

**ELECTION RULES  
OF  
THE MARSHALL UNIVERSITY STUDENT  
GOVERNMENT ASSOCIATION**



**STUDENT GOVERNMENT  
ASSOCIATION**

**Last Modified:** March 8, 2022

**Last Ratified:** March 8, 2022

**PREFACE**

These election rules are subject to the authority of the Constitution of the Marshall University Student Government Association. In cases of conflict, the Constitution of the Marshall University Student Government Association shall take precedence. All matters not directed by these election rules or Student Senate legislation shall be governed by the authority of the Election Commission or, in the case of no standing Election Commission, the advisors of the Student Government Association.

## **SECTION I: ELECTION COMMISSION**

- A) The Election Commission shall be comprised of at least the HerdLink administrator and those appointed by the advisors of the Student Government Association including but not limited to: Election Commissioner(s), and a faculty member(s) appointed by the advisors of the Student Government Association.
- B) The Election Commissioner shall be appointed in accordance with the Constitution of the Marshall University Student Government Association and shall not be a candidate or campaigning for any candidate.
- C) The Election Commission shall have the following authority:
  - i. The Election Commission shall ensure that the elections are conducted in a fair, impartial, and open manner.
  - ii. The Election Commission shall not have authority to abridge these rules in any manner without approval from the Senate.
  - iii. The Election Commission shall arrange, promote, and schedule a public forum for the Presidential/Vice Presidential tickets.
  - iv. The Election Commission shall direct the spending of any money appropriated in the Senate budget for elections.
  - v. The Election Commission shall be responsible for promoting the elections to the Student Body and encouraging participation in the electoral process.
  - vi. The Election Commission shall be responsible organizing and holding ethics training(s) for all Senate and Presidential ticket candidates.
- D) Each Election Commissioner must be nominated by the advisors of the Student Government Association with the advice and consent of the Senate Judiciary committee and confirmed by a simple majority vote of the Senate.

## **SECTION II: FILING RULES**

- A) Filing for Student Government Association elections shall take place during a period of time set by the Election Commission and shall be approved by a majority vote of the Student Senate.
  - i. Information regarding these election rules shall be distributed and covered in depth at the time of ethics training.
  - ii. The placement of candidate's names on the ballot shall be determined via a rolling computer generated randomization.
- B) Filing with the Election Commission shall be considered complete at such a time when the candidate's qualifications are verified by a Student Government Association advisor and when the candidate signs their agreement to accept and comply with all election rules and completion of any required ethics training(s).
  - i. The agreement must be signed by the conclusion of the filing period for the candidate's name to be placed on the ballot.
- C) When filing, a candidate shall announce their constituency on the application form.

- D) Filing shall grant the candidate the right to post flyers, signs, and other publications on campus in accordance with these election rules, applicable laws, and with Marshall University policy.
- E) Candidates who file after the filing period shall be considered write-in candidates. Failure to file shall negate a candidate's eligibility for election.
- F) Write-in candidates must comply with these election rules and other standards as set forth by the Election Commission, as all candidates are required to do.
  - i. Write-in candidates may campaign/advertise upon filing for candidacy.
- G) Elections shall be held from **March 30, 2022 to March 31, 2022.**
  - i. Exact times on these days shall be determined by the Election Commission.
  - ii. The deadline for withdrawing from an election and having the candidate's name removed from the ballot is twenty-four (24) hours prior to the opening of the polls on the first scheduled day of the election.
  - iii. A candidate or ticket may withdraw from the election without being removed from the ballot any time after the previously specified twenty-four (24) hour deadline in Section II-G-ii before the announcement of preliminary election results.
    - a. Section X-D shall be followed in the case of a Senator withdrawing after the announcement of preliminary election results.
    - b. Section IX-D shall be followed in the case of a Presidential/Vice Presidential ticket withdrawing after the announcement of preliminary election results.
- H) Filing violations shall be handled by the Election Commission. Any candidate found to have intentionally falsified information on their application form shall be immediately disqualified from the election.

