

JMU Elections Policy [09/10/19]

1. Purpose

- a. This document establishes the rules and regulations governing the JMU election process, effective with the 2019-2020 academic year elections. This policy shall be the highest binding authority on the election process when not inconsistent with the SGA Constitution/Bylaws or Honor Code. This body will work under the same standards as set forth by the James Madison University Student Accountability Council.

2. Rules and Elections Committee

- a. To maintain the highest degree of impartiality and fairness, all elections shall be conducted by a neutral Rules and Elections Committee.

3. Authority

- a. Decisions regarding SGA Elections that are charged to the Rules and Elections Committee, when in accordance with this document and the SGA Constitution/Bylaws, shall be binding. However, decisions of the Rules and Elections Committee may be appealed to the SGA Advisor. Issues not directly covered by this policy must be demonstrated as being in violation of existing SGA governing documents, university policies, local, and Virginia State or Federal law before permission can be denied.
- b. All decisions made by the Rules and Elections Committee are final unless appealed.
- c. All correspondence must be directed through the official Rules and Elections Committee email, JMUElections@gmail.com.

4. Rules and Elections Committee Chair

a. Terms of Office

- i. The Rules and Elections Committee Chair will serve in a yearlong capacity on the SGA Leadership Team. The chair shall also serve as Parliamentarian

b. Responsibilities

- i. Their duties will include Fall and Spring Elections
- ii. Interpret rules related to the elections
- iii. Host informational meetings for prospective members
- iv. Maintain a record of all candidates
- v. Hold a candidate meeting for all eligible candidates before each election

- vi.** Advertise each election and establish/ensure that deadlines for applications are publicly announced in advance
- vii.** File a signed statement certifying that each candidate meets all qualifications for the position sought
- viii.** Oversee the tabulation of election results immediately after the close of polling
- ix.** Represent the SGA in any dispute arising with a candidate regarding SGA elections.
- x.** Maintain the integrity of all those involved in the elections process through confidentiality.

5. Elections Commissioner

a. Terms of Office

- i.** The Elections Commissioner will be a yearlong position. It will be nominated by the Student Body President Elect and confirmed by 2/3 of the Student Senate after the Leadership Team is announced in the Spring Semester. Confirmation of the next Elections Commissioner shall take place at the first senate of the new year.

b. Responsibilities

- i.** Their duties will include Fall and Spring Elections
- ii.** Assign election-related responsibilities to other members of the-Rules and Elections Committee as needed.
- iii.** Host informational meetings for prospective members
- iv.** Hold a candidates meeting for all eligible candidates before each election
- v.** Provide a list of all registered candidates who have turned in the necessary information at all polling locations on the day of the election
- vi.** Advertise each election and establish/ensure that deadlines for applications are publicly announced in advance
- vii.** Maintain the integrity of all those involved in the elections process through confidentiality.

6. Meetings

- a.** The Rules and Elections Committee shall meet regularly as a standing committee and at the discretion of the committee chair. A quorum of two thirds (2/3) must be established for decisions to be binding.

7. Composition

a. Voting Members

- i. The Rules and Elections Committee shall be comprised of a minimum of (4) At least one (1) member shall be an at-large student body member, serving on the committee in a temporary capacity during the Spring election season only. During the elections seasons, one member of the SGA communications team shall serve on the Rules and Elections Committee, as determined by the Speaker of Student Senate.

b. Temporary Spring Committee Members

- i. Must be currently enrolled as a JMU student.
- ii. Must be in good academic standing.
- iii. Cannot be a candidate in the election at hand.
- iv. Cannot serve as a staff member of a candidate in the election at hand.
- v. Must apply to serve on the committee and be chosen by the Elections Commissioner
- vi. May only serve on the committee during the Spring elections season
- vii. Shall be granted an at-large senate seat for the following year

c. Ex Officio Members

- i. The sitting SGA President and Speaker of the Student Senate shall attend Rules and Elections Committee meetings which they deem necessary, and serve as non-voting members. Given the circumstance that either the SGA President, Speaker, Communications team representative, or Rules and Elections Committee Chair chooses to run in an election, they shall forfeit their participation in the Rules and Elections Committee within 48 hours before Election Packets are submitted.

