote for each available position in the Senate, in accordance with the Student Government Constitution.
- §5 **LOCATION OF RESULTS.** The location of both the announcement and posting of the results is to be publicized by the Election Board no later than the Rules Reading Seminar.

- §6 **RESULTS POSTING.** The position of each candidate on the posting must be in order by the number of votes received by each candidate within each respective category of the elected office, starting with the President, then Vice President, and lastly, Senators.
- §7 **VOTE TABULATION.** The final vote certification and authentication of tabulation must be under the review of the Election Board, or Supreme Court in the event of the Board's vacancy, and supervision by the Dean of Students.
- §8 **CERTIFICATION OF VOTES.** The Dean of Students and the Election Board Chair, or Chief Justice in the event of the Election Board Chair's vacancy, must certify the votes in all races following the closing of the polls.
- §9 **ELECTION RESULTS.** Results of any election under this code should be announced within three hours following the close of voting, but no later than 24 hours after online voting ends for any election. If necessary, a run-off race will be declared upon the conclusion of the announcement of results.

CHAPTER 105 - ASSOCIATION

ARTICLE I. FILING AND ASSOCIATION

- §1 **FILING AGREEMENT.** All candidates will approve a filing agreement, which will stipulate the fact that the candidate agrees to abide by all regulations relating to the Election Code and that ignorance of the rules is no defense for a violation. The Election Board must decide specific filing agreement language with the approval of the Dean of Students.
- §2 **FORMATION OF AN ALLIANCE.** Students may create an alliance. An alliance is at most seven eligible students: one seeking the office of the President, one seeking the office of Vice President, and at most five others seeking the office of Senator.
- (a) Candidates who properly form and conduct alliances under the Election Code are not subject to the restrictions of association found in this chapter.
 - (b) Candidates wishing to properly form and conduct an alliance under this code must report such upon candidate filing.
 - (c) The Election Board must confirm the authenticity of this alliance by verifying with all candidates their intent via a formal written statement or email.

- §3 **PROHIBITED ASSOCIATION.** Except in cases of a bona fide alliance as provided for in this Election Code, the prohibition against association means that no candidate is allowed to contribute financially or provide any other form of support to another candidate. The purpose of the association rule is to encourage a diverse slate of candidates to compete in a fair and equitable election on the basis of their merit for office. This generally includes, but is not limited to:
- (a) Endorsements from other candidates not part of the same alliance,
 - (b) Donating or sharing of campaign materials,
 - (c) Campaign money and campaign organization resources,
 - (d) Jointly soliciting votes between and amongst candidates who are not in a bona fide alliance, and
 - (e) The willful collusion of ideas.
- §4 **PERMITTED ASSOCIATION.** Only those candidates that have jointly filed under this Election Code as an alliance is allowed to participate in campaigning together, provide endorsements for each other, and otherwise engage in joint, collaborative campaigning, planning or activities.
- §5 **VIOLATIONS OF ASSOCIATION RULES.** Violation of association rules in this Chapter must constitute one class A violation.

ARTICLE II. PROHIBITIONS AND RESPONSIBILITIES

- §1 **EARLY CAMPAIGNING OR ENDORSING.** No campaigning or endorsing will be allowed until the official campaign period has begun as determined by law.
- §2 **FILED CAMPAIGN MATERIALS.** A sample, electronic, or color copy of printed campaign materials must be filed with the Election Board prior to its public distribution or posting. This does not mean the Election Board is approving the materials submitted. The Board may point out violations should they notice them.
- §3 **CANDIDATE RESPONSIBILITIES.** Candidates are responsible for all actions and conduct of their agents and workers. Candidates are not responsible for the actions of those

not formally registered with their campaign, so long as the persons associated with the campaign does not create an obvious connection with the candidate.

§4 **ELECTRONIC MEDIA.** All campaign materials must follow university regulations governing the use of electronic media.

§5 **DESTRUCTION OF MATERIALS.** No candidate, agent, or worker will remove, obscure, or damage any sign that follows the posting policies of the university.

§6 **DEFACING.** No person will deface any property of another candidate or the property of the University.

§7 **VERBAL HARASSMENT.** Candidates, as well as their agents and workers, will not engage in campaigning activities that subject students, staff, faculty, or the administration to demeaning verbal harassment as determined by the university's institutional rules.

§8 **REQUIREMENT TO USE NETID.** Students must use their Texas State University Student Net ID, and only their own, and password in order to log in to the online voting system or to cast a vote.

§9 **UNIVERSITY RESOURCES.** No candidate, agent or worker or any endorsing party may use university resources to advance their campaign that is not available to the student population at large.

§10 **NET ID COLLECTION.** The collection of student information to facilitate voting is prohibited in accordance with the policies of the university and will be an egregious violation of this code, punishable by nothing less than disqualification for candidates, referral to student discipline, Supreme Court, and/or other disciplinary entity.

§11 **RESTRICTED ACTIVITY.** The following forms of campaigning are restricted:

- (a) Campaigning within academic buildings is permissible, subject to administrative approval in accordance with applicable university policies. Student organizations that are using an academic building for their meetings can grant permission to campaign within the space or room they are using.
- (b) Campaigning within residence halls is permissible, subject to approval from the Department of Housing and Residential Life.

(c) If campaigning is prohibited in a Residence Hall or academic building for one candidate, it must be deemed prohibited for all candidates.

(d) Campaigning in the LBJ Student Center Teaching Theater is prohibited.

§12 **ORGANIZATION ENDORSEMENT.** Registered Student Organizations (RSOs) that are not Chartered Student Organizations (CSOs) may endorse candidates.

§13 **ENDORSEMENTS BY STUDENT GOVERNMENT MEMBERS.** The Supreme Court Justices and Election Board members are strictly prohibited from making endorsements, public or private, of any candidates.

(a) Individual Senators and Representatives may make an endorsement so long as verbal statements are prefaced as not representing all or any part of the Student Government. Written endorsements must come with a disclaimer to this effect.

CHAPTER 106 - FINANCIAL DISCLOSURE

ARTICLE I. FINANCIAL DISCLOSURES FORMAT

§1 **CAMPAIGN EXPENDITURE RECORDS.** Each candidate must keep accurate and up-to-date records of all campaign income and expenditures and submit a report even if they have no income or expenses. Donations must include any and all discounts not available to the student population at large. Documentation should include but is not limited to:

- (a) Printed receipts that provide income and expenditure information,
- (b) Market value for all items purchased or donated, and
- (c) Any fines applied by the Election Board.

§2 **ALLIANCE EXPENDITURES.** Except in the case of a bona fide Alliance, candidates must file an individualized report, provide proof of individualized purchase, and fund their campaign separately from all other candidates. For an Alliance, an expense report will be filed on behalf of all candidates in the Alliance.

§3 **FUNDRAISING LIMIT.** Candidates must limit the amount of funds they raise up to their expense limit plus \$150 for a potential runoff.

- §4 **TEMPLATE.** A template process for financial disclosures for use by all candidates will be developed by the Election Board and provided to each group by the first day of filing. The filing form should follow the format found in [Appendix 11](#)
- (a) The Election Board must establish a report form that catalogs expenses by a candidate into no less than three broad categories; fines, donations, and original expenses.
- §5 **PROHIBITED AFFILIATION.** Except in cases of a bona fide alliance as provided for in this code, no candidate is allowed to contribute financially or provide any other form of tangible or substantive support, including but not limited to campaign materials, to another candidate's campaign.
- (a) Sharing campaign money, campaign materials, and resources between and amongst candidates who are not in a bona fide alliance is strictly prohibited.
- §6 **FINANCIAL DISCLOSURE STATEMENT.** Financial disclosure statements must be filed with the Election Board, in the Student Government Office or other locations designated by the Election Board, by the following times:
- (a) 4:30 p.m., on the first day of the campaign period; and,
- (b) 4:30 p.m., on the last day of the second week of the campaign period; and,
- (c) 5:00 p.m., the day after the voting period ends; and,
- (d) 4:30 p.m., on the first day of campaigning in a runoff election; and,
- (e) 5:00 p.m., on the last day of voting in a runoff election.

ARTICLE II. RECORD KEEPING PROCEDURES

- §1 **RECORD KEEPING.** Each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures.
- §2 **RECEIPTS.** Receipts must be provided for all campaign expenditures.
- §3 **CONTRIBUTIONS.** Contributions to a candidate by individuals are allowed, but all contributions must be documented in a financial disclosure statement in accordance with this code.
- (a) Non-student groups may not donate to a candidate's campaign.

- (b) Student organizations receiving student service funds or other university funds will not contribute funds, items, or support of any kind.
- (c) This provision will not be construed to prohibit any Texas State student media coverage or endorsement of campus-wide Student Government elections.
- (d) It will be prohibited to use any item, fund, office, supply, or material support of any kind of university origin that is not intended for use by all students.

§4 **FINANCIAL DISCLOSURES.** Each candidate's financial records must list identifying information (name, item, etc.) and amounts of each contribution and expenditure.

- (a) Contributions and expenditures of non-monetary assets or in-kind contributions must be listed and valued at their fair market value, as determined by the Election Board.
- (b) Each financial disclosure statement must have all expenditure receipts attached.
- (c) All expenses must be included in the financial disclosure report.
- (d) The Election Board may request and require candidates to provide proof, e.g., bank or financial statement summaries for verification. The personal information of the candidate may be redacted from any such summary.

§5 **ENDORSEMENTS AND FUNDING.** All campaign materials distributed by and/or paid for by an endorser of a candidate must be included in the candidate's campaign expenditures.

- (a) If an endorser pays for campaign materials promoting multiple candidates, the full cost of those materials must be included in the campaign expenditures of each candidate promoted by the materials.
- (b) Except in the case of a bona fide Alliance, no candidates may pay for the campaign materials of another, conduct joint events, or pool money for a campaign, including but not limited to joint banking accounts.

§6 **FORMS.** The Election Board will provide all necessary standardized forms for the purpose of this Election Code by the filing deadline.

§7 **REPORTING EXPENSES.** The financial disclosure statements must contain all the expenses incurred by the candidate before and during the campaign period.

§8 **PUBLIC RECORDS.** Each candidate's financial records must be available for public inspection upon submission to the Election Board.

- (a) Each candidate or alliance must submit a spreadsheet in digital format summarizing their campaign expenditures to the Election Board for each disclosure required.
- (b) This summary of records must be placed online by the Election Board within three business days after records are submitted.

§9 **DISQUALIFICATION.** Failure to file accurate financial disclosure statements by the deadlines listed in this section, or falsification of financial statements, may qualify the candidate for disqualification by the Election Board.

§10 **ADDITIONAL REGULATION.** The Election Board may establish exact specifications for reporting timelines, format, location, and accuracy so long as it reasonably justified to enforce the provisions of reporting in this Election Code.

ARTICLE III. SPENDING LIMITS

§5 **SPENDING LIMITS.** Spending limits for candidates must be strictly followed, and violations of such limitations considered among the most severe violations of this Election Code. Candidates in all Student Government campus-wide elections must adhere to the following spending limits:

- (a) Alliances (President, Vice President, and Senators running together): \$3,500 in any general election or special election; and,
- (b) President, if running alone: \$1,500 in any general or special election; and,
- (c) Vice President, if running alone: \$1,500 in any general or special election; and,
- (d) Senators, if running alone: \$150 in any general or special election and
- (e) Write-In Candidates of any type: \$0 in any general election or special election.

§2 **RUNOFF EXPENSE LIMIT.** Candidates and alliances must be allowed an extra \$250 each for campaigning in a runoff election.

§3 **EXCEEDING EXPENDITURES.** Candidates whose campaign expenditures exceed 5% over their designated spending limit must be immediately disqualified by the Election Board.

§4 **TOTAL EXPENDITURES.** Total expenditures must include all campaign expenditures and fines issued by the Election Board.

CHAPTER 107 - RECOUNTS AND PROTESTS**ARTICLE I. PROCEDURE FOR RECOUNTS AND PROTESTS**

- §1 **INITIATING RECOUNT OR PROTEST.** Any person intending to protest the election must give the Election Board a sealed, written statement of the grounds on which such protest relies within three business days after the last day of election by delivering the letter to the Dean of Students Office. This statement may include any and all supporting evidence to sustain such a contest.
- (a) All protests will be opened and read upon receipt, by the Election Board, in the presence of one of the Student Government Advisors. Discussion of the protest must remain between the Election Board and the individuals involved until all protests have been filed.
 - (b) A Student Government Advisor must be present for all deliberations on the protest. All requests for recounts and protests must be heard by the Election Board within two business days of receipt of the complaint. Upon reviewing the contestant's written statement, the Election Board must submit a written report to the Dean of Students and all candidates running for office within five business days of the protest filing deadline. Any additional evidence or violations that are uncovered must be included in the protest. The Election Board must consider violations by a candidate other than the defendant that is uncovered as a separate protest. If a hearing is deemed necessary by the Election Board, it must be held within seven business days after the last day of the election. The Election Board must give at least one day notice of the date, time, and place of the hearing to all the parties involved. All hearings must be open to the public.
 - (1) Each party must be allowed 10 minutes to present their case. At this time, evidence may be presented to the Board. The contesting candidate must be allowed to speak first.
 - (2) The Election Board will then, if necessary, question each party.
 - (3) Each party will be allowed one, three-minute closing statement.

- (4) A complete written transcript and/or audio recording will be made public online following the decision.
- (c) In determining the validity of a protest, the Election Board must determine the validity of the claim and the seriousness of the charge. The Election Board may choose to sustain or dismiss the protest. If the Election Board sustains the charge, the Board has two options: 1) to call for a run-off election or 2) disqualify the offending person or persons. If the disqualified candidate receives a majority of the votes cast in the election, the person who received the second-highest amount of votes must win the election.
- (d) The rules in this chapter apply to run-off elections as well.
- (e) After the Election Board rules, either party may within two business days, submit a written appeal to the Supreme Court.
- (f) Any disqualified candidates must lose the right to run or be placed as a write-in candidate for the office for 12 months from the date of the offense.

Any person contesting the election on the grounds of information technology malfunction must file a written notice with the Dean of Students Office immediately. If the Dean of Students Office, in conjunction with Student Affairs Technology Services, and Election Board determines the protest is valid, then remedy must be offered by the extension of voting beyond the voting deadline of the amount of time during the information technology malfunction. Other remedies can be agreed upon by the contestant, Dean of Students Office, and Election Board during this review.

CHAPTER 108 - CONSTITUENCY SENATOR SELECTION

ARTICLE I. APPOINTMENT OF CONSTITUENCY SENATORS

- §1 **INITIATING RECOUNT OR PROTEST.** Each constituency organization will handle recounts and protests of the selection of their Senators through a process set by their organization and/or supervising department.

- §2 **APPOINTED SENATORS.** There are twelve appointed Senators from underrepresented groups, also known as constituencies, and include foster care students, students from minority backgrounds, freshmen, LGBTQIA+ students, non-traditional students, international students, students with disabilities, and veteran students.
- §3 **PROCESS.** Constituencies from the various underrepresented groups that are represented by appointed Senators will establish a system, with respective department oversight, to select a representative prior to the start of the filing period. A mechanism must be established by the constituency to select and recommend a student representative for an appointment to the Senate. An alternate may also be selected in the event the appointed Senator leaves office. All potential appointees must meet requirements for eligibility as verified by the Dean of Students prior to the start of any mechanism to select and recommend a student for an appointment.
- §4 **CONSTITUENCIES.** Associated constituencies for the various underrepresented groups will be represented by a Senator, selected upon the expiration of the Senators term or vacancy of their office, by each of the following organizations or departments:
- (a) 4 Senators representing traditionally underrepresented students will be selected by the chartered student organization Underrepresented Student Advisory Council (USAC) with oversight of the Office of Student Diversity and Inclusion.
 - (b) 1 Senator representing LGBTQIA+ students will be selected by the student organization Lambda of Texas State with oversight of the Office of Student Diversity and Inclusion.
 - (c) 1 Senator representing Freshman will be selected by the Freshman Council of Student Government with oversight of the Dean of Students Office.
 - (d) 1 Senator representing Non-traditional students will be selected by the chartered student organization Non-traditional Student Organization (NTSO) with oversight of the LBJ Student Center.
 - (e) 1 Senator representing foster care students will be selected by the student organization Foster Care Alumni Creating Educational Success (FACES) with oversight of the Retention Management and Planning Office.

- (f) 1 Senator representing students with disabilities will be selected with oversight of the Office of Disability Services (ODS).
- (g) 1 Senator representing students living in on-campus housing will be selected by the Residence Hall Association (RHA) with oversight from the Department of Housing and Residential Life.
- (h) 1 Senator representing international students will be a student selected by the Office of International Student and Scholars Services (ISSS).
- (i) 1 Senator representing Veterans will be selected by the chartered student organization Veterans Alliance of Texas State (VATS) with oversight of the Office of Student Diversity and Inclusion.

TITLE IV -THE PRESIDENT

CHAPTER 100 - THE OFFICE OF THE PRESIDENT

ARTICLE I. POWERS OF THE PRESIDENT

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Sections 17, (b), (c), and (g) of the Student Government Constitution.
- §2 **OFFICE OF THE PRESIDENT.** The Office of the President is defined as the Chief of Staff, Special Assistants, and other student workers hired for the day-to-day operation of the Student Government offices and administrative functions.
- §3 **PRESIDENTIAL POWERS TO DELEGATE.** The President may delegate the responsibilities granted to them under the Constitution and the rules and regulations of Student Government to Cabinet Members or to Executive Staff within the Office of the President. The President must retain ultimate responsibility for the proper execution of delegated responsibilities.
- §4 **EXECUTIVE ORDERS.** The President is vested with Executive Power and may provide Executive Orders which direct Cabinet Members and Executive Staff to take any administrative action delegated to the President therein by the Constitution and statutes of

Student Government. The President may also make strictly ceremonial proclamations if they so choose.

§5 **EXECUTIVE ORDERS AS POLICY.** The President establishes policy for the Cabinet and Departments through executive orders or approves any such policy the Cabinet or Department may establish. Executive Orders may be used to provide functional regulation to statutes which are incomplete or unclear or to execute the powers granted to the President by the Student Government Constitution and S.G.C.

§6 **REPORTING.** The President will report to the Senate new Department or Cabinet policy, Executive Orders, and other regulatory interments, in writing, within five business days.

ARTICLE II. OFFICERS

§1 **COMPOSITION.** The Student Government Officers will be the members of the Office of the President, the Executive Staff therein.

§2 **EXECUTIVE STAFF.** The Executive Staff are the Chief of Staff, Special Assistants, and student workers. The Executive Staff will primarily support the President in the execution of the Student Government's business and to provide administrative support to the Vice President and Cabinet as necessary.

§3 **REPORTING STRUCTURE.** The President may assign the reporting structure within the Cabinet and Office of the President and in which case that reporting structure must be followed by said officers.

§4 **DUPLICATION OF RESPONSIBILITIES.** No officer, student worker, nor the Chief of Staff or member of the Cabinet, may assume the responsibilities, duties, or powers of any other position in the Executive Staff or Cabinet.

§5 **CHIEF OF STAFF.** The Chief of Staff will be hired by the President to support the President, Vice President, and Cabinet. They must assist in ensuring the completion of the day-to-day functions of the Student Government. Their responsibilities must include:

- (a) Advisor to the President,
- (b) Administrative duties for the Cabinet and staff meetings, including taking minutes, attendance, and formal voting records,

- (c) Maintaining the schedules for the President and Vice President,
- (d) Review, revise, and implement the policies and procedures of the Departments.
- (e) Be the student manager-for any Student Workers hired,
- (f) Managing the office and maintaining office supplies,
- (g) Maintaining a clean Student Government office space,
- (h) Provide continuity during the transition of Student Government administrations. The outgoing Chief of Staff will serve as a transition advisor for up to 60 days after the installation of the new President, and
- (i) Other duties as assigned by the President.

§6 **ATTORNEY GENERAL.** Will be the chief legal officer, serve as a Cabinet office, and advise the President, especially pertaining to the proper execution and function of the Student Government Constitution and laws. In addition, the Attorney General will:

- (a) Issue advisory opinions on the proper function of the Constitution and laws of the Student Government and may be challenged in the courts.
- (b) Be responsible for undertaking statutory revisions, as follows:
 - (1) Conduct a continuing study of the Code of Laws for the purpose of controlling their number, bulk, and clarity,
 - (2) Facilitate correction and proper identification by statutory number and subject matter,
 - (3) Prepare and submit to the Senate, House, or Assembly, recommendations for the revision of the Code of Laws,
 - (4) Organize the process of revising the Constitution every three years,
 - (5) Ensure the proper display and promulgation of the Code of Laws and confirm in writing to the Senate that such promulgation is complete, and
 - (6) Correct grammatical, typographical, and like errors without the consent of the Senate.
- (c) Serve as the representing counsel for members of the Cabinet and its members when they appear before the judiciary, except in the case of conscience recusal, and never serve as defense counsel in the event of impeachment or expulsion.

- (d) Represent Student Government in cases where the Student Government is a party.
- (e) Be responsible for educating Student Government members on all provisions of the Student Government Constitution, laws, and procedures and develop a Student Government Handbook therein.

§7 **SPECIAL ASSISTANTS.** The President has the power to commission special assistants with specific responsibilities and roles, which may assist and advise the President and Cabinet but may not be responsible for the execution of another officer's responsibilities. They may be granted status as a member of the Office of the President and ex officio member of the Cabinet by the President.

- (a) Special assistants are not eligible for a wage except in special circumstances and with the permission of the Dean of Students, and if this is the case, they must be accountable to report time worked for their wage to the Dean of Students Office or Student Government Advisors. Special Assistant pay may never exceed that of the Chief of Staff.
- (b) The President must submit the appointment of special assistants to the Senate for confirmation by a majority vote.

§8 **STUDENT WORKERS.** When student workers are hired, they will be hired by the Dean of Students and in accordance with university policy and made available to all of the Student Government. The student workers will have set job responsibilities and will not be called upon to do unusual or extraordinary tasks. Creation of Student Worker positions will require the Dean of Students' approval. Student worker responsibilities will be delegated by the Chief of Staff as needed.

CHAPTER 200 - EXECUTIVE ORDERS

ARTICLE I. CODIFICATION OF EXECUTIVE ORDERS

§1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Sections 17, (b),(c), and (g) of the Student Government Constitution.

- §2 **PURPOSE.** Executive Orders, which provide functional regulation to statutes which are incomplete or unclear, must be recorded subsequent to this chapter. All other Executive Orders, memoranda, or ceremonial proclamations must not be recorded.
- §3 **RECORDING.** Codification of Executive Orders must occur pursuant to S.G.C. I §100.5(a). Each individual Executive Order must be codified as a new chapter in ascending order from §201 and must follow the same format as outlined in S.G.C. I §100.3(4).
- §4 **AMENDMENT.** Withdrawal of or amendments to previous Executive Orders must be reordered as such in the already established chapter for the order and must not be recorded as a new chapter.
- §5 **CODING.** Executive orders must be coded by the initials for “Executive Order,” followed by the number in ascending order from 10 in ascending order followed by a period (.) and the academic years divided by a forward slash (/). An example: E.O. 10.2018/2019.
- §6 **FORMAT.** Executive Orders may be issued in memo format but for the purposes of codification must be recorded in a format conforming to the order found in S.G.C. IV §201(1).

CHAPTER 201 - PRESIDENT’S EXECUTIVE ORDERS

ARTICLE I. ACADEMIC YEAR 2020/2021

§1 E.O. 10.2020/2021 - PLACEHOLDER E.O.

Placeholder text:

- (a) Placeholder
- (b) Placeholder

ARTICLE II. ACADEMIC YEAR 2021/2022

§1 E.O. 10.2021/2022

ARTICLE III. ACADEMIC YEAR 2022/2023

§1 E.O. 10.2022/2023

TITLE V - THE EXECUTIVE DEPARTMENTS AND CABINET**CHAPTER 100 - DEPARTMENTS AND DIRECTORS****ARTICLE I. ADMINISTRATIVE**

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article IV, Sections 17, (b), (c), and (g) of the Student Government Constitution.
- §2 **PURPOSE.** This title exists to provide regulation over the various functions of the Cabinet and Departments. Its primary purpose must be to outline the job responsibilities for Directors, the purpose of Departments, and establish other regulations on the Cabinet as necessary.

ARTICLE II. THE CABINET

- §1 **COMPOSITION.** The Cabinet will be comprised of the Directors of each of the Departments, the President, the Vice President, Chief of Staff, and others as the Senate so establishes. The Vice President will serve as Vice-Chair of the Cabinet and Chair in the event the President cannot attend. The Senate Leader and House Leader may attend Cabinet meetings in an advisory capacity only and will have no rights and be given no responsibilities as Cabinet members, except that, at their own discretion, the right to attend Cabinet meetings.
- §2 **PURPOSE.** The Cabinet is the primary forum, under the direction of the President, for the officers of the Student Government to advise the President. The Cabinet has a collective responsibility to support each other and the President in order to achieve the common vision of the Student Government. Cabinet members must support, or not oppose publicly, decisions made in Cabinet. Members of Cabinet will keep confidential discussions in Cabinet.
- §3 **MANAGEMENT POWERS OF DEPARTMENT DIRECTORS.** Department Directors will have direct supervisory and administrative control of the Departments they lead, but they, along with their Department, must report and comply with all instructions of the President, as allowed by the constitution and S.G.C.

- §4 **RANK OF CABINET MEMBERS.** Department Directors and the Chief of Staff serve at the pleasure of the President and may be released from that obligation on the authority of the President at any time.
- §5 **INSTALLATION OF NEW CABINET UPON NEW TERM.** Director(s), Assistant Director(s), and the Chief of Staff must offer their resignation upon the installation of a new President. The President may then accept or reject each of these resignations.
- §6 **REPORTING TO THE SENATE.** All Cabinet members must report to the Senate when called to do so.
- §7 **CABINET MEETINGS.** Cabinet may meet once weekly on a day as decided by the President. Cabinet meetings are closed to the public.
- §8 **DEPARTMENT MEETINGS AND ATTENDANCE.** Departments must meet as business warrants at times and locations as decided by the Director or President. Two absences from a Department meeting is grounds for removal from the Department.
- §9 **EXEMPTION FROM SENATE COMMITTEES.** Directors may be exempt from service on all Senate committees at the discretion of the President.

