



JMU ELECTIONS POLICY

2021-2022 | JAMES MADISON UNIVERSITY STUDENT
GOVERNMENT ASSOCIATION

1. Purpose

- a. This document establishes the rules and regulations governing the JMU election process, effective with the 2021-2022 academic year elections. This policy shall be the highest binding authority on the election process when not inconsistent with the SGA Constitution and Bylaws.

2. Elections Commission

a. Purpose & Authority

- I. In order to maintain the highest degree of impartiality and fairness, all elections shall be conducted by a neutral Elections Commission.
- II. Decisions regarding SGA Elections that are charged to the Elections Commission, when in accordance with this document, and the SGA Constitution and Bylaws, shall be binding. The SGA shall have no authority over the Elections Commission other than that stated herein. Issues not directly covered by this policy must be demonstrated as being in violation of existing SGA governing documents, university policies, local, and state or Federal law before permission can be denied.
- III. All decisions made by the Elections Commission are final.
- IV. All correspondence must be directed through the official Elections Commission email, JMUElections@gmail.com.

b. Members

I. Eligibility

1. Members must be currently enrolled as a JMU student.
2. Must be in good academic standing.
3. Cannot be a candidate in the election at hand.
4. Cannot serve as a staff member of a candidate in the election at hand.
5. Must be in good academic standing.

II. Elections Commissioner

1. The Elections Commissioner will be a yearlong position. They will be nominated by the Speaker of the Student Senate and confirmed by two-thirds of the Student Senate. Confirmation of the next Elections Commissioner shall take place at the first senate of the fall semester.
2. Their duties will include:

- a. Running all elections
- b. Chairing the Elections Commission
- c. Interpret the parliamentary rules with regards to the Elections Commission
- d. Assign responsibilities to the other members of the Elections Commission as needed

III. Terms of Duty

1. The Elections Commission shall be appointed before the fall elections by the Rules and Elections Chairperson with the advice of the Speaker of the Student Senate.
2. The term of appointment will last until the first new Student Senate meeting of the next academic year in the spring.
3. After the fall election, more members may be appointed with the approval of the Rules and Elections Chairperson.
4. If a vacancy should occur in the Elections Commission during the year, the member selected to fill the said vacancy would serve until a new commission is appointed the following semester.

c. Meetings

- I. Meetings may be called by the Commissioner. A quorum of two-thirds must be established for decisions to be binding.

d. Composition

- I. Voting Members
 1. The Commission shall contain at a minimum five (5), but up to eleven (11) voting members of which (1) the Elections Commissioner, (1) is the Parliamentarian, at least one (1) member shall be an at-large student body member and one (1) member of the SGA communications team.
- II. Elections Commission Member Selection
 1. Applications are accepted and reviewed by both the Rules and Elections Chairperson.
- III. If the commissioner chooses to leave their position due to running in the Spring election or if they feel as though they can no longer commit to the duties of the role, they may resign and the Rules and Elections Chairperson shall appoint a replacement commissioner.

e. Powers

- I. The Elections Commission shall certify election results or declare results null and void in the event of a breach of security or serious violation of election protocol.
- II. The Elections Commission shall interpret, enforce, and uphold the policies and provisions of documents affecting the election process.
- III. The Elections Commission 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.
- IV. The Elections Commission 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 elections commission.

f. Responsibilities of the Elections Commission

- I. Maintain a record of all candidates.
- II. File a statement signed by the Commissioner of the Elections Commission certifying that each candidate meets all qualifications for the position sought.

- III. Establish and maintain poll stations and ballot security during the election and during the tabulation of results.
- IV. Oversee the tabulation of election results immediately after the close of polling.
- 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. Represent the SGA in any dispute arising with a candidate regarding SGA elections occurring in any university student accountability hearing.
- VIII. Maintain the integrity of all those involved in the elections process through confidentiality.

g. Advertising Obligations

- I. The Elections Commission 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 Elections Commission to see that the following take place:
 1. All SGA positions open for election shall be advertised for at least two weeks prior to the deadline for application for those positions.
 2. A list of candidates running for office shall be published on the SGA website prior to election day.
 3. The poll opening and closing times and voting procedures shall be made public at least 5 class days prior to the election day.
 4. Election results shall be posted outside the SGA office, and on the SGA and Elections Commission social media. The results will consist of the name of each candidate with the number of votes received. The results will remain on file in the student government office.
 5. Provide a list of all registered candidates at all polling locations on the day of the election.
 6. Advertise each election and establish/ensure that deadlines for applications are publicly announced in advance.

