

Election Board
Operating Memorandum

TO: Student Government 2022 Election Candidates
FROM: Maddox Evans, Election Board Chair
DATE: January 10, 2022
SUBJECT: Operating Memorandum for 2022 Student Government Election

The Election Board is issuing this Operating Memorandum to clarify and articulate the 2021-22 Student Government Elections operations. The purpose of this Memorandum is to outline the expected processes and procedures, violations classifications, dates, interpretations, and current standing interpretations of the law for the coming election.

The Election Board has issued this Operating Memorandum to provide each student and potential candidate the opportunity to understand these definitions and provisions. This Operating Memorandum will act as an Order of the Election Board and binds all candidates and associated persons. The Election Board, per the Election Code Chapter 100, Article 3, Section 5, is empowered to interpret the code and establish this binding order under which the 2021-22 elections shall be governed by in this Operating Memorandum.

The Election Board has established processes and mechanisms for this election cycle which many candidates may not be familiar with. The decisions that will have the most significant effect on students wishing to run for office are related to understanding critical points within this Memorandum Candidate Filing, Write-in Candidate, Campaign(s), Election violation(s), and definitions of Electronic Media, Electioneering.

Each Student Wishing to Run for Office Must Complete an Individual Filing Form. Each student wishing to run for office must complete a filing form.

1. Candidates who opt-in to form an alliance with other candidates must each complete a filing form and select their alliance or independent status.
2. Each candidate must agree to abide by all rules related to the election, each candidate must do this, and no one may agree to abide by the rules using a proxy or agent. (See, Election Code Chapter 100, Article IV, Section 2)
3. All alliance members must have filed separately and stated in the filing form they wish to be part of an alliance and must input the names of the known candidate joining the alliance. Each candidate must do this so the Election Board can validate each candidate who wishes to be associated with the other candidates in the alliance. (See, Election Code Chapter 105, Article I, Section 2(c))
4. No one candidate can file on behalf of all those seeking to form an alliance with the said candidate because all students wishing to file for the election must individually accept the Statement of Understanding and answer the appropriate questions.

Changes to Alliance Status are Permitted Until the Friday after the filing Deadline but only by those Candidates having already completed their individual filing for office by the established filing deadline. The Constitution permits alliance changes through the Friday after the filing deadline. However, this provision does not allow the addition of new candidates to the roster of candidates received upon the closing of filing. An extension or inclusion of candidates who have not filed by the deadline is also not permitted when adding filed candidates to an alliance. (See, Constitution Article IX, Section 12)

- For those who filed for election before the deadline and selected they will be running in an alliance will have until the date prescribed Section 12 of the Constitution to notify the Election Board that they wish to change their status to independent or vice versa.

Candidates who have not completed the filing form by answering the appropriate questions on the form and accepting the Statement of Understanding by the filing deadline of January 18, 2022, at 5:00 pm cannot be added to any filed alliance or be in an alliance with a filed candidate.

Write-in Candidates Cannot Be Added to An Alliance because they did not file by the deadline (See, Constitution Article IX, Section 13).

Write-in Candidate Shall Be Defined as any student who did not file and whose name does not appear on the filing list of candidates but has indicated to the Election Board that they wish to be a Write-in Candidate.

- Write-in Candidates are subject to the rules outlined in the Student Government Code of laws, including the requirement to attend the rules reading seminar, deadlines for providing sample election materials, and financial disclosure deadlines.
- Write-in Candidates cannot be added to established alliances or form alliances as they missed the filing deadline.
- Write-in Candidates can campaign but must campaign as an independent and cannot share campaign resources or material with others.
- Before a write-in candidate can actively campaign, they must attend one-on-one rules reading seminar with the Election Board Chair; they must also stay within the appropriate spending limit described in the law.

Financial Disclosure Forms are to be Submitted to the Election Board by Every Candidate

- The Financial Disclosure form is found on the following link:
<https://studentgovernment.dos.txstate.edu/branches/courts/electionboard/Financial-Disclosure-Statement.html>

- All forms of the Financial Disclosure need to be completed in their entirety.
- Section “D” is of high importance. This section is solely about income. The Election Board has defined “income” as the inheritance of campaign funds. Income includes personal donations from yourself or outside sources. Therefore, this information must be presented and accounted for in section “D” of the Financial Disclosure.
- Receipts and/or bank statements of the campaign materials must be provided to the Election Board when Financial Disclosure Forms are submitted
- Deadlines for completing and submitting all Financial Disclosure Forms are in the S.G.C III §106.I (6).

The Authorized Campaigning Period Shall Start on February 7, 2022, at midnight.

A discrepancy exists within the Election Code related to the start of the authorized campaigning period. As a result, the Supreme Court, acting as the Election Board, met in an open meeting on December 16, 2020, to discuss a discrepancy in the Election Code that gives two conflicting dates on when the authorized campaigning should start.

