



UNIVERSITY OF GUAM
UNIBETSEDÁT GUÅHAN
Board of Regents

Resolution No. 20-33

RELATIVE TO APPROVING THE PROPOSED CHANGES TO THE STUDENT GOVERNMENT ASSOCIATION CONSTITUTION AND BYLAWS, AND AMENDMENTS TO THE UNIVERSITY OF GUAM STUDENT REGENT ELECTION REGULATIONS

WHEREAS, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

WHEREAS, in accordance with Title 17 Guam Code Annotated, Section 16104, the government and control of UOG is vested in the Board of Regents (BOR) of UOG;

WHEREAS, in accordance with Guam public law, it is mandated that the student member of the BOR shall be elected through a process approved by the Student Government Association (SGA) and approved by the BOR;

WHEREAS, SGA held its 20th Regular Session on September 25, 2020 and approved SGA Resolution 58-39 to allow changes in the SGA Constitution and Bylaws for student elections and swearing in during situations such as, but not limited to, cases of natural disaster(s) or pandemic;

WHEREAS, these changes to student elections included holding a special election to appoint new officials or having the general membership cast ballots through online means; and outlining the process for online voting, polling sites, and tabulations to eliminate any discrepancies;

WHEREAS, SGA further held its 23rd Regular Session on November 7, 2020 and approved SGA Resolution 58-40 changing the SGA Constitution and Bylaws for student elections to no later than March to align with the Student Regent election timeframe;

WHEREAS, the changes from SGA Resolution 58-39 have been incorporated into the UOG Student Regent Election Regulations and that this updated regulation and BOR resolution will supersede BOR Resolution 18-38, date November 15, 2018; and

WHEREAS, the BOR Student Affairs, Scholarships, Alumni Relations and Honorary Degree Committee has reviewed these changes from the SGA Resolutions for the SGA Constitution and Bylaws, and the amended UOG Student Regent Election Regulations, and recommend all changes to the BOR for approval.

NOW, THEREFORE, BE IT RESOLVED, that the BOR hereby approves the changes to the SGA Constitution and Bylaws as outlined in SGA Resolution 58-39 and 58-40; and

BE IT FURTHER RESOLVED, that the BOR hereby approves the amended UOG Student Regent Election Regulations as hereto attached.

Adopted this 24th day of November 2020.

ATTESTED:

Thomas W. Krise, Ph.D., Executive Secretary

Jerold W. Filush, Chairperson



Resolution No. 58 – 39

Introduced by:

President Marc Allen Bituin	Vice President Kennard Carlos
Secretary Malia Salisbury	Treasurer Irish Louise Oftana
Senator Justin Dacanay	Senator Regina Dominguez
Senator Steven Kho	Senator Victoria Mapa
Senator Maria Minas	Senator Eries Jay Moreno
Senator Jay T. Simiuo	Senator Nathan Tedtaotao
Senator Anisa Topasna	

RELATIVE TO APPROVING THE REVISIONS TO THE STUDENT GOVERNMENT ASSOCIATION (SGA) CONSTITUTION AND BY-LAWS.

BE IT HEREBY ENACTED BY THE 58TH STUDENT GOVERNMENT ASSOCIATION IN COUNCIL ASSEMBLED

WHEREAS, the purpose of the SGA Constitution and By-Laws Is to establish the membership of the SGA and policies governing its actions; and

WHEREAS, the Oversight and Review Committee (ORC) of the SGA and the SGA Council has agreed to approve presenting the revisions to the Constitution and By-Laws to the SGA Council for vote; and

WHEREAS, revisions to the SGA Constitution and By-Laws are proposed to the following articles:

RECORD OF AMENDMENTS

Current	Proposed
06 May 2008 Article 2.3.3: (Qualification and Terms of Office) - Rephrased to clarify service term as “one (1) calendar year starting in the month of August.” - Article 2.8 (Duties of Senators) – clarify the responsibilities of Senators 03 May 2010 Article 2.3.3 (Qualification and Terms of Office) – credit requirement changed from 24 to 12. 14 November 2013 Preamble- complete replacement 26 October 2017 Articles- Changes to Articles for rewording and clarification.	25 September 2020 Article 2.3.1 – Changes to Election Procedures in Constitution and By-Laws
Track Changes - '08 and '10 not in BOR Resolutions	

2.3.1 ELECTION OF OFFICIALS

Current	Proposed



<p>2.3 ELECTION OF OFFICIALS. The election of SGA officials: President, Vice President, Secretary, Treasurer and eleven (11) Senators shall be in accordance with the following:</p> <ol style="list-style-type: none"> 1. One (1) regular election shall be held during the Fañomnåkan semester of each year no later than the first Monday of May. The elected officials shall be sworn in no later than the last Friday of August of the same year. 	<p>2.3 ELECTION OF OFFICIALS. The election of SGA officials: President, Vice President, Secretary, Treasurer and eleven (11) Senators shall be in accordance with the following:</p> <ol style="list-style-type: none"> 1. One (1) regular election shall be held during the Fañomnåkan semester of each year no later than the first Monday of May. The elected officials shall be sworn in no later than the last Friday of August of the same year. <ol style="list-style-type: none"> a. Should there be any event in which a regular election or swear in cannot be held, such as, but not limited to, a natural disaster(s) or pandemic, the current SGA Officials may choose to hold a special election to appoint new officials or have the general membership cast ballots through online means.
<p>Reason: In order for a new SGA Council to be elected when extenuating circumstances do not permit in person voting.</p>	