h. Candidate Affiliation

- I. No Elections Commission member may campaign, serve as a campaign staff member, give or take bribes, or commit sabotage. Any Elections Commission member cannot verbally support any candidate, this includes social media posts. Any Elections Commission member found responsible for any of these shall be removed from the Elections Commission as outlined in the following section (Removal of Elections Commission Members).

i. Removal of Elections Commission Members

- I. In the event that a member of the Elections Commission is suspected of violating any regulations set forth in this document and/or SGA or University policy pertaining to SGA elections, that member may be removed from the commission by action of two thirds approval from the commission excluding the member of the commission under review.

3. Spring Elections

a. Definitions

- I. 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, Sophomore, Junior, and Senior Class Council Officers (President, Vice President, Secretary of Events, and Secretary of Communications), and Academic College senate seats. In addition, any referendum proposed and approved by the SGA Student Senate shall be voted on at this time.

b. Timeframe

- I. Spring Elections shall occur before the first day of April
- II. The Spring Elections timeline will be determined by the Elections Commission and established by the first day of spring semester to be made available to the student body.

c. Campaign Regulations

I. Eligibility

1. Voters

- a. All students at JMU at the time of the polling shall be eligible and encouraged to vote in Presidential, Vice Presidential, Treasurer, and Student Representative to the Board of Visitors elections.
- b. All enrolled students declared as a major within an academic college shall be eligible and encouraged to vote for that academic college's candidate for the Student Senate. Any student with more than one (1) major must pick a primary college in which to vote and may only vote once.
- c. All enrolled students who have the course credit hours to classify as a member of a class an election is being held for, are encouraged to vote for that class's officers.

2. Candidates

- a. Candidates for office must meet the requirements specified for that office in the SGA Constitution and Bylaws.
- b. Candidates must be in good academic standing.
- c. Must be able to fulfill the entire term of office.
- d. Candidates can only run for one office.
- e. 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.
- f. Academic College Senators must be a declared major within their academic college for the academic year of their service.
- g. Candidates (Except the SRBOV, Class Council, and Academic College Senators) must be able to attend a retreat, scheduled before classes start in the Fall Semester.
- h. All candidates (except the SRBOV, Class Council, and Academic College Senators) must attend at least one (1) Leadership Team meeting (Thursdays at 6:15), and one (1) Senate meeting (Tuesdays at 6:15). Attendance shall be reported to the commissioner or committee chairs. In case of class conflict, exceptions may be made by discretion of the commission.

- i. Running on a ticket is prohibited. Interpretations are left to the discretion of the commission and must be described at the candidates meeting.

d. Candidate Petition Process

I. The Elections Commission shall provide the following to each candidate:

1. The Election Policy
2. Dates, times, and locations for Mandatory Candidate Meetings
3. Any other information deemed necessary by the Elections Commission.

II. Candidate Obligations

1. Candidates must complete all requests established by the Commission in the elections packet.
2. The following positions shall garner 200 signatures: Student Body President; Vice President, Executive Treasurer, and Student Representative to the Board of Visitors.
3. The following positions shall garner 50 signatures: Class Council Officers.
4. Candidates for all the positions must obtain their own signatures.
5. Potential candidates for Student Body President, Vice President, and Treasurer must meet with the current SGA Advisors so that they have an accurate understanding of the general responsibilities, procedures, and time commitment that coincides with the position.
6. Attend any mandatory candidate meetings.
7. Obtain signatures from their campaign staff before they may begin campaigning. New members may be added by sending an email to the Commission during campaign week.

e. Polling

- I. Electronic polling shall take place for all elected positions over a period of one day.
- II. Ballots shall be available starting at 7:00 AM on the day of voting and will close at 7:00 PM.
- III. In the event of a problem, polling can be extended at the discretion of the Elections Commission.

f. Post-polling Elections Commission Process

- I. The Commissioner and a chosen member of the Elections Commission shall verify the results. The results will be brought back to the commission for confirmation. Results shall be publicly announced 24 hours after confirmation.

g. Appeals

- I. 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.
- II. The Elections Commissioner will send an email to all candidates that ran for that position that an appeal has been filed.
- III. 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.