ARTICLE III. CABINET MEMBERS

- §1 **DIRECTOR POWERS.** The Director manages the affairs and coordinates the activities of their respective departments. All Directors will have powers and duties, including:
- (a) Serve as executives of the Department they are charged with,
 - (b) Attend weekly Cabinet meetings,
 - (c) Supervisory powers over their Department's allocated budget,
 - (d) Remove and add members of their Department, with permission of the President,
 - (e) Report to the House and Senate on departmental activities each semester and when called to do so and
 - (f) Other tasks, expectations, and responsibilities as assigned by the President.
- §2 **ATTORNEY GENERAL.** Will serve as a member of Cabinet and advise the President and Cabinet in accordance with their duties outlined by law.

- §3 **DIRECTOR OF PROGRAMS.** Will be the chief programming officer and be responsible for advising the President on ways to engage the student body, encourage civility and camaraderie among Student Government, and develop student programs or services, and engagement activities which collect the input, feedback and elicit the concerns of students. In addition, the Director of Programing will:
- (a) May have one year of programmatic experience within a Registered or Chartered Student Organization at Texas State University.
 - (b) Coordinate the Student Government Fall and Spring Banquet
 - (c) Coordinate the Student Government Roundtable events.
 - (d) Coordinate any other Student Government ceremonial or programmatic events.
 - (e) Ensure the Department of Programs performs and fulfills its function.
 - (f) Set the goals of the Department of Programs and ensure the Department meets its statutory and written expectations, including deadlines and projects.
- §4 **DIRECTOR OF FINANCE.** Will be the chief financial officer and advise the President on the budget and expenditure of Student Government funds and the various funding programs established by law. In addition, the Director of Finance will:
- (a) May have a background in Finance, be majoring or minoring in Finance, or related fields of study or have been the chief financial officer of another organization with a comparable budget to that of the Student Government.
 - (b) Keep track of Student Government expenses and awarding of funds.
 - (c) Report on the budget at each Cabinet meeting.
 - (d) Set the goals of the Department of Finance and ensure the Department meets its statutory and written expectations, including deadlines and projects.
- §5 **DIRECTOR OF MARKETING AND OUTREACH.** Will be the chief public relations of Student Government and advise the President on issues of student outreach and public relations at Texas State University. In addition, the Director of Marketing and Outreach will:
- (a) Coordinate with their Department to oversee and regularly update the Student Government website,

- (b) Meet with leaders of media organizations at Texas State in order to disseminate accurate information pertaining to the affairs of the Student Government,
- (c) Draft, review, and plan for legislation to address organizational student outreach,
- (d) Maintain the student government social media and other media applications, and
- (e) Maintain the brand, standard, logo, and formal seal of student government.

§6 **DIRECTOR OF DIVERSITY, EQUITY, AND INCLUSION.** Will be the chief diversity officer of the Student Government and advise the President on issues affecting minority and underrepresented communities at Texas State University. In addition, the Director of Diversity, Equity, and Inclusion will:

- (a) Coordinate and oversee the Diversity Liaison program,
- (b) Meet with leaders of organizations from underrepresented communities who come to the Student Government with concerns and ideas, and
- (c) Draft, review, and plan for legislation to address organizational concerns and opinions.

§7 **THE DIRECTOR OF GOVERNMENT AFFAIRS.** Will be the chief external affairs officer and oversee the department of Government Affairs. The Director of Government Affairs will advise the President on matters relating to local, state, and federal government and serve as their primary ambassador to government entities outside of Texas State University:

- (a) Be the President's representative from the Student Government in federal, state, and local government and must act as such and not speak on behalf of his or her own preferences.
- (b) Attend weekly or bi-weekly City of San Marcos Council Meetings.
- (c) Assist the President in representing the Texas State student body at the local, state, and federal levels of government.
- (d) Advise the Cabinet on issues ongoing in local, state, and federal government.
- (e) Be or designate someone to be the City Council liaison.
- (f) Set the goals of the Department of Government Affairs and ensure the Department meets its statutory and written expectations, including deadlines and projects.

CHAPTER 200 - DEPARTMENT OF PROGRAMS**ARTICLE I. AUTHORIZATION AND PURPOSE**

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 17, (b),(c), and (g) the Student Government Constitution.
- §2 **PURPOSE.** This department will be known as the Department of Programs, and the leader of this department will be the Director of Programs. This Department will:
- (a) Coordinate, plan and execute three open forums for students each semester.
 - (b) Coordinate, plan, and execute the distribution and posting of surveys and informal polling and engagement events.
 - (c) Coordinate, plan and execute the fall and spring banquets and other special events.

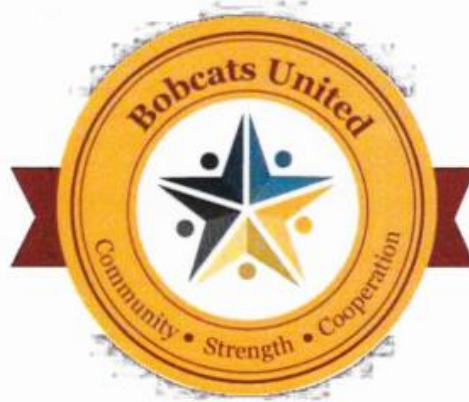
CHAPTER 201 - BOBCATS UNITED AUTHORIZATION ACT**ARTICLE I. ADMINISTRATIVE**

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17, (g), and (o) of the Student Government Constitution.
- §2 **PURPOSE.** The Senate wishes to encourage student discourse on current issues facing our campus and community while supporting the Texas State Shared Values by fostering “a spirit of inclusiveness, a global perspective, and a sense of community.” The Senate encourages open discourse, and debate is critical to the advancement of our personal and academic development. To support this end, the Senate wishes to create a forum for dialogue through a Town Hall Series to be titled “Bobcats United: A Town Hall Series.” This Town Hall Series will provide for discussion on current pressing social, political, community, and campus topics, allowing the Student Government, through the Department of Programs, to understand the issues, concerns, and opinions of the students. This discourse will permit Student Government to be at the forefront of the social discourse on campus.

ARTICLE II. AUTHORIZATION

- §1 **AUTHORIZATION.** The Senate hereby authorizes the creation of a program “Bobcats United: A Town Hall Series” or “Bobcats United Event” for short.

- (a) The topic of a Bobcats United event can be established at the discretion of the President or through the passage of a Simple Resolution.
- (b) They are often organized as a “Round Table” or “Town Hall” style event.
- (c) When a determination is made that a topic warrants a Bobcat United event: The President in consultation, with the Director of Programs, will set a date for the event.
- (d) The Department of Programs will plan, oversee, and execute the event.
- (e) The official Seal of the Bobcats United will be:



CHAPTER 300 - DEPARTMENT OF FINANCE

ARTICLE I. AUTHORIZATION AND PURPOSE

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 17 (b), and (g) of the Student Government Constitution.
- §2 **PURPOSE.** The Department will be known as the Department of Finance, and the leader of the Department will be known as the Director of Finance. This Department will:
- (a) Review, amend, and approve or disapprove the budget.
 - (b) Provide oversight of Student Government spending.
 - (c) Coordinate fundraising of other revenue as called for by the Senate.
 - (d) Advise the President on issues relating to finance.

- (e) Execute all provisions found in S.G.C. X §201, §202 by overseeing the Student Government Scholarship, the Scholarly Travel and Academic Research (S.T.A.R.) Grant, and other external funding mechanisms under the purview of the Student Government.

§3 **COMPOSITION.** The Department will be comprised of at least two assistant directors as selected by the Director.

CHAPTER 301 - THE SCHOLARLY TRAVEL AND ACADEMIC RESEARCH (S.T.A.R.) GRANT ACT

ARTICLE I. ADMINISTRATIVE

§1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17 (g) of the Student Government Constitution.

§2 **PURPOSE.** This Act establishes the Scholarly Travel and Academic Research Grant, the S.T.A.R. grant for short, is established to promote and enhance efforts to expand research and other scholastic opportunities for all students through funding for travel to conferences and exhibitions.

§3 **EXECUTION.** The Director of Finance is responsible for the proper execution of this chapter.

- (a) The Department of Finance must review and select which applications will receive funding. All awards will meet the criteria as established in this chapter.

- (b) The President approves or rejects each application and returns it to the department for application notification.

§4 **EXCLUSIVITY TO STUDENTS.** The funds granted to this program are to be provided to students exclusively and are never to be used on faculty or staff travel costs.

ARTICLE II. APPLICATION AND CRITERIA

§1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17 (g) of the Student Government Constitution.

§2 **APPLICATION.** A standard set of questions will be a component of every grant application and is required to be completed by the applicant to be accepted. These components must include:

- a) Student's identifying information, including full legal name, phone number, and Texas State email,
- b) A sponsoring or supervising faculty member,
- c) Sponsoring or supervising department information,
- d) A statement of justification for the grant, and
- e) The name of the scholastic activity,

§3 **ADDITIONAL APPLICATION CRITERIA.** Each year the Department of Finance may establish other components of an application specific to the type of scholastic activity which they may require the applicant to complete in order for the application to be considered,

- a) The Department of Finance must not establish a rule or application criteria that is counter or at odds with this chapter.
- b) The Department of Finance must not establish a rule or application criteria that are overly burdensome to the application.

§4 **APPLICATION DEADLINES.** The Department of Finance may establish fixed due dates at the beginning of each academic year. The Department of Finance may add additional deadlines to the fixed and pre-established deadlines should they deem it necessary.

§5 **APPLICATION CRITERIA.** The following criteria will be used by the Department of Finance to decide if it should grant an applications request:

- a) Funds will be used for travel and associated costs for scholarly or creative activity, both domestic and international.
- b) Applicants must be a Texas State student.
- c) Applicants must have support from a faculty member or sponsoring college or department.
- d) Applicants must have matching funds from sources other than the S.T.A.R. Grant

ARTICLE III. LIMITATIONS

- §1 **FUNDING LIMIT.** Each application may be awarded up to \$750.
- §2 **FUNDING PAYOUT.** Awarded funds are granted to the individual student.

ARTICLE IV. REPORTING

- §1 **APPLICANT REPORT.** Each applicant must submit an after-action report to the Department of Finance, briefly detailing the scholastic event, including important contributions the student made to the event or the impact the event had on the student.
- (a) The Department of Finance may establish specific reporting parameters each year.
 - (b) The Department of Finance may establish the reporting deadlines each academic year.
 - (c) Failure by an awarded applicant to complete the report may result in disqualification from being granted additional funds.
- §2 **DEPARTMENT REPORT.** The Director of Finance must collect, and compile information related to the number of awards issued, amount of funding issued, a number of individual students awarded funds, a compilation of the applicant reports along with information on the number of applications rejected. The Director of Finance will distinguish between those applications rejected due to not meeting the department's standards or other criteria and those applications rejected due to insufficient funding.
- (a) The Director of Finance will work with the President to complete a Student Service Fee funding request each year to maintain the funding for the S.T.A.R. Grant.
 - (b) The Director of Finance will report the state of the S.T.A.R. Grant to the Senate each budget authorization cycle, providing the information outlined in this section.

ARTICLE V. SUNSET PROVISION

- §1 **INSUFFICIENT FUNDING.** If the funds for the S.T.A.R. grant are unavailable during any given academic year, this chapter must be suspended until such time as those funds become available again.

CHAPTER 302 - SCHOLARSHIPS ACT**ARTICLE I. ADMINISTRATIVE**

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17 (g) of the Student Government Constitution.
- §2 **PURPOSE.** This Title establishes annual disbursement of the Student Government scholarships and outlines the criteria for applicants, along with the procedures for selecting which applicants receive the award.
- §3 **EXECUTION.** The Department of Finance must review and select which applicants will receive the scholarship award pursuant to its powers in S.G.C. V §103.1(2).
- a) The Student Government advisors will serve as *ex officio* members when the Department of Finance is reviewing applications.
 - b) This chapter may not be amended six weeks prior to the opening of the application or during the application receipt and deliberation process.
 - c) When the Finance Department meets to discuss and decide the allocation of scholarships, a Sub-Department must be created with seven student members, five of which may come from the Department of Finance.
 - (1) This Sub-Department must be vested with the power to review and allocate the Student Government and Bookstore Scholarship
 - (2) The President may select other Senators to serve if the Sub-Department is not filled.
 - (3) Student Government members must serve as *ex officio* members.
- §4 **RESTRICTIONS FOR STUDENT GOVERNMENT.** Members of the Student Government, who meet the established criteria, are eligible for a scholarship, but any members of the Department of Finance who apply will not be allowed to review the applicants' information or make any decisions on the applicants' award status.
- §5 **PRESIDENTIAL POWERS.** The President may; if funds awarded by the Department of Finance are returned or otherwise not claimed or applied, award said funds to other qualified applicants from the original pool of applications.

- §6 **DEPARTMENT DISCRETION.** The Department of Finance is empowered to make decisions in the event this title does not address issues that arise during the scholarship process, with approval of the President.
- §7 **TIMELINE.** The following timeline establishes the proper processing of the applications:
- a) The applications for both scholarships will be made public no later than February 1st and accept applications until the first Friday of March of each year.
 - b) The Dean of Students' Office will verify scholarship eligibility.
 - c) The Department of Finance will meet as often as necessary to select the final award recipients.
 - d) The Department of Finance will provide the Dean of Students Office with a list of awarded applicants and denied applicants no later than April 25 each year.
- §8 **APPLICATION.** The scholarship application should require the following information:
- a) Name, Student Net ID, local address, email address.
 - b) Current employer information.
 - c) Classification.
 - d) Current Texas State GPA.
 - e) Whether the applicant has completed two full semesters at Texas State University
 - f) Major(s) and Minor(s).
 - g) Organization affiliation.
 - (1) Details of membership status, including active or inactive, member, and leadership positions held.
 - h) Projected graduation date.
 - i) Whether the applicant is a member of the Student Government.
 - j) Whether the applicant is receiving financial aid grants or scholarships.

ARTICLE II. STUDENT GOVERNMENT SCHOLARSHIP

- §1 **UNDERGRADUATE CRITERIA.** The criteria for undergraduate students applying for the Student Government Scholarship includes:
- a) Classification as a sophomore, junior, or senior.

- b) Full-time student status as defined by Texas State University according to their degree program.
- c) A minimum 2.5 Texas State GPA.
- d) Attended Texas State University for two long semesters prior to applying for the scholarship.
- e) Not receive any need-based grants. Loans, scholarships, and work-study are forms of financial aid that applicants may be receiving.
- f) A resume.
- g) Membership in a social or academic organization.

§2 **GRADUATE CRITERIA.** The criteria for graduate students applying for the Student Government scholarship includes:

- a) Full-time graduate student status as defined by Texas State University or graduate degree program.
- b) A minimum 3.0 Texas State GPA.
- c) A resume.
- d) Preference may be given to those graduate students who are members of academic or social organizations, but failure to have such membership does not automatically disqualify an applicant.
- e) Not receive any need-based grants. Loans, scholarships, and work-study are forms of financial aid that applicants may be receiving.

§3 **ESSAY REQUIREMENT.** Completion of an essay is required for all applicants; the essay question is: “What value has Texas State added to your life? Please explain by referring to your academic, professional, and extracurricular activities.” The essay should be no longer than 400 words.

§4 **DISCRETIONARY POWERS.** The Department of Finance is authorized to award no less than \$500 and no more than \$2,000 per scholarship recipient, depending on the availability of funds.

ARTICLE III. SUNSET PROVISION

- §1 **INSUFFICIENT FUNDS.** In the event that the funds allocated for the Student Government scholarship become unavailable, relevant information from this chapter must be suspended until such time as those funds become available again.

CHAPTER 400 - DEPARTMENT OF DIVERSITY, EQUITY, AND INCLUSION**ARTICLE I. AUTHORIZATION AND PURPOSE**

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 17 (b), and (g) of the Student Government Constitution.
- §2 **PURPOSE.** The Department will be known as the Department of Diversity, Equity, and Inclusion, and the Chair of the Department will be known as the Director of Diversity, Equity, and Inclusion. This Department will:
- (a) Meet with leaders of organizations representing traditionally underrepresented students who come to the student government with concerns and ideas.
 - (b) Have a weekly Cabinet report and/or meeting with the President to discuss outreach outcomes.
 - (c) Invite speakers to speak and interact with Senators at Department meetings.

CHAPTER 500 - DEPARTMENT MARKETING AND OUTREACH**ARTICLE I. AUTHORIZATION AND PURPOSE**

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 17 (b), and (g) of the Student Government Constitution.
- §2 **PURPOSE.** This Department must be known as the Marketing and Outreach Department; the leader of the department will be the Director of Marketing and Outreach. This Department will:
- (a) Be responsible for communication with and between all components of the Student Government, the general public, and media of all forms.

- (b) Establish and update a Student Government “Marketing Handbook,” which must outline the standardized Student Government and officer seals, motto, and style guide for Student Government.
- (c) Create a yearly marketing plan and goals.
- (d) Support and promote the activities of the Student Government through marketing and public outreach.
- (e) Work with the advisors and the Office of Institutional Research to distribute a satisfaction survey as determined by the Cabinet and Advisors.

CHAPTER 501 - TEXAS STATE PUBLIC AFFAIRS NETWORK (TSPAN) ACT

ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter is authorized pursuant to Article VI, Section 17(g) of the Student Government Constitution.
- §2 **PURPOSE.** The Student Government wishes to enhance transparency, will establish a video broadcasting service for Senate Meetings and other Student Government events under the supervision and execution of the Department of Marketing and Outreach.

ARTICLE II. AUTHORIZATION FOR THE PROGRAM

- §1 **AUTHORIZATION.** The Senate hereby authorizes a program that will broadcast Senate meetings and other Student Government events for public viewing as administered and executed by the Director of Marketing and Outreach.
 - (a) The broadcast will be made available through the internet on the Student Government website or via Student Government social media channels.
 - (b) In accordance with S.G.C. VI §200.6(4), the Senate, may by two-thirds majority vote, elect to suspend the broadcast for the purposes of protecting personal or sensitive information.
 - (c) The Department of Marketing and Outreach will be responsible for administering this program.

CHAPTER 600 - DEPARTMENT OF GOVERNMENT AFFAIRS**ARTICLE I. AUTHORIZATION AND PURPOSE**

§1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 17 (b), and (g) of the Student Government Constitution.

§2 **PURPOSE.** The Department will be known as the Department of Government Affairs. The leader of the Department will be the Director of Government Affairs. The Department will:

- (a) Represent the interests of Texas State students in local, state, and the federal government.
- (b) Plan, coordinate, and execute a Texas State capitol day.
- (c) Advocate and recommend to the aforementioned government and entities for specific student-driven reforms.
- (d) Advise the President and Senate on all governmental relations.

TITLE VI -THE ASSEMBLY**CHAPTER 100 - BILLS, RESOLUTIONS, AND STATUTE****ARTICLE I. ADMINISTRATIVE**

§1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 17, (a), (d), (g), of the Student Government Constitution.

ARTICLE II. DEFINITIONS

§1 **CLASSIFICATION OF LEGISLATION.** Legislation or statutes must be classified into three categories: Bills, Resolutions, and Simple Resolutions.

§2 **BILLS.** Bills may embrace more than one topic at a time. Bills must pertain to the expenditure and raising of Student Government funds to regulate Student Government, to establish statutes, or execute other powers of Student Government. All bills written to regulate Student Government must do so as an amendment to this S.G.C. Each bill must be titled as an Act and be given a brief overall summary of the bill. The legislative writing standard format to be used for Senate Bills must be followed, as shown in [Appendix 1](#).

- §3 **SIMPLE RESOLUTIONS.** Simple Resolutions must be used to execute the specific powers granted to one of the legislative branches, including confirming nominees, overriding vetoes, accepting its officers, or other administrative acts. These resolutions exercise a right exclusively to the legislative chambers and are therefore not under Presidential purview to veto. The legislative writing standard format to be used for Simple Resolutions must be followed, as shown in [Appendix 2](#).
- §4 **RESOLUTIONS.** Resolutions may not embrace more than one topic and must express the opinion of the student body. Resolutions expressing the opinion of the student body by way of their representatives in the Student Government must explicitly state that representative nature and must be the primary vehicle for expressing student opinion to the university and Texas State University System. The legislative writing standard format to be used for Senate Resolutions expressing student opinion. Each resolution must be titled in a similar format to: “A Resolution in Support of...” or other variations and have a brief overall summary of the resolution. The legislative writing standard format to be used for Resolutions expressing student opinion must be followed, as shown in [Appendix 3](#).

ARTICLE III. REGULATION

- §1 **REGULATORY POWERS.** The Senate is vested with the majority of regulatory power, as outlined in the Student Government Constitution. This is done through bills which, when passed, become statute. This is true for House bills as well. However, the Senate is the originator of all statutes relating to regulation outside of the House. The House is the originator of all statutes relating to the regulation of the House; the regulatory power is limited to that purpose. The Constitution vests the House with the power to approve or disapprove of specific changes as outlined in the Constitution, without the power to amend.

CHAPTER 200 - STANDING RULES AND REGULATIONS OF THE SENATE

ARTICLE I. AUTHORIZATION OF STANDING RULES

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 17 (a) of the Student Government Constitution.

- §2 **SCOPE AND PURPOSE.** The Senate must establish a *Standing Rules and Regulations of the Senate* or Standing Rules, for short, which must be authorized herein by this chapter. The Standing Rules must be confined to the internal rules and operations of the Senate.
- §3 **PROCEDURAL PRECEDENT.** The rules in this chapter may not conflict or presume to have any bearing on any statute or provision of law outside the chapter. The Standing Rules must prevail in the event of a conflict with Robert's Rules of Order. General rules not embraced by this chapter must be conducted in accordance with the latest version of Roberts Rules of Order.
- §4 **SUSPENSION OF RULES.** The Rules contained in this chapter may be suspended by a two-thirds majority vote of the Senate in specific instances, which must expire upon the conclusion of the meeting in which the rule was suspended.

ARTICLE II. SENATE OFFICERS

- §1 **CHAIRPERSON.** The Chairperson must be the Vice President unless the Senate passes a simple resolution by two-thirds due to an inability of the Vice President to perform their duties. The Senate Leader must temporarily act as Chairperson if the Vice President absent. The Vice President has the discretion to delegate the duty of Chairperson to the Senate Leader. The Chairperson must preside over all formal meetings of the Senate. Qualifications, powers, and duties must be established and set forth herein:
- (a) With the consent of the Senate, set the chamber's agenda.
 - (b) Maintain order at all times.
 - (c) Be thoroughly versed in parliamentary procedure.
 - (d) Not debate from the chair except in the case of procedural motion or appeal.
 - (e) At no time, decide on a question involving the constitutionality of a piece of legislation.
 - (f) Follow the order of business as prescribed by the agenda unless the rules are suspended.
 - (g) Remain impartial at all times while conducting meetings.
 - (h) Make clear to all Senators the issue in question.

- (i) Execute all powers and duties found in the Student Government Constitution, the Senate Standing Rules, and ensure that Senate functions in compliance with all university policies and the rules and regulations of the Texas State University System Board of Regents.
- (j) Nominate Permanent Committee Chairs with approval of the Senate.
- (k) Remove the Chairperson or members of any committees.
- (l) Be the only person authorized to recognize individuals wishing to speak during a Senate meeting and doing so in a fair and impartial manner.
- (m) During all times, except public forum and guest speakers, not recognize anyone except Senators and *Ex officio* members.

§2 **THE SENATE LEADER.** The Senate Leader is the highest-ranking member of the Senate. The Senate Leader must meet all the same qualifications for the office as the Vice President and be elected by a majority of the Senate no later than the second meeting of a new session of the Senate or any specially called meeting for that purpose, using the procedures found in the Standing Rules. The Senate Leader must have powers specific to their office, which must include:

- (a) Chair the Nominations and Appointments Committee.
- (b) Assume the duties of Chairperson in the absence of the Vice President.
- (c) Preside as Chairperson when the Senate is moved into the Committee of the Whole.
- (d) Meet with the chairs of all committees as deemed necessary.
- (e) Assist the Vice President in the managing and scheduling of the Student Government Senate's legislative business.
- (f) Call the Senate into an emergency or special session with three business days' notice.

§3 **PARLIAMENTARIAN.** The Senate Parliamentarian must be a Senator elected to serve as Parliamentarian by the second meeting of a new session. The Parliamentarian will have the final say in all matters of procedural conflict on the Senate floor. They must:

- (a) Have the first right to answer questions upon Parliamentary Inquiry.
- (b) Respond to Points of Order when they are directed at the Parliamentarian or in assisting the Chairperson.

- (c) Assist the Chairperson in maintaining order within the Senate.
- (d) Call the Senate or Chairperson to order during periods of procedural error and excessive unruliness.
- (e) Upon an initial motion to appeal a decision of the Chair, the Parliamentarian will rule on all issues related to proper procedure within the Senate, referencing the Standing Rules, Roberts Rules, and past rulings from Parliamentarians. The Parliamentarian's final ruling can be overturned by a motion to overrule, which attains a majority of Senators voting for that purpose.
- (f) Have a thorough knowledge of the Senate and Parliamentary procedures, including the most up to date edition of Robert's Rules of Order and the Standing Rules.
- (g) Call out Point of Order or errors in a procedure to the Chairperson and Senators.
- (h) Issue warnings and call to order any Senator found to violate Senate Standing Rules and Roberts Rules of Order.
- (i) Record all questions of order and other questions of procedure for future reference.
- (j) Keep time during periods of limited debate and/or speech.
- (k) Remove from the Senate chamber; any Senator twice deemed out of order.
- (l) Act as Sergeant at Arms.
- (m) Not rule on procedural matters when the question arises from motion or legislation they have sponsored, authored, or provided a second.

§4 **SENATE CLERK.** The Senate Clerk must be appointed or removed by the Chairperson and must assume the duties of the Senate record keeper. The Clerk must also:

- (a) Keep a permanent record of all Senate proceedings in the form of minutes that are to be posted within one week after the meeting.
- (b) Keep a record of all tardy, unexcused absences and excused absences.
- (c) Keep an accurate and up-to-date Senate roster.
- (d) Be an *ex officio* member of the Senate.
- (e) Be responsible for maintaining the Senate voting record.
- (f) Have no authority to author, debate, or sponsor legislation.