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BY-LAWS CHANGES:
ARTICLE VII ELECTION COMMITTEE: SECTION 5 – ELECTION PROCEDURES

Current	Proposed
<p><u>Par. 1:</u> All members will complete ethics and confidentiality signature statements to be maintained by SLO.</p> <p><u>Par. 2:</u> Campaign activities, materials, or courtesy refreshments shall not be placed within one hundred (100) feet from the voting site.</p> <p><u>Par. 3:</u> Candidates for office shall only be in the area long enough to vote. Offices and facilities within the limits of the voting site are available for use by candidates but campaigning or discussion of elections are not permitted during the election.</p> <p><u>Par. 4:</u> The Election Committee Chairperson, in cooperation with the Student Life Officer, shall be responsible for the printing and control of the ballots.</p>	<p><u>Par. 1:</u> All members will complete ethics and confidentiality signature statements to be maintained by SLO.</p> <p><u>Par. 2:</u> Campaign activities, materials, or courtesy refreshments shall not be placed within one hundred (100) feet from the voting site.</p> <p><u>Par. 3:</u> Candidates for office shall only be in the area long enough to vote. Offices and facilities within the limits of the voting site are available for use by candidates but campaigning or discussion of elections are not permitted during the election.</p> <p><u>Par. 4:</u> The Election Committee Chairperson, in cooperation with the Student Life Officer, shall be responsible for the printing and control of the ballots.</p>



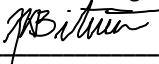
<p><u>Par. 5:</u> To expedite the counting of the ballots, the Student Life Officer and the Election Committee Chairperson shall immediately organize the counting as soon as the polls close. To eliminate any discrepancies, the Dean of EMSS, or designee, shall witness the counting of the ballots.</p> <p><u>Par. 6:</u> At least two (2) members of the Election Committee and the Student Life Officer or designee shall be present at the polling place at all times and shall insure that election policies are enforced.</p> <p><u>Par. 7:</u> Ballot instructions shall be clearly placed in each voting booth.</p> <p><u>Par. 8:</u> A ballot shall be considered void if instructions are not adhered to. In cases where parts of the ballot are spoiled, only that part will be considered void.</p> <p><u>Par. 9:</u> Additional requirements for Student Regent Election and Guam Youth Congress Elections are listed in Appendixes C and D.</p>	<p><u>Par. 5:</u> To expedite the counting of the ballots, the Student Life Officer and the Election Committee Chairperson shall immediately organize the counting as soon as the polls close. To eliminate any discrepancies, the Dean of EMSS, or designee, shall witness the counting of the ballots.</p> <p><u>Par. 6:</u> At least two (2) members of the Election Committee and the Student Life Officer or designee shall be present at the polling place at all times and shall insure that election policies are enforced.</p> <p><u>Par. 7:</u> Ballot instructions shall be clearly placed in each booth.</p> <p><u>Par. 8:</u> A ballot shall be considered void if instructions are not adhered to. In cases where parts of the ballot are spoiled, only that part will be considered void.</p> <p><u>Par. 9:</u> Should the campus or polling sites be closed due to unforeseen circumstances, such as, but not limited to, a natural disaster or pandemic, and in person voting is not permitted, alternative means of electing officials or casting ballots are allowable. This includes, but is not limited to, online voting. Should the election and swear in dates be missed, the SGA council may make a resolution acknowledging the extenuating circumstances.</p> <p><u>Par.10:</u> The Election Committee Chairperson, in cooperation with the Student Life Officer and the Office of Information Technology, shall create or assist in the creation of the online polling site.</p> <p><u>Par.11:</u> The Election Committee, Student Life Officer and Dean of EMSS, or designee, shall be granted access to the online ballots to verify the count and to eliminate any discrepancies.</p> <p><u>Par.12:</u> Online ballot instructions shall be clearly outlined and visible on the polling site.</p> <p><u>Par.13:</u> An online ballot shall be considered void if instructions are not adhered to, or if it is suspected that the ballot is cast by a none-UOG Student.</p>
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	<p>Par. 14: Additional requirements for Student Regent Election and Guam Youth Congress Elections are listed in Appendixes C and D.</p>
<p>Reason: In order for a new SGA Council to be elected when extenuating circumstances do not permit in person voting.</p>	

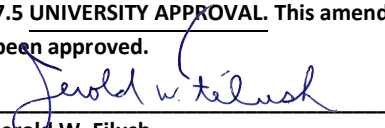
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7.4 STUDENT GOVERNMENT APPROVAL

Current	Proposed
Added.	<p>7.4 STUDENT GOVERNMENT ASSOCIATION APPROVAL. This amended document has been approved by the required two-thirds vote of the 58th Student Government Association through a vote on September 25th, 2020.</p> <p> _____ Marc Allen Bituin President, 58th SGA</p>
<p>Reason: Proof of Approval</p>	