- IV. A decision will be made and the individuals involved will be contacted.
- V. If an appeal is granted another election for that specific position will take place.
- VI. If there is no appeal, election results shall become binding 24 hours after they are publicly announced.
- VII. All violations must be submitted before the winners are announced, appeals occur after polling ends.

h. Candidate Meetings

- I. The Elections Commission shall conduct at least one Candidate Meeting.
- II. The Purpose of this meeting is to familiarize the candidates with basic election policies and address any questions asked by the candidate.
- III. During this meeting, the Elections Commission shall ensure each candidate has received all SGA and University regulation and policies pertinent to the election and campaigning.
- IV. Each candidate shall be required to submit a signed statement indicating knowledge and agreement to comply with all University, SGA and election rules and regulations. ‘
- V. Any individual who refuses to sign the statement shall be automatically declared ineligible as a registered candidate.
- VI. Individuals declared ineligible may not participate in the election outlined in the write-in section.
- VII. 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 commission.

i. Campaign Staff

- I. Campaign Staff shall be defined as any individual conducting “major campaign activities”.
 - 1. “Major campaign activities” shall be defined as activities central to an election campaign, such as stamoinc and hanging of posters, distribution of more than twenty handouts, wearing campaign apparel, or major activities determined by the current Elections Commission.
 - 2. Major campaign activities do not include advocating for a candidate verbally or electronically
 - a) Class Council may not serve on any minor campaign candidates' staff, except their own.

j. Voting

- I. The primary method of voting for the elections shall be through the internet, available both on and off. Physical polling locations may be added at the discretion of the Elections Commissioner. These locations may remain open for the entirety of an election day.
- II. Physical polling locations and the online ballot will remain available from 7 AM to 7 PM on election day.
 - 1. Tabulation
 - a) Ranked choice system of voting will only take effect if more than two candidates enter the race.
 - 2. Notification
 - a) The elections commission will notify candidates by telephone on the 31st of March, following the Elections Commissions certification of the results. A candidate may request an

alternative means of notification before the close of the polls.

3. Certification

- a) After the polls have been closed for twenty-four (24) hours without the filing of an appeal, the Elections Commission must hold a meeting to certify the results of the election. Certification must be a two-thirds majority vote of the voting members of the Elections Commission.

k. Write-ins

- I. Any names written in on ballots shall be tallied. In the event that a write-in obtains enough votes for a particular office, the Elections Commission 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.
- II. If an individual written into more than one seat is eligible and has enough votes to be elected, that individual shall be notified and will choose one office to accept.
- III. Write-ins are to be held to the same regulations regarding campaigning as registered candidates.
- IV. Write-in candidates may be disqualified for violation of campaign rules by the Elections Commission in the same fashion as regular candidates.
- V. If an individual wishes to run as a write-in candidate, they must submit their request forty-eight (48) hours prior to election day.
- VI. As write-ins are not required to attend the candidates' meeting, it is their responsibility to familiarize themselves with the relevant regulations.

l. Resignation Prior to Taking Office

- I. If 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.
- II. In the event an office does not fill, a special election will be held. The special election can coincide with an upcoming fall or spring election. The commission shall advertise the position, create a form to express interest, brief any interested candidates on the elections polity, and allow one week of campaigning. Those individuals who submit forms expressing interest will be on the ballot.
- III. If the results are declared null and void, the commission will hold a re-election with only the same candidates no later than a week after the original elections were held.

4. Fall Elections

a. Definitions

- I. The Fall Elections shall consist of the offices of Freshman Class Council Officers (President, Vice President, Secretary of Events, and Secretary of Communications), Graduate College Senate Seats, and any previously unfilled Academic College Senate Seats.

b. Timeframe

- I. Fall Elections shall take place before the First of October.
- II. The elections timeline will be decided by the Elections Commission at least two weeks before the election and will be advertised.

c. Eligibility

- I. Voters
 1. All enrolled freshmen attending James Madison University shall be

- eligible and encouraged to vote for the Freshman Class Council.
- 2. All enrolled graduate students attending James Madison University shall be eligible and encouraged to vote for Graduate Student Senate seats.
- 3. Voters for Academic College Senate seats will follow the guidelines outlined in the Spring Elections section.