### **SECTION III: QUALIFICATIONS**

- A) Any undergraduate candidate for the office of Senator must meet the requirements for membership outlined in Article III, Section (7A) of the Constitution of Marshall University Student Government Association. Candidates must be in good standing with Marshall University Student Conduct prior to and during the semester in which they file for candidacy and must have completed a minimum of 12 credit hours at Marshall University prior to the semester in which they file for candidacy.
- B) Any graduate candidate for the office of Senator must be enrolled in at least six (6) credit hours of classes and meet the requirements for membership outlined in Article III, Section (7D) of the Constitution of Marshall University Student Government Association. Candidates must be in good standing with Marshall University Student Conduct prior to and during the semester in which they file for candidacy.
- C) Each candidate running on a Presidential/Vice Presidential ticket must have completed a minimum of 40 credit hours at Marshall University, and have a cumulative grade point

average of 3.00 or higher. Presidential/Vice Presidential candidates must retain undergraduate status for the entirety of their prospective term, in accordance with Article IV, Section 3 of the Constitution of the Marshall University Student Government Association. Candidates must be in good standing with Marshall University Student Conduct prior to and during the semester in which they file for candidacy.

- D) Each Presidential/Vice Presidential ticket must retain the same running mate throughout the entire election process except in cases of emergency, as approved by any member of the Election Commission.
- E) All candidates, declared or write-in, must sign a verification form stating that they have read and completely understand these election rules. All candidates, declared or write-in, are subject to these rules.

#### **SECTION IV: CAMPAIGN RULES**

- A) Public campaigning rights shall begin after the filing process has been completed.
- B) Mass emails shall not be allowed except when ordered by the Election Commission.
- C) A candidate may contact groups to schedule a meeting before official campaigning begins, however meetings cannot take place until the conclusion of the filing process. If these rules are violated, candidates shall be disqualified from the election.
- D) Presidential/Vice Presidential tickets may, prior to the completion of filing, establish their campaign staff/prospective cabinet members.
- E) Presidential/Vice Presidential candidate teams shall not spend more than \$1,000.00 per team on their campaigns, which include a fair-market value for in-kind contributions and donated items. Candidate teams shall be required to submit a complete expenditure report to the Election Commission within twenty-four (24) hours after the polls have closed.
- F) Student Senate candidates shall not spend more than \$100.00 each on their campaigns, which include a fair-market value for in-kind contributions and donated items. Student Senate candidates shall be required to submit a complete expenditure report at the request of any member of the Election Commission.
- G) The campaign sign policy shall be as follows:
  - i. Signs shall follow all Marshall University guidelines for display and placement.
  - ii. Signs shall not be obscene, offensive, or obstructive.
  - iii. Signs shall not leave any residue on the surface on which they are placed.
  - iv. Signs shall be easily removable and not damage the surface on which they are displayed.
  - v. Material such as nails, hooks, adhesive fasteners, tacks, or screws shall be prohibited, excluding tape.
  - vi. Posting on departmental boards shall not be allowed.
  - vii. There shall be no posting of notices on buildings, telephone poles on the campus, or sidewalks. Posting on trees is acceptable only if string or tape is used.

- viii. Posting shall not be permitted on doors, windows, or woodwork.
  - ix. In accordance with the State Fire Marshal's regulations, all posting within thirty (30) inches from any light fixture must be of fireproof materials.
  - x. No poster, promotional materials, or decorations may be suspended from any light fixture.
  - xi. There shall be no signs or promotional materials stretched across the corridors of buildings, on the outside of buildings, or between structures unless by special permission, arranged through the Student Affairs Office.
  - xii. Posters/flyers are not to be marked on, destroyed, or removed. Anyone discovered defacing posters will be subject to disciplinary action at the discretion of the Election Commission.
  - xiii. Handbills or flyers may not be placed on car windshields.
  - xiv. The University reserves the right to regulate locations on campus where handbills and flyers may be distributed. In general, they may NOT be distributed:
    - a. Outside buildings where normal traffic flow may be impeded.
    - b. Inside buildings and offices, except from reserved tables.
  - xv. Individuals or groups distributing handbills or flyers are responsible for their content.
  - xvi. The sponsoring individual or group must be clearly identified on the flyer or handbill.
- H) The Marshall University Housing and Residence Life policy is as follows (taken from the 2018 HRL webpage at [www.marshall.edu/housing/residence-hall-policies-new/](http://www.marshall.edu/housing/residence-hall-policies-new/)):
- i. Door-to-door solicitation, sales, surveys, and canvassing are not permitted in any area within the residential community. Door-to-door distribution of flyers or leaflets or the placement of these items on doors or cars is prohibited. The exception to this policy is for Housing and Residence Life staff in carrying out the duties of their position. Flyers and other forms of publicity may not be distributed without the consent of the Director of Housing and Residence Life, or their designee. Students may not engage in any sales or business activities within any public area of the residential community.
    - a. All advertising in the residential community must be pre-approved, including student groups, events, or sale of personal items that may benefit others in the community (such as textbooks). Approval can be sought at the Housing and Residence Life office.
    - b. Materials may not be stuffed in residence hall mail boxes, nor may they be distributed in the residence halls without approval of Residence Services.
- I) Any defacement or destruction of property by the posting of campaign material is unlawful and any candidate or affiliate found to be guilty of this shall be eligible to be reported to a member of the Election Commission for action.
- J) Campaigning shall not be allowed in the Drinko Library.