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7.5 UNIVERSITY APPROVAL

Current	Proposed
Added.	<p>7.5 UNIVERSITY APPROVAL. This amended document has been approved.</p> <p> _____ Jerold W. Filush Chairperson, Board of Regents</p>
<p>Reason: Proof of Approval</p>	

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THEREFORE, BE IT RESOLVED, the 58th SGA approves the revisions to the SGA Constitution and By-Laws for presentation to the Board of Regents for final approval; and be it further

RESOLVED, that President Marc Allen Bituin and Secretary Malia Salisbury of the 58th SGA attest to the adoption hereof, and that a copy of the same be transmitted to Mrs. Sallie McDonald, Dr. Lawrence Camacho, Dr. Anita Borja-Enriquez, Dr. Thomas W. Krise and Mr. Elvin Y. Chiang.

DULY AND REGULARLY ADOPTED BY THE 58th STUDENT GOVERNMENT ASSOCIATION ON THE 25th DAY OF SEPTEMBER 2020.

Attested:



UNIVERSITY OF GUAM

UNIBETSEDÁT GUAHAN



58th Student Government Association

Enrollment Management and Student Success

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Marc Allen Bituin
President

Malia Salisbury
Secretary



Resolution No. 58 – 40

Introduced by:

President Marc Allen Bituin	Vice President Kennard Carlos
Secretary Malia Salisbury	Treasurer Irish Louise Oftana
Senator Justin Dacanay	Senator Regina Dominguez
Senator Steven Kho	Senator Victoria Mapa
Senator Maria Minas	Senator Eries Jay Moreno
Senator Jay T. Simiuo	Senator Nathan Tedtaotao
Senator Anisa Topasna	

RELATIVE TO APPROVING THE REVISIONS TO THE STUDENT GOVERNMENT ASSOCIATION (SGA) CONSTITUTION AND BY-LAWS.

BE IT HEREBY ENACTED BY THE 58TH STUDENT GOVERNMENT ASSOCIATION IN COUNCIL ASSEMBLED

WHEREAS, the purpose of the SGA Constitution and By-Laws Is to establish the membership of the SGA and policies governing its actions; and

WHEREAS, the Oversight and Review Committee (ORC) of the SGA and the SGA Council has agreed to approve presenting the revisions to the Constitution and By-Laws to the SGA Council for vote; and

WHEREAS, revisions to the SGA Constitution and By-Laws are proposed to the following articles:

RECORD OF AMENDMENTS

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03 May 2010 Article 2.3.3 (Qualification and Terms of Office) – credit requirement changed from 24 to 12.	
14 November 2013 Preamble- complete replacement	
26 October 2017 Articles- Changes to Articles for rewording and clarification.	
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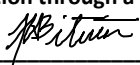
Current	Proposed



<p>2.3 ELECTION OF OFFICIALS. The election of SGA officials: President, Vice President, Secretary, Treasurer and eleven (11) Senators shall be in accordance with the following:</p> <ol style="list-style-type: none"> One (1) regular election shall be held during the Fañomnåkan semester of each year no later than the first Monday of May. The elected officials shall be sworn in no later than the last Friday of August of the same year. 	<p>2.3 ELECTION OF OFFICIALS. The election of SGA officials: President, Vice President, Secretary, Treasurer and eleven (11) Senators shall be in accordance with the following:</p> <ol style="list-style-type: none"> One (1) regular election shall be held during the Fañomnåkan semester of each year no later than March. The elected officials shall be sworn in no later than the last Friday of August of the same year. <ol style="list-style-type: none"> Should there be any event in which a regular election or swear in cannot be held, such as, but not limited to, a natural disaster(s) or pandemic, the current SGA Officials may choose to hold a special election to appoint new officials or have the general membership cast ballots through online means.
<p>Reason: In order for a larger time frame for elections and in the case regular elections are not allowed.</p>	

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7.4 STUDENT GOVERNMENT APPROVAL

Current	Proposed
Added.	<p>7.4 STUDENT GOVERNMENT ASSOCIATION APPROVAL. This amended document has been approved by the required two-thirds vote of the 58th Student Government Association through a vote on November 7th, 2020.</p>  _____ Marc Allen Bituin President, 58 th SGA
<p>Reason: Proof of Approval</p>	

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7.5 UNIVERSITY APPROVAL

Current	Proposed
Added.	<p>7.5 UNIVERSITY APPROVAL. This amended document has been approved.</p> _____ Elvin Y. Chiang Chairperson, Board of Regents



Reason: Proof of Approval

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THEREFORE, BE IT RESOLVED, the 58th SGA approves the revisions to the SGA Constitution and By-Laws for presentation to the Board of Regents for final approval; and be it further

RESOLVED, that President Marc Allen Bituin and Secretary Malia Salisbury of the 58th SGA attest to the adoption hereof, and that a copy of the same be transmitted to Mrs. Sallie McDonald, Dr. Lawrence Camacho, Dr. Anita Borja-Enriquez, Dr. Thomas W. Krise and Mr. Elvin Y. Chiang.