The two conflicting parts in the Election are S.G.C. III §102.II (3) & S.G.C. III. §102.I (4). The language in S.G.C. III §102 II (3) would set the Authorized Campaigning date to January 25, 2022, while the language in S.G.C. III. §102. I (4) set the Authorized Campaigning date to begin February 7, 2022. Therefore, to comply with S.G.C. III. §102.I (4) and the Supreme Court’s decision, the Authorized Campaigning should start **February 7, 2022, at midnight.** The Supreme Court's decision is based on two factors that should make this year's election as smooth, equitable, and fair as possible. By picking this date, the Supreme Court's goal was to ensure that all candidates attend one of the scheduled Rules Reading Seminars before the start of the authorized camping period. Furthermore, this provides enough time for the Senate to confirm Election Board nominees and the Supreme Court to provide a smooth transition of their duties to the Election Board with minimal disruption to either the confirmation process or candidate experience.

Posting of Campaign Materials is Permissible with the Right Approval. The approved channel to post-campaign material in Academic Buildings is to go through Student Involvement. Student Involvement has its criteria for campaign material in Academic Buildings, and Candidates must comply with them. Failure to do so is a violation of the Election Code.

Once approved by Student Involvement candidates must show, when requested, the Election Board the approval stamp on their campaign material. For more information, refer to the following link: <https://policies.txstate.edu/university-policies/07-04-02.html>.

The approved channel to post-campaign material in Resident Halls is through the Department of Housing and Residential Life (DHRL). DHRL has its criteria for campaign material in Residential Halls, and candidates must comply with them. Failure to do so is also a violation of the Election Code. Once approved of tangible flyers in Residential Halls, Candidates must show the Election Board the approval stamp on their campaign material. If utilizing the Digital sign request, Candidates must show the Election Board that they submitted an

application. For more information, refer to the following link:

<https://www.reslife.txstate.edu/about/postingguidelines.html>

Electioneering in Residence Halls and Academic Buildings is Prohibited unless the administrative staff for said buildings grants prior written consent. All candidates must provide the Election Board with proof of approval upon request.

Election Violation(s) and Statutory Minimums are as Follows:

Violations	Classifications	Code Citations
Failure to comply	Disqualification	Title III, Chapter 102, Article I, Section 1
Voter Fraud	Disqualification	Title III, Chapter 101, Article II, Section 5
Failure to attend Rules Reading Seminar or make-up	Disqualification	Title III, Chapter 103, Article I, Section 2
Campaigning and Campaign Materials within Polling Station Perimeter	Class A	Title III, Chapter 104, Article I, Section 1
Tableting	Class B	Title III, Chapter 104, Article I, Section 3
Voter Influence, Voter Intimidation, and Voter Suppression	“Class B, those situations which the Board considers especially egregious, including intimidation or suppression, may result in disqualification.”	Title III, Chapter 104, Article I, Section 4
Prohibited Association	Class A	Title III, Chapter 105, Article I, Section 3
Early Campaigning or Endorsing	Class B	Title III, Chapter 105, Article II, Section 1
Unfiled Campaign Materials	Class C	Title III, Chapter 105, Article II, Section 2
Destruction of Materials	Class A	Title III, Chapter 105, Article II, Section 5
Defacing	Class A	Title III, Chapter 105, Article II, Section 6
Verbal Harassment	Class C, those situations which the Board considers especially egregious, including intimidation or suppression, may result in disqualification.	Title III, Chapter 105, Article II, Section 7

Utilizing University Resources	Class C	Title III, Chapter 105, Article II, Section 9
Net ID Collection	Disqualification	Title III, Chapter 105, Article I, Section 10
Unauthorized Campaigning in Academic Buildings and/or Residence Halls	Class C	Title III, Chapter 105, Article II, Section 11 a, b, & c
Campaigning in LBJ Student Center Teaching Theater	Class A	Title III, Chapter 105, Article II, Section 11 D
Improperly Filed Endorsements	Class C	Title III, Chapter 106, Article II, Section 5
Prohibited Affiliations	Class A	Title III, Chapter 106, Article I, Section 5
Failure to File Financial Disclosure Statements	Disqualification	Title III, Chapter 106, Article I, Section 6 & Title III, Chapter 106, Article II, Section 4
Falsifying Financial Statements	Disqualification	Title III, Chapter 106, Article II, Section 9
Failure to stay within Authorized Spending Limits	Class A	Title III, Chapter 106, Article III, Section 1 & 3
Unauthorized Exploratory Period	Class C	Title III, Chapter 102, Article II, Section 2
Unauthorized Campaign Agent	Class B	Title III, Chapter 100, Article III, Section 3
Unauthorized Campaign Worker	Class B	Title III, Chapter 100, Article III, Section 4
Failure to File Authorized Agents, Workers and Associates	Class C	Title III, Chapter 100, Article III, Section 3 & 4