- §5 **INSTALLATION OF THE SENATE.** Installation of a Senator may be conducted at the first meeting of the new Senate by the newly installed President, Vice President, or as needed once the Nominations and Appointments Committee nominates and the Senate confirms new Senators to fill vacant seats.

ARTICLE III. GENERAL PROCEDURES

- §1 **OPEN MEETINGS.** All Senate meetings must be open to the public. Should a sensitive matter require a closed meeting, this rule may be suspended by a two-thirds vote of the Senators present.
- §2 **QUORUM.** The definition of the quorum is defined in the Student Government Constitution.
- §3 **PLEDGE OF ALLEGIANCE.** The Chairperson or Senator they designate must lead the chamber in a pledge of allegiance to the United States of America and the State of Texas.
- §4 **MEETING ATTENDANCE.** Senators must be required to attend all Senate and committee meetings. The absence policy must be strictly enforced in accordance with the rules established in this chapter.
- §5 **ORDERS OF BUSINESS.** The Order of Business will be determined by the agenda, and the agenda must be submitted to the Senate by the Chairperson and confirmed by the Senate prior to any business being conducted.
- §6 **GUEST SPEAKERS.** A guest speaker must be on the posted agenda in order to address the Senate for a period not to exceed fifteen (15) minutes. A guest speaker must not be allowed to speak during the Old Business or New Business sections of the agenda.
- (a) All persons requesting time on the agenda must be given fair and impartial consideration.
 - (b) The order of speakers for Senate meetings with multiple speakers must be determined by the Chairperson.
- §7 **PUBLIC FORUM.** Students may address the Senate during the Public Forum for a maximum of five (5) minutes. There is no limit on the number of students who may address the Senate during the public forum. Although the intention of Student Government is to

allow as many students as possible to address the Senate during Public Forum, the chairperson will have the discretion to limit the number of students when necessary.

- §8 **ANNOUNCEMENTS.** From time to time, an item may be added to the agenda for general announcements from the Senate floor on subjects deemed relevant to the Senate business as determined by the Chairperson.
- §9 **DEBATE AND DECORUM.** Members of the Senate must conduct themselves in an orderly fashion at all times while in the Senate chamber. Excessive unruliness must be defined as any premeditated or persistent distraction which disrupts the normal business of the meeting and is deemed as disorderly. The Chairperson will have the first right of authority to decide what action is disorderly, and the Senate Parliamentarian will have final authority to decide what is disorderly upon appeal or during periods of excessive unruliness. Other rules of debate and decorum that must be enforced, including:
- (a) During the debate, all Senators must confine their remarks to the subject at hand, or they must be ruled out of order.
 - (b) Any Senator who has the floor must not be interrupted by another Senator or officer for any purpose except in cases of Points of Order, Point of Information, and Point of Privilege.
 - (c) All rules of debate and decorum must be enforced by the Parliamentarian and Chairperson.
 - (d) All Senators ruled out of order must automatically lose the floor. Any Senator ruled out of order two times may be asked to leave the Senate Chambers by the Chairperson or Parliamentarian.
- §10 **VOTING.** Senators must be present in the Senate chamber at the time the vote is called in order to vote.
- §11 **ROLL CALL VOTE.** All final votes on legislation must be taken by roll call vote in order to promote transparency to the public about the positions supported by Senators.
- §12 **ABSTENTION.** Members not wishing to vote may abstain.
- §13 **UNDECIDED.** Undecided Senators may pass and then cast their vote at the conclusion of voting before the final vote is announced.

- §14 **TIE VOTES.** A tie vote is considered failed unless the tie is broken by the Vice President.
- §15 **DRESS CODE.** Proper attire is required at Senate meetings in order to vote. Proper attire, at a minimum, should be business casual for all members. Wardrobe selections should respect the honor of the Senate as an institution and pride of position for Senators in attendance. Wardrobe selection may include, but is not limited to, a collared shirt, or sweater, button-up long-sleeved shirt, suit jacket, tie, and slacks, a skirt, or a dress, as appropriate. Complimentary footwear should be worn. Questions of proper attire will be addressed to the Chairperson.
- §16 **COMMITTEE OF THE WHOLE.** A Committee of the Whole must be formed by a motion "to consider the question in the Committee of the Whole" and must pass with a two-thirds vote of the Senate. The Committee of the Whole could be used to discuss an internal matter or topic of a complex nature so that the standing debate procedure is suspended from fostering a more natural discussion. The Committee of the Whole must:
- (a) Be a committee composed of the entire Senate.
 - (b) Be formed when the assembly decides that a particular question can best be discussed with the more liberal Senate rules.
 - (c) Be chaired by the Senate Leader.
 - (d) Move to "rise and report" when the necessary business is completed. The Committee of the Whole will cease to exist upon passage of this motion, which requires a two-thirds vote of the Committee of the Whole.
 - (e) Not have its business recorded in the official Senate minutes. However, the Senate Leader will submit a report that is to be entered into the minutes.
- §17 **EXECUTIVE SESSION.** Executive Session must be used to consider all disciplinary matters, less than impeachment.
- (a) Be called by the Chairperson.
 - (b) Follow the guidelines for an executive session, as outlined in Robert's Rules of Order.
 - (c) Must be placed on the posted agenda prior to the meeting with 72 hours' notice in order to be valid.
 - (d) Only have Student Government members and advisors in attendance.

- §18 **EX OFFICIO MEMBERS.** The Senate must have *ex officio* members, including ten (10) non-voting *ex officio* seats. Three (3) seats for representatives of the Graduate House, one (1) to be filled by a student who represents the interests of students from the Round Rock campus, and one for every Director in Cabinet totaling no more than six (6).
- (a) The ex-officio Senators from the Graduate House will be determined internally within the House by whatever process they deem appropriate. Once selected, the House Leader will then notify the Vice President of the selected ex-officio Senator.
 - (b) The Round-Rock ex officio Senators will apply through the Nominations and Appointments Committee and be confirmed by a majority vote of the Senate.
 - (c) *Ex officio* members have a voice in all debate and discussion and will be encouraged to participate in all Senate matters actively.
 - (d) *Ex officio* members have no official vote in Senate matters or committees.
 - (e) *Ex officio* may be exempt from committee participation by the Senate Leader.
 - (f) *Ex officio* may author legislation so long as it has supported by three full Senators.
 - (g) *Ex officio* may sponsor legislation, so long as it has a second sponsor by a full Senator.
 - (h) *Ex officio* take an oath of office and comply with all Student Government Rules and Regulations.

ARTICLE IV. LEGISLATIVE PROCEDURES

- §1 **CODING LEGISLATION.** Each measure will receive a code determined by its type and set by the Chairperson; the legislation must thereafter be referenced to, in any formal capacity, by this code. Senate Resolutions will be designated by the "SR"; Simple Senate Resolutions will be designated by the "SSR"; Senate Bills will be designated by the "SB," and Constitutional Amendments will be designated by "CA"; Joint Resolutions will be designated by the "JR." Following this, there will be the last two (2) digits of the two (2) years constituting the academic year in which the measure is introduced. Following these two digits will be the number assigned by the Senate Leader. Each measure will be numbered

successively, according to its type, beginning at the start of each school year. Every resolution or bill must carry:

- (a) The name(s) of any author(s).
- (b) The name(s) of sponsor(s).
- (c) A title, in accordance with the naming convention found in S.G.C. VI §100.2(2),(3),(4) and [Appendix 1, 2, 3](#).
- (d) The date was first read to the Senate.
- (e) A place for the date on which the legislation passed the Senate.
- (f) A place to indicate committee assignment should the legislation be sent to a committee.

§2 **REQUIREMENTS FOR LEGISLATION.** To be eligible for placement on the Senate agenda legislation must conform to the following procedures:

- (a) The legislation must be submitted to the Chairperson by no later than 5:00 PM on Wednesday preceding the Senate meeting so that it may be coded and formatted for presentation. Thereafter, legislation to be placed on the agenda must require special permission of the Chairperson and must not be accepted at all after 2:00 PM on Friday.
- (b) The legislation must include a Senator who is Lead Author, responsible for answering questions about and managing the legislation, and; with the exception of Simple Resolutions, at a minimum of four (4) Senators to serve as co-sponsors.
- (c) Legislation must comply with legislative writing standard, naming convention, and format in accordance with the examples found in S.G.C. VI §100.2(2),(3),(4) and [Appendix 1, 2, 3](#).
- (d) The Vice President may correct legislation so that it fits the legislative writing standard, including naming and formatting by renaming and/or reformatting in accordance with applicable rules, or they may reject its inclusion on the agenda and return it to the Senator for correction.

§3 **PATH OF LEGISLATION.** All legislation must have the first reading under New Business during formal meetings with a quorum present. At this time, the Chairperson may assign the

legislation to the appropriate committee(s) to consider the proposed legislation so that the committee may report back to the Senate at the next formal meeting.

- §4 **SECOND READING.** At the next formal meeting, following the meeting in which legislation was first to read and after the proposed legislation has received Committee attention, legislation must have a second reading under Old Business.
- §5 **COMMITTEE REPORT.** After the second reading, but before debate and discussion, the chair of any relevant committee having been referred to the legislation may rise and report on the committee's disposition toward the legislation.
- §6 **ADOPTION.** A majority of the Senate must agree to continue to debate and discussion prior to proceeding any further with the legislation. The motion must pass by a majority. If it fails to attain a majority, the legislation will be tabled indefinitely.
- §7 **DEBATE AND DISCUSSION.** After the committee report, the debate may occur, and amendments to the legislation may be proposed and voted on.
- §8 **AMENDMENTS.** All amendments must be submitted in writing to the Chairperson and be pertinent to the legislation in order to be considered. Motions, Resolutions, and associated amendments may only be carried to three levels at any given time.
- §9 **FRIENDLY AMENDMENTS.** A Senator may propose up to two amendments considered "friendly amendment" which must be made as a motion in the presence of a quorum and accepted by the author without objection from the Senate; at which point the amendments will be considered adopted and pass without debate, discussion, or vote. If an objection is registered from the Senate, then the amendments will go through the standard amendment process.
- §10 **VOTING.** Upon termination of debate, if the bill has not been taken from the floor, a vote must be taken to determine the passage or failure of the legislation.
- §11 **LIMITATIONS OF RESOLUTIONS.** No legislation, except bills, may embrace more than one subject.
- §12 **LIMITING SCOPE OF RESOLUTIONS.** No legislation, except bills, must embrace more than one subject.

- §13 **EMERGENCY STATUS.** A piece of legislation may be granted emergency status by a two-thirds vote of the Senate or by a declaration of the Chairperson. A piece of legislation successfully granted emergency status would not require a second reading. A Senator wishing to make a piece of legislation emergency must give proper justification as to why the legislation needs to be made emergency. Each piece of legislation successfully granted emergency status must contain all necessary legislation coding in order to be immediately considered. If a Senator wishes the legislation to be considered for emergency status, it is the Senator's responsibility to provide no fewer than one copy of proposed legislation for every two members of the current Senate, to be available at the commencement of all Senate committee meetings.
- §14 **PATH OF PASSED LEGISLATION.** Upon passage of a piece of legislation, except for the case in which the piece is vetoed by the President, the Vice President will forward the piece to the Student Government Advisor within five business days. The advisor will then review the piece and forward it to the Vice President for Student Affairs for distribution to the appropriate university division Vice Presidents.
- §15 **DEFEATED LEGISLATION.** Once the legislation has been considered and defeated, no legislation containing the same principal subject matter must be considered again during the same semester it was presented. However, the original legislation may be reconsidered once.

ARTICLE V. SPECIAL PROCEDURES

- §1 **JUDICIAL PROTECTION.** The Chairperson must at no time decide on a question involving the constitutionality of a piece of legislation, though if legislation is not duly presented to the Senate in accordance with the Student Government Constitution or Student Government law, the Vice President may withhold it from the agenda.
- §2 **RECONSIDERATION.** A motion to reconsider may be made and seconded only by Senators who vote on the prevailing side in the original vote. A motion to reconsider is debatable if the item to be reconsidered is debatable. A motion to reconsider requires a majority vote for passage. Upon passage of a motion to reconsider, the legislation may be

debated and amended. Upon termination of the debate on the legislation, a new vote must be taken.

§3 **DIVISION OF THE HOUSE.** At the desire of any Senator present, and upon passage of motion therein, a division of the house into non-binding affirmative, negative voting blocs can be called to ascertain the disposition of the Senators on any motion placed before them prior to taking a final official vote. Abstentions will be prohibited for the purposes of this polling.

§4 **SPECIAL ELECTIONS.** Special elections must be elections that fill vacancies for convention delegates, selection of the Outstanding Senator Award, superlative awards, and other elections of the Senate.

§5 **ELECTION OF SENATE LEADER AND PARLIAMENTARIAN.** All elections of the Senate Leader and Parliamentarian must be presided over by the Chairperson.

- (a) The presiding officer must be aided by the Senate Clerk or Chief of Staff in the absence of the Senate Clerk.
- (b) Equal time will be allocated for each candidate introductions, speeches, questions, and discussions must immediately precede balloting.
- (c) All elections must be by a secret ballot.
- (d) Winners must be determined by a majority vote.
- (e) In the event of a tie, the Vice President must break the tie. If no candidate attains a majority vote, then the candidates with the two highest vote totals will be placed on a secret ballot for a run-off election to occur immediately.
- (f) This procedure must be used in the event of a special election when a vacancy occurs in the Office of Senate Leader or Parliamentarian.

§6 **CENSURE.** A censure is a form of punishment for disorderly behavior or violations of the decorum, respect, or dignity of the Senate, including minor violations of the Student Government Code. This form of punishment is applicable in any case where a Senator is accused of such acts. Censure can be applied if expulsion fails to attain the required number of votes to succeed. A motion to censure can be made at any time during the meeting, must name the specific Senator calling under censure, will require a second, is debatable, and

requires a majority vote of the Senate to be approved. Censure can only address one Senator at a time and is limited to five times in one senate session, including the revoking of the right to speak or removal of the Senate from the chambers.

§7 **VOTE OF NO CONFIDENCE IN THE SENATE LEADER AND PARLIAMENTARIAN.** The Senate Leader or Parliamentarian will be removed from office upon the passage of a Vote of No Confidence Resolution by a majority vote of their peers. The passage of a Vote of No Confidence Resolution expresses the view of the Senate that the officer no longer has the confidence of their peers and that the Senate believes the person cannot be effective in the performance of their duties. A Vote of No Confidence may be due to conduct unbecoming of their office, dereliction of duty, violation of university policy, law, violation of the Constitution or laws of Student Government, or violation of state or federal law; which in the view of their peers, markedly restricts the Senate Leader or Parliamentarians ability to function as a legitimate representative of the Senate.

- (a) A Resolution on a Vote of No Confidence must never be submitted as emergency legislation and must always be read twice to the Senate.
- (b) In the first reading, the Resolution must only be read to the Senate. On the second reading, debate, discussion, and a vote must occur on the Resolution.
- (c) Vote of No Confidence Resolutions must provide, in detail, the justification for the removal.
- (d) Passage of a Vote of No Confidence will result in the removal from their Senate officer position, though they may retain their position as a Senator. This section does not prohibit the issuance of further charges or proceedings, including but not limited to Articles of Impeachment.

ARTICLE VI. COMMITTEES OF THE SENATE

§1 **PERMANENT COMMITTEES.** Permanent Committees must be constituted each year and must make recommendations on their specific area of oversight. The following permanent committees are hereby established, and their purposes are set herein:

- (a) The Academic Affairs Committee must review all legislation concerning academic issues including but not limited to course descriptions, course availability, new courses, curriculum, syllabus, the Honor Code, and advising. The Committee must recommend action upon all potential academic issues affecting students to the Senate.
- (b) The Auxiliary Services Committee will review and create all legislation concerning issues related to the University Bookstore, Dining Services, Student ID Services, Copy Cats, and Print and Mail Services. The committee must recommend improvements to these important services for students and provide legislation to improve therein.
- (c) The Health and Safety Committee will review and create all legislation concern issues related to the health and safety of the campus and community including University Police Department, Student Health Center, and Student Recreation Center, campus lighting, Emergency Call Boxes, cameras, emergency response, Dining Services, Student ID Services, Copy Cats, and Print and Mail Services. The committee must recommend improvements to these health and safety factors in student life and provide legislation to improve therein.
- (d) The Campus Sustainability Committee will review and create all legislation concerning issues related to sustainability on campus, including the environmental service fee and related projects, composting, recycling, waste, and renewable energy programs. The committee must recommend other legislation that improves environmental safety and promotes sustainability.
- (e) The Transportation and Parking Committee will review and create all legislation concerning issues related to the mobility on campus, including parking services, the university bus system, inter-agency or inter-organization transportation agreements, and ADA accessibility. The committee must recommend other legislation that improves campus transportation, parking, and mobility.

§2 **AD-HOC, TEMPORARY, AND SPECIAL COMMITTEES.** Ad-hoc, temporary, and special committees are created by the Senate by motion or legislation when the need arises

for a committee of a temporary nature. The following provisions apply to these temporary committees:

- (a) The committee chair must be nominated from among the Senate and be confirmed by a majority vote of the members.
- (b) Membership of the committee must be proposed by the committee chair and confirmed by the Senate.
- (c) Will be dissolved upon a motion of the Senate, end of the Senate session, or the completion of the temporary assignment.

§3 **COMMITTEE CHAIRS.** The chair of permanent committees must be nominated by the Chairperson with approval of two-thirds of the Senate. The Committee Chair must outline the purpose of the committee and coordinate the committee's function. They must also:

- (a) Give periodic reports of the committees' findings to the Senate according to deadlines established by the Senate or the Senate Chairperson.
- (b) Preside over all committee meetings.
- (c) Be responsible for the recording of all committee member's absences and minutes of the committee meetings and must forward them to the Senate Clerk.
- (d) Be Student Senators.
- (e) Meet with the Chairperson and the Senate Leader.

§4 **VICE CHAIR.** Committee Vice-Chair must be an assistant to the Committee Chair and preside at meetings when the Committee Chair is absent. The Vice-Chair must also;

- (a) Assist the Committee Chair.
- (b) Keep a record of attendance of members.
- (c) Maintain a record of excuses for absences by committee members.
- (d) Keep the Chairperson informed of attendance violations.
- (e) Enforce the absence policy as outlined in this chapter.

§5 **COMMITTEE MEMBERSHIP.** Committee Members must be appointed to or removed from a committee at the discretion of the Senate Chairperson. Committee members must attend all scheduled meetings and are also expected to study, research, revise, and propose legislation.

- §6 **LIMITS ON NUMBER OF COMMITTEES.** Senate members may serve on no more than two (2) standing Senate committees and two temporary, select, ad-hoc, or special committees at one time.
- §7 **POWERS OF COMMITTEES.** Amendments to any bill or resolution must require a full vote of the Senate to be adopted. Committees must have legislative review power over all legislation submitted to their committee.
- §8 **MEETING TIME AND PLACE.** Committees may meet every week or on a regular basis, as determined by the Committee Chair.

ARTICLE VII. ABSENCE POLICY

- §1 **AUTHORITY.** Authority and responsibility for this policy must rest with the Senate Chairperson with oversight and assistance from the Parliamentarian.
- §2 **UNIVERSAL APPLICATION.** The rules and limitations on absences found in this article are applicable to the regularly called meetings of the Senate, any committee meetings, and any duly required events.
- §3 **ENFORCEMENT.** Enforcement of the provisions of this absence policy rests with the Chairperson. Should the Chairperson fail to properly enforce the rules under these provisions, it is the duty of the Parliamentarian to do so.
- §4 **UNEXCUSED ABSENCE LIMIT.** During any given session, a Senator is afforded three absences from Senate meetings or required events. When a Senator acquires two unexcused absence from the Senate meeting or required event, they must be given a written warning by the Chairperson or their designee. This notification must inform the Senator that they have one more unexcused absence before the Chairperson must ask for their resignation. If a Senator receives a third unexcused absence, they will qualify for Impeachment.
- (a) After acquiring four unexcused absences from committee meetings; (each semester) must qualify a Senator for impeachment.
 - (b) After a Senator has received a third unexcused absence from a Senate meeting or four (4) absences from a committee, the Chairperson must inform the Senator as such and ask for the Senator's resignation in writing.

- (c) Should the Senator refuses to resign or is not reachable by the organization's advisors within 24 hours, the Senator will be removed from office.

§5 **EXCUSED ABSENCES.** Each Senator is allowed a limited number of excused absences from Senate or Committee per Senate session, exceeding these limits will result in an unexcused absence. Excused absences are permitted in accordance with certain criteria which include:

- (a) Two (2) excused absences for undocumented sickness. A sickness absence must be reported to the Chairperson, by email, by 4:00 p.m. on Monday prior to the start of the Senate meeting in order for the excused absence to be considered to be valid.
- (b) Two (2) excused absences for an academic-related activity which is set to occur at the same time as the Senate meeting. A related academic absence must be reported to the Chairperson in email by Sunday at 5:00 p.m. prior to the expected absence in order for the excused absence to be considered valid.
 - (1) An event that qualifies as an “academic-related activity” is defined as an officially sanctioned academic event worth course credit.
 - (2) If the Chairperson has reasonable cause to suspect that the academic event being used to justify an excused absence does not fit the definition as provided, they are empowered to require documentation (i.e., course syllabus, professors note, etc.) from the Senator proving it meets the definition.
- (d) One (1) excused absences for university, student organization, work, or other kinds of conference or event. An excuse for university, student organization, work, or other kinds of conference or event must be submitted to the Chairperson in email by Thursday at 5:00 p.m. prior to the expected absences in order for the excused absence to be considered valid.
- (e) Two (2) absences for documented illnesses will be excused so long as documentation from a medical service provider is presented to the Chairperson any reasonable time prior to the missed meeting, or within 72 hours after the absence in order for the excused absence to be considered valid.

- (1) If a Senator is to be absent for more than two (2) meetings because of documented illness, they must send a written request for a temporary leave of absence, which will excuse up to four (4) additional missed meetings due to documented illness. Upon the expiration of a total of six (6) missed meetings due to documented illness, the Chairperson must ask for the Senator's resignation.
- (f) A reasonable number of excused absences, as defined by the Chairperson, will be allowed for bereavement in the event of a death in the family, so long as there is no probable cause for Chairperson to suspect abuse of this policy. Upon the expiration of a total of six (6) missed meetings due to bereavement, the Chairperson must ask for the Senator's resignation.
- (g) Should the Chairperson or other officer record an absence as unexcused and the Senator feels their excuse is justified, the Senator may appeal to the Senate to amend the decision.

§6 **EXCUSED TARDIES.** Each Senator is allowed a limited number of excused tardies from Senate or Committee per semester so long as the tardy meet certain criteria which include:

- (a) Two (2) excused tardies for sickness or injury. A sickness tardy must be reported to the Chairperson, in writing, by 7:00 p.m. on Monday prior to the start of the Senate meeting in order for the excused tardy to be considered to be valid.
- (b) Two (2) excused tardies for an academic-related activity which is set to occur at the same time as the Senate meeting. An academic-related tardy must be reported to the Chairperson by Sunday at 5:00 p.m. prior to the expected absence in order for the excused tardy to be considered valid.
 - (1) An event that qualifies as an “academic-related activity” is defined as an officially sanctioned academic event worth course credit.
 - (2) If the Chairperson has reasonable cause to suspect that the academic event being used to justify an excused tardy does not fit the definition as provided, they must be empowered to require documentation from the Senator proving it meets the definition.

- (c) One (1) excused tardy for university, student organization, work, or other kinds of conference or event. An excuse for university, student organization, work, or other kinds of conference or event must be submitted to the Chairperson by Thursday at 5:00 p.m. prior to the expected tardy in order for the excused tardy to be considered valid.
- (d) Unlimited excused tardies for documented illnesses or injury will be excused so long as documentation from a medical service provider is presented to the Chairperson any reasonable time prior to the late meeting, or within 72 hours after the tardy in order for the excused tardy to be considered valid.
 - (1) If a Senator is to be tardy more than four (4) meetings in a row because of documented illness, they must send a written request for a temporary leave of absence, which will excuse up to four (4) additional missed meetings due to documented illness.
- (e) A reasonable number of excused tardies, as defined by the Chairperson, will be allowed for bereavement in the event of a death in the family, so long as there is no probable cause for the Chairperson to suspect abuse of this policy.
- (f) Should the Chairperson or other officer record a tardy as unexcused and the Senator feels their excuse is justified, they may appeal to the Senate to amend the decision.

§7 **RECORD KEEPING.** The Senate Clerk must keep a continuous record for the Senate and Committee meetings of those present, absent, early leave, and tardy. Each committee chairperson must keep an attendance record and report it to the clerk every Monday.

§8 **ABSENCES.** Any Senator not reporting as present during roll call must be considered absent. Any Senator more than 30 minutes late may be added to the roll and will be considered tardy.

§9 **EARLY LEAVE.** Any Senator who wishes to permanently leave the meeting during regular business must make a request to the Chairperson that they are removed from the roll for that day. The time the Senator left will be recorded in the minutes. A Senator who is granted leave will be marked as absent if they leave, and the meeting continues for a time greater than the amount of time they were present.

§10 **TARDY.** A Senator who enters the meeting after roll call must request to be added to the roll, and the request will be marked in the minutes and a tardy recorded on the Senators attendance record. Any two (2) recorded tardiness must constitute one (1) absences.

§11 **REPORTING.** The Chairperson must ensure that the Clerk keeps the attendance record and will keep on file all excuses reported to them. The attendance record will be transmitted to the Senate Leader and Parliamentarian each Friday.

ARTICLE VIII. EXPULSION

§1 **PROCESS.** A Senator is subject to removal through expulsion for behavior contrary to the Student Government Code of Laws, ethics or violating the code of student conduct, federal or state law, misrepresenting the will or official position of the Student Government, the abandonment of duty, or abuse of power in their position.