- K) Campaigning shall be allowed within the Memorial Student Center.
- L) Campaigning shall not be allowed in the Marshall Recreation Center.
- M) Campaigning shall not be allowed beyond the registers of Harless Dining Hall.
- N) Campaigning shall not be allowed in Towers Marketplace.
- O) Candidates campaigning inside of classrooms during instructional time must obtain permission from the professor or relevant body prior to their presentation. Presentations shall be allowed at the discretion of the professor or relevant body.
  - i. The candidate(s) or representative(s) of the candidate(s) intending to campaign inside classrooms during and instructional period(s) must obtain verified documentation that the candidate(s) or representative(s) of the candidate(s) had permission from the professor whose class they are campaigning in prior to the instructional period of that class and provide the documentation to the Election Commission upon request.
  - ii. When submitting a request to a professor or relevant body, the requesting candidate(s) must supply the professor or relevant body with Section IV-O of these election rules.
  - iii. Should the professor or relevant body be found to have given incentive to voters in the form of academic bribery to favor a specific candidate or ticket, the Election Commission will notify the Dean of that College.
- P) Candidates shall not be disallowed from using personal social media for campaigning.
  - i. Campaigning shall not be allowed on dating apps or websites including but not limited to: Tinder, Bumble, etc.

## **SECTION V: COMPLAINTS AND IRREGULARITIES**

- A) All complaints shall be reported to the Election Commission.
  - i. Anyone may notify the Election Commission of a violation and may file a complaint to the Election Commission for action immediately following knowledge of the alleged violation.
    - a. The proper method of reporting violations shall be set by the Election Commission. Any reports received outside of the approved means shall not be considered.
- B) All complaints must be filed within seven (7) instructional days of the announcement of preliminary election results.
  - i. All complaints must be investigated before election results are certified in the Certificate of Votes.
  - ii. A report, by the Election Commission, of all complaint results shall be submitted to Senate Executives and advisors of the Student Government Association for review.

- C) The decision can be appealed, in writing, to the approved designee of the Office of Student Affairs with the advice and consent of the Judiciary Committee. This decision shall be considered supreme and final.
  - i. The approved designee of the Office of Student Affairs shall have to base their final decision with reference, in part, to the governing and relevant documents to the Student Government Association including but not limited to: the Constitution of the Marshall University Student Government Association, the Executive Bylaws, and Senate Bylaws.

#### **SECTION VI: VOTING REGULATIONS**

- A) All students currently enrolled at Marshall University shall have the right to vote in all elections presented to the Student Body in accordance with the Constitution of the Marshall University Student Government Association.
- B) The following voting procedures shall govern elections:
  - i. Elections shall be conducted via HerdLink.
  - ii. The Election Commission shall determine all parties responsible for tabulating the votes.
  - iii. The Election Commission shall determine the hours of polling.
  - iv. Spaces shall be provided on all ballots for write-in votes.
  - v. Incumbent candidates shall be denoted on the ballot.
  - vi. Interim Senators shall also be denoted on the ballot in a manner separate from incumbent candidates.
- C) In the event of a tie for a candidate/ticket, a runoff election shall be held within seven (7) instructional days. The Election Commission shall determine the mode of voting.