8. Temporary Member Advertisement

- a. Before any selection takes place, there must be a period of one week during which advertisements and announcements are made by the Elections Commissioner. Advertisements may consist of an advertisement in the student newspaper flyers posted in prominent locations around campus, and social media posts.

9. Temporary Member Selection

- a. Applications are accepted and reviewed by the Rules and Elections Committee.
- b. Vacancies, as they arise, shall be filled by the Speaker.

10. Powers

- a. The Rules and Elections Committee shall certify election results or declare results null and void in the event of a breach of security or serious violation of election protocol.
- b. The Rules and Elections Committee shall interpret, enforce, and uphold the policies and provisions of documents affecting the election process.
- c. The Rules and Elections Committee shall be able to sanction any candidate based on violation of election rules or regulations and to reconsider such sanctions. Sanctions may range from warnings to disqualifications.
- d. The Rules and Elections Committee shall have the option to create a basic rubric for campaign violations. Should violations step outside of those described in the rubric, their consequences should be decided on an individual basis by the Rules and Elections Committee.

11. Advertising Obligations

- a. The Rules and Elections Committee shall be responsible for advertising all elections and referenda for at least two weeks prior to the election. Locations of polling places and times during which polling will take place must be widely advertised. In keeping with this idea, it shall be the responsibility of the Rules and Elections Committee to see that the following take place:
- b. All SGA positions open for election shall be advertised for at least two weeks prior to the deadline for applications for those positions.
- c. A list of candidates running for office shall be published on the SGA website prior to election day.
- d. The poll opening and closing times, and voting procedures shall be made public at least 5 class days prior to the election day.
- e. Election results shall be posted outside the SGA office, and on the SGA social media. The results will consist of the name of each candidate with the number of votes received. The winner will be the first name under each category. The results will remain on file in the student government office.
- f. Provide a list of all registered candidates at all polling locations on the day of the election.
- g. Advertise each election and establish/ensure that deadlines for applications are publicly announced in advance.

12. Candidate Affiliation

- a. Rules and Elections Committee members may not campaign, serve as a campaign staff member, give or take bribes, or commit sabotage. Rules and Elections Committee members cannot verbally support any candidate, this includes social media posts. Rules and Elections Committee members may not offer campaign advice nor make speculative remarks related to the outcome of the elections in any form. Any and Elections Committee members found responsible of any of these violations shall be removed from the Rules and Elections Committee as

outlined in the following section (Removal of Rules and Elections Committee Members).

13. Removal of Rules and Elections Committee Members

- a.** Should members of the Rules and Elections Committee violate any regulations set forth in this document and/or SGA or University policy pertaining to SGA elections, that member may be removed through the impeachment process set forth in the SGA Constitution.

14. Elections

a. Elected Offices

- i.** The Fall Elections shall consist of the offices of First-Year Class Council Officers (President, Vice President, Secretary of Events, and Secretary of Communications), Resident Area Senators, and Graduate School Senators.
- ii.** The Spring Elections shall consist of the offices of the SGA Executive Council (President, Vice President, and Executive Treasurer), Student Representative to the Board of Visitors, the Class Council Officers of the Sophomore, Junior, and Senior classes (President, Vice President, Secretary of Events, and Secretary of Communications), and Academic College Senators. In addition, any referendum proposed and approved by the SGA Student Senate shall be voted on at this time.

b. Timeframe

i. Fall Elections

- 1.** Fall Elections shall occur as soon as possible after the Student Senate passes any proposed changes to the Elections Policy. The Fall Elections must take place no later than the first week of October.
- 2.** Candidate packets shall be made available at least two weeks prior to the candidates meeting, and three weeks prior to the election.
- 3.** Campaigning may begin immediately following the candidate's meeting. Campaigning shall last at least one week prior to the election.
- 4.** The Fall Elections timeline will be determined by the Elections Commissioner and the Rules and Elections Committee Chair

ii. Spring Elections

- 1.** Spring Elections shall occur before the first day of March.