II. Candidates

- 1. Candidates for office must meet the requirements specified for that office in the SGA Constitution and Bylaws.
- 2. Must be able to fulfill the entire term of office.
- 3. Candidates can only run for one office in the same organization.
- 4. All candidates running for Freshman Class Council must be an incoming freshman of that school year.
- 5. 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.

5. Pre-Campaign Period

- a. The pre-campaign period for the spring elections shall consist of the time period prior to the submission of the candidate packet. All regulations in Section (Campaigning) will be in effect during this time.
- b. During the pre-campaign period, the candidate may only speak to individual students, not to include student organizations, about his or her 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.

6. 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 Elections Commission 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. Any student may help advertise the time, manner, and place elections. Faculty advertising in any capacity is prohibited.
- IV. All advertising created and utilized by the commission may not in any way advocate support for a candidate. The contact information for the flier must state jmuelections@gmail.com.
- V. Student run 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 Elections Commission

3. Disobeying any proper Elections Commission order
4. Formal campaigning conducted before the submission of the candidates' packet.
5. Campaigning that interferes with academic or University policies.
6. Publicizing endorsements before campaigning begins.
7. Bribery, sabotage, misrepresentation or harassment by any person
8. Making statements that are defamatory; this included 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 his/her 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 Elections Commission.
13. On voting days, no campaigning may take place within 20 feet of polling locations.
 - a) If campaign materials are posted within 100 feet of possible polling locations prior to election day, each candidate is responsible for removing the materials by midnight before the first day of voting.
14. Campaigning in the SGA Office or SGA sponsored events excluding official camping events which will be specified by the Elections Commission prior to the beginning of campaigning.

b. Election Violations

a. Process

- I. Violation is received by the Elections Commission
 1. Any violation must be adequately supported, and determined by the Commission.
 2. Violation is submitted within twenty-four (24) hours after the violation occurs and accompanied with necessary evidence.
- II. Elections Commission contacts alleged violator
 1. Provides a copy of the complaint
 2. Schedules a meeting within a timely manner of when the violation was received with the alleged violator.
- III. Meeting with alleged violator
 1. Meeting is attended by the Elections Commissioner and members of the Elections Commission.
 2. Determine if the violation happened and who is responsible.
 - a) If the violation did occur, the Commission is to determine whether it is to be considered a major or minor violation.
 - b) A conviction of three minor violations constitutes a major violation.
 3. If it is considered a major violation, the SGA advisor must be present.
 4. Violation and sanction is discussed.
- IV. Sanctioning
 1. The Elections Commission shall determine responsibility, sanction, and inform the violator.

2. Sanctions for minor violations can include suspension of campaigning rights for 1-4 days.
3. Sanctions for major violations can include suspension of campaigning rights for more than 4 days or disqualification from election.

V. Time Constraints

1. This process can be augmented at the discretion of the Elections Commission.

7. Definitions & Clarifications

- A. Breach of Security:** Any tampering or compromising of official election results.
- B. 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.
- C. 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 canceled due to weather events or other circumstances can be counted as class days for the purposes of determining timeframes for elections
- D. Polling Station:** Any space used for distributing and collecting ballots on election day.
- 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. Major Violation:** Any action by the candidate or affiliated party that significantly affects the fairness and integrity of the election.
- H. Member of JMU Community:** Any current student, faculty, or staff member of James Madison University.
- I. Minor Violation:** Violations of the elections policy that in the opinion of the Elections Commission do not significantly affect the overall fairness of the election.
- J. 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 for the purpose of inducing any person to vote or refrain from voting and/or to undermine proper Elections Commission activities.
- K. Sabotage:** Damaging, destroying, removing, or undermining in some way proper campaign and/or Elections Commission activities with the purpose of assisting or harming a candidate and/or to subvert an election or referendum.
- L. SGA Member:** For SGA Election Policy purposes only, an SGA member is one who holds a representing position in the organization.
- M. Spamming:** Sending unsolicited electronic correspondence to groups of people of which you

have no affiliation.

- N. 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.
- O. 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.