- (a) Expulsion must follow the same process as a resolution and may be given emergency status.
- (b) The Senate must enter executive session. Entering an executive session does not require a vote when expulsion is being considered.
- (c) While in executive session, the Senate will debate the expulsion resolution
- (d) The Senate will leave executive session and publicly vote on the current version of the expulsion resolution.
- (e) An expulsion resolution requires a two-thirds vote to pass.

§2 **SENATE LEADER EXPULSION.** Should the Senate Leader be expelled, they are immediately removed from Student Government. Their duties are temporarily executed by the Parliamentarian until a new Senate Leader is elected.

§3 **SENATOR EXPULSION.** Should a Senator be expelled, they are immediately removed from Student Government. Any Committee or Department duties may be reassigned to another member of the Senate.

CHAPTER 201 - SENATE RULES OF IMPEACHMENT TRIAL**ARTICLE I. IMPEACHMENT PROCEDURE**

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 13, and Section 17 (e) of the Student Government Constitution.
- §2 **DEFINITION.** Articles of Impeachment must be defined under this code as a special kind of Senate Simple Resolution and must only cite one respondent and must be formatted similarly, as found in [Appendix 12](#). Articles of Impeachment will list the following information:
- (a) Name of the complainant(s), which are the filers, managers, and authors of the Articles of Impeachment.
 - (b) Name and position of the respondent.
 - (c) Charges with specific citations of rules or instances of violations. Each violation listed will constitute a new Article.
 - (d) Facts related to each charge under each Article.

ARTICLE II. PROCESS

- §1 **RESPONSIBLE PARTIES.** In the context of this chapter, there are two parties to any impeachment whose roles are defined in this section. The “Impeachment Managers” are defined as those who sign on to the Articles of Impeachment. The “Respondent” is defined as the person charged under the Articles of Impeachment. The roles of these two parties are as follows:
- (a) The “Impeachment Managers” are responsible for managing the Articles of Impeachment as authors and providing testimony and evidence in favor of the Articles of Impeachment, primarily seeking a verdict of guilty from the Senate.
 - (b) The “Respondent” is responsible for providing evidence and testimony, which counters the argument of the “Complainants” and primarily seeks a verdict of not guilty from the Senate.

- §2 **FILING.** Articles of Impeachment must first be filed with the House Leader and upon the decision of the House, any approved Articles will be transmitted from the House Leader to the Chair of the Senate, the accused, and the Senators with a copy of the approved Articles therein. The Articles of Impeachment must be placed on the Senate agenda 72 hours prior to the meeting and must be placed under the New Business section of the agenda. At this time, the Chair of the Senate will certify that the Articles of Impeachment meet all constitutional and regulatory requirements to be placed on the agenda.
- §3 **READING.** Once the Articles of Impeachment have been forwarded from the House to the Senate, the process for Impeachment Trial will start in accordance with the constitution. After being certified as properly filed the Articles of Impeachment will be read to the Senate.
- §4 **TRIAL.** Immediately after the reading of the Articles of Impeachment, the Senate will conduct a trial. During the trial, the Senate will be governed by the rules found in Roberts Rules of Order and all statutory trial rules. After the presentation of opening statements, evidence, witnesses, testimony, cross-examination, and closing statements, the legislative body with jurisdiction will proceed with debate and discussion on the Articles of Impeachment. At the next regular or specially called meeting of the Senate must convene a trial. All other businesses will be automatically tabled, and the trial will commence.
- §5 **VOTING FOR THE TRIAL.** Each charge listed under the Articles of Impeachment must be voted on as distinct motions with the members present having one of two options for each vote; guilty or not guilty. Such votes will be done by roll call vote and must be reflected in the official voting records for the legislative body with jurisdiction. Those articles in which the respondent is found not guilty will be struck from the Articles of Impeachment. If the legislative body with jurisdiction finds the respondent guilty on any one of the Articles, it must constitute conviction and removal.

CHAPTER 400 - NOMINATION AND CANDIDATE REVIEW PROCESS

ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article VI, Section 17 (j), and (g) of the Student Government Constitution.
- §2 **PURPOSE.** The purpose of this chapter is to ensure that positions of Student Government are made available to the student body, and that qualified nominees are given equal opportunity to apply for a position, that they are substantially vetted, and information related to committee inquiry is available to the Senate.
- §3 **APPLICATION PREFERENCES.** The President is to report to the Nominations and Appointments Committee their preferred application requirements, questions, and qualifications for Cabinet and judicial positions.
- §4 **DATE TO COMPLY.** Applications for positions must be made public during the first week after spring elections have concluded and may close within ten (10) business days. The President or Nominations and Appointments Committee may reopen the application for a period of their discretion if a vacancy occurs, a position is not filled, or if the original nominees are not satisfactory.

ARTICLE II. APPLICATION FOR OFFICE

- §1 **BASIC REQUIREMENTS.** Each application pursuant to this chapter must be required to contain basic information to be provided by the applicant to the President and reviewable by the Nominations and Appointments Committee or Senate. Review responsibility must be vested in the Nominations and Appointments Committee. This application must include the following items for completion by the applicant:
- (a) Name
 - (b) Date
 - (c) Student ID
 - (d) Texas State Email
- §2 **POSITION SPECIFIC REQUIREMENTS.** Depending on the position, additional information regarding the qualification of ability may be required, including:
- (a) A resume or curriculum vitae.
 - (b) Cover Letter.

ARTICLE III. NOMINATIONS AND APPOINTMENTS COMMITTEE

§1 **PURPOSE.** The purpose of the Nominations and Appointments Committee is to investigate to discover if nominees to fill vacant Senate seats as well as cabinet-level and judicial nominees meet a high standard of capability, have all the desired qualifications, and are not improperly entangled in any activities which may result in a loss of public trust in nominated and properly confirmed officials. Resolutions for the nomination of any such position must first be reviewed by the committee and can only be advanced to the full Senate upon passing by a majority vote of the committee, as provided by the procedures set forth in Article IV.

§2 **POWERS.** The committee must review the nomination of any person proposed to fill a Senate vacancy, cabinet position, or judicial position. The committee must exercise such powers that allow it to fulfill its purpose, including:

- (a) Establish a standardized questionnaire or disclosure forms for all positions under its jurisdiction to review.
- (b) Request and require nominees or candidates to produce written statements of qualification, deliver an updated resume, answer questions in writing, in person or by teleconference, produce documentation relevant to the interview process, and appear in person to answer questions as it deems appropriate.

CHAIR. The Senate Leader must serve as Chair of the committee.

§3 **VICE CHAIR.** The Senate Parliamentarian will serve as Vice-Chair of the Committee and serve as chair when the Senate Leader is absent or unable to perform their duties.

§4 **MEMBERSHIP.** The committee will be made up of seven (6) Senators and one (1) member of the House. The committee must always include the Senate Leader as Chair and the Senate Parliamentarian as Vice-Chair. Four (4) other members will be Senators selected by the Senate Leader and confirmed by two-thirds of the Senate. One position will be selected by the House Leader.

ARTICLE IV. NOMINATIONS AND APPLICATIONS

§1 **SENATE APPLICATION.** When a vacancy occurs in the Senate, the Senate will select the replacement. The committee will establish the application for senators each year, collect and

process the applications as deemed appropriate, and select those nominees they deem qualified to fill vacancies in the Senate. The Senate Leader will issue a Resolution for Confirmation for each qualified applicant accepted by the committee and forward it to the Vice President for consideration at the next meeting.

- §2 **PRESIDENTIAL NOMINATION.** The President will select which nominee for cabinet and judicial position they wish to forward to the Nominations and Appointments Committee. For all cabinet and judicial nominations, the President must submit a nomination in writing to the Senate via a formal memorandum, including the name of the nominee and the position they wish the nominee to fill. The nomination is read on the Senate floor, and the nominee will be referred to the Nominations and Appointments Committee for consideration at that point.

ARTICLE V. INTERVIEW, REPORTING, AND CONFIRMATION PROCEDURE

- §1 **NOMINEE CONSIDERATION AND INTERVIEW.** For Presidential nominations, once written notification by the President has been received, the committee may take the steps within its power to assess the qualifications and acceptability of the nominee and must report its final disposition on the nominee to the Senate in writing within six (6) days. During this time period, the committee may conduct interviews. The committee must provide seventy-two hours' notice to nominees about any hearing time. The interviews will be open to the public, but only the committee and the nominee may participate in the interview and decision making process. If the committee fails to provide a seventy-two-hour notice to the nominee or fails to meet and provide final disposition in writing, then the nominee will automatically be referred to the Senate at the next regular meeting.
- §2 **SENATE APPLICANT CONSIDERATION AND INTERVIEW.** For Senate vacancies, the committee will review the applicant and report its final disposition on the application to the Senate within six (6) days. All positions subject to review under this chapter must appear before the committee and answer questions if asked to do so either in person or via teleconference. The dates, times, and locations of such interviews must be posted 24 hours in advance on the Student Government website. The interviews will be open to the public, but

only the committee and the nominee may participate in the interview and decision-making process.

- §3 **EXPEDITED PROCESS.** The committee may opt, by majority vote, to advance a nominee or applicant without any formal hearing, interview or process if they deem it appropriate in which case the nominee or applicant's confirmation can occur at the next regularly scheduled meeting of the Senate.
- §4 **OPEN RECORDS.** Any student may request records by addressing in writing via Texas State University email a request for any archived transcription of committee proceedings to the Senate Leader. The Senate Leader is required to respond to the student request within five (5) business days.
- §5 **TRANSCRIPTION OF PROCEEDINGS.** All proceedings of the committee must be recorded with an audio or audio/visual recorder or written transcript. Anything recorded during the hearing will be stored in an archive for the current year of the Student Government Administration.
- §6 **RULE FOR RECUSAL.** Any member of the committee must recuse themselves from participation in a hearing when, by virtue of their relationship or association with a nominee, they are unable to decide the case impartially. A motion for recusal of a specific member may be made by a member of the committee during a hearing, and upon majority vote affirming therein will require the committee member to recuse themselves from the hearing.
- §7 **MEETINGS.** All meetings of the Nominations and Appointment Committee will be open to the public, though only the Senators may participate in the discussion, questions, deliberation, and voting. The dates, times, and locations of the meeting will be set by the Senate Leader, so long as three (3) days' notice is given to the committee members. All means necessary should be taken by the Senate Leader to ensure the meeting occurs in the Student Center or other on-campus location. In addition, notice as to the meeting date, time, and location must be posted on the Student Government website 24 hours before it occurs.
- §8 **COMMITTEE REPORTING.** Upon a majority vote of the committee, the Senate Leader must report to the Senate in writing the disposition of the nominee. The committee may

report to the Senate favorably, unfavorably, or without the recommendation in accordance with the following:

- (a) Reporting a candidate or nominee's disposition favorably means that a majority of the committee agrees with the nomination. In this case, the Senate Leader will serve as the author and at least one volunteer member of the committee will serve as lead sponsor on a Resolution for Confirmation and submit it within the 7-day period to the Vice President for placement on the next Senate agenda. If the Senate Leader objects to the nominee, they may delegate authorship of the resolution to someone on the committee who is willing to fulfill the responsibility.
- (b) Reporting a candidate or nominee's disposition without a recommendation may mean the committee is tied on advancing the nominee to the full Senate or unsure of the nominee's qualification. Reporting without recommendation will advance the nomination to the full Senate. When reporting without a recommendation, at least two Senators from the committee, one as the author and the other as lead sponsor, must submit a Resolution of Confirmation for the nominee within the 6-day period to the Vice President for placement on the next Senate agenda.
- (c) Reporting a candidate or nominee's disposition unfavorably means that the committee does not consider the candidate or nominee qualified, has found conflicts of interest, unacceptable entanglements, or other activities that may damage the legitimacy of their office or in the event, a nominee or candidate misses an interview. A nominee or candidate that is reported unfavorably will not advance for a full vote in the Senate unless the Senate passes "A Motion to Discharge from the Committee on Nominations and Appointments the Consideration of the Nomination to [Position Title]." This motion must be made immediately after the Senate Leader reports the disposition to be valid. If this motion passes, any Senator wishing to do so may author a Resolution of Confirmation.
- (d) Regardless of the committees reported disposition, the Senate Leader has a responsibility to speak before the Senate begins debate and discussion on the

Resolution of Confirmation to provide relevant and timely information about the nominee and the committee's findings.

- (e) If the Committee returns a judicial or cabinet nominee with an unfavorable disposition, any Senator may propose A Resolution of Confirmation once the Senate Leader has reported the committee's findings. This bypass of the Committee decision is only possible once the disposition of the committee has been reported to the Senate.
- (f) If the Committee returns a Senate candidate unfavorable disposition, any Senator may propose A Resolution of Confirmation once the Pro-Tempore has reported the committee's findings. This bypass of the Committee decision is only possible once the disposition of the committee has been reported to the Senate.

§9 **CONFIRMATION BY THE SENATE.** A Resolution for Confirmation that has been reported to the Senate favorably may be read and voted on in the same meeting, bypassing the standard "two meeting-two reading" rule. A Resolution for Confirmation that has been issued without a recommendation or has been caused to be on the agenda by a motion to discharge from the committee must follow standard rules whereby two readings in separate meetings are required prior to a vote. When the committee reports without recommendation or unfavorably, considering the resolution under emergency status rules are prohibited.

§10 **INSTALLATION.** Upon passage of a Resolution of Confirmation, the nominee will be installed into their duly nominated and confirmed office. Approved Senate nominees will be installed through a reading of the oath of office administered by the Vice President at the same meeting for which they were confirmed. Approved judicial and cabinet nominees will be installed through a reading of the oath of office administered by the President at the same meeting for which they were confirmed.

§11 **REJECTED NOMINEES.** If the Senate rejects a candidate or nominee, the same person may not be re-nominated to the same position in the same long semester and will not be permitted to serve in recess appointment for the same position for which their nomination was rejected.

TITLE VII - THE JUDICIARY

CHAPTER 100 - RULES OF THE COURT**ARTICLE I. ADMINISTRATIVE**

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17 (k) and (o) of the Student Government Constitution.
- §2 **PURPOSE.** A non-statutory protocol authorized by the constitution to establish a policy and procedure for the proper and orderly conduct of judicial business.
- §3 **AMENDMENT.** The Supreme Court may amend these Rules of Court, S.G.C. VII §100, by majority vote.
- §4 **STRICT INTERPRETATION.** The rules of Court must be strictly interpreted with reference to the precise terms of the document whenever possible. If a provision is ambiguous or leads to illogical consequences in its application, it must be interpreted in terms of expediency, fairly, and equal justice to all parties.
- §5 **PROCEDURAL JUDGMENTS.** The Chief Justice is the final judge of all procedural questions under the Rules of the Court.
- §6 **DEFINITIONS.** Unless specified the term “Constitution”, “constitutional,” or “statute” or any variation of these words must reference the Student Government Constitution or S.G.C.
- §7 **UNIVERSAL APPLICATION.** This chapter may be used as a guide for any disciplinary hearing by lower courts to provide direction and regulation unless the lower court has a set of rules it must follow as established by statute.
- (a) If a lower court adopts this as its rules of Court, it must not be able to suspend them unless provided for by statute.
 - (b) If the lower court has standing rules, the rules herein can still provide additional useful guidelines but where the two conflict the default must be those rules established by statute.
- §8 **ABSENCE OF CHIEF JUSTICE.** If the Chief Justice is, at any time, temporarily unable to perform their duties or if the office is vacant, an alternate must take their place until such time that a permanent replacement is confirmed. This alternate must be the next longest

serving Justice, and if all Associate Justices have served for the same period the oldest of the longest serving Associate Justice must serve as Interim Chief.

§9 **TIMELINE.** All complaints must be filed in accordance to S.G.C. VII. §100.3. All filed complaints must receive a response of accepted or not accepted within two business days. If a complaint is accepted, the court will notify (Notice of Complaint) all parties and include the date, time and location of the hearing. Once a Notice of a Complaint is sent, a hearing must be held within three business days but not less than 48 hours.

- (a) A complaint is filed and then reviewed by the Court for standing, and within two business days, decides to accept or not accept the complaint and inform the complainant.
- (b) If a request is accepted, the Chief Justice must, within three business days of receiving a filed complaint, notify (Notice of Complaint) via Texas State e-mail the Supreme Court, the President, the Vice President, the Dean of Students, student government advisors, the complainant, and the respondent of the complaint. The Chief Justice must arrange and include the date, time, and location of the hearing in the Notice of Complaint.
- (c) All hearings must be heard by the Supreme Court within three business days of the filing of a Notice of Complaint but not less than 48 hours. This 48-hour restriction may be waived with permission of the respondent and complainant. The 48-hour restriction is waived when a complaint is filed during the voting period.
- (d) A Notice of Complaint with the scheduled hearing information must be published on the Student Government website 48 hours prior to the hearing date and time and emailed to all members of Student Government, the staff advisors, and the parties to the complaint.

ARTICLE II. GENERAL PROCEDURES

§1 **MEETINGS.** Apart from hearings, the Supreme Court may meet in open to the public proceedings with the attendance of the Court Clerk and any counsel to address administrative

issues. The Chief Justice may meet for pretrial preparations with any person planning to be before the Court to discuss and clarify procedural issues. Pretrial preparatory meetings between complainant and respondent must be closed to the public and all other court members unless permitted by the Chief Justice.

§2 **TRANSCRIPTION OF PROCEEDINGS.** All proceedings of the Supreme Court must be either recorded with an audio or audio/visual recorder or written transcript. Parties may access the recording upon request to the Chief Justice. Anything recorded during the hearing will be stored in a court archive for three years.

- (a) Any interested parties must contact the Chief Justice to request access to the recordings or transcripts. Access must be granted within two business days of the request.
- (b) The Court Clerk must present a written summary of the testimony and arguments produced during the hearing.

ARTICLE III. FILING COMPLAINTS AND REQUESTS

§1 **COMPLAINTS.** Any Texas State student, except for Supreme Court Justices, may file a complaint with the Supreme Court. A complaint filed with the Supreme Court should generally conform to the template found in the [Appendix 5](#) of this document and must be made available to the complainant by the Court Clerk. Complaints must contain basic information as outlined in the appendix including:

- (a) A statement of pursuance under which the complainant is filing the complaint, usually in the form of a question.
- (b) A statement relating to the cause for action, or claim of harm, under which the court can act to remedy, citing the relevant Student Government rule or regulation that has been violated.
- (c) A summary of the requested action to be taken by the court.
- (d) A citation of the Student Government Constitution or S.G.C. which grants the complainant standing with the Supreme Court. The Supreme Court must decide if the statement of standing is within their jurisdiction.

- §2 **NOTICE OF COMPLAINT.** All causes of action pursued in the Supreme Court must be initiated by the filing of a Notice of Complaint by the court. The court must review a complaint filed by a complainant and agree by majority vote to hear the case based on standing. If agreed, the court will file a Notice of Complaint which will state that a complaint has standing and outline the information provided in the initial complaint filing.
- §3 **STANDING.** Any aggrieved party, who is a Texas State student, must demonstrate to the court a connection to the action on which the complaint is based and possible harms of the action. If the complainant, in the opinion of the court, does not sufficiently demonstrate a connection and harm then the court will reject the complaint.
- (a) An aggrieved party must file in the complaint the rules that have been broken or applied incorrectly and how this has impacted them.
 - (b) Members of the Supreme Court and Supreme Court staff do not have standing to file complaints with any court.
- §4 **WITHDRAWAL REQUEST.** A requestor may decide to not pursue a complaint or advisory opinion at any time after submitting a complaint but before the start of a hearing. A withdrawal must be submitted to the Supreme Court Chief Justice via Texas State e-mail. If a complainant withdraws without due cause 48-hours or less from the start of a scheduled hearing, they may be responsible for any fees associated with canceling the hearing room reservation (e.g. room fee, audio/visual fee, cancellation fee).
- §5 **ADVISORY OPINIONS.** Questions of interpretation of the constitution or other document within the Supreme Courts original jurisdiction must be submitted to the Court via formal written memorandum to the Chief Justice. The timeframe for action from the Supreme Court on an advisory opinion request is the same for a duly filed Complaint. Advisory Opinions should not embrace a subject of controversy or seek to remedy a harm. For subjects of controversy or remedy, a Complaint must be filed. An Advisory Opinion request must contain the following and generally follow the template found in **Appendix 10**:
- (a) A statement of pursuance under which the complainant is filing the action.
 - (b) A statement of standing under which rules, or law the complaint is referring to.

- (c) Optionally, the filer may attach a statement of their interpretation of the relevant document with justification and statute citation
- (d) A statement of the requested outcome of the complainant's filing.
- (e) Further format is to be stipulated in Appendix 10.

§6 **STATUTE OF LIMITATIONS.** No case must be heard by the Supreme Court more than 60 business days after the alleged act, occurrence, or transaction that constitutes the basis of the case.

- (a) Should a contested action occur during a recess of court, the start date for the statute of limitations must begin on the first business day that court resumes.
- (b) Actions outside of the 60-business day statute of limitations is only admissible to establish a pattern of behavior related to the case and is completely admissible as evidence.

ARTICLE IV. HEARINGS

§1 **ORDER OF PROCEEDINGS.** The Chief Justice must call a hearing to order and must verify that all relevant parties are present. The Court must hear one question at a time.

- (a) A sample agenda has been established by the court.
- (b) The oath or affirmation of truth must be administered by the Chief Justice or their designee, in accordance with this S.G.C.
- (c) The Chief Justice must entertain any motions from the parties, in accordance with the rules of court.
- (d) The Court must hear opening and closing arguments from both parties, and the Court must also hear the examination and cross-examination of all witnesses or arguments.
- (e) The Chief Justice must dismiss all parties from the room and deliberation must begin and last no longer than 24 hours.
- (f) The Chief Justice must announce the decision and then adjourn the Court.
- (g) The verdict of the Supreme Court must be posted on the official Student Government website within 60 hours of the hearing, and earlier if possible. Court opinions must be posted within 12 hours of the Court's decision.

- §2 **DRESS CODE.** The Supreme Court may issue before the hearing the proper dress attire. Any person presenting to the Court not properly dressed may not be recognized by the Court.
- §3 **OATH OF AFFIRMATION OF TRUTH.** An oath or affirmation of truth must be administered to all participating parties and witnesses prior to motions and arguments in every Supreme Court hearing and serves as agreement on the part of the witness to tell the truth. Failure to do so must result in disciplinary penalty as prescribed by the court.
- (a) The oath or affirmation of truth must be administered by the Chief Justice or their designee.
 - (b) The form for the oath or affirmation of truth must be as follows:
 - (1) *"I [state your full name] – do solemnly swear (or affirm) – that I will tell the truth, the whole truth, and nothing but the truth – as the laws of Student Government require."*
- §4 **MOTIONS.** At the commencement of proceedings, the Chief Justice must entertain any motions from the parties. If necessary, the Court must hear arguments and testimony on the motions, provided that the Chief Justice, at their discretion, may limit the time allotted for arguments and testimony.
- (a) At any time after the commencement of proceedings, the Chief Justice must entertain any motions.
 - (b) The Supreme Court must recognize nine motions which, if granted, must have the effect of delaying or dismissing the case, as appropriate:
 - (1) Motion for a Continuance
 - (i) Allows for the Court to continue hearing the case at a later time.
 - (2) Motion for Dismissal on the Grounds of Lack of Subject Matter Jurisdiction
 - (i) Allows for the Court to dismiss a case outside the realm of its original jurisdiction. This motion must automatically be heard if a court with original jurisdiction has not issued orders or opinions on the issue before the Supreme Court. If this is the case the Supreme Court must refer the case back to the court with original jurisdiction.

- (3) Motion for Dismissal on the Grounds of Lack of Standing on the Part of the Complainant.
 - (i) Reference S.G.C. VII §100.3(3).
- (4) Motion for Dismissal on the Grounds of statute Limitations.
 - (i) Reference S.G.C. VII §100.3(5).
- (5) Motion for Dismissal on the Grounds of Issue at Hand has Already been Decided.
 - (i) Allows for the Court to dismiss the case in whole or part based on previous interpretation of the Supreme Court.
- (6) Motion for Intervention of Interested Parties.
 - (i) Allows for the Court to define individuals who possess material information relevant to the case at hand.
- (7) Motion for Recusal.
 - (i) Reference S.G.C. §200.6(1).
- (8) Motion for Default Judgment.
 - (i) A motion applicable when one or both parties are not present at a hearing resulting in an immediate closing of the public proceedings for deliberations by the court.
- (9) Motion for recess.
 - (i) The time for a recess will be proscribed by the Court or proposed to the Court.

§5 **PROPER USAGE OF MOTIONS.** Any party who wishes to make the listed motions must submit to the Supreme Court a written statement of the motions with justification prior to the hearing; in accordance with the specific motion regulation the maker of the motion may be required to address the motion before the full court. See S.G.C. IV §100.4(4) (b).

- (a) Motions for (2) *Dismissal on the Grounds of Lack of Subject Matter Jurisdiction*, (3) *Dismissal on the Grounds of Lack of Standing on the Part of the Complainant*, (4) *Dismissal on the Grounds of statute Limitations*, and (5) *Dismissal on the Grounds of Issue at Hand has Already been Decided* may not be waived by the parties. If the

parties fail to make these motions when applicable, the Chief Justice may make and grant them instead.

- (b) Motion for (8) *Default Judgment* may be issued if the respondent fails to appear at a duly convened hearing after having been notified.
- (c) Motion for (6) *Intervention of Interested Parties* may be addressed after opening remarks by either parties but before evidence is submitted. This applies to witnesses or those with evidence not already provided by either party which may come forward and present information to the court.
- (d) For motion for (7) *Recusal* please reference S.G.C. §200.6(1).
- (e) In response to a motion for default judgment, the Chief Justice must order the complainant to present their case. At the close of complainant's case, the Supreme Court may enter a default judgment. The judgment must then be forwarded to the Court Clerk
- (f) Upon receiving a default judgment, the Court Clerk must post a notice informing the respondent that a default judgment has been entered.

§6 **OPENING AND CLOSING ARGUMENTS.** The complainant(s) and respondent(s), along with any of their counsel, who have filed briefs with the Court Clerk may present opening and closing arguments to the Supreme Court after all motions have been ruled upon.

- (a) The Chief Justice may limit the length of time allotted for opening and closing arguments at their discretion provided that each party must be allowed an equal amount of time to present arguments.
- (b) Any party may waive its right to an opening and/or closing argument.