2. Candidate Packets shall be made available the first day of the Spring Semester.
3. Campaigning may begin immediately following the candidate's meeting. Campaigning shall last at least two weeks prior to the election.
4. The Spring Elections timeline will be determined by the Rules and Elections Committee and established by the first day of spring semester to be made available to the student body.

15. Eligibility and Campaign Regulations

a. Fall Elections

i. Voters

1. All enrolled students residing within a residence area shall be eligible and encouraged to vote for that area's candidates.
2. All enrolled first years attending James Madison University shall be eligible and encouraged to vote for the candidates for the First Year Class Council.
3. All enrolled graduate students attending James Madison University shall be eligible and encouraged to vote for the candidates for Graduate senators.

ii. Candidates

1. Any Student Government official removed from office because of excessive absences will not be allowed to apply or run for any Student Government office for one calendar year after subsequent removal.
2. Candidates must hold a cumulative GPA of 2.0 and be in good standing. In order to ensure this requirement is met, candidates must submit a grade release form to the Elections Commissioner with their elections packet.
3. Candidates for office must meet the requirements specified for that office in the SGA Constitution, Bylaws, and Honor Code.
4. Must be able to fulfill the entire term of office.
5. Candidates can only run for one office.
6. All candidates running for First Year Class Council must be an incoming first year of that school year and be classified as a first-year student according to their earned credits total.
7. Residence Area Senators must be a resident within the area they choose to represent.

b. Spring Elections

i. Voters

1. Students must vote within the academic college of the major they have declared.
2. Students with more than one major may choose which major they would like to apply to their voter eligibility
3. Students must vote within the class which corresponds to their earned credits total.
4. All enrolled students shall be eligible and encouraged to vote for the candidates representing the academic college of their major.
5. All enrolled students shall be eligible and encouraged to vote for the candidates representing the class which corresponds to their earned credits total.

16. Candidate Petition Process

- a. The Rules and Elections Committee shall provide the following to each candidate:
 - i. The Election Policy
 - ii. Dates, times, and locations for the Mandatory Candidate Meeting
 - iii. Any other information deemed necessary by the Rules and Elections Committee.
 - iv. Candidate Obligations
 - v. Candidates must complete all requests established by the Committee in the elections packet.
 - vi. The following positions shall garner 220 signatures: Student Body President, Vice President, Executive Treasurer, and Student Representative to the Board of Visitors.
 - vii. The following positions shall garner 110 signatures: Academic College Senators and Class Council Officers.
 - viii. Those running for the College of Graduate and Outreach programs shall be required to garner 55 signatures.
 - ix. Candidates for all the positions listed in points b, c and d, must obtain their own signatures.
 - x. Potential candidates for Student Body President, Vice President, and Treasurer must meet with the current SGA Advisor so that they have an accurate understanding of the general responsibilities, procedures, and time commitment that coincides with the position.
 - xi. Attend one mandatory candidate meeting.
 - xii. Obtain signatures from their campaign staff before they may begin campaigning. New members may be added by sending an email to the committee during campaign week. Any additions to campaign staff must be added within 72 hours after the candidates meeting.

17. Polling

- a. Electronic polling shall take place for all elections positions. During Spring Elections, electronic polling shall take place over a period of one week.
- b. Ballots shall be available starting at 7:00 AM on the first day of voting and will close at 7:00 PM on the final day of voting [if applicable.]
- c. In the event of a problem, polling will be extended at the discretion of the Rules and Elections Committee.