DULY AND REGULARLY ADOPTED BY THE 58th STUDENT GOVERNMENT ASSOCIATION ON THE 7th DAY OF NOVEMBER 2020.

Attested:

Marc Allen Bituin
President

Malia Salisbury
Secretary

UNIVERSITY OF GUAM STUDENT REGENT ELECTION REGULATIONS

November 24, 2020

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- SECTION 11: Election Process Evaluation and Review

BACKGROUND

These regulations were developed with student participation and first ratified by the 40th Student Government Association (SGA) Council on February 4, 2002 and further amended by the 57th SGA Council on October 5, 2018. After extensive review and feedback by the Administration, they are hereby approved by the Board of Regents (BOR) to establish a consistent structure for student regent elections at the University of Guam (UOG). This document was designed to incorporate an active feedback process to allow the election process to improve and adjust to future student needs. The right for students to participate in Student Regent Elections is an important one. These Student Regent Election Regulations seek to protect student voting rights and clarify the election process.

Additional changes are incorporated to include online voting as an option resulting from delays from any serious public safety concerns. This aligns with changes ratified by the 58th SGA, Resolution Number 58-39 on September 25, 2020.

SECTION 1

General Provisions - Definitions

- A. Candidate: A student regent candidate is one who seeks the office of Student Regent and meets the criteria as specified in Guam law (Section 16104.6 of Chapter 16, Division 3, of Title 17 of the Guam Code Annotated) and by BOR resolutions.

- B. Electioneering: As defined in these rules electioneering is the activity of trying to persuade people to vote for a particular candidate. Physical presence or loitering of a candidate or candidate representative is inclusive of electioneering. Physical presence for the specific purpose of voting is not inclusive of electioneering as long it occurs in a reasonable timeframe in which one arrives, votes, and departs a polling place without trying to persuade people to vote while in the process of voting.
- C. Voter: Full time or part-time students currently enrolled at UOG on the Election Days.
- D. Vote Tabulating Device: A vote tabulating device is a mechanical, electronic or electromechanical machine approved by the Student Election Committee to count ballots for the Student Regent election at UOG.
- E. Marking of Ballot: A mark or marking indicating the voter's choice on a ballot which shall include the punching or slotting or otherwise marking of a ballot. The shape of the place to mark the ballot (i.e.; square, circle, oval, etc) may vary as long as it is consistent for all candidates on the ballot.
- F. Polling place: UOG will be considered a single precinct with a single polling place. The following terms may be used to express the single voting site in this document: voting place, voting site, poll site, poll place, polling place, and polling site. Should there be any event in which a regular election cannot be held, such as, but not limited to, a natural or manmade disaster(s) or pandemic, a special election may be held by the current SGA officials to appoint new officials or have the general membership cast ballots through online polling sites.
- G. President: Unless otherwise specified, the President shall mean the UOG President.
- H. Election Committee (EC): The Committee, so designated in the UOG SGA Bylaws, is responsible for all general and special elections and any matters delegated to the Committee by the SGA Council, in accordance with the SGA Constitution.

SECTION 2

Voters

- A. Full-time and part-time students who are currently enrolled at UOG are eligible to vote in Student Regent Elections.
- B. Any dispute related to voting eligibility shall be directed to members of the EC for processing and consideration. EC members will consult the Registrar, who is the only university official who can determine a person's status as a student. Challenges made at the polling site on election day(s) shall be determined by the Registrar.

- C. Questions of candidate eligibility shall concern only: (a) a determination of full-time status; (b) whether candidate has completed one (1) year of study (at least thirty (30) credits); and/or (c) whether a student has maintained good academic standing as defined by the BOR. This can only be resolved by the Registrar's office. Any EC decision on eligibility requirements is subject to certification by the Registrar.

SECTION 3

Polling Place

- A. Designation of Polling Place. The EC shall, not less than ten (10) business days prior to the date set for any Student Regent election, designate, announce, and publish the location of the single polling site within the UOG campus where the ballots for the Student Regent elections shall be cast.
- B. Change of Designated Polling Place. If, for any valid reason, the polling place designated for any election cannot be used, the EC shall designate another polling place, post notice of the change at or near the place first designated, immediately inform the UOG Administration and the SGA, and conduct the election at the place substituted. This includes designation of online polling sites, if established.

SECTION 4

Election Days And Dates

- A. Student Elections for Student Regent. Provisions in Guam law and BOR resolutions are the controlling references for this section. Student elections for the Student Regent position shall be held on a date(s) set by the Chairperson of the BOR or by BOR resolution. Currently, the law and BOR resolution require a Student Regent election be held on the first Tuesday in March of each even numbered year. Effort will be made to change the law for Student Regent election to be held no later than the first Monday in May of each even numbered year.
- B. Postponement of Election. If for serious cause resulting from any serious public safety concerns (which include, but are not limited to natural or manmade disaster(s), fires, gas leaks, etc) it becomes reasonably impossible to hold any election duly scheduled at UOG, the President, with consultation of the SGA Council, may postpone any such election therein for such time as may be deemed necessary, but as soon as is reasonably possible. In such cases of a delay from any serious public safety concerns, a special election to appoint a new official or have the general membership cast ballots through online means may be authorized. Additionally, the current incumbent shall be automatically extended in their position as long as the student maintains the eligibility requirements to be a student regent.