§7 **WITNESSES.** Parties may present witnesses in support of their respective cases provided that the oath or affirmation of truth is administered to the witnesses prior to testimony.

- (a) Parties have the right to cross-examine all witnesses, so long as they submit their questions in a court brief and the Supreme Court Chief Justice has given permission for the questions to be asked.

- (b) The Chief Justice may limit the time to examine and cross-examine witnesses, provided that each party has an equal amount of time. This additional time will not be included in the total time the Chief Justice affords to all parties

§8 **QUESTIONS FROM THE BENCH.** Any Supreme Court Justice may question the parties at any time during the proceedings for purposes of clarification.

- (a) Any time spent answering questions from the bench must not be included in the total amount of time allotted by the Chief Justice to all parties.
- (b) If any party objects to the questions of any Supreme Court Justice, they must make an oral objection.
- (c) Such objections must be ruled on by the Chief Justice at the time of objection and placed on record by the Court Clerk.

§9 **DELIBERATION AND JUDGMENT.** At the close of arguments, the hearing must recess for deliberation. Only Justices of the Supreme Court and the Court Clerk are allowed to be present for deliberations. The Chief Justice, or their designate, must preside over all deliberations. Transcripts or recordings of deliberations are prohibited.

- (a) Deliberation must end when a majority of the justices constituting quorum agree to either grant the relief requested, grant a relief agreed upon by the Supreme Court, or to deny the relief requested.
 - (1) Voting of the court by proxy or remote must be prohibited.
- (b) Deliberation must not exceed three business days. University study days “dead day”, finals week, and university sanctioned holidays or emergency closures must not be included in the tabulation of time spent in deliberation.
- (c) The decision of the Supreme Court must be announced to the parties by the Chief Justice, or designee.
- (d) Judgements of the court, including the majority opinion, must be transmitted to the Court Clerk within three business days of the decision.
- (e) Any justice may write a concurring or dissenting opinion at their discretion which should be filed separately with the Court Clerk and be made available online.

- (f) Upon receipt of the majority opinion, the Court Clerk must forward copies to the President, the Vice President, the Dean of Students, student government advisors, the complainant, and the respondent of the complaint. Additional copies must be filed in the Court archive and posted on the Student Government website.
 - (1) Any dissenting or concurrent opinions will be placed on the Student Government website with distinct notification of its status.
- (g) If the judgment is returned by the Dean of Students for correction as to university regulation (excluding Student Government documents), the Court must reconvene at the order of the Chief Justice. The Court must resume its deliberations and reconsider its findings, as recommended.

CHAPTER 200 - SUPREME COURT

ARTICLE I. AUTHORIZATION AND PURPOSE

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17 (k) and (o) of the Student Government Constitution.
- §2 **PURPOSE.** In addition to the powers and responsibilities granted to it by the Student Government Constitution, the Supreme Court must enforce, when hearing a case, all Student Government rules and regulations, provide oversight whenever rules are violated, provide a judicial remedy when conflicts arise, ensure the S.G.C. is kept up to date and accurate.
- §3 **JURISDICTION.** In addition to the jurisdiction granted to the Supreme Court by the constitution the Supreme Court will have original jurisdiction over all other statutes, rules, regulations, and actions that do not have lower courts with jurisdiction. The Election Board exercises original jurisdiction over the Election Code and election related issues.
- §4 **JURISDICTION AND APPEALS.** As provided for in the Constitution, the Supreme Court's jurisdiction includes appellant jurisdiction, rehearing cases upon appeal.
 - (a) When deciding a case, the Court cannot ignore the question or issue within the original complaint and appeal.
 - (b) The Court may address any related interpretative, factual, procedural or other issues that the Court determines has a material effect on the original case and appeal.

- (c) The Court may issue orders and opinions to resolve the case completely and effectively.

§5 **APPEALS NEAR AND DURING VOTING PERIOD.** An appeal hearing must occur within 24 hours when an election related appeal is accepted by the Supreme Court between the Thursday before the voting period begins and the end of the voting period.

ARTICLE II. SUPREME COURT JUSTICES

§1 **THE CHIEF JUSTICE.** The Chief Justice must adhere to all responsibilities outlined in the Rules of Court. The following include, but are not limited to, the responsibilities of the Chief Justice:

- (a) Be the final judge on any questions of procedure arising from S.G.C. VII §100.
- (b) Arrange regularly scheduled meetings at which all Associate Justice must be available to conduct official business.
- (c) Direct all matters of an administrative nature within the Student Government Court system as governed by S.G.C. VII.
- (d) Oversee an annual training of the Supreme Court, Election Board and Public Counsels.
- (e) Ensure all Associate Justice are informed of all upcoming hearings and meetings in order to meet quorum of Associate Justice, which must be present at every hearing and meeting.
- (f) In case of absence, they may designate another Justice to fulfill duties or the responsibility falls to the most senior Justice present.
- (g) Carry out the various enumerated requirements outlined throughout the S.G.C. VII.
- (h) Serve on all committees as requested or required. If not available, a designee must be selected and sent.
- (i) Consult with all Associate Justices to outline hearing procedures prior to any hearing of the Supreme Court.
- (j) Meet with all parties prior to any hearing of the Supreme Court to address Court procedures and any pretrial questions.

- (k) Set the goals of the Student Government judicial system and ensure the system meets its statutory and written expectations including deadlines and projects.
- (l) Provide any person coming before the Supreme Court their rights and responsibilities.
- (m) Coordinate and ensure the S.G.C. is properly formatted, updated and distributed and that any changes are properly transmitted.

§2 **ASSOCIATE JUSTICES.** Associate Justices must be responsible for attending meetings or hearings called to order by the Chief Justice.

- (a) Associate Justices must adhere to attendance policies as stated in this S.G.C.
- (b) All Associate Justices must demonstrate their knowledge of all relevant Student Government documents and impartiality throughout their term of office.
- (c) No member of or nominee for a position within the Judicial Branch must help, assist, serve on, campaign for, or advise any Fall or Spring Student Government Campaign.
- (d) All Justices will undergo mediation or judicial board training by the Dean of Students Office.

ARTICLE III. OFFICERS OF THE COURT

§1 **COURT CLERK.** The Chief Justice of the Supreme Court may appoint at least one Court Clerk, as an officer of the Court. If there is no Court Clerk, the Chief Justice may select an Associate Justice which will assist the Chief Justice in all administrative and clerical matters. The following includes, but is not limited to, the responsibilities of the Court Clerk:

- (a) Assist the Chief Justice in all administrative and clerical matters.
- (b) Receiving and forward all complaints filed with the Court to the Chief Justice.
- (c) Keep the records of the Court as the official archivist.
- (d) Obtain and record attendance of Student Outreach Events by all members of the Judicial Branch.
- (e) Assist any plaintiff, defendant and the court in administrative, procedural and clerical matters.

- (f) Forward all Court Orders and Opinions to the Supreme Court Chief Justice for codification under this title. Court Orders and opinions must be formatted in accordance with Appendix 4.
- (g) The Court Clerk may be removed for cause from their position by a two-thirds vote of the Supreme Court.

§2 **PUBLIC COUNSEL.** The purpose of Public Counsel must be to advise and act as an agent on behalf of any student wishing or requesting their counsel. The Supreme Court Chief Justice may vest the appointment of at least two Public Counsels and must be recognized as an advocate upon demonstrating to the Supreme Court Chief Justice a complete understanding of Student Government Constitution and S.G.C. To this effect, the Supreme Court must establish a method of evaluation for advocate candidates.

- (a) Advocates may also be called upon to advise any member of Student Government in the preparation of statutes.
- (b) The Chief Justice may relieve the Public Counsel with due cause at any time.
- (c) The Public Counsel must keep all matters related to the case they are assigned in the strictest confidence.
- (d) Assist students in preparing petitions, complaints, briefs, evidence, testimony and other documents to any court in Student Government.
- (e) Ensure the proper preparation of all documents for the courts.
- (f) May be called upon by any member of Student Government in the preparation of statutes.
- (g) With the permission of the student, act as an agent of the student in regard to their court proceedings and speak and act on their behalf.
- (h) Uphold all principles of ethics and standards of Student Government.
- (i) Provide defense or prosecution to the best of their ability at all times.
- (j) May recuse themselves or deny supporting any student for any reason of conscience.

§3 **RESIGNATION.** All members of the judicial system must notify the Chief Justice of the intent to resign from his position. Upon notification, the Chief Justice must inform the President and Student Government Advisors of the vacancy.

- §4 **OATH OF OFFICE.** All officials of the Supreme Court must take an oath of office before taking office. This oath must be administered by the Chief Justice. If the Chief Justice is to take the oath it must be administered by the President.

ARTICLE IV. GENERAL PROCEDURE

- §1 **QUORUM.** Two-thirds of the number of justices appointed to office at the time of a hearing, but no less than three, must constitute the quorum of the Supreme Court. Any action taken by Supreme Court without quorum present must be null and void, excluding the issuance of an injunction by the Chief Justice.
- §2 **ABSENCE.** Notice of an absence must be submitted to the Chief Justice, 24 hours in advance of the missed Supreme Court meeting or hearing.
- (a) Unexcused absences in excess of two, no matter the circumstances or excuse must be just cause for removal.
 - (b) Documentation for excused absences must be submitted to the Chief Justice no later than 24 hours after the missed Supreme Court meeting or hearing.
- §3 **RULES OF LAW.** The Supreme Court may provide an adequate remedy to all complaints filed so long as the remedy affords equitable, practical, and appropriate relief under the circumstances.
- (a) The Supreme Court must use statutes, S.G.C., Constitution, as well as the principles and spirit of Student Government law to base its decisions. It must cite its reasoning's and justifications under those documents pertaining to each case.
 - (b) The Supreme Court must hear information relevant to the case, so long as it is properly submitted and made available to all sides in a case.
 - (c) All Student Government legislation, Orders, the S.G.C., and university regulations must be given a strict construction. Any ambiguous provision must be interpreted in such a way as to give full meaning and effect to that provision, with reference to the intent of the provision. If the intent of a given provision cannot be determined, the Supreme Court must use the context of the provision, as well as general principles of justice and equity, to give full meaning to the provision in question.

- §4 **COUNSEL.** Any party brought before the Supreme Court has the right to a maximum of two Texas State students to serve as counsels. This right must not be suspended by any court or component of Student Government. Any party that elects representation by counsel must be bound to all actions and statements made by said counsel.
- §5 **ORIGINAL JURISDICTION.** The Supreme Court must have original jurisdiction as prescribed in the Student Government Constitution.
- §6 **JUDICIAL MEMORANDUM.** All administrative matters of the Supreme Court must be issued by Judicial Memorandum; this includes, but is not limited to all internal appointments, resignations, and expenses. All Judicial Memorandums issued by the Chief Justice are public record. Each Judicial Memorandum, as well as all injunctions, advisory opinions or Court Orders and Opinions must be forwarded to the Court Clerk.
- §7 **REMEDY.** The court may, by the consent of the majority, issue Court Orders to rectify, provide temporary or permanent relief in regard to the harm as filed in the Notice of Complaint.
- §8 **POSTING REQUIREMENTS.** The Court Clerk must provide the complainant with a citation, which must contain:
- (a) A list of the charges and/or claims brought against the respondent.
 - (b) The date, time, and place of the scheduled proceedings.
 - (c) The penalties for failure to appear before the Court, including default judgment, and suspension and/or expulsion from office.
- §9 **HEARING AND MEETING NOTICE.** A notice of a hearing of the Supreme Court will be posted by the Chief Justice or Clerk to the Student Government website at least 48 hours prior to the hearing date and time. The notice will also be emailed to all members of Student Government, the staff advisors, and the parties involved in the complaint.
- §10 **BRIEFS.** Both parties to a case and any interested parties may file briefs with the Court Clerk. Briefs must be received by the Court Clerk no later than 24 hours prior to the commencement of a hearing.
- (a) In the event of an election hearing, briefs must be submitted no later than 15 hours prior to the hearing.

- (b) Briefs must conform to the template provided to both parties by the Court Clerk. The template can be found in the [Appendix 6](#) of this document. The brief submitted to the Court Clerk must not exceed eight typed pages.
- (c) Supplementary documents must be submitted at the same time as the brief. If supplementary documentation is not included with the brief, it may be presented at the hearing with a majority vote of the justices.
- (d) The Court Clerk, acting under the direction of the Chief Justice, must distribute a digital copy (e.g. Word Document (.doc or .docx) or Portable Document Format (PDF)) of all briefs at least five hours before the scheduled hearing, to all parties including the respondent, the complainant, and counsel. A physical copy may be provided upon request.
- (e) The Chief Justice reserves the right to deny the admission of an excessive number of briefs.

§11 **SUBPOENA POWERS.** The Chief Justice may compel, through subpoena any member of Student Government, either elected or appointed, to appear in court as a witness, and may also request, through formal letter any Texas State student, faculty, or staff member to appear in court as a witness. No Texas State student, faculty, or staff is required to attend or comply with anything the Supreme Court requests and any request will come with an explicit statement of this fact. Matters of public record may be requested per local, state and federal law.

- (a) A subpoena may also be issued to any Student Government member, either elected or appointed, to provide documentation relevant to the cases being heard.
- (b) Any member of Student Government, either elected or appointed, who fails to appear or provide subpoenaed documents before the Supreme Court when so compelled may face penalties as established by statute or the constitution unless the Student provides a reasonable and timely justification for absence.

ARTICLE V. FAILURE TO APPEAR

- §1 **DEFINITION.** A respondent has failed to appear before the Court when, after proper notification via Texas State e-mail, they do not make an appearance, in person or by counsel, at a duly convened proceeding of the Supreme Court.
- §2 **PENALTIES.** If a Student Government official, elected or appointed, knowingly fails to appear before the Supreme Court without reasonable and timely justification, the Chief Justice may make a decision with concurrence of the majority of the court from the bench without the need for testimony.

ARTICLE VI. RECUSATION

- §1 **RULE FOR RECUSAL.** Any justice of the Supreme Court must recuse themselves from participation in a case if they believe that, by virtue of their relationship or association with any of the parties to the case, they are unable to decide the case impartially.
- (a) A motion for recusal made by the justices or either party or their counsel may be requested anytime during the hearing.
 - (b) A justice's refusal to recuse themselves is subject to challenge if the aggrieved party believes that a justice who participated in deciding the aggrieved party's case should have recused themselves.
- §2 **RELATED PARTIES.** Related parties include:
- (a) Anyone legally related to a party of the case before the Court, in a direct line of either ascendance, descendants, or collaterals within the first degree.
 - (b) Anyone whose name appears on campaigning material or is/was the agent or worker for any campaign.
 - (c) Anyone who has publicly announced their support of a party to the case before the Court. Public announcement is defined as:
 - (1) A letter of support to any periodical.
 - (2) Distributing campaign materials of a party of the case.
 - (3) Providing material or financial support of any kind.

- (4) Announcing said support in student organization meetings, social networking websites, e-mail, text messaging, or any other form of communication determined at the discretion of the Supreme Court.

§3 **CHALLENGES.** The Supreme Court must have original and exclusive jurisdiction in cases arising under this article and, therefore, must proceed according to the procedures specified in Article I of the Rules of Court.

- (a) Only members of the Supreme Court and their counsel must be admitted into the challenge hearing.
- (b) If a Supreme Court Justice is the subject of the challenge, the Chief Justice must dismiss that justice from hearing the challenge. If the Chief Justice is the subject of the challenge, the Justice must dismiss themselves from hearing the challenge.
- (c) Any justice that is the subject of a challenge must have the right to defend themselves in the same manner as a respondent and must retain all the rights and privileges guaranteed or granted under this S.G.C.
- (d) If a majority of the justices find that the challenged justice should have recused themselves and their failure to do so may have affected the outcome of the case, a new trial or hearing must be ordered on behalf of the aggrieved party. The justice found to have failed to recuse themselves will not be involved with any subsequent case.

ARTICLE VII. INJUNCTIONS

§1 **DEFINITION AND ISSUANCE.** The Supreme Court possesses the power to issue injunctions, pursuant to Student Government Constitution.

- (a) An injunction is an order issued in the name of the Supreme Court which requires a Student Government official to do the following:
 - (1) Temporarily cease and desist any activity or practice until such a time as a full hearing can be held regarding the case or controversy; or,
 - (2) Grant to applicant such relief as is requested on a temporary basis until such a time as a full hearing can be held on the case or controversy.

- §2 **PROCEDURE FOR AN INJUNCTION BY THE SUPREME COURT.** Injunctions may be issued by the Chief Justice or a majority of the Court concurring.
- (a) An injunction from the Supreme Court must conform to the template found in the [Appendix 7](#) to this document and submitted to the Chief Justice.
 - (b) The Chief Justice must inform all interested parties of the injunction's disposition as soon as possible, but in no case more than 24 hours after the receipt of the injunction request.
 - (c) Injunctions may be issued against any Student Government election, Student Government official function, Student Government official in their capacity, or any legislative and/or executive instrument. Justices of the Supreme Court must not issue an injunction of any action of the Student Government or any member of the Student Government in instances where no petitioner has requested such action.
 - (d) No injunction will be issued for something, which has not resulted in a harm, or cause of action. Generally, this means an injunction cannot be issued for something that has not yet happened.
 - (e) Injunctions may only be effective for a maximum of five consecutive days including weekends. Any injunction purporting to have effect for a longer period is null and void.
 - (f) A petition for an injunction may be included in the complaint filed by the complainant.
 - (g) The Injunction Petition Form can be found in [Appendix 7](#) to this S.G.C.
- §3 **BURDEN OF PETITIONER.** Injunctions must not be issued unless the petitioner is able to demonstrate that immediate, irreparable harm will result without injunctive relief. An injunction is to be considered an extraordinary temporary remedy.

ARTICLE VIII. RIGHT TO COUNSEL

- §1 **RIGHT TO COUNSEL.** All Texas State students wishing to pursue or defend themselves in a Supreme Court or lower court hearing has a right to effective counsel by a student of Texas State University in the way of a Public Counsel. Students must be informed of this right upon

being made aware of a pending action in any Student Government Court. To this end, two students, preferably focusing on Public Administration or Legal Studies, may serve as Public Counsels to any student requesting this counsel.

§2 **STUDENTS WISHING COUNSEL.** If any student wishes to have Public Counsels as counsel, they must inform the Chief Justice who must assign an advocate to the student until the completion of the proceedings.

- (a) If the student grants the Public Counsel the power to act as their agent or prepare documents in their name, the actions of the advocate must be considered the same as if the student had acted themselves.
- (b) Students may revoke the counsel of an advocate at any time.
- (c) Students may provide their own outside counsel, which can act as their advocate, so long this person is a student.
- (d) Students may have a non-student, outside counsel, but any such counselor must not be recognized to speak or present testimony or evidence.
- (e) Students may counsel themselves or have any other student who is not a Public Counsel provide them with counsel.

CHAPTER 201 - PARKING APPEALS ACT

ARTICLE I. AUTHORIZATION AND PURPOSE

§1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17 (k) and (o) of the Student Government Constitution.

§2 **PURPOSE.** This Supreme Court is authorized to exercise the power to work closely with the Parking Services Department to handle and be the enduring authority over the final parking citations appeals process. Final parking appeals will be handled by the appointed Justices on the Student Government Supreme Court, chaired by the Court's Chief Justice. The Court's objective in taking over parking appeals must be as follows:

- (a) Ensure that students have a representative in the parking citation appeals process.
- (b) Provide a more efficient process for final parking citation appeal reviews.

- (c) Extensively review the appealed cases and evidence to determine whether or not a case has grounds for reversal.
- (d) Take into account only the facts of the case and alleged violations of university policy.
- (e) Allow for students to present their case upon request of the court.
- (f) Issue rulings and opinions in cases that are beyond a reasonable doubt.
- (g) Draft and release opinions on cases that need further review, to be determined by the court, with Parking Services Department approval.
- (h) Follow the policies presented in the Parking Services Rules and Regulations.

ARTICLE II. PARKING APPEALS PROCESS

§3 **PROCEDURE.** The parking appeals procedure will be as follows:

- (a) In order for the Court to review a case the defendant must:
 - (1) Appeal the ticket to a Level One appeal.
 - (2) Upon denial of the Level One appeal, the ticket must be filed with the Court within 10 business days of the date the defendant was notified of the denial.
 - (3) Level Two appeals will be decided in two ways:
 - (i) Simple cases (determined by the court) will be decided based solely on the submitted written appeal.
 - (ii) More complex cases, at the request of the Court (e.g. those involving towing, suspension, booting, or others determined to be complex by the Court), may require an oral argument, to be scheduled on the next available hearing date, provided the defendant is notified with no less than 10 business days' notice.
- (b) Decisions will be made pursuant the following subsections:
 - (1) Simple cases will be decided and released on the business day following the decision.
 - (2) More complex cases will be heard, and the Court will issue a decision. The Chief Justice will assign a justice to issue a majority opinion or reserve the

right to write it themselves. Once the opinion is issued the Court will release it on the business day following the issuance.

(c) If a majority is not reached by the Court on a case, the Level One ruling stands.

- §4 **HEARINGS.** Hearings will occur on Wednesdays at the Parking Services Office at least once per month. If the amount of appeals exceeds the Court's capacity in its monthly meeting, the Court may hold additional hearings, with proper notification given to the parties and with the approval of Parking Services.

CHAPTER 300 - ELECTION BOARD

ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17 (i), (k), and (o) of the Student Government Constitution.
- §2 **JURISDICTION.** The Election Board will have jurisdiction over Student Government elections, special or general, and must enforce and interpret the Election Code. The Board will enforce all provision of the Constitution, the S.G.C., university policy and procedures, and other relevant regulations on candidates in the context of their campaign. The Board will have the power to enforce the listed regulations before filing begins, during the election process, and until the completion of all election related activity.
- §3 **VACANT ELECTION BOARD.** If a case or controversy related to the election should arise while the Election Board is vacant the Supreme Court will automatically assume jurisdiction for Advisory Opinion Requests and Complaints. If the vacancy persists during the election such that requirements of this Code are missed the Supreme Court will work to fulfill the minimally required administrative tasks to ensure the election proceeds in accordance with the rules outlined in this title.
- §4 **ENFORCEMENT.** The Election board must be responsible for enforcing all provisions of S.G.C. III, Election Code. The Election Board will be given broad powers to interpret, enforce, and resolve any issues not otherwise dictated within this Election Code.
- §5 **ADMINISTRATION OF ELECTIONS.** The Election Board will be responsible for the administration of campus-wide elections.

- §6 **JURISDICTIONAL BOUNDARIES.** The jurisdiction of the Election Board applies both on-campus and off-campus.

ARTICLE II. THE ELECTION BOARD

- §1 **ELECTION BOARD SELECTION PROCESS.** The Election Board will be assembled through an application and interview process managed by the President, to be completed and nominees submitted to the Nominations and Appointments Committee by the first Monday in October. The most qualified candidates are to be recommended from the committee to the Senate. When a nominee is a graduate student, the House will also confirm.
- (a) Members of this Election Board are not allowed to serve Student Government in any other capacity, elected or appointed.
 - (b) The application for the Election Board will be made available through the Dean of Students Office, Student Government website, sent to the pre-law program, and anywhere else it may be viewed by a large qualified applicant pool.
- §2 **ELECTION BOARD QUALIFICATIONS.** A total of five members will be selected to comprise the Election Board from the applications submitted. Each will possess the following qualifications:
- (a) Must not currently hold an elected position, endeavor to run in the current election cycle, or be engaged in actively campaigning for an elected position, alliance or candidate,
 - (b) Must either be a graduate student or an undergraduate student, and have completed one semester as a Texas State student,
 - (c) Must be in good academic and disciplinary standing.
 - (d) Must not hold any position within the Supreme Court.
 - (e) If the applicant pool does not yield at least five qualified members the Dean of Students may recommend to the President specific candidates.
- §3 **ELECTION BOARD CHAIR SELECTION.** From among the appointed Election Board members, the Chief Justice must select a member to serve as Election Board Chair.

- (a) The preferred qualifications for the Election Board Chair include service in any of the following: The Student Justice Board, the Supreme Court, the Election Board, the Organization Conduct Review Board, Student Organizations Council, or the Supreme Court.
- (b) The Dean of Students may make recommendations to the Student Body President for members who meet similar standards.

§4 **ELECTION BOARD MEMBER REMOVAL.** Any member of the Election Board may be removed for just cause by a two-thirds vote of the Election Board or impeachment. Should a member of the Election Board be removed, the President will select a replacement by majority vote of the Election Board out of candidates who have previously applied, with confirmation by the Senate.

§5 **CALLING MEETINGS.** The Chair of the Election Board will facilitate and organize the necessary meetings and hearings in order to accomplish tasks set forth by this Election Code.

§6 **ELECTION BOARD CHAIR.** The Chair will be the chief executor of the Election Code and be vested with specific powers that when executed may be overridden by a majority vote of the Board. These powers include:

- (a) Issuing temporary injunctions,
- (b) Issuing verbal orders to candidates,
- (c) Barring disruptive members of the public from hearings,
- (d) Assigning candidates to Election Board members.

§7 **ELECTION BOARD CLERK.** The Election Board or Chair will appoint one of the members as the clerk or can appoint a non-member volunteer; who will be responsible for recording the minutes of Election Board meetings and hearings, and keeping records of all complaints, opinions, rulings, and filings required of candidates under the Election code.

- (a) The clerk will provide a written copy of all decisions concerning individual candidates or alliances to the candidates involved.
- (b) Failure to do so may result in revocation of clerical duties by the Election Board Chair.
- (c) If no clerk is appointed these responsibilities fall to the Election Board Chair.

- §8 **ELECTION BOARD QUORUM & CHAIR.** For any hearing to occur, a quorum of Election Board members must be in attendance. Quorum is defined as three Board members. No hearing or action may be taken without quorum. Proxy voting is prohibited.
- (a) All decisions of the board must be made by a majority vote of those present at the time of the hearing.
 - (b) The Chair of the Election Board must preside over the hearing.
 - (c) In cases where the Chair is absent, the responsibility to preside must fall to an Election Board member as predetermined by the Chair.
 - (d) If the Chair has not selected a temporary replacement, the Election Board will select a temporary Chair by consensus.
- §9 **TERMS OF OFFICE.** The Election Board will serve for two years and until the conclusion of all election related business in years they serve.
- §10 **CONFIDENTIALITY.** The Election Board members will sign a contract which will outline job responsibilities as established by the Election Board Chair in cooperation with the Dean of Students. This will include a confidentiality agreement and failure to adhere to this provision is just cause for removal and referral to student discipline.