18. Post-Polling Process

- a. The Commissioner and the Rules and Elections Committee Chairperson shall verify the results. After the polls have been closed for twenty-four (24) hours without the filing of an appeal, the Rules and Elections Committee must hold a meeting to certify the final results of the election. Certification must be a two-thirds (2/3) majority vote of the voting members of the Rules and Elections Committee. A vote to certify must follow each election including run off elections. An electronic vote may constitute a meeting and certification. Results shall be publicly announced as soon as possible after certification.
- b. The Rules and Elections Committee will notify candidates by telephone as soon as possible after the results have been certified. A candidate may request an alternative means of notification before the close of the polls.
- c. The candidate with plurality will win.
- d. In the event that there is an exact tie for the plurality, a run-off election shall be held one week after the original election. Only the individuals involved in the tie shall run in the run-off election. The JMU SGA Elections Policy shall apply to all run-off elections. The candidates MUST attend an additional candidates meeting to discuss this.

19. Appeals

- a. If candidates choose to appeal the results, an email must be sent with all evidence, reasoning and grounds for appeal within 24 hours after closing the polls.
- b. The Elections Commissioner will send an email to all candidates that ran for that position that an appeal has been filed.
- c. A meeting is scheduled with the SGA Advisor, The Elections Commissioner, the Parliamentarian, and other necessary individuals. This meeting must take place within 48 hours after the appeal is filed.
- d. A decision will be made and the individuals involved will be contacted.
- e. If an appeal is granted, another election for that specific position will take place.
- f. If there is no appeal, election results shall become binding after certification by the Rules and Elections Committee.
- g. All violations must be submitted before the winners are announced. Appeals occur after polling ends.

20. Candidate Meetings

- a.** The Rules and Elections Committee shall hold at least one Candidates Meeting.
- b.** The purpose of this meeting is to familiarize the candidates with basic election policies, and address any questions asked by the candidate.
- c.** During this meeting, the Rules and Elections Committee shall ensure each candidate has received all SGA and University regulations and policies pertinent to the election and campaigning.
- d.** All Candidates shall be required to be present for the entire duration of at least one Candidate Meeting.
- e.** Each candidate shall be required to submit a signed statement indicating knowledge of and agreement to comply with all University, SGA, and election rules and regulations after the meeting.
- f.** Any individual failing to attend the meeting in its entirety or who refuses to sign the statement shall be automatically declared ineligible as a registered candidate. The Chair of the Rules and Elections may deem a candidate eligible if this candidate makes alternative arrangements to fulfill the stated campaign requirements.
- g.** Individuals declared ineligible may not participate in the election outlined in the write-ins section.
- h.** Extenuating circumstances for those unable to attend must be filed within 24-hours before the last candidate meeting to be taken into consideration by the Rules and Elections Committee.

21. Campaign Staff

- a.** Campaign Staff shall be defined as any individual conducting “major campaign activities”.
- b.** “Major campaign activities “shall be defined as activities central to an election campaign, such as stamping and hanging of posters, distribution of more than twenty handouts, wearing campaign apparel (t-shirts), or major activities determined by the current Rules and Committee.
- c.** Major campaign activities do not include advocating for a candidate verbally or electronically.
- d.** Members of the executive council and staff may not serve on any candidate’s campaign staff, except in their own, this includes verbally and electronically supporting a candidate.
- e.** Class Council may not serve on any minor campaign candidate’s staff, except in their own.
- f.** There can be no more than 15 campaign staff members excluding the campaign manager, for a total of 16 individuals.

22. Voting

- a.** The primary method of voting for elections shall be through the internet available both on and off campus.

- b.** Physical polling locations may be added at the discretion of the Election Commissioner. These locations may remain open for a maximum of one class day for an election.
- c.** The physical polling places shall be declared open no later than 9am and closed at the discretion of the Rules and Elections Committee no earlier than 5pm on election day(s).
- d.** The online ballot will remain available from 7 AM the first day to 7 PM the last day of voting.