SECTION 5

Candidates For Office

- A. Term of Office. The student regent shall serve a term of two (2) years as set forth in Guam law.
- B. Declaration of Candidacy. A student who wants to declare his/her candidacy shall file with the EC a declaration in writing setting forth his/her candidacy for Student Regent, stating that he/she is eligible for such office pursuant to 17 GCA §16104.6, and his/her contact information, including his/her official UOG student e-mail address (gotriton). Eligibility for a Student Regent:
 - a. Shall be a full-time student at UOG
 - b. Have completed one (1) year of study (at least thirty (30) credits)
 - c. Maintained good academic standing, defined as having a 2.5 cumulative grade point average, and not having been placed on academic probation, suspension, or dismissal
- C. Filing of Declarations of Candidacy and of Petitions. Not more than ninety (90) calendar days and no less than ten (10) calendar days before a regular student regent election, candidates for the student regent office shall file their declarations of candidacy and petitions with the EC which shall post on campus the names of all candidates. In accordance with 17 GCA §16104.6, "Any student member candidates must be nominated by a petition signed by one hundred (100) students attending the University of Guam."
- D. Distribution of Regulations. These regulations, upon approval, shall be distributed to each candidate by the EC upon declaration of candidacy and, if possible, be posted on the UOG website.

SECTION 6

Ballots

- A. Imitation or Use of Ballots Forbidden. No person shall make, use, keep or furnish to others any paper in imitation of official ballots.
- B. Method of Tabulating Ballots. The EC shall determine the appropriate method of casting ballots, method of tabulating ballots, and the appropriate vote tabulating device or manual tabulating method. This includes tabulations from online voting.
- C. Sample ballots will not be used.

- D. Order of Names on Ballot. The names of all nominees or candidates for a specific office shall be listed in a random manner. Each candidate shall be listed according to lot drawn by the EC. All drawings for ballot position shall be done publicly and persons appearing on the ballot shall be specifically invited to attend. The drawings for ballot placement shall be accomplished two business days after the identity of the persons to appear on the ballot is known to the EC. The names of the candidates shall appear in a vertical column in such order as is determined by lot.
- E. Space for Marking Ballot. Immediately adjacent to the name of each candidate shall be placed ovals or squares or other shapes of sufficient size for the placing of a mark therein. A clear and distinct mark within the oval or square adjacent to the name of any candidate shall be counted as a vote for that nominee. In the case of mechanical or electronic ballot forms, a mark in the square or oval that corresponds with a candidate's name according to the number on the information provided shall be counted as a vote for that nominee.
- F. Number for Ballots. The EC shall decide the number of total ballots to be printed and how many may be distributed each day. The EC shall ensure that the number of ballots printed are all accounted for at the conclusion of the election.
- G. Loss or Destruction of Ballots. In case of the prevention of an election by the loss or the destruction of the ballots, the EC shall order new ones to be copied and continue with the election.
- H. Instructions to Voters. At the top of the ballot or on the information provided to the voter, there shall be printed an instruction to the voters, as to the number of nominees to vote for, the marks to be used, including a sample of the marks and such other instructions the EC deems necessary and proper.
- I. Nicknames, Residence, etc. Any person who is a candidate for student regent may, at the time of filing his/her nominating petition, file with the EC a request that his/her name be further identified on the ballot by the addition of an identifying word or phrase, not derogatory or obscene (as determined by the EC), and not exceeding twenty (20) letters. The EC shall have the authority on its own motion and in its discretion to so identify names on the ballot in accordance with information available to the EC.
- J. Additional Ballots. In the event that additional ballots are required to accommodate voters, the following procedure will be used to supplement the ballot pool.
 - a. The EC members present must reach a consensus that additional ballots are or may be needed.
 - b. The EC members present shall announce this fact in public within hearing of the observers present.

- c. Additional ballots will be procured.
- d. The EC members present will amend the election record to reflect that additional ballots were required, specifying the number added.

SECTION 7

Election Campaigns and Campaign Offenses

- A. Candidates will refrain from making promises to supporters that involve direct financial benefits in return for their support.
- B. Allegations of improper campaigning must be reported to the EC as soon as the alleged action is known, to allow the EC to review the allegation and take appropriate action or provide corrective advice.

SECTION 8

Conduct of Elections

- A. Polling Place. The polling place shall be arranged so that neither the ballot boxes nor tables shall be hidden from the view of voters outside the guardrail, rope or other barricade.
- B. Destruction or Removal of Facilities. No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths or on the tables for the purpose of enabling the voter to prepare his/her ballot.
- C. Removal or Injury of Instruction Cards. No person shall, during an election, remove, tear down or deface the cards printed for the instruction of voters.
- D. Posting Instruction Cards. On the day of election the EC shall post at least one (1) instruction card in each booth or table provided for the preparation of the ballots, and not less than three (3) instruction cards at other places in and about the polling place within easy access to the voters. If needed, voters may ask for language assistance.
- E. Student Registry. Before opening the polls, the EC shall place in a convenient place, at or near the polling place and of easy access to the EC, not less than one (1) copy of the registry or roster of eligible students which shall be obtained from the Registrar by the EC. Due to Federal Regulations, specifically the Family Educational Rights and Privacy Act (FERPA), only EC members who are employees of UOG may certify eligibility of voters at the polling place using the registry provided by the Registrar. Students are identified by their UOG Student Identification (ID) card.