CHAPTER 400 - COURT ORDERS AND OPINIONS

ARTICLE I. REQUIREMENTS AND STRUCTURE OF OPINIONS AND ORDERS

- §1 **AUTHORIZATION.** This chapter and all of its regulations are authorized pursuant to Article VI, Section 17 (k) and (o) of the Student Government Constitution.
- §2 **PURPOSE.** The purpose of this chapter is primary to outline the standardized way that the Courts must display and direct their orders and opinions. The format and structure are designed for clarity to its readers and facilitates the articulation of the consensus, majority and minority opinions of the Courts.
- (a) Court Orders and Opinions should come in the following content format:
 - (1) a summary of the opinion and order known as a syllabus,

- (2) a case introduction, findings, set of conclusions, opinions, and relevant interpretations, known as the Court Opinion, and
- (3) any related orders in that sequence.

§3 **COURT ORDERS AND OPINIONS.** Supreme Court and Election Board Orders and Opinions should be written in a scholarly, detailed, and deliberative way, citing, whenever possible, the constitutional provision or statute which is similar to that found in [Appendix 4](#) or [Appendix 9](#).

- (a) The Court must issue a Majority Opinion. If the Court does not reach a majority, a *per curiam* decision is issued instead. The Court may also issue a Concurrent Opinion or Dissenting Opinion.
 - (1) A Majority Opinion is the written opinion of the majority of the justices and basis of any court orders and is written by the most senior Justice or they may assign another justice to write the opinion of the case.
 - (2) A Dissenting opinion is the written opinion of the minority embracing any issue presented or discussed in the majority opinion and may be written by any Justice together or separately.
 - (i) The Election Board must not issue minority or dissenting opinions or decisions.
 - (3) A Concurrent Opinion will provide support for the majority opinion but may deviate in its application or method of support from that which is listed in the Majority Opinion.
 - (4) A *per curiam* decision is one where the Court was unable to reach a majority decision and must affirm the lower court's decision or provide no precedent, action or remedy.
- (b) Upon the conclusion of a hearing and after deliberation the Supreme Court must provide a written decision. This decision will come in the way of court orders and opinions. This document will come in two distinct parts but are to remain one document.

- (1) The majority opinion of the court must detail the reasoning and justifications for its orders and must meet the standards as outlined in this section.
- (2) The courts orders must detail the actions it is taking or is commanding other components of Student Government to take in order to comply with its majority opinion and thus remedy the case.
- (c) Majority opinions may be opposed through a written minority opinion or agreed with in part or whole by a concurring opinion, however no minority order or concurrent order may ever be issued.
- (d) Orders and opinions must, whenever possible, cite under what statute or constitutional provision the Court is acting in order to provide judicial direction for lower courts and to established judicial precedence.
- (e) Orders and opinions can only embrace the question before the Court. The Court must have the power in its opinions to address related issues and questions which arise in the course of the hearing and discussion.
- (f) The Court must only agree on the correct relief and remedy for a case to issue orders, majority and concurring opinions which may differ are acceptable so long as the relief and remedy is agreed upon by a majority.

ARTICLE II. CODIFICATION OF COURT ORDERS AND OPINIONS

§1 **CODIFICATION.** Codification of Supreme Court Orders must occur pursuant to S.G.C. I. §100.5(1)(b). Each individual Opinion or Order, which for these purposes must constitute the same, must be codified as a new chapter in ascending order from Chapter 401. For the purposes of publication, the Chief Justice may issue the order and opinion in whatever manner captures the information and in a style which is easy to read and fits a generally accepted framework, examples can be found in the [Appendix 4](#) and [Appendix 9](#). For the purposes of codification the opinion and order must follow the same format as outlined is S.G.C. I. §100.3(4). Minority opinions are not codified.

- §2 **JUDICIAL REVIEW.** As a power granted by the Constitution the Opinions and Orders codified within this and subsequent chapters must be considered an extension of this S.G.C. or Constitution depending on the source document.
- §3 **AMENDMENTS.** Retraction or amendments to previous Court Orders and Opinions must be recorded as such in the already established chapter for the order and opinion and must not be recorded as a new chapter.
- §4 **CODING.** Court Orders must be coded first with the number sign (#) and the session of the Senate in which the order and opinion was issued followed by a number which represents the number in chronological order of issuance in that session. Example: Case #04-5 (“04”, represents the session the order was issued in, and “5” is the fifth order issued in the session.).

CHAPTER 401 - ACADEMIC YEAR 2020/2021

ARTICLE I. #01-1 [Complainant v. Respondent]

- §1 **SYLLABUS.** [TO BE ENTERED]
- §2 **OPINION.** [TO BE ENTERED]
- §3 **ORDER.** [TO BE ENTERED]

CHAPTER 402 - ACADEMIC YEAR 2021/2022

ARTICLE I. #02-1 [Complainant v. Respondent]

- §1 **SYLLABUS.** [TO BE ENTERED]
- §2 **OPINION.** [TO BE ENTERED]
- §3 **ORDER.** [TO BE ENTERED]

CHAPTER 401 - ACADEMIC YEAR 2022/2023

ARTICLE I. #03-1 [Complainant v. Respondent]

- §1 **SYLLABUS.** [TO BE ENTERED]
- §2 **OPINION.** [TO BE ENTERED]
- §3 **ORDER.** [TO BE ENTERED]

TITLE VIII -THE BUDGET**CHAPTER 100 - BUDGET AND FINANCE OF STUDENT GOVERNMENT****ARTICLE I. GENERAL PROVISIONS**

- §1 **AUTHORIZATION.** This Title and all of its regulations are authorized pursuant to Article VI, Section 17 (l) and (m) of the Student Government Constitution.
- §2 **SCOPE AND PURPOSE.** This chapter must establish a standardized handling, accountability and authorization of Student Government money, all of the following funds must be subject to its regulation:
- (a) Any funding allocated by Texas State University to Student Government.
 - (b) Any club account, endowments, or donations that may exceed \$500 in value.
- §3 **CLASSIFICATION.** For the purposes of spending money, bills must be classified in two ways; appropriations and budget authorization.
- §4 **BUDGET AUTHORIZATION.** Budget authorization bills must authorize the total expenditure of funds for the operations of Student Government and must be recorded as a separate chapter in this title and each year the new fiscal year must be an amendment to that act. All budget authorization bills must be written by a Senator of the Department of Finance in the form of a bill.
- §5 **APPROPRIATIONS.** Appropriation bills must authorize all expenditures not initially listed on a budget authorization bill and funded by discretionary funds.
- (a) Any Senator may author an appropriations bill.
 - (b) All appropriation bills must be forwarded to the Department of Finance for review before adoption in the Senate.
- §6 **NEW FISCAL YEAR.** Each fiscal year a budget must be established from funds being issued by fees.
- §7 **FISCAL YEAR.** “Fiscal year” is defined in the same manner as Texas State University, September 1 to August 31.

ARTICLE II. SENATE, POWERS AND DUTIES

- §1 **RESPONSIBILITY FOR BUDGETTING.** All bills for the expenditure of funds by the Student Government must originate in the Senate. The legislative writing standard format to be used for Senate bills relating to budget authorization and update must be followed as shown in S.G.C. VIII §100.1(4).
- §2 **ANNUAL AUTHORIZATION AND UPDATE.** The Student Government budget will be authorized by the Senate in the fall semester for the fiscal year. In the spring semester, the Senate votes to approve an update to the budget if needed.
- §3 **MISSED DEADLINES.** In the event budget deadlines are not met, the Senate may pass continuing resolutions to maintain the operations of Student Government under the most recently authorized budget, each such resolution must never do so for more than a two-week period.
- §4 **DISCRETIONARY AUTHORITY.** The Senate must have sole power to release money from discretionary funds, which exceed that of Presidential authority and limitations.

ARTICLE III. PRESIDENT, POWERS AND DUTIES

- §1 **BUDGET PROPOSAL.** The President must submit to the Department of Finance the proposed budget by the second meeting of the Senate in the fall semester. In the spring semester, the President may submit an update of the budget by the second meeting of the Senate in the spring semester if necessary. The proposed budget must:
- (a) Contain all the expenses for the operation of the Student Government throughout the fiscal year.
 - (b) Categorized into specific expenses including those expenses for every office, operation and component of Student Government.
 - (c) Contain a category for expenses while the Senate is not in session, which includes the summer and holiday breaks.
- §2 **DISCRETIONARY AUTHORITY AND LIMITS.** While the Senate is in session in the fall and spring semesters, the President will have the power to spend no amount greater than

\$250 from discretionary funds in a two-week period, and must report, in writing to the Department of Finance if such an authorization is made.

- (a) While the Senate is out of session, during the summer break, the President has the power to use no more than 25% of discretionary funds.

§3 **EXECUTION OF BUDGET.** The President may facilitate the use of Student Government money and may be charged with providing for the use of said money on those expenses established by the Senate in the budget authorization and appropriations bills.

- (a) A form for the tracking and release of expenditures must be established, requiring presidential signature. This form may be altered by the President each year to fulfill unique situations. The President must be required to establish a specific format be followed for tracking the usage of funds.
- (b) Expenditures by the President must not exceed or be altered from the amounts categorized and allocated by the Senate in the authorization bill and the same must be true for appropriations unless the Senate acts to do so.

§4 **PRESIDENTIAL REPORTING.** The President, the Director, or a designee must provide the department with documentation of expenditures and issue a report on the state of the budget including but not limited to current expenditures from each category and line item at each meeting of the department.

§5 **PRESIDENTIAL POWERS.** The President must have the power to reallocate remaining funds from each category and line item should the reason for the allocation be completed or otherwise invalidated, any such changes must be reported to the Department of Finance at its next regularly scheduled meeting.

ARTICLE IV. DIRECTOR OF FINANCE, POWERS AND DUTIES

§1 **DIRECTOR OF FINANCE** The Director of the Department of Finance will Chair meetings of the Department of Finance, provide reports to the Senate and advise the President, Cabinet and Departments on the issues relating to the budget and finances of Student Government.

ARTICLE V. DEPARTMENT OF FINANCE, POWERS AND DUTIES

§1 **BUDGET TIMELINE.** The Department of Finance will take receipt of the proposed budget from the President by the second meeting of the Senate in the fall. The department will review and write a bill to authorize the budget. A Senator from the Department of Finance will introduce the bill in the Senate by the fourth meeting of same semester for authorization approval. The Department of Finance will follow the same process therein when updating the budget in the spring semester.

- (a) A proposed budget bill must be reviewed by the student government advisors prior to its introduction and first reading as legislation.

§2 **RESPONSIBILITIES.** The Department of Finance in reviewing the budget must:

- (a) Be established as a Department.
- (b) The Director and membership of the Department must be nominated by the President.
- (c) The Director may be a student majoring in Accounting or Finance.
- (d) Meet on a weekly basis while the Senate is session, and when called to meet by the President, Vice President, Director of Finance, or Senate.
- (e) Be comprised of a minimum of four Senators but no more than six Senators.
- (f) Review all bills calling for the expenditures or allocation of Student Government funds.
- (g) Have the power to amend or reject an appropriations or authorization bill, before being forwarded to the Senate.

§3 **RECORDS.** The department must take minutes and formal votes on budget authorization and appropriations bills and will make this information known to the Senate, and public, by the Senate's next meeting and make said information available to the public.

ARTICLE VI. MANDATORY EXPENSES

§1 **DIVISIONS OF THE BUDGET.** The budget must at least be divided into core expense areas which will be mandatory. The mandatory line items of the budget must include Operations, Discretionary, the House, and the Judiciary.

- §2 **OPERATIONS.** Operations must include funding to cover utilities, phones, room reservations, cable, copier costs, and wages for services rendered for a period of twelve months.
- §3 **DISCRETIONARY.** Discretionary funds must include at least 10% of the total funds allocated to Student Government for release by the Senate. The Senate may authorize a lesser percentage when deemed necessary.
- §4 **THE JUDICIARY.** The Senate must allocate funds to the Court system, as requested by the Chief Justice for operations of the Supreme Court and all lower courts. The Chief Justice must submit to the President a requested allocation with justification two weeks prior to the first Department of Finance meeting on the budget.
- §5 **THE HOUSE.** The House must be granted a permanent allocation of Student Government funds and is administered by the President but does not require Senate approval for usage. This permanent allocation must be at least \$2,500. Increases to this amount will need Senate approval.
- §6 **OUT OF SESSION SPENDING.** The time periods for which the President is permitted additional latitude in the use of discretionary funds must be during two distinct periods. The first period is from the last meeting of the Senate in the fall semester to the first meeting of the Senate in the spring semester. The second period is from the last meeting of the Senate in the spring semester to the first meeting of the Senate in the fall semester.
- §7 **PROGRAMS.** Programs must include funding for events and department activities and other money necessary as authorized by Student Government for the effective execution of established programs and events.

CHAPTER 101 - COMPENSATION

ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This Title and all of its regulations are authorized pursuant to Article VI, Section 17 (l) and (m) of the Student Government Constitution.

- §2 **GENERAL.** The President and Vice President must be compensated for time and service provided to the student body. This pay will comply with all federal, state, and local laws. The Senate may set additional compensation beyond what is required by statute.
- §3 **HOURLY RATE.** The hourly wage rate must increase without a vote of the Senate in the event of mandated local, state, or federal pay raises. Such an increase will go into effect in accordance with the law.
- §4 **OTHER COMPENSATION.** The President must propose in their annual budget which of the qualified persons are to be paid. The President must include in the budget proposal at what pay level and rate each proposed wage is to be set. Any qualified person receiving pay can have a maximum wage not to exceed that of the Vice President's.
- §5 **REFUSAL OF COMPENSATION.** Though provision for these wages must be made, the persons who are authorized to receive wages may refuse compensation if they so choose.

ARTICLE II. STATUTORY PAY

- §1 **STATUTORY COMPENSATION.** The following positions may be paid in accordance to this statute and the Texas State University System Rules and Regulations, and the rate or pay schedule may not be altered except by budget authorization.
- §2 **PRESIDENTIAL PAY.** The President is entitled to receive an equivalent of an hourly wage of \$10.70 per hour for a maximum of 50 hours per pay period from September 1 to May 31 and a wage of \$10.70 per hour for a maximum of 30 hours per pay period from June 1 to August 31.
- §3 **VICE PRESIDENTIAL PAY.** The Vice President is entitled to receive an equivalent of an hourly wage of \$9.70 per hour for a maximum of 40 hours per pay period from September 1 to May 31 and a wage of \$9.70 per hour for a maximum of 20 hours per pay period from June 1 to August 31.
- §4 **CHIEF OF STAFF PAY.** The Chief of Staff is entitled to receive up to an equivalent of an hourly wage of \$9.00 per hour for a maximum of 30 hours per pay period from September 1 to May 31 and a wage of \$9.00 per hour for a maximum of 15 hours per pay period from June 1 to August 31.

- §5 **ELECTION BOARD MEMBER PAY.** Election Board Members are entitled to receive an annual stipend of \$100 following the completion of their duties with the Election Board for each campaign season.
- §6 **OTHER QUALIFIED PERSONS.** Other qualified persons as defined in this S.G.C. may also be paid if the Senate authorizes as such in the budget.
- §7 **CABINET PAY.** At the President's discretion, members of the Cabinet may be paid so long as they are not already receiving compensation in any way from Student Government funds. The compensation rates must be uniform for all paid Cabinet members.
- The Cabinet officer will be paid for office hours attended or programs worked and up to the hour maximum per pay period.
 - The Cabinet officer will log their office hours with the Student Government Advisor via a time clock system.
 - The President will authenticate the Cabinet officer's reported hours before payment is authorized each pay period.

CHAPTER 102 - SAMPLE BUDGET

- §1 **EXAMPLE.** The budget authorization act for each year should generally follow this format and may also include specific statutory restrictions, authorizations, or instructions.

Operations*		
President	\$	11,556.00
Vice President	\$	8,148.00
Chief of Staff	\$	4,000.00
Office Supplies	\$	1,600.00
Reservations	\$	1,110.00
Copy Services	\$	300.00
Retreats	\$	2,000.00
Phone	\$	950.00
Travel*		
Board of Regents	\$	1,500.00
Capitol Visit	\$	250.00
Conferences	\$	0.00

Programs*		
Inauguration	\$	0.00
Marketing	\$	800.00
Programs	\$	1,400.00
Student Services	\$	700.00
Finance	\$	0.00
Diversity & Inclusion	\$	0.00
Government Affairs	\$	0.00
Roundtable	\$	450.00
Freshmen Council	\$	1,500.00
The Courts*	\$	250.00
The House*	\$	2,500.00
Discretionary*	\$	3,901.40
S.T.A.R. Grant	\$	35,000.00
TOTAL	\$	77,915.00

CHAPTER 103 -BUDGET AUTHORIZATION ACT OF 2021

ARTICLE I. ACADEMIC YEAR 2020/2021

§1

TITLE IX - STATUTES

CHAPTER 100 - CATEGORIZATION OF STATUTES

ARTICLE I. CATEGORIZATION OF STATUTES INTO SUBTITLES

§1 **ORGANIZATION.** The statutes listed in this title must be organized by subtitle or chapter, must contain the date the statute is first established, and will be named according to the name given to it as a bill or by the Supreme Court Chief Justice. The Supreme Court Chief Justice may organize these chapters and subtitles without Senate authorization until such time as this provision is repealed.

ARTICLE II. SUNSET PROVISION

§1 **SUNSET REVIEW.** Student Government statutes under Title IX, must be subject to a review process every two years, to be measured from the time of their establishment. The President and the Cabinet must review such Student Government programs to determine

whether they are still necessary. Upon completion of the review process, the President and their cabinet must make a recommendation and submit this recommendation in writing to the Senate for a vote on whether to continue or terminate the item being reviewed. The decision to recommend termination or continuation of a student government function covered by this section must be based on the following criteria:

- a) Whether the functions of the item in question have been performed in a manner consistent with applicable statute,
- b) An identification of the original objectives for which the legislation creating it was enacted, and to what extent those objectives have been achieved,
- c) An assessment of the efficiency with which it has operated,
- d) Whether the operations of the program or committee in question have been successfully performed,
- e) Whether any reasonable and more effective and/or less burdensome alternatives, are available,
- f) The extent to which it directly serves or benefits the students,
- g) The extent to which it is necessary for the operations of Student Government, or serves a continued purpose to the Student Body,
- h) Whether allocated money or resources would be better utilized for another purpose,
- i) The extent to which the functions of a program or committee overlap with or duplicate functions carried out by other components of Student Government, or the university, or
- j) Whether a committee subject to review under this section has produced any legislation calculated to be of benefit to Student Government's ability to perform its role for which the committee was established.

§2 **EXPIRATION UNDER THE SUNSET CLAUSE.** Any item or function covered under this section, which is not reviewed in accordance with the provided procedures provided in S.G.C. IX §100.2(1), must be terminated automatically.

- a) If the President and the cabinet fail to review statutes covered under this section, or if a program/function of student government is allowed to expire by the administration

through inaction on the review process, a Senator may force a vote on whether to continue or terminate through a motion, which must require a second in order for a vote to occur.

§3 **SUNSET JURISDICTION.** The sunset provisions in S.G.C. IX §100.2(1) and in S.G.C. IX §100.2(2) must apply to all student government functions enacted by statute that create a new student government entity or program, such as an event, campaign, or committee, that meets the following criteria:

- a) Is not Constitutionally required, or
- b) Involves allocating resources, time or personnel specifically for that purpose.

CHAPTER 200 -REQUIRED EVENTS ACT

ARTICLE I. STANDARDS FOR MEMBERSHIP

§1 **AUTHORIZATION.** This chapter is authorized pursuant to Article VI, Section 17(g) and (o) of the Student Government Constitution.

§2 **PURPOSE.** This chapter outlines the process by which an event can be made required outside that of normally occurring Student Government activities which are required in order to remain in good standing.

§3 **ANNUAL TRAINING OR RETREAT.** The annual training or retreat for Student Government will always be a required event and will not count toward the total number of permitted required events that can be declared each year. Only one such mandatory event under this section is permitted per session of the Assembly.

§4 **REQUIRED EVENTS.** At the discretion of the President, they may declare any four university or Student Government events to be required events which will count against anyone who fails to attend in the same way as being absent to a required meeting.

- (a) The President must announce a required event 10 days before the event.
- (b) Excused absences will be allowed in accordance with existing standard reporting process.
- (c) The Senate has the power to overturn or modify the required event at its discretion via a Simple Senate Resolution passed by two-thirds vote.

- (d) The Senate may also have the power to declare any four additional university functions or Student Government sponsored events to be required for its members, via a Simple Senate Resolution passed by a majority.
- (e) The House may also have the power to declare any two additional university functions or Student Government sponsored events as mandatory for its members via Simple House Resolution.

CHAPTER 201 -UNIVERSITY COMMITTEE OVERSIGHT AND VACANCY PRIORITIZATION ACT

ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter is authorized pursuant to Article VI, Section 17(g) of the Student Government Constitution.

ARTICLE II. UNIVERSITY COMMITTEE REPRESENTATIVES

- §1 **SELECTION.** Unless specified in this chapter an application will be made available for all students to apply for committee assignment.
- §2 **ASSOCIATION.** Any person appointed to a university committee on behalf of Student Government will be a member of Student Government through association. Appointed committee members will be subject to the same ethical standards as any member of Student Government.
- §3 **REPORTING.** Persons assigned to university committees may make, when asked to do so, a report to the Student Government committee assigned to oversee them every two weeks, via written notification, at a meeting with the Chair or the committee, or other means as deemed acceptable by the committee Chair.
- §4 **DEFINITION.** A list of university committee representation for members of Student Government will be provided by the Dean of Students Office which will transmit a list of all updated committees and student representative seats requiring appointment. The President will ensure that this list is made into a roster of committees, with student representation and have it transmitted by no later than the first Senate meeting in the fall. The President may

request student representation on any university committee at any time and these new seats will be added to the roster of committees.

- §5 **PROLONGED VACANCIES.** When a university committee position that the President is empowered to fill either remain vacant for more than 60 days the Nominations and Appointments Committee is empowered to recruit and collect applications for potential nominees and provide a list therein to the President recommending potential nominees for the university committee vacancy.

ARTICLE III. REMOVAL FROM UNIVERSITY COMMITTEES

- §1 **REMOVAL.** It will be the power of the President to remove any Student Government representative of any university committee, at any time any reason by Executive Order.
- §2 **REPLACE.** It will be the power of the President to replace any Student Government representative on university committees at any time for any reason by Executive Order.

CHAPTER 202 -SEAL ACT

STUDENT GOVERNMENT SEAL AND USAGE ACT

ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter is authorized pursuant to Article VI, Section 17(g) of the Student Government Constitution.
- §2 **PURPOSE.** The purpose of this chapter is to establish the official seal of Student Government and to regulate the proper usage of the official seal of Student Government.

ARTICLE II. AUTHORIZATION OF OFFICIAL SEAL OF STUDENT GOVERNMENT

- §3 **FORMAL TITLE AND ABBREVIATION.** The long form name of the seal must be “The Official Seal of the Student Government of Texas State University,” hereafter referred to as “The Official Seal.”
- §4 **THE SEAL.** The Official Seal will embody the pride and spirit of Texas State University by using the colors of the university, maroon and gold, and the Texas State “star.” It will demonstrate the core values of Student Government by listing each value.

The Official Seal will be presented as follows:



ARTICLE III. AUTHORIZED USAGES OF THE OFFICIAL SEAL

- §1 **PRESIDENTIAL.** The president is authorized and required to affix the official seal to legislation which they sign, official Student Government property, and ceremonial proclamations they issue. The president is authorized to affix the official seal to other documents, excluding publicity material that warrant the prestige of the Official Seal of Student Government.
- §2 **JUDICIAL.** The Chief Justice is authorized but not required to affix the official seal to Supreme Court orders and opinions.

ARTICLE IV. PROPER PLACEMENT OF THE OFFICIAL SEAL

- §1 **PLACEMENT.** When affixed by an officer who is authorized to do so, the official seal will be placed either at the bottom right or bottom center of the document it is being affixed to.

ARTICLE V. UNAUTHORIZED USAGE OF THE SEAL

- §1 **UNAUTHORIZED USAGE.** No person except those listed in this chapter may affix or use the official seal, and it may only be used in those circumstances as listed in this chapter. Usage of the official seal by any entity, except the Dean of Students Office, is prohibited.

CHAPTER 203 -MENSTRUAL HEALTH ACCESSIBILITY ACT**ARTICLE I. ADMINISTRATIVE**

- §1 **AUTHORIZATION.** This chapter is authorized pursuant to Article VI, Section 17(g) of the Student Government Constitution.
- §2 **PURPOSE.** Student Government is a representative body that must prioritize and accommodate the vital needs of all spaces on campus, including that of women and transgender men. To better service this group of students, the Menstrual Hygiene Accessibility Act will seek to bring pads and tampons to all non-residential bathrooms on campus.

ARTICLE II. AUTHORIZATION FOR PILOT PROGRAM

- §1 **AUTHORIZATION.** The Senate hereby authorizes the creation of a pilot program “Feminine Hygiene Accessibility Act”
- (a) The Dean of Students and Student Government will plan, oversee, and execute the program in cooperation with all other sponsors including the Student Health Center and all other Texas State entities that wish to participate in this initiative.
 - (b) Costs will be determined by the national organization *Aunt Flow* who will also serve as distributor of the 100% organic cotton products and the facilitator of external operations.
 - (c) Scheduling of the Program is to begin at the university’s earliest convenience and at the jurisdiction of the President and their Cabinet at the beginning of every semester thereafter.

CHAPTER 204 -“LET’S TALK” MENTAL HEALTH AWARENESS ACT**ARTICLE I. ADMINISTRATIVE**

- §1 **AUTHORIZATION.** This chapter is authorized pursuant to Article VI, Section 17(g) of the Student Government Constitution.