23. Write-ins

- a.** Any names written in on ballots shall be tallied. Should a write-in obtain enough votes for a particular office, the Rules and Elections Committee shall verify their eligibility for that office and, if it is determined that they are eligible for that office, they shall be granted that office as if they had been a registered candidate. If they are determined to be ineligible for that office, the person with the next highest number of votes shall be awarded the office.
- b.** If an individual written in to more than one seat is eligible and has enough votes to be elected, that individual shall receive the seat in which they receive the most votes.
- c.** If there is a tie, the individual who will receive the seat is up to the discretion of the Elections Commissioner.
- d.** Write-ins are to be held to the same regulations regarding campaigning as registered candidates.
- e.** Write-in candidates may be disqualified for violation of campaign rules by the Rules and Elections Committee in the same fashion as regular candidates.
- f.** Since write-ins are not required to attend the candidates' meeting, it is their responsibility to familiarize themselves with the relevant regulations.

24. Resignation Prior to Taking Office

- a.** In the event that a candidate-elect decides not to confirm their seat prior to the first meeting of the new academic year, the candidate with the next highest number of votes shall be declared the winner and receive the seat.
- b.** In the event an office does not fill, a special election will be held. The committee shall advertise the position, create a form to express interest, brief any interested candidate(s) on the elections policy, and allow one week of campaigning. Those individuals who submit forms expressing interest will be on the ballot. A maximum of two special elections will be held.
- c.** In the event that the results are declared null and void, the committee will hold a re-election with only the same candidates no later than a week after the original elections was held.

25. Pre-Campaign Period

- a. During the pre-campaign period, the candidate may only speak to individual students, not to include student organizations, about their platform. Members of the candidate's campaign staff or other supporters may not campaign on behalf of the candidate during this time. Campaign materials may not be used or distributed until the campaign period has begun.

26. Campaigning

a. Campaign Regulations

- i. All candidates and campaign staff members must abide by the regulations set forth in this document.
- ii. All electronic correspondence advertising a specific candidate during the campaign period must include a disclaimer at the bottom of the mass electronic correspondence that reads, "Please reply to sender if you do not wish to receive further mass electronic correspondence from this candidate. If you still receive mass electronic correspondence from this candidate please contact the Rules and Elections Committee at jmuelections@gmail.com." The candidate or the candidate's staff will not send electronic correspondence to any recipient who chooses to be removed from the candidate's mailing list until the election has concluded.
- iii. Anyone may help advertise the time, manner, and place of elections.
- iv. All advertising created and utilized by the committee may not in any way advocate support for a candidate. The contact information for the flyer must state jmuelections@gmail.com.
- v. Organizations can endorse candidates but may not make financial or resource contributions.
- vi. No candidate shall spend more than \$200 in total campaign expenses per election.
- vii. The following actions are prohibited:
 - 1. Failure to abide by an official JMU policy or guidelines
 - 2. Falsifying of any information to the Rules and Elections Committee or the SGA Appeals Board
 - 3. Disobeying any proper Rules and Elections Committee order
 - 4. Formal campaigning conducted before the end of the candidates meeting or before all necessary signed statements have been submitted (Section 7.b)
 - 5. Campaigning that interferes with academic or University policies
 - 6. Publicizing endorsements before pre-campaigning begins
 - 7. Bribery, sabotage, misrepresentation, or harassment by any person
 - 8. Making statements that are defamatory; this includes slander or libel of candidates regarding, but not limited to; race, gender, creed, culture, national origin, age, handicap, sexual orientation, political affiliation, or religion
 - 9. No unsolicited electronic campaigning can be used.
 - 10. Use of any University equipment for campaigning purposes that is not equally available to all candidates

- 11.** Failure to remove campaign materials twenty four (24) hours following the end of the election
- 12.** Failure to have any and every posted campaign materials approved by the University and Rules and Elections Committee
- 13.** On voting days, no campaigning may take place within 100 feet of “possible major polling locations”
- 14.** “Possible major polling locations” shall be defined as: Carrier Library and Rose Library, and other locations established by the Rules and Elections Committee
- 15.** If campaign materials are posted within 100 feet of possible “major polling locations” prior to voting days, each candidate is responsible for removing the materials by midnight before the first day of voting.
- 16.** Campaigning in the SGA Office or SGA sponsored events excluding official campaign events which will be specified by the Rules and Elections Committee prior to the beginning of campaigning.
- 17.** Use of the Madison Society “Spirit Rock” for the purposes of campaigning.
- 18.** Casting a vote online while logged into another student’s beinvolved.org account