- F. Proclamation of Opening Polls. Before the polling place receives any ballots it shall proclaim aloud at the place of election that the polls are open.
- G. Time for Opening and Closing Polls. The polls shall be opened at 8 o'clock a.m., on the day(s) of an election and shall be kept open until 8 o'clock p.m., on the same day(s), after which time the polls shall be closed.
- H. Times for Voting. Voting may commence as soon as the polls are opened and may be continued during all the time the polls remain open.
- I. Solicitation of Votes at Polling Place Prohibited. Within one hundred feet (100') of a polling place, no person shall solicit a vote or speak to a voter on the subject of marking his/her ballot or on behalf of or against any candidate. The candidates for Student Regent shall only be in the voting area long enough to vote. Offices and facilities within the limits of the voting site will be available for use by the candidates for official business (not as a hangout area), but campaigning/electioneering or discussion of the election are not permitted during election day(s) in those offices and facilities.
- J. Electioneering at Polling Place Prohibited. No person shall do any electioneering on election day(s) within one hundred feet (100') of any entrance and/or exit of any polling place. At least three (3) days before an election, an EC designee will mark the 100' line. Candidates may attend the marking. EC members or designees will enforce this rule.
- K. Use of Barricade Before Booths. A guard-rail, rope or other barricade, shall be constructed and placed so that only those persons who are inside the barricade can approach within six feet (6') of the ballot boxes, booths, tables or other facilities for voting.
- L. Persons Permitted Within Barricade. Only voters engaged in receiving, preparing or depositing their ballots, and the EC members shall be the only ones permitted to be within the barricade after the opening and before the closing of the polls. Poll watchers may be required to observe from a convenient location outside of the barricade. All poll watchers must follow the solicitation and electioneering regulation.
- M. Exhibiting Ballot Box. Before receiving any ballots, the EC shall, in the presence of any voters assembled at the polling place, open and exhibit and close the ballot box. The ballot box shall be secured by two key locks, the key to one lock shall be held by the President or designee and the key to the second lock shall be held by an EC member. Thereafter, the ballot box shall not be removed from the polling place or the presence of the voters until after the polls are finally closed. However, if the election is conducted over two days, the ballot box shall be stored securely in the office of the Dean of Enrollment Management and Student Success (EMSS) or its successor, or any alternative secure location mutually agreed by the Dean of EMSS and the EC.

During such storage, a tape seal shall be placed over the slot in the ballot box and signed by the holders of the keys to the two locks.

- N. Roster and Tally List. The roster and tally list will be kept until the election is certified and all claims or disputes are settled.
- O. Presence of Election Officers. At least two (2) members of the EC shall be present at the polling place at any given time.
- P. Grounds for Challenge. A person who wishes to vote may be orally challenged by any voter upon one or all of the following grounds:
 - a. That he/she is not the person whose name appears on the register, based on the presentation of a UOG student ID card.
 - b. That he/she is not a registered student at UOG.
 - c. That he/she has already voted in the current election.
- Q. Record on Challenges. The EC shall keep a list, showing:
 - a. The names of all persons challenged.
 - b. The names of all challengers.
 - c. The grounds of each challenge.
 - d. The determination of the EC members present upon the challenge.
- R. ADA reasonable accommodation requests may be made to any EC member. Persons requiring reasonable accommodations may be assisted by other persons at the poll site.
- S. Reporting of Name and Signing Roster. Any person who wishes to vote shall report his/her name in full and show his/her UOG student ID card to the recording officer. One of the members of the EC shall then check with the roster of enrolled students and announce the name appearing therein, if any, whereupon a challenge may be interposed. If the voter goes unchallenged, or if challenged and the EC members present rule that the voter is qualified to vote, the voter shall then sign the roster.
- T. Fraudulent Voting. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, will be referred to the student discipline committee.