- §2 **PURPOSE.** The Senate seeks to enact this program to reduce the stigma of mental illness amongst students as well as providing resources to seek treatment through two parts. Specifically, this campaign will create a dialogue series to allow for peer involvement in mental health awareness. The first part will include the awareness of mental health. Flyers that will state mental health statistics and resources will be posted on campus in all student dorms, dining halls, the “quad,” LBJ Student Center, Alkek Library and other permitted areas. The second part will be a student dialogue series, an open forum to be titled “Let’s Talk,” that will allow for students to share any issues or experiences with the goal of relating to other students. Students and mental health professional will come together to create a safe environment. “Let’s Talk,” will be hosted once a semester, unless deemed more necessary or otherwise by Student Government.

ARTICLE II. AUTHORIZATION FOR PILOT PROGRAM

- §1 **AUTHORIZATION.** The Senate hereby authorizes the creation of a new program titled “Let’s Talk” consisting of two parts: awareness flyers and the student-led discussions
- (a) The President, in consultation with the Director of Programs, will set the date for each event per semester.
 - (b) The Department of Programs will plan, oversee, and execute the awareness flyers and the dialogue events.

CHAPTER 205 - THE SWIPE OUT HUNGER AUTHORIZATION ACT

ARTICLE I. ADMINISTRATIVE

- §1 **AUTHORIZATION.** This chapter is authorized pursuant to Article VI, Section 17(g) of the Student Government Constitution.
- §2 **PURPOSE.** Student Government is comprised of leaders on campus who represent the best interest of all Texas State University students and inhabitants of the San Marcos community. There are a large number of these communities who have recently shown distinct proof of financial disparities. Student Government wishes to implement a program in the hopes of lessening the burden on those struggling with hunger within these communities. This

program seeks to allot resources that are currently going to waste at the end of the semester and using them to give back those who are not as fortunate. This initiative will allow students to directly make an effort on our community while working in junction with Student Government and Administration.

ARTICLE II. AUTHORIZATION FOR PILOT PROGRAM

§1 **AUTHORIZATION.** The Senate hereby authorizes the creation of a pilot program titled “Swipe Out Hunger”

- (a) The President’s Cabinet will plan, oversee, and execute the program.
- (b) Logistics for Swipe Out Hunger, such as price caps, will be decided by the President and Chartwells Dining Services.
- (c) The Swipe Out Hunger program will be scheduled at the jurisdiction of the President and Chartwells Dining Services.
- (d) The Implementation of the continuation of a Swipe Out Hunger Program will be under review at the end of each term.

CHAPTER 300 - STANDING RULES AND REGULATIONS OF THE HOUSE

Amended by: H.B. 2019-2020.01 “Graduate House Code Update Act”

ARTICLE I. AUTHORIZATION OF STANDING RULES

§1 **SCOPE AND PURPOSE.** The House shall establish a Standing Rules and Regulations of the House or Standing Rules which shall be authorized herein by this chapter. The Standing Rules shall be confined to the internal rules and operations of the House and shall never regulate or infringe on the other branches of government. These rules are subject to amendment by the House exclusively, with Presidential approval.

ARTICLE II. HOUSE ORGANIZATION

§1 **MEMBERSHIP.** House Membership and appointment of the House shall be established by and set forth in the Student Government Constitution.

§2 **THE CHAIRPERSON.** The House Leader shall be Chairperson of the House. The Chairperson shall preside over all formal meetings of the House. Qualifications, powers, and

duties shall be established and set forth in the Student Government Constitution. The Chairperson shall:

- (a) Have no vote in the House except in the event of a tie or when the vote is by secret ballot;
- (b) With the consent of the House, set the chambers agenda;
- (c) Maintain order at all times;
- (d) Be thoroughly versed in parliamentary procedure;
- (e) Not debate from the Chair except in the case of an appeal;
- (f) At no time decide on a question involving the constitutionality of a piece of legislation;
- (g) Follow the order of business as prescribed by the agenda unless the rules are suspended;
- (h) Remain impartial at all times while conducting meetings;
- (i) Make clear to all Representatives the issue in question;
- (j) Execute all powers and duties found in the Student Government Constitution, the House Standing Rules and Regulations, and ensure the House functions are in compliance with all university policies as well as the rules and regulations of the Texas State University System Board of Regents;
- (k) Appoint House Committee Chairpersons with two-thirds approval of the House;
- (l) Remove the Chairperson and/or members of any committees for not fulfilling the responsibilities taken while under oath;
- (m) Be the only person authorized to recognize individuals wishing to speak during a House meeting;
- (n) Not recognize anyone except Representatives, the President, the Student Government Advisors, Guest Speakers, and Ex-Officio members during the Old Business and New Business sections of the Agenda;
- (o) Recognize qualified persons wishing to speak in a fair and impartial manner.

§3 **THE HOUSE LEADER.** The House Leader shall be elected by a majority of the House, by the adjournment of the first House meeting of each new session or any specially-called meetings for that purpose, using the procedures found in Roberts Rules of Order. The House Leader shall assume all duties and powers as Chairperson of the House as well as:

- (a) Preside as Chairperson when the House is moved into Committee of the Whole;
- (b) Meet with the Chairpersons of all committees as deemed necessary by the Chairperson;
- (c) Be a Graduate Student Representative;
- (d) Manage and schedule the House's legislative agenda as chairperson;
- (e) Chair the Select Committee on Selections and Appointments;
- (f) Chair the House Budget and Finance Committee or nominate House Representatives to the position of chair or co-chair to the House Budget and Finance Committee;
- (g) Delegate responsibilities of conducting House Meetings to a Graduate Student Representative in the event of House Leader's absence or if deemed necessary for properly conducting the House Meetings;

§4 **HOUSE SECRETARY.** The Secretary shall be nominated by the House Leader and confirmed by two-thirds of the House and shall assume the duties of House Secretary. They shall also:

- (a) Keep a permanent record of all House proceedings in the form of minutes that are to be posted by Monday prior to the next meeting by 11:59pm;
- (b) Keep a record of all absences and excuses;
- (c) Keep an accurate and up-to-date House roster;
- (d) Be responsible for maintaining the House's record of legislation;
- (e) Be responsible for carrying out all official correspondence for the House;
- (f) Be responsible for informing the Chairperson of the House when legislation has been officially given to the President for his/her action;
- (g) Be responsible for maintaining the House voting record.

- §5 **THE PARLIMENTARIAN.** The House Parliamentarian shall be nominated by the Speaker and confirmed by two-thirds of the House and shall have final say in all matters of procedural conflict on the House floor.
- (a) Have a thorough knowledge of the House and Parliamentary procedures including the most up-to-date edition of Robert's Rules of Order and the Standing Rules. They shall also:
 - (b) Point out serious errors in procedure to the Chairperson of the House.
 - (c) Record all questions of order and other questions of procedure for future reference.
 - (d) Keep time during periods of limited debate and/or speech.
 - (e) Remove any person deemed out of order by the Chairperson or by the Parliamentarian.
 - (f) Act as Sergeant-at-Arms.

ARTICLE III. LEGISLATIVE AND HOUSE PROCEDURES

- §1 **VACANCIES.** The Duties and Powers of the House stipulate that it shall confirm the House Select Committee on Selections and Appointment by a majority vote.
- §2 **QUORUM.** Quorum shall be defined as two-thirds the total membership.
- (a) Membership shall be determined by the total number of Representatives active on the roll at the time a meeting is called to order.
- §3 **ORDERS OF BUSINESS.** Order of Business shall be determined by the agenda. The agenda shall be determined by the Chairperson of the House and confirmed by the House. The general order of business may be:
- (a) Call to Order
 - (b) Roll Call
 - (c) Orders of the Day
 - (d) Approval of Minutes
 - (e) Guest Speakers
 - (f) Public Forum

- (g) Executive Reports
- (h) Commission Reports
- (i) Committee Reports
- (j) Old Business
- (k) New Business
- (l) Adjourn

§4 **GUEST SPEAKERS.** A Guest Speaker must be on the posted Agenda in order to address the House. A Guest Speaker shall not be allowed to speak during the Old Business or New Business sections of the agenda. A guest speaker shall be limited to no more than fifteen minutes of speaking time. All persons requesting time on the agenda shall be given fair and impartial consideration.

- (a) The order of speakers for House meetings with multiple speakers shall be determined by the Chairperson of the House.

§5 **PUBLIC FORUM.** Students may be allowed to address the House under the rules for guest speakers if adequate notice is given to the Chairperson of the House prior to the start of the meeting. Otherwise each student may address the House during the Public Forum for a maximum of two (2) minutes unless granted permission to speak longer granted by the approval of the Chairperson.

§6 **DEBATE AND DECORUM.** Members of the House shall conduct themselves in an orderly fashion at all times while on the House floor. Excessive unruliness shall be defined as any premeditated or persistent distraction which disrupts the normal business of the meeting and is deemed as disorderly. The Chairperson of the House and the Parliamentarian of the House shall have the authority to decide what action is disorderly.

- (a) During debate all Representatives shall confine their remarks to the subject at hand or they shall be ruled out of order.
- (b) Any Representative who has the floor shall not be interrupted by another Representative or officer for any purpose except as provided in Robert's Rules of Order or unless he consents to yield the floor to that Representative or officer.
- (c) All rules of debate and decorum shall be enforced by the Chairperson and Parliamentarian. Transgressors of these rules shall be considered out of order.

- (d) All Representatives ruled out of order shall automatically lose the floor. Any Representative ruled out of order two times may be asked to leave the House Chambers by the Chairperson or Parliamentarian, and shall be removed from the roll. The removal of the Representative from chambers shall be considered as an unexcused absence.
- (e) Except in the cases of conflict with these Standing Rules, Robert's Rules of Order shall prevail in matters of procedure unless a suspension of the rules has been called for.

§7 **COMMITTEE OF THE WHOLE.** A Committee of the Whole shall be formed by a motion "to consider the question in the Committee of the Whole" and must pass with a two-thirds vote of the House.

- (a) Be a committee composed of the entire House.
- (b) Be formed when the assembly decides that a particular question can best be discussed with the more liberal House rules.
- (c) Be chaired by the House Leader.
- (d) Move to "rise and report" when the necessary business is completed.
- (e) Cease to exist upon passage of this motion, which requires a two-thirds vote of the Committee of the Whole.
- (f) Not have its business recorded in the official House minutes. However, the Committee of the Whole will submit a report that is to be entered into the minutes.
- (g) Be used to consider disciplinary matters within the House, excluding any impeachment hearings.

§8 **EXECUTIVE SESSION.** Executive Session shall be used to consider all disciplinary matters, less than impeachment.

- (a) Be called by the Chairperson of the House.
- (b) Follow the guidelines for executive session as outlined in Robert's Rules of Order.
- (c) Be placed on the posted agenda and shall follow guidelines for placing legislation on the agenda.

- (d) Only have Student Government members and advisors in attendance. Members of student body and faculty who might be present to provide witness testimonies, expert opinions or evidence directly related to the disciplinary matters in question can be part of the executive session with a majority vote.

- §9 **VOTING.** Representatives must be present on the House floor in order to vote or as set forth by the House Rules of Order.
- §10 **ABSTENTION.** Members not wishing to vote may abstain. Members wishing to abstain shall not be counted when determining the number needed to obtain a majority.
- §11 **UNDECIDED.** Undecided Representatives may pass and then cast their vote at the conclusion of voting before the final vote is announced.
- §12 **TIE VOTES.** A tie vote is considered a lost vote unless the tie is broken by the Chairperson.
- §13 **DIVISION OF THE HOUSE.** At the desire of any Representative present, a division of the house can be called as prescribed in Robert's Rules of Order.
- §14 **ROLL CALL.** All final votes on legislation shall be taken by roll call vote.
- §15 **EX OFFICIO MEMBERS.** The House may have ex officio members including five (5) non-voting ex officio seats. Two (2) to be filled by members of the Freshmen Council, two (2) to be filled by Texas State Transfer students, (1) seat per member of the Graduate Council, one (1) to be filled by a Representative from the Residence Hall Association. Each of the freshmen and Transfer ex officio seats must have fewer than twelve (12) Texas State credit hours. Such ex officio members of the House shall:
 - (1) Serve as advisors to the House;
 - (2) Have a voice in all debate and discussion and will be encouraged to actively participate in all House matters;
 - (3) Have no official vote in House matters or in internal committees;
 - (4) May author legislation;
 - (5) May sponsor legislation, so long as it has a second sponsor by a full Representative;
 - (6) Take an oath of office and comply with all Student Government Rules and Regulations;

- (7) The ex officio seats will apply through the Select Committee on Selection and Appointments and be confirmed by two-thirds majority vote of the House.

ARTICLE IV. LEGISLATION

- §1 **CODING LEGISLATION.** Each measure will receive a code determined by its type, and set by the House Clerk, the legislation shall thereafter be referenced to, in any formal capacity, by this code. House Resolutions will be designated by the "HR"; Simple House Resolutions will be designated by the "SHR"; House Bills will be designated by the "HB"; and Constitutional Amendments will be designated by "CA". Following this there will be the last two digits of the two years constituting the academic year in which the measure is introduced. Following these two digits will be the number assigned by the House Secretary. Each measure will be measured successively, according to its type, beginning at the start of each school year. Every resolution or bill shall carry:
- (a) The name or names of sponsor(s) and the author(s);
 - (b) A title if the sponsor or co-sponsor wished to give it one;
 - (c) Each piece of legislation passed by the House shall carry:
 - (d) The date it was first introduced by the House.;
 - (e) A place for the date on which the legislation passed the House;
 - (f) A place to indicate committee assignment should the legislation be sent to a committee;
 - (g) Any amendments approved by the House.
- §2 **SUBMITTING LEGISLATION.** All legislation to be placed on the agenda must be submitted to the House Secretary no later than 5:00 PM on the Wednesday preceding the House meeting. Thereafter, legislation to be placed on the agenda shall require special permission of the Chairperson of the House and shall not be accepted at all after 5:00 PM on Thursday.
- §3 **PATH OF LEGISLATION.** All legislation shall have a first reading under New Business during formal meetings with quorum present. At this time the Chairperson of the House shall assign the legislation to the appropriate committee(s) to consider the proposed legislation and report back to the House at the next formal meeting.
- §4 **READING AND DEBATE PROCEDURE.** At the next formal meeting following the

meeting in which legislation was first read and after the proposed legislation has received Committee attention, legislation shall have a second reading under Old Business. At this time amendments to the legislation may be proposed and voted on. Move for Adoption-After second reading under Old Business, it may then be moved and seconded for adoption. At this time amendments to the legislation may be proposed and voted on. All amendments must be pertinent to the legislation being considered. Upon termination of debate, if the bill has not been taken from the floor, a vote shall be taken to determine passage or failure of the legislation.

- §5 **EMERGENCY STATUS.** A piece of legislation may be granted emergency status by a two-thirds vote of the House or by declaration of the Chairperson of the House. A piece of legislation successfully granted emergency status will not require a second reading. A Representative wishing to make a piece of legislation emergency must give proper justification as to why the legislation needs to be made emergency. Each piece of legislation successfully granted emergency status must contain all necessary legislation coding in order to be immediately considered.

ARTICLE V. COMMITTEES OF THE HOUSE

- §18 **DEFINITION.** Permanent Committees shall be constituted each year and shall make recommendations on their specific area of oversight. Permanent committees are as listed in this article.
- §19 **DIVERSITY INCLUSION COMMITTEE.** The Diversity and Inclusion Committee (DIVC) shall focus efforts on ensuring that diversity, in all its forms, is honored and respected by fostering an environment of inclusiveness. The DIVC shall review all legislation regarding issues of student diversity and inclusion including, but not limited to, programs, activities, and initiatives. Additionally, the DIVC shall serve as a valuable resource to the House on all matters associated with student diversity and inclusion.
- §20 **Committee (SMTC).** SMTC shall focus efforts on gaining and growing interest in the Student Government and the House through an online presence with the use of social media. The SMTC shall review all legislation concerning social media issues concerning the House including, but not limited to, the use of social media and implementation of new technology platforms within social media by the House, and shall recommend to the House action upon all potential outward-reaching communications for the House.
- §21 **CAMPUS LIFE.** The Campus Life Committee shall focus efforts on addressing campus concerns and issues expressed by all students attending Texas State University. This committee is charged with bringing all related matters to the House to determine best course

of action in order to bring the concerns regarding campus life to the attention to appropriate administration. Furthermore, the Campus Life Committee shall serve as a valuable resource to the House on all matters associated with the improvement of campus life.

§22 **BUDGET AND FINANCE COMMITTEE.** The Budget and Finance Committee is charged with advising the House on matters concerning the financial affairs of the House, creating and maintaining fiscal responsibility while acting as a control function for discretionary spending in the House. The role shall include, but not be limited to, assessing the financial impact of policies and activities within the House, monitoring the House's financial activities, and undertaking other appropriate projects as requested.

§23 **SELECT COMMITTEES.** House Select Committees shall meet on an as needed basis as business warrants and shall be outlined, with their charge, herein:

§24 **COMMITTEE CHAIRS.** Committee Chairs shall be nominated by the Chairperson of the House with approval of two-thirds of the House and shall outline the purpose of the committee and coordinate the committee's function. They shall also:

- (a) Determine the time, place, and frequency of meetings and notify members according to guidelines established by the Chairperson of the House;
- (b) Give periodic reports of the committees' findings to the House according to deadlines established by the Chairperson of the House.
- (c) Preside over all committee meetings.
- (d) Be responsible for the recording of all committee member's absences and minutes of the committee meetings and shall forward them to the House Secretary.
- (e) Be Student Representatives.
- (f) Meet with the Chairperson of the House as deemed necessary by the Chairperson of the House.
- (g) Appoint a Co-Chairperson with two-thirds approval of the committee.
- (h) A Committee Secretary shall be appointed by the Committee Chairperson to take minutes.

§25 **VICE CHAIR.** Committee Vice Chairperson shall be an assistant to the Chairperson and preside at meetings when the Chairperson is absent. The Vice Chairperson shall also;

- (a) Assist the Chairperson.

- (b) Keep record of attendance of members.
- (c) Maintain a record of excuses for absences by committee members.
- (d) Keep the Chairperson informed of attendance violations.
- (e) Enforce absence policy as outlined in Article VI of this document.

§26 **SECRETARY.** Committee Secretary shall take minutes and attendance at each meeting and submit them to the House Secretary.

§27 **COMMITTEE MEMBERSHIP.** Committee Members shall be appointed and removed by the Chairperson of the House at his/her discretion and shall attend all committee meetings scheduled by the Committee Chairperson. Committee members shall also:

- (a) Study, research, revise, and propose legislation.

§28 **LIMITS ON NUMBER OF COMMITTEES.** House members may serve on no more than two standing House committees and two temporary, select, ad-hoc or special committees at one time.

§29 **LIMITS ON NUMBER OF COMMISSIONS.** House members may serve on no more than one commission at any one time.

§30 **POWERS OF COMMITTEES.** Amendments to any bill or resolution shall require a full vote of the House to be adopted. Committees shall have legislative review power over all legislation submitted to their committee.

§31 **MEETING TIME AND PLACE.** Committees will meet every week or on a regular basis as determined by the committee Chairperson.

§32 **SUBCOMMITTEES.** House Committee Chairpersons may form Subcommittees to address special project and issues that are being undertaken by their respective House Committees.

- (a) House Subcommittees may contain persons who are not members of the House upon approval of the Chairperson of the House.
- (b) Each House subcommittee non-House members shall be allowed to fully participate in the discussion within the subcommittee, and shall attend all meetings, and shall act in an advisory capacity;
- (c) House subcommittee non-House members shall not have an official vote on the subcommittee.

§33 **AD-HOC, TEMPORARY, AND SPECIAL COMMITTEES.** Ad-hoc, temporary, and special committees are created by House or may be created by a motion or legislation when the need arises for a committee of a temporary nature:

- (a) Be appointed by the Chairperson of the House with two-thirds approval of the House.
- (b) Chair shall be nominated by the Chairperson and Confirmed by the committee members by a majority vote.
- (c) Will be dissolved as soon as the Chairperson of the House and the
- (d) Chairperson of the committee feel the project is completed, or by legislation or motion.

ARTICLE VI. SPECIAL PROVISIONS

- §1 **LEVELS OF AMENDMENTS.** A motion may be carried to only three levels at one given time.
- §2 **APPEALING A DECISION.** Decisions of the Chair may be overridden by the majority vote of those Representatives present.
- §3 **JUDICIAL PROTECTION.** The Chairperson of the House shall at no time decide on a question involving the constitutionality of a piece of legislation or other issues of actions of the House.
- §4 **OPEN MEETINGS.** All House meetings shall be open to the public. Should a sensitive matter require a closed meeting, this rule may be suspended by a two-thirds vote of those Representatives present.
- §5 **ORIGINAL INTENT.** No legislation may be amended so as to change the original purpose.
- §6 **LIMITING SCOPE OF RESOLUTIONS.** No legislation, except bills, shall embrace more than one subject.
- §7 **DEFEATED LEGISLATION.** Once legislation has been considered and defeated no legislation containing the same principle subject matter shall be considered again during the same semester it was presented. However, the original legislation may be reconsidered once.
- §8 **RECONSIDERATION.** A motion to reconsider may be made and seconded only by Representatives who vote on the prevailing side in the original vote. A motion to reconsider is debatable if the item to be reconsidered is debatable. A motion to reconsider requires a majority vote for passage. Upon passage of a motion to reconsider, the legislation may be

debated and amended. Upon termination of debate on the legislation, a new vote shall be taken.

§9 **SPECIAL ELECTIONS.** Special elections shall be elections which fill vacancies for convention delegates, selection of the Outstanding Representative, and other elections of House Officers.

§10 **SPECIAL ELECTIONS OF OFFICERS.** All special elections of the House Leader or Committee Chairperson shall be presided over by the Chairperson of the House unless the Chairperson is a candidate, whereby the Speaker shall preside over the election. Thereafter, any Representative who is not a candidate shall preside over the meeting as soon as his/her candidacy has ended.

- (a) The Chairperson shall be aided by those Representatives he selects who are not candidates.
- (b) All special elections shall be by a secret ballot.
- (c) Winners shall be determined by a plurality vote.
- (d) All introductions, speeches, questions, and discussions shall immediately proceed balloting.
- (e) In the event of a tie, the run-off will be immediately broken by way of a secret ballot until the tie is broken.

ARTICLE VII. ATTENDANCE POLICY

§1 **AUTHORITY.** Authority and responsibility for this policy shall rest with the House Chairperson with oversight and assistance from the Supreme Court Chief Justice.

§2 **UNIVERSAL APPLICATION.** The rules and limitations on absences found in this Article are applicable to the General Meeting of the House each Friday and any committee meetings, including required events.

§3 **EXCUSED ABSENCES.** Each House Representative is allowed a limited number of absences from Senate or Committee per semester so long as the absence meets certain criteria which include:

- (a) One (1) excused absence for sickness. A sickness absence must be reported to the Chairperson, in writing, by 1200 p.m. on Friday prior to the start of the House Meeting in order to be considered valid.

- (b) One (1) excused absence for an academic related activity which is set to occur at the same time as the House meeting. An academic related absence must be reported to the Chairperson by the Thursday at 1:00 p.m. prior to the expected absence in order for the excused absence to be considered valid.
 - (1) An event which qualifies as an "academic related activity is defined as an officially sanctioned academic event worth course credit.
 - (2) If the Chairperson has reasonable cause to suspect that the academic event being used to justify an excused absence does not fit the definition as provided, he shall be empowered to require documentation from the House Representative proving it meets the definition.
- (c) One (1) excused absence for university, student organization, work, or other kind of conference or event. An excuse for university, student organization, work, or other kind of conference or event must be submitted to the Chairperson by Tuesday at 12:00 p.m. prior to the expected absence on the week of the House Meeting in order for the excused absence to be considered valid.
- (d) Two (2) documented illnesses will be excused so long as documentation from a medical service provider is presented to the Chairperson in a reasonable time prior to the missed meeting, or within 72 hours after the absence in order for the excused absence to be considered valid.
 - (1) If a House Representative is to be absent for more than two (2) meetings because of documented illness they must send a written request for a temporary leave of absence which will excuse up to four (4) additional missed meetings due to documented illness.
- (e) A reasonable number of excused absences, as defined by the Chairperson, will be allowed for bereavement in the event of a death in the family, so long as there is no probable cause for Chairperson to suspect abuse of this policy.
- (f) Should the Chairperson or other officer record an absence as unexcused and the House Representative feels their excuse is justified, they may appeal to the Supreme Court to amend the decision. An appeal will be filed with the Supreme Court Chief Justice in writing or another format as he prescribes.

§4 **RECORD KEEPING.** The House Secretary shall keep a continuous record for the House and Committee meetings of those present, absent, early leave, and tardy.

(a) Each committee chairperson shall keep an attendance record and report it to the House Secretary every Monday.

- §5 **ABSENCES.** Any House Representative not reporting as present during roll call shall be considered absent. Any House Representative more than 30 minutes late without prior verbal or written notice to the House Chairperson will be considered absent and not allowed to speak or vote.
- §6 **EARLY LEAVE.** Any House Representative who wishes to leave the meeting during regular business shall make a request to the Chairperson that they be removed from the roll. The time the Representative left will be recorded in the minutes. A House Representative who is granted leave will be marked as tardy if they leave and the meeting continues for a time greater than the amount of time, they were present.
- §7 **TARDY.** A House Representative who enters the meeting after roll call shall request to be added to the roll, the request will be marked in the minutes and a tardy recorded on the House Representative's attendance record. Any two (2) recorded tardiness shall constitute one (1) absence.
- §8 **REPORTING.** The Chairperson shall ensure that the House Secretary keeps the attendance record and will keep on file all excuses reported to him.
- §9 **ABSENCE LIMIT.** When a House Representative acquires an unexcused absence, he shall be given a written warning by the Chairperson or designee. This notification shall inform the House Representative that he has one more unexcused absences before referral to the Supreme Court Chief Justice, and the possibility of impeachment. If a House Representative receives a second absence they will qualify for Impeachment.
- (a) Any four (4) absences from committee meetings each semester shall qualify a House Representative for Impeachment.
 - (b) After a House Representative has received a second absence the Chairperson shall forward their name to the Supreme Court Chief Justice.
 - (c) Upon being informed of a violation of the two absence limit the Supreme Court Chief Justice will ask for that House Representative resignation, in writing. Should the House Representative refuse to resign or is not contactable, the Supreme Court Chief Justice may work with other House Representative to prepare Articles of Impeachment. Should the Supreme Court Chief Justice fail to do this it shall be the responsibility of either the House Leader or Chairperson to ensure it is done.