27. Election Violations

a. Process

- i.** Violation is received by the Rules and Elections Committee
- ii.** Any violation must be adequately supported, and determined by the committee
- iii.** Violation is submitted within 24 hours after the violation occurs accompanied with necessary evidence.
- iv.** Rules and Elections Committee contacts alleged violator
- v.** Provides a copy of the complaint
- vi.** Schedules a meeting within a timely manner of when the violation was received with the alleged violator
- vii.** Meeting with alleged violator
- viii.** Meeting is attended by the Elections Commissioner, the Rules and Elections Committee Chair and members of Rules and Elections Committee
- ix.** If it is considered a major violation, the SGA advisor must be present
- x.** Violation and sanction is discussed
- xi.** Determine if the violation happened and who is responsible

b. Sanctioning

- i. The Rules and Elections Committee shall determine responsibility, sanction, and inform the violator.

c. Appeal

- i. If the violator accepts the decision, the process ends
- ii. If the violator does not accept the decision, they have 6 hours to appeal
- iii. The violator meets with the SGA Advisor and they determine the final outcome.

d. Time Constraints

- i. This process can be augmented by the Rules and Elections Committee when necessary

28. Definitions & Clarifications

- a. **Breach of security:** Any tampering or compromising of official election results.
- bribery:** offering or promising any person any monetary incentive or a gift in excess of \$1.00 in value for the purpose of inducing any person to vote or refrain from voting for or against any candidate or any issue.
- b. **class day:** A weekday (Monday through Friday) during the fall or spring semester during which the University is scheduled to conduct classes. Class days exclude such events as Spring Break and Thanksgiving Break. Days on which classes were scheduled to be conducted but were cancelled due to weather events or other circumstances can be counted as class days for the purposes of determining timeframes for elections
 - c. **Computer Lab/Polling Station:** any public space containing more than two public University owned computers
 - d. **Rules and Elections Committee advisor:** the advisor to the Student Government Association (SGA) or their designee shall be the Rules and Elections Committee Advisor
 - e. **formal campaigning:** electronic or physical posting or distribution of campaign tokens and/or literature advertising candidacy in mass or student media, or conducting campaign activities that require scheduling through the University or that use University equipment.
 - f. **Harassment:** violating the privacy or integrity of the elections.
 - g. **Member of JMU community:** any current student, faculty, or staff member of James Madison University.
 - h. **misrepresentation:** communicating information (i.e. demonstrable factual statements of significance) that the communicator either knows to be false, or upon reasonable efforts could know to be false, to any voter other than the person that the information is about to induce any person to vote or refrain from voting and/or to undermine proper Rules and Elections Committee activities.

- i. **preponderance of evidence:** evidence of greater weight or more convincing than the opposing evidence; evidence more credible and convincing, more reasonable and probable, and can be circumstantial in nature.
- j. **sabotage:** damaging, destroying, removing, or undermining in some way proper campaign and/or Rules and Elections Committee activities with the purpose of assisting or harming a candidate and/or to subvert an election or referendum.
- k. **SGA member:** for SGA Election Policy purposes only, an SGA member is one who holds a representing position in the organization, excluding Executive Council members.
- l. **Spamming:** sending unsolicited electronic correspondence to groups of people of which you have no affiliation.
- m. **Staff Member:** any individual wearing or displaying campaign paraphernalia larger than 5 inches in diameter and/or acting on behalf of a candidate. Such individuals are responsible to the candidate they act on the behalf of.
- n. **Ticket:** Two or more individuals running together, sharing campaign staff, materials or other major campaigning items. This includes social media graphics with more than one individual's name associated with it