- U. Change of Name. In case the surname of anyone wishing to vote has been changed for any reason (such as marriage or divorce) since he/she has registered, he/she shall report his/her name as it is listed at the time of registration and also his/her name as it is at the time he/she votes. The EC shall thereupon make the necessary adjustment in the register, indicating the reason for the change therein, and report it to the Registrar.
- V. One Ballot to Each Voter. Only one (1) ballot shall be given each voter.
- W. Delivery of Ballot by Election Officer Only. No person, other than an EC member, shall give or deliver any ballot to any voter.
- X. Only one (1) Person in Booth. Booths shall not be occupied by more than one (1) person at a time. Voters shall not remain in or occupy a booth longer than is necessary to prepare their ballots, which shall not exceed five (5) minutes. This rule may be waived for person requiring reasonable accommodations.
- Y. Voting in Booth. On receiving his/her ballot, the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the places, booth or tables, provided to prepare his/her ballot:
 - a. Indicating Vote. In voting, the voter shall place the appropriate mark in the voting square or space adjacent to the name of any candidate for whom he/she intends to vote.
 - b. Identifying Marks Prohibited. A voter shall not place any mark upon his/her ballot by which it may be afterwards identified as the one voted by him/her.
 - c. Revealing Ballot Prohibited. After his/her ballot is marked a voter shall not show it to any person in such a way as to reveal its contents.
 - d. Delivery of Ballot. Having completed marking his/her ballot the voter shall then deposit the ballot in the ballot box under the cognizance of the member of the EC having charge of the ballot box.
 - e. Exit Polling: Any exit polling activities may not violate the 100' rule.
 - f. Absentee voting is not allowed.
 - g. Should the campus or polling sites be closed due to unforeseen circumstances, such as, but not limited to, a natural or manmade disaster or pandemic, and in person voting is not permitted, alternative means of electing officials or casting ballots are allowable. This includes, but not limited to, online voting. Should the election and swearing in dates be missed, the SGA council may make a resolution acknowledging the extenuating circumstances.

- h. The EC will be the lead to coordinate the creation of the online polling site; validate/verify the count to eliminate discrepancies; provide clearly outlined ballot instructions; and outline procedures for voiding ballots.

SECTION 9

Vote Tabulation & Declaration of Results

- A. Application of Section. Unless otherwise indicated, the provisions of this Section shall apply to Student Regent Elections.
- B. EC Members Present at Close of Polls. At least two (2) EC members shall be present at the closing of the polls.
- C. Opening Boxes and Counting Ballots. The ballot box shall not be opened, nor shall the ballots be counted until the box is moved to the designated election center.
- D. Ballots Exceeding Number on Roster. After conducting cross-checks, if the ballots in the box exceed in number the names on the roster, a notation will be made in the formal election record.
- E. Signing Roster. Only the EC members counting the ballots shall sign the roster, as to the number of ballots agreeing or made thus to agree with the number of names on the roster. The EC shall attest to the roster and shall set down in words and figures at the foot of the roster an attestation of the number of names on the roster. If a discrepancy exists, a notation will be made in the election file.
- F. Rejected Illegal Ballots. Two (2) EC members shall endorse upon all ballots rejected for illegality the cause of rejection and sign the endorsement.
- G. Delivery of Ballots to Election Center. The ballot box with the roster and all endorsements and rejected ballots shall be delivered to the election center for tabulation. Representatives of the individual candidates are authorized to accompany the ballots from the poll site to the election center. Representatives of the individual candidates (one (1) per candidate) are authorized to observe the ballot tabulation or ballot handling processes. All observers must remain behind the barrier. All ballot correction activities shall be done in full view of the observers. All observers must follow the directions of the EC while in the election center.
- H. Election Return Center. The EC may use the UOG Computer Center for the tabulation of votes and publication of returns.
- I. Vote Tabulating Device: Mode of Tallying. The EC may appoint such persons as may be necessary for the tabulation of ballots and/or for the operation of the vote tabulating

device and to keep watch on such tabulation for any possible illegal vote or any error or omission on the part of the persons tabulating the ballots or operating the vote tabulating device. EC members are the only persons authorized to handle ballots.

- J. Tabulating at the Poll Site. Ballots will be tabulated only at the election center.
- K. Imperfectly Marked Ballots Void. Any ballot which is not marked as provided by the rules shall be void; but the ballot shall be preserved. Two (2) or more markings in the voting square or a mark made partly within and partly without a voting square or space does not make a ballot void. If the EC members assigned to tabulating the ballots can reasonably determine the intent of the voter, the ballot is valid. Any determinations of intent shall be noted in the official election file.
- L. Defective Ballots. If a ballot is torn, bent, mutilated or otherwise defective so that it cannot be so tabulated by vote tabulating machine, the EC may cause a duplicate to be punched, slotted or otherwise marked in the presence of witnesses. Both the new ballot and the defective ballot shall be marked with a serial number and the new ballot shall bear the words "duplicate - serial number ____."
- M. Ballot Not Rejected for Technical Error. At any election, a ballot shall not be rejected for any technical error which does not render it impossible to determine the voter's choice, even though the ballot is somewhat soiled or defaced.
- N. Write-in Votes. There are no write-in votes allowed because of the specific nature of this election.
- O. Unauthorized Marks on Ballot. No mark upon a ballot which is unauthorized by this regulation invalidates a ballot, unless it appears that the mark was placed there by the voter for the purpose of identifying the ballot.
- P. Adding to Ballots in Box. Every person who changes any ballot after it has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulent introduction of a ballot into the ballot box either before or after the ballots have been counted shall be brought by the EC before the Student Discipline and Appeals Committee for action.
- Q. Adding Ballots during Count. Any person who adds to or mixes with or attempts to add to or mix with, the ballots lawfully polled, any other ballots with intent to change the result of an election will be brought by the EC before the Student Discipline and Appeals Committee for action.
- R. Taking or Destroying Ballots. Any person who carries away or destroys, or attempts to carry away or destroy, any poll list or ballot, or ballot box for the purpose of preventing, affecting the result of or invalidating any election, or willfully detains,

mutilates or destroys any election return, will be brought by the EC before the Student Discipline and Appeals Committee for action.