Election Timeline:

Election Timeline 2022 Spring		
Action	Rule	Date
Declaration of Intent	<p>Constitution: Article IX, Section 9</p> <p>All current Senators and Representatives, who have a year remaining in their term, must declare to the Election Board in writing their intent to complete the remainder of their term or intent to leave office at the end of the session, by November 1 each year.</p> <p>a. Any declared vacancies will not be placed on the ballot and will be held over for the next session to be filled by the process outlined in this constitution and as prescribed by law. The selected replacement will only complete the remainder of the unexpired term of office.</p> <p>b. A Senator or Representative's declaration of intent to leave office early at the end of the session is irrevocable</p>	November 1, 2021

	upon the conclusion of elections and are automatically resigned from office at the end of the session.	
Exploration Period	S.G.C. III §102.I (1) “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.”	November 1, 2021, at 9:00 a.m. until January 18, 2022, at 5:00 p.m.
Filing Period	S.G.C. III §102.I (3) 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.	December 1, 2021, at 9:00 a.m. until January 18, 2022, at 5:00 p.m.
Financial Disclosure Template Provided to Candidates	S.G.C. III §106.I (4) 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 shall establish a report form that catalogs expenses by a candidate into no less than three broad categories; fines, donations, and original expenses.”	December 1, 2021
Operating Memorandum Published	S.G.C. III §100.III (5) 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.	January 10, 2022
Voting Web Address Release	S.G.C. III §102.I (6) The official web address used for voting shall be announced no later than the Rules Reading Seminar.	January 18, 2022, at 5:00 p.m.
Rules Reading Seminar 1	S.G.C. III §102.I (7) The Election Board shall conduct two (2) Rules Reading Seminars. The first Rules Reading Seminar shall be on the last day of the filing period after filing has closed. The second Rules Reading Seminar shall be on the following Monday. The Rules Reading Seminars will be mandatory attendance activities for all candidates.	January 18, 2022
Posting Candidate Information	S.G.C. III §102.I (5) “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.”	January 20, 2022
Rules Reading Seminar 2	S.G.C. III §102.I (7) The Election Board shall conduct two (2) Rules Reading	January 24, 2022

	Seminars. The first Rules Reading Seminar shall be on the last day of the filing period after filing has closed. The second Rules Reading Seminar shall be on the following Monday. The Rules Reading Seminars will be mandatory attendance activities for all candidates.	
List of Agents	S.G.C. III. §100.III (3) “Each candidate shall 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.”	January 18, 2022, at 5:00 p.m. or prior to
Campaign Period	S.G.C. III. §102.I (4) “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.”	February 7, 2022 – February 24, 2022
Submit Campaign Materials to Election Board	S.G.C. III. §105.II (2) “A sample, electronic, or color copy of all 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.”	*February 7, 2022 *If distributed or posting on the first day of allowed campaign period.
1 st Financial Disclosure Statement Deadline	S.G.C. III. §106.I (6) “Financial disclosure statements shall be filed with the Election Board, in the Student Government Office or other locations designated by the Election Board, at the following times: (a) by 4:30pm, on the first day of the campaign period; and,	<i>February 7, 2022, at 4:30 p.m.</i>
Release to Media	S.G.C. III §102.I (9) “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.	February 7, 2022
2 nd Financial Disclosure Statement	S.G.C. III. §106.I (6) “Financial disclosure statements must be filed with the Election Board, in the Student Government Office or other	<i>February 18, 2022, at 4:30 p.m.</i>

Deadline	locations designated by the Election Board, by the following times: (b) by 4:30pm, on the last day of the second week of the campaign period; and,	
Ballot Confirmation and Public Release	S.G.C. III §102.I (10) “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.”	February 14, 2022
Debate	S.G.C. III §102.I (11) “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.”	February 14, 2022
Voting Period	S.G.C. III. §102.I (13) “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.”	February 21-24, 2022 8:00 a.m. - 5:00 p.m.
Votes Certification	S.G.C. III. §104.II (8) “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.”	February 24, 2022
Election Results	S.G.C. III. §104.II (6) “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.”	February 24, 2022, at 8:00 p.m. -OR- February 25, 2022, at 5:00 p.m.
3 rd Financial Disclosure Statement Deadline	S.G.C. III. §106.I (6) “Financial disclosure statements shall be filed with the Election Board, in the Student Government Office or other locations designated by the Election Board, at the following times: (c) by 5:00pm, the day after the voting period ends; and,	February 25, 2022, at 5:00 p.m.