#### **SECTION VII: GENERAL VOTING TABULATIONS**

- A) Votes shall be counted on the last polling day, immediately following the closing of the polls. These preliminary results shall be announced within 24 hours of the closing of the polls.
- B) After ten (10) instructional days have passed, provided that no complaints or irregularity claims have been made against a candidate/ticket/ticket item and found to be in violation of these election rules, the preliminary results shall be certified by the Election Commission. These Certificate of Votes shall be disseminated to the student body.
  - i. The Certificate of Votes shall include: all filed candidates who received votes for President/Vice President and the vote totals for each ticket, all filed candidates who received votes for Senate in each constituency and the vote totals for each candidate, all other ticket items, and the vote totals for each item.
  - ii. The Election Commission shall determine all parties responsible for tabulating the votes.

- C) Ongoing vote totals and/or estimations of totals for any candidate/ticket shall not be disclosed by any member of the Election Commission to anyone outside of the Election Commission.

### **SECTION VIII: SENATE VOTING TABULATIONS**

- A) Senate races shall be conducted through block voting, wherein voters may cast as many votes as there are seats in each constituency as outlined in the Constitution of the Marshall University Student Government Association Article III-6-F.
  - i. The Block Vote is a voting system used in multi-member constituencies where voters may elect more than one representative in each constituency. Voters can cast as many votes as there are available seats and the candidates with the most votes win, even if they have not managed to secure a majority of the votes.
- B) In the event of a Senate candidate withdrawing from the election before the announcement of preliminary election results as stated in Section II of these election rules, the Senate candidate with the next highest number of votes shall take the elected position.
- C) In the event of a Senate candidate relinquishing their seat after the announcement of preliminary election results, the candidate shall have their seat declared vacant and converted into an At-Large seat.

### **SECTION IX: PRESIDENTIAL/VICE PRESIDENTIAL VOTING TABULATIONS**

- A) Presidential/Vice Presidential races shall be conducted through plurality voting, wherein a voter is only allowed to vote for one ticket.
- B) The winner of a Presidential/Vice Presidential election shall be the ticket with the most votes at the end of the polling for that election, provided that they have adhered to these election rules.
- C) In the event of the leading Presidential/Vice Presidential ticket withdrawing from the election before the announcement of preliminary election results as stated in Section II of these election rules, the Presidential/Vice Presidential ticket with the next highest number of votes shall take the elected position.
- D) In the event of a withdrawal of a winning Presidential/Vice Presidential-Elect ticket after the announcement of preliminary election results, the candidates must publicly declare their resignation to the Student Body and a runoff election shall be held within seven (7) instructional days between all previously filed Presidential/Vice Presidential tickets. The qualifications of election shall follow Section X of these election rules.

### **SECTION X: RUNOFF ELECTION RULES**

- A) All previously stated rules shall govern a runoff election except in cases stated in this section.



- B) The allotted Presidential/Vice Presidential runoff budget shall be \$100. All previous campaigning materials may be used.
- C) An additional funding report detailing runoff election expenses must be submitted within two (2) instructional days following the close of the runoff election.
- D) Runoff elections shall be held on a single day as specified for in Section IX-D of these election rules on a date set by a simple majority vote of Senate.
- E) After ten (10) instructional days have passed, provided that no complaints or irregularity claims have been made against a candidate/ticket/ticket item and found to be in violation of these election rules, the preliminary results shall be certified by the Election Commission. These Certificate of Votes shall be disseminated to the student body.
  - i. The Certificate of Votes shall include: all filed candidates who received votes for President/Vice President and the vote totals for each ticket, all filed candidates who received votes for Senate in each constituency and the vote totals for each candidate, all other ticket items, and the vote totals for each item.

#### SECTION XI: EXTENUATING CIRCUMSTANCES

- A) Extenuating circumstances include any situation that would result in the dismissal of the student body or disruption of normal student activity.
  - i. This includes but is not limited to epidemics, pandemics, natural disasters, and active assailants.
- B) Campaigning during extenuating circumstances shall abide by guidelines set forth by Marshall University, the State of West Virginia, and the United States of America.
  - i. Any activity, not specifically prohibited by the aforementioned guidelines, that could cause risk the safety, health, or well-being of students, faculty, or the community shall be disallowed.
  - ii. Any rules outlined in Section IV of this document concerning practices not prohibited by the aforementioned guidelines shall remain in use for the duration of the campaigning process.
  - iii. Violation of rules or guidelines set forth in Section XI of this document shall be subject to the same jurisdiction by the Election Commission.