ARTICLE VIII. EXPULSION

- §1 **PROCESS.** A House Representative is subject to removal through expulsion for behavior contrary to the Student Government Code of Laws, ethics or violating the code of student conduct, federal or state law, misrepresenting the will or official position of the Student Government, the abandonment of duty, or abuse of power in their position.
- (a) Expulsion must follow the same process as a resolution and may be given emergency status.
 - (b) The House must enter executive session. Entering executive session does not require a vote when expulsion is being considered.
 - (c) While in executive session, the House will debate the expulsion resolution
 - (d) The House will leave executive session and publicly vote on the current version of the expulsion resolution.
 - (e) An expulsion resolution requires a two-thirds vote to pass.
- §2 **HOUSE LEADER EXPULSION.** Should the House Leader be expelled they are immediately removed from Student Government. Their duties are temporarily executed by the Parliamentarian until a new House Leader is elected.
- §3 **HOUSE REPRESENTATIVE EXPULSION.** Should a House Representative be expelled they are immediately removed from Student Government. Any Committee or Department duties may be reassigned to another member of the House.

CHAPTER 301 – HOUSE RULES FOR IMPEACHMENT HEARING
ARTICLE I. IMPEACHMENT PROCESS

- §1 **RESPONSIBLE PARTIES.** In the context of this chapter there are two parties to any impeachment whose roles are defined in this section. The “Impeachment Managers” are defined as those who sign on to the Articles of Impeachment. The “Respondent” is defined as the person charged under the Articles of Impeachment. The roles of these two parties are as follows:
- (a) The “Impeachment Managers” are responsible for managing the Articles of Impeachment as authors and providing testimony and evidence in favor of the Articles of Impeachment.

- (b) The “Respondent” is responsible for providing evidence and testimony which counters the argument of the “Complainants”.

- §2 **FILING.** All Articles of Impeachment must first be filed and sent to the House Chairperson 72 hours prior to the House Meeting where the Articles of Impeachment will be presented. The Articles of Impeachment must be placed on the House agenda 72 hours prior to the meeting and must be placed under the New Business section of the agenda. At this time the House Chairperson will certify that the Articles of Impeachment meet all constitutional and regulatory requirements to be placed on the agenda. The Articles of Impeachment will then be transmitted by the House Chairperson to all House Representatives and the Respondents.
- §3 **FIRST READING.** Once the Filing process has been completed. The House will do its first reading of the Articles of Impeachment. No debate or discussion may take place during the first reading.
- §4 **SECOND READING:** After the second reading of the Articles of Impeachment the House will debate and discuss if the Articles of Impeachment cover valid grounds for Impeachment with regards to violation of Student Government code of ethics, university policy or the Student Government Constitution.
- §5 **VOTING FOR IMPEACHMENT.** Decision for impeachment will be based on a majority vote from the House Representatives. The House may choose to impeach the respondent on the Articles of Impeachment as a whole or based on Individual violations listed on the article of Impeachment. The votes will be taken by roll call and shall be reflected in the official voting records for the legislative body with jurisdiction.
- §6 **SUPPORTING MATERIALS.** Impeachment Managers and Respondents may provide supporting evidence and materials to the House Chairperson to be transmitted to the House Representatives 24 hours prior to any House Meetings.

Appendix

Appendix 1 – Senate Bill Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

(Code# assigned by Vice President or Clerk)

A Bill -

To be Entitled a "(title) Act", relating to (brief, concise description of the bill)

WHEREAS: Opening Statement of the status quo or problem; and

WHEREAS: Further clarification of the problem or issue being addressed; and

WHEREAS: Detailed clarification of the problem; and

WHEREAS: Supporting evidence of the above statements; and

WHEREAS: Introduction to possible solution; therefore

BE IT ENACTED: Describe the action you'd like taken:

Article I - Sample Legislation

§1 Bill should be organized in such a way that they can be easily codified by the Rules and Regulations Chair.

§2 Sample legislation is used to create new statues, collect money and regulate the student government:

(a) Be sure to follow the format.

BE IT FURTHER ENACTED: This legislation be forwarded to the Student Government President, Student Government Advisors, President Denise Trauth, and the department of Campus Recreation.

Appendix 2 – Senate Simple Resolution Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

(Code# assigned by Vice President or Clerk)

A Simple Resolution –

Relating to (brief, concise description of the resolutions intent)

RESOLVED, For outstanding service we dedicate this day in honor
 of you; and

Appendix 3 – Senate Resolution Template

AUTHOR

Senator (Last Name, First Name)

SPONSORS

Senator (Last Name, First Name)

Date of First Reading:

(Code# assigned by Vice President or Clerk)

A Resolution –

To be known as "A Resolution (affirmative, negative or declarative statement)", relating to (brief, concise description of the resolutions intent)

WHEREAS: The Student Government of Texas State University, as an student organization and not on behalf of the student body of Texas State would like to address (quick introductory statement about non-university associated concern or declaration)

WHEREAS: Opening Statement of the status quo or problem; and

WHEREAS: Detailed clarification of the problem; and

WHEREAS: Supporting evidence of the above statements; and

WHEREAS: Introduction to possible solution; therefore

BE IT RESOLVED: Express the opinion or make a declaration on behalf of the organization; and

BE IT FURTHER RESOLVED: If passed this legislation be forwarded to the Student Body President for further action.

Syllabus

Appendix 4 – Supreme Court Order and Opinion Template

SUPREME COURT OF STUDENT GOVERNMENT AT TEXAS STATE UNIVERSITY

No. 01-04

Syllabus

DOMONIQUE GRAY-BERROA

v.

TIFFANY YOUNG, Student Body President

Received March 5, 2015 – Decided March 9, 2015

A Notice of Complaint was filed with the Supreme Court by Mr. Domonique Gray-Berroa concerning an accused violation of the Scholarships Act found under Student Government Code (S.G.C.) IX §103.4 which provides members of Student Government the right to apply for and be granted the scholarship, with specific restrictions. Mr. Gray-Berra claims an oversight by Tiffany Young, Student Body President by not enforcing the Scholarships Act, and therefore has unnecessarily and unlawfully denied rights to members of Student Government.

The Notice of Complaint provided a clear citation of the violation and presented a number of critical questions for the Court. As a result, Chief Justice DeSalvo and Associate Justices Wan, McKinney, Tennent, and Greenlee agreed to grant a hearing on the case. A hearing date was set for March 9th and testimony was recorded by both the Complainant and Respondent.

The Court embraced a number of subjects to deal with the conflicts and poor structure of the scholarship statute. The Court's Main Opinion is issued below (*see page 7 for the final court order*).

Chief Justice DESALVO delivered the Majority Opinion of the Court in which Justices WAN, MCKINNEY, MORRISON, and TENNENT joined. Justice GREENLEE, filed an opinion concurring in part and dissenting in part. Justice SCHULTZ wasn't present for the hearing and therefore cannot register an opinion.

I. Judicial Criteria

This case posed several questions to the Court about the relationship between the Student Government Constitution and the various regulations found in the Student Government Code. In fact, the extent of that relationship necessitated the establishment of criteria by which this Court shall measure other complaints and cases that come before it, as a means to provide coherent and consistent results from the judiciary. The required judicial criteria for every case are (1) A Test of Constitutionality (2) A Test of Ethics. These criteria are directly related to an Order of Precedence (*more on this in section II*) found in the Student Government Code. The Court shall establish other criteria as needed, which shall only be applied when there is true applicability on a case by case basis as they come before the Court. Therefore, tests (1) and (2) must always be performed because of their rank. Other tests may or may not be performed depending on the case. In this instance, only one other criteria is applied: A Test of Functionality.

II. Order of Precedent

The Student Government Code establishes varying governing documents organized into Titles of the S.G.C. which decrease in precedence.¹ The Court interprets this to mean that each of the Titles of the Student Government have rank by importance, the lower the number, the higher the rank and importance of the rules found within that Title. Each successive Title must not conflict with the any proceeding one, if a conflict does exist then the resulting incompatibility with the constitution would necessitate that the Court strike down the provision in the lower ranking Title as unconstitutional.

Not every Title will be incorporated or have an effect, on the succeeding Titles. For instance Title VI – The Legislature, outranks Title VII – The Court; however, these two Titles outline the operational procedures for the differing Student Government components. Until such time as the Supreme Court agrees that these two Titles affect each other in a real and substantial way, the Order of Precedence may not be incorporated and therefore no test applied between the two.

¹ S.G.C. I. §100.3(2) “The titles for the S.G.C. shall divide differing governing documents in order of decreasing precedence...”

For now, the Court acknowledges the inherent difference between the operational procedures of some Titles which are written to account for the differing needs of each component.

This doctrine of interpretation (*Order of Precedence*) establishes a set of Rights and Responsibilities, limiting what actions the Student Government and its members can take in many ways similar to a Bill of Rights.

It is this Order or Precedence which mandates all the tests other than the constitutional test and directly connects each title and every rule to the Constitution.

III. A Test of Constitutionality

The Supreme Court first conducted a constitutional test on the Scholarships Act, primarily consisting of identifying direct authorization connecting a rule, regulation, or statute with a power granted in the Constitution.

The S.G.C. requires that all titles and chapters cite the sections of the Student Government Constitution which authorizes it.² As a result, every statute has a direct correlation to the Constitution. The Supreme Court must first test any case that comes before it against this requirement so as to ensure that the regulation isn't in itself a violation of the Student Government Constitution. This is done with or without direct promoting as a part of the Supreme Court's power of Judicial Review.

This Court tested S.G.C. IX. §103.4 – Scholarships Act against the constitution and agree that the Senate has the power to establish and regulate the Student Government Scholarship under Article III(10)(j):

“To legislate all statutes which shall be necessary and proper for execution of all powers granted to all components of Student Government as prescribed in this constitution...”

IV. A Test of Ethics

² S.G.C. I. §100.3(6)(a) “All new titles or chapters shall cite the section(s) of the Student Government Constitution which authorize(s) new regulation pursuant to the powers granted under it.”

In accordance with the Order of Precedence doctrine, Title II – Code of Ethics is the highest ranking set of statutory requirements and stands just below the constitution in its importance. As a result, every piece of legislation, bill or resolution, and every action of Student Government and its members must be in compliance with the ethical standards found in Title II.

This brings us to the primary issue in this case: Is it ethical to allow members of Student Government to have access to the resources and services Student Government has commissioned for the student body?

In this instance, the Court referenced S.G.C. II. §100.2(3)(a),(e),(g) and incorporated Title II into the Order of Precedence, requiring every successive Title to be acceptable under the terms of the Code of Ethics.

The Court chose first to deal with the requirement that members of Student Government serve the student body beyond serving themselves.³ In order for the specific section of the Scholarship Act to pass this ethical test, the Court had to identify if those with authority over the awarding of scholarships could themselves benefit from the scholarship. A reading of S.G.C. IX. §103.4 outlines that every member of Student Government is eligible to apply for the scholarship, but that specific restrictions do exist on those specific applications.⁴

The Court does recognize an attempt by the statute to reduce ethical liability, but does not reduce the possible benefit that could be gained by those with direct authority over the scholarship. In this case the group with the greatest authority in relation to the Scholarship is the Finance Commission. This section of the Act does not do enough to reduce the ethical liability. It would be too difficult for any member of the Finance Commission, the body responsible for giving out the scholarship, to act within the confines of the Code of Ethics which also require members to be, "...benevolent and fair..."⁵

³ S.G.C. II. §100.2(3) "SERVING THE STUDENT BODY. To serve the student body, beyond serving oneself, members of Student Government..."

⁴ S.G.C. IX. §103.4 "RESTRICTIONS FOR STUDENT GOVERNMENT. Members of Student Government, who meet the established criteria, shall be eligible for either scholarship but any members of the Finance Commission who apply will not be allowed to review the applicants' information or make any decisions on the applicants' award status."

⁵ S.G.C. II. §100.3(e) "Be compassionate, benevolent and fair."

A set of clearer restrictions removing any benefit from those who have authority over the scholarship and those who can apply are necessary for the Court to accept the practice as ethical.

The Court therefore declares a segment of S.G.C. IX. §103(4) unconstitutional as it is not an ethical practice and cannot pass the ethical test in the Order of Precedence. The unconstitutional segment includes:

“...but any members of the Finance Commission who apply will not be allowed to review the applicants’ information or make any decisions on the applicants’ award status.”

This keeps intact the segment prior to its which reads:

“Members of Student Government, who meet the established criteria, shall be eligible for either scholarship...”

This part of the of the Scholarships Act grants members of Student Government access to the scholarship, which the Court finds passes the ethics test as acceptable because the majority of the organization has no agency in the process. That is, they have no direct say in the scholarship awarding process. The organization as a whole should not be barred from being granted access to a service the rest of the student body has access too. If the Court followed the logic of barring members from access to services, then other services the Student Government provides would need to be off limits as well. Such a limitation isn’t founded in any other rule or regulation in the S.G.C. and isn’t supported by the Code of Ethics and it may not be altogether fair.

However, members who have agency, those with direct authority or decision making power in the award process, cannot be eligible for the services provided by Student Government.

V. Test of Functionality

Even with constitutional invalidity of the specific segment of the Scholarships Act, the Student Government Constitution and the Student Government Code requires that the

commission perform the functions they are assigned by the Senate.^{6 7} The Court doesn't believe the Scholarships Act is completely unconstitutional, and as a result the Finance Commission must perform its constitutional and statutory responsibilities. Failing to do so would result in a violation of the constitutional responsibilities conferred to members of that commission.

By striking down the segment of text in the Act as unconstitutional without any further judicial examination, the commission could be ethically impeded from performing its responsibilities. As a result, the Court applies the Test of Functionality and incorporates it into the Order of Precedence. Student Government, by its very nature, must function as a practical matter. The Court therefore will use both the Code of Ethics and the Functionality Test to ensure that scholarships can still be awarded, granting some members of Student Government access to the scholarship while reducing the ethical ambiguity as much as possible by restricting those with direct authority over the scholarship as ineligible to receive an award.

⁶Constitution Article 5, Section 6, Subsection (a) "Provide a service, program, or coordinate a project used by students"

⁷ S.G.C. V. §100.3(4)(d) "...ensure the Commission meets its statutory and written expectations including deadlines and projects"

Since the Court struck down some provisions of the Scholarship Act as unconstitutional President Young did not violate the S.G.C. per se. Though, through her own admission, not enforcing this section of the S.G.C. was an oversight and she would have executed the Scholarships Act differently had she been aware of the provision.

It is the opinion of this Court that all members of Student Government are eligible to apply and, if selected by the commission, may be granted the scholarship award, with the exception of the Finance Commission members and President (which are ineligible as required by the ethical stipulations of the Student Government Code of Ethics).

Both the Commission and the President have too much authority in the context of the scholarship awarding process. If they were to be granted access to the scholarship, they would be unable to act in a way consistent with the Code of Ethics requirement to serve the student body beyond serving themselves.

We grant the request for relief and order that the scholarship application be modified to remove any mention of Student Government member ineligibility. Furthermore, the scholarship application must be reopened to all students by Thursday, March 12th at 9:00 AM for a 7 day period to end on Thursday, March 19th at 9:00 AM.

To completely remedy the issues presented in this case and to be fair to all students in the Texas State community the Court also orders President Young to email the student body and inform them of the extension with information about the new deadline (*using proper university channels*). In addition, President Young is hereby ordered to send a separate email informing all members of Student Government (*except those expressly excluded as stated above*) of their right to apply to the scholarship including the extension period and deadline.

It is so ordered...

Appendix 5 – Compliant Template

Complainant(s)

Official Use Only:

Docket 13 - _____

COMPLAINT DOCUMENT

A Complaint to the Supreme Court of the Texas State University Student Government

TO THE JUSTICES OF THE SUPREME COURT:

This is a complaint in which the Supreme Court has original and exclusive jurisdiction in accordance with Article V, Section 2 of the Texas State University Student Government Constitution.

Statement of Complaint :*(Begin typing your statement here; refer to S.G.C: VII, §100.3 for questions and/or concerns regarding complaints. This must be filed with the Clerk at supremecourt@txstate.edu.)*

PURSUANT: to S.G.C. VII, §100.3 this Complaint has been filed with the Supreme Court Clerk on the issue of the prohibition of association of candidates for elective office.

STANDING; this complaint is filed in reference to S.G.C. III, §105.5, Prohibited Association.

CAUSE OF ACTION; the Election Board ruled via its Operation Memorandum on 22, October 2013 that the prohibition of association extends so far as to include the sharing of ideas.

REQUEST FOR RELIEF; I am requesting that the Supreme Court review the Election Code §105.5 and determine

Relief Requested: *(Begin typing your request here)*

Filed By:

TXST E-Mail Address:

Phone Number to Be Contacted:

Complaint Page | 1

Appendix 6 – Court Brief Template

Official Use Only:

Regards to Docket 13 - ____

Date: _____

BRIEF TEMPLATE

A BRIEF TO THE SUPREME COURT OF THE TEXAS STATE UNIVERSITY STUDENT GOVERNMENT

Prepared By: _____

(Parties Involved)

Complainant(s)

Vs.

Respondent(s)

(Begin Your Brief Here: A brief is submitted to lay out the argument for various petitions and motions before the Court, list the materials the party plans to present to the court, and to provide the justices with reasons to rule in favor of the party represented by the brief writer. Refer to S.G.C: VII, §100.3)

Appendix 7 – Injunction Request Template

Brief Page | Q

Official Use Only:

Regards to Docket 13 - ____

Date: _____

INJUNCTION REQUEST

AN INJUNCTION PETITION TO THE SUPREME COURT OF
THE TEXAS STATE UNIVERSITY SUPREME COURT

Prepared By: _____

(Parties Involved)

Complainant(s)

Vs.

Person(s) and/or Subject(s) of Investigation

(Begin Your Brief Here: A brief is submitted to lay out the argument for various petitions and motions before the Court, list the materials the party plans to present to the court, and to provide the justices with reasons to rule in favor of the party represented by the brief writer. Refer to S.G.C: VII, §100.7)

Appendix 8 – Notice of Election Complaint

**Texas State University
Student Government
Election Board**

NOTICE OF ELECTION COMPLAINT

TO: (name)
(name)
FROM: (name), Election Board Chair
SUB: Election Code Violation (Case number/month.year) (exp: EB 1/12.2012)
DATE: (date)

The Election Board received a claim that your campaign has violated election rules as established in the ASG Election Code, University Policy and Procedures or other election regulations. The specific complaint is as follows;

That on or about March 3rd 2012 the (cite defendants) violated Article III, Section 1(F) of the Election Code, which stipulates that no candidate or those associated with candidates shall vandalize the campaign material of other candidates; that the campaign did violate the above by removing approximately 12 signs between the hour of 11:00 am and 1:00 pm.

The Board shall convene on March 26th at 7:30 pm in the LBJ Student Center Directors Conference Room to discuss this claim and decided the proper course of action.

All meetings of the Election Board are open to the public and recorded. These records are available upon request.

Please accept this as notification of the above complaint.

Thank you,
(name)
Election Board Chairman

Appendix 9 – Election Board Order Template**Texas State University****Student Government
Election Board****BOARD ORDER****TO:** (Name)
(Name)**RE:** Election Code Violation (Case number/month.year) (exp: EB 1/12.2012)**DATE:** (date)

A hearing before the Election Board of the Student Government on March 26th, 2012 was held concerning the matter of two (2) separate violations of election rules and regulations by (cite defendants) and associated parties, hereafter known as ‘the accused.’ The accused were charged with:

- 1) Using university funded facilities to advance a campaign for office.
- 2) Vandalizing the campaign material of other candidates.

Based on the testimony and evidence submitted by the accused, the violation reports and evidence provided by the plaintiff(s) along with independent interview and investigation by the Board of relevant university student employees and staff the Board finds and concludes:

- 1) That, per an interview with San Jacinto hall staff, all of the common areas (meeting rooms, living room, courtyard, etc.) are accessible to all students with permission of the Residence Director or if accompanied by a resident of the hall. Therefore the Board finds the accused not guilty of the first charge.
 - a. Upon investigating the Board did find that the accused did not have permission to use the San Jacinto courtyard space. The accused were not accompanied by a resident nor had the accused receive permission from the Residence Director to use the space. Therefore the Board finds the accused guilty on a modified charged of violating Residence Life policy as described by the Residence Director and the Residence Life handbook.
- 2) That upon reviewing policy and procedure with representatives from the office of Campus Activity and Student Organizations (CASO) it was determined by CASO that because the LBJ Amphitheater is classified as a reserved space the signs placed in the amphitheater were deemed as improperly posted between the hours of 11:00 am and 1:00 pm on March 21st. All signs were removed from the space during this time by the accused. CASO is responsible for deciding what constitutes proper and improper posting. Per the Election Code Article III, Section 1(F) all signs improperly posted cannot be subject to vandalism as defined within the code.
 - a. The Board has expressed to CASO that it can be seen as improper to approve one set of candidates to remove another set of candidate’s signage and CASO has agreed to no longer permit such action.
 - b. CASO is in the process of establishing policy prohibiting any form of posting in the LBJ Amphitheater.

Based on the findings above:

- 1) Understanding that the relationship with Residence Life during the ASG Election cycle can be extremely straining, and given very strict rules concerning campaign activities within Residence Halls, and a historical record of abuse by ASG candidates in relation to Residence Hall and because of past infractions by members of the Accused the Board orders the following on the first charge:
 - a. That the Accused and all associated persons are hereby prohibited from any form of Residence Hall campaigning, furthermore they shall not use Residence Halls, from this point forward, for any purpose during the course of this election whatsoever.
 - b. That the Accused shall remove all posts and usages of the campaign video featuring the interior of San Jacinto Hall and shall be prohibited from using said video under any circumstances.
 - c. That the Accused shall be fined \$150. This sum shall not be paid to any organization or entity but shall instead be counted as an expense by the campaign on their financial records.
- 2) Posting within the LBJ Amphitheater shall be prohibited from this point forward by all candidates.

IT IS SO ORDERED.

Certified by _____ (Signature) _____, Election Board Chair

On this the (day of Month) of (month) in the year (Year)

Appendix 10 – Advisory Opinion Request Template

ADVISORY OPINION REQUEST

TO: The Supreme Court

FROM:

DATE:

QUESTION;

How does the court interpret the year length of a Senator's term in the instance he is appointed in the spring by the Student Government President? Furthermore, how does the court interpret the required qualifications in the instance a Senator runs to extend his term seeing he has no successor as outlined in the Senate Rules of Procedure, Article I S(D)2?

“...The term of a Senator shall be one year from their installation by the President or until the Senator's successors are installed.

Appendix 11 – Election Finance Report Form Template**Name:**

-

☐ Run-Off Election

STEP 1: Check type of report

☐ General Election**General Instructions:**

- This form must be TYPED!
- Please write a short description of each line item on your receipt.
- General Election and Runoff: Submit actual receipts or bank statement
- Submit expense report in a 8 1/2 X11 manila envelope

Due Dates:

Turn report into the Dean of Students Office in LBJ 5-9.1 by April 9th at 9:00 am.

STEP 2: Complete each section

SECTION A: Purchases made

Receipt Number: Submit your receipts in sequential order and number them according to the order they are listed in Section A. Write the receipt number on the physical receipt. If you submit a bank statement please number the expenses on the bank statement in sequential order according to how they are listed in Section A.

Name of Vendor: Write the name of the store from where you made the purchase.

Total on Receipt: **Write the total that appears on the receipt** (including taxes).

SECTION B: Material donations

Description of Item: Write a description of the donated item. Donations include any and all material used for the purpose of campaigning which did not cost you or your campaigning any money.

Receipt or Statement: Please provide, if possible, a receipt of cost or a statement from the donor with an estimated cost. If this is not possible an estimate without receipt or statement verification will be accepted.

Cost/Unit: Write the estimated cost of the donated item based on fair market value.

SECTION C: Fines

Date: Record date the fine occurred

Violation: Briefly explain the reason for the fine

Fine Amount: Record the cost of the violation.

****All fines are considered an expense. Please budget accordingly.**

STEP 3: Compare amount spent to budget cap as established in the Election Code

Office Sought _____

Budget for Office:

\$ _____

Total of Sections A, B and C:

\$ 0.00

STEP 4:

I, the candidate, assume responsibility for this campaign finance report. I understand that failure to adhere to campaign rules can result in penalties ranging from fines to disqualification.

Signature of Candidate

SECTION A

Receipt #	Name of Vendor on Receipt	Total on Receipt
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
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26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
Total of all receipts in Section A		\$ -

SECTION B

Description of Item	Total
	\$ -
	-
	-
	-

		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-

Total of all items in Section B

\$ -

SECTION C

Date	Violation	Fine Amount

Total of all fines in Section C

\$	-
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Appendix 12 – Article of Impeachment Template**Managers**

Senator (Last Name, First Name)

Senator (Last Name, First Name)

Senator (Last Name, First Name)

Date of First Reading:

(Code# assigned by Vice President or Clerk)

Articles of Impeachment

A Simple Resolution Impeaching...(insert full legal name and title) for violations including (very brief concise notation of violations).

Whereas, Describe in detail the causes of action for
impeachment; and

Whereas, Make sure to mention each of the violations in this
section

Article I

Be very clear in this paragraph about what rule is violated, be sure to cite it.

Follow up with a narrative about the violation, include all the details about the cited violation above.

Article II

Each charge is its own article so every time you cite a new instance of gross violation state it here.

Then follow up with a narrative about the violations, include every detail.

Resolved, That, (full legal name and title), by such conduct warrants removal from office and disqualification from holding office ever again.

Appendix 13 – Organizational Chart

THE TEXAS STATE UNIVERSITY STUDENT GOVERNMENT