- S. Interference with EC or Voters. Any person who in any manner so interferes with the EC or any members thereof, holding any student election, or interferes with the voters lawfully exercising their right of voting at any student election, as to prevent or attempt to prevent the election or canvass from being fairly held and lawfully conducted, will be brought by the EC before the Student Discipline and Appeals Committee for action.
- T. Removing or Defacing Results Posted. Every person who removes or defaces any posted copy of the result of votes cast will be brought by the EC before the Student Discipline and Appeals Committee for action.
- U. Sealing Counted Ballots. As soon as the names marked on the ballots validly voted are tabulated, such ballots shall not thereafter be examined by any person, except upon a recount as provided in this Section, but shall, as soon as all of the votes are tabulated, be carefully sealed in a strong envelope with the election information thereon. At least two (2) members of the EC shall write their names across the seal. This information shall be kept in the official election file and maintained at the Office of the Dean of EMSS.
- V. Certification of Election. As soon as all the votes for a Student Regent election are counted, but within one day, and the ballots sealed, the EC shall report the results of the election to the Chairperson of the BOR via the Dean of EMSS, Senior Vice President and Provost for Academic and Student Affairs and the President. The report shall be signed by a majority of the EC members present at a meeting of the EC having a quorum present.
- W. Calculating Student Regent Vote Winner. The Student Regent candidate receiving the highest number of votes cast at an election of all students registered at UOG whether full-time or part-time will be declared the winner based on the following criteria:
 - a. At least ten percent (10%) of all registered students at UOG must vote in the election of the student member of the BOR.
 - b. In an election with no more than two (2) candidates, at least forty percent (40%) of the votes must be acquired by any one (1) candidate in order for the election to be declared valid.
 - c. In an election with three (3) or more candidates, a plurality, or the greater number, of all votes cast for any one candidate shall be used to determine the winner of the election.

- X. Delivery of Certification of Election. The EC shall cause to be posted in public near the polling place a copy of the certification of the election results.
- Y. Tabulation and Publication of Election Results. Immediately upon tabulation of each of the votes, the EC shall tabulate or cause to be tabulated the cumulative results and make these tentative, uncertified results known to the public:
- a. Returns Open to Public Inspection. Immediately upon completion of the tabulation by the EC of all the ballots, the election results shall be declared opened for public inspection.
 - b. Election Center Open until Tabulation Complete. The EC shall, on the day of the closing of the polling site, keep the election return center open for the tabulation of election results, until each and every ballot has been received and tabulated and the results thereof made public.
 - c. Correction or Completion. The EC will correct or complete its rosters, certificates or other forms or its authentications thereof, so that they show correctly any information required thereon.
 - d. Recount. If the tabulation of the EC indicates, in its opinion, a close vote, the EC shall conduct a recount of the votes. At the end of the recount all ballots shall be returned to the election envelopes resealed with at least two (2) members of the EC writing their name across the seal. The result of the recount shall immediately be made public as a recount.
 - e. Review of Ballots. The EC shall not review any ballots except as permitted on a recount.
 - f. Entry of results on record. Immediately upon the completion of the tabulation of all ballots, the EC shall enter on its record, and include in its report to the Chairperson of the BOR, a statement of the results, which will show:
 - i. The total number of votes cast in the election;
 - ii. The cumulative votes for the names of the persons voted for.
 - iii. The percentage of eligible voters who voted and the percentages of votes cast for each candidate.
 - iv. Disregard of Technical Errors. No declaration of the result may be withheld on account of any defect or informality if it can with reasonable certainty be ascertained who is elected to the office.

- v. Preservation of Ballots. The EC shall be responsible for the preservation of all the ballots cast and all rosters and certificates until the election is finalized and all disputes are resolved to the satisfaction of the EC.

SECTION 10

Election Contests

- A. Contestant and Defendant Defined. When used in this Section, contestant means any candidate named on the ballot initiating an election contest. Defendant means that person whose election or qualification is contested or those persons receiving an equal or larger number of votes, other than the contestant, when a candidate does not receive the percentage of votes required for the contested office.
- B. Causes for Contest. Any named candidate for Student Regent may contest the election held therein, for any of the following causes:
 - a. That the person who has been declared elected to an office was not, at the time of the election, eligible to that office. This will be determined by the Registrar.
 - b. That the EC or any member thereof was guilty of misconduct at the polling site.
 - c. That the defendant has given to any elector or official of the election, any bribe or reward or has offered any bribe or reward for the purpose of procuring his/her election or has committed any other offense against the elective franchise of students.
 - d. That illegal votes were cast.
 - e. That the EC in conducting the election or in counting the ballots, made errors sufficient to change the results of the election as to any person who has been declared elected.
- C. Irregularity or Misconduct Not Affecting Result. No irregularity or improper conduct in the proceedings of any official shall void an election result, unless such irregularity or misconduct resulted in a defendant being declared either elected or tied for election.
- D. Where Illegal Votes Not Necessary to Majority. An election shall not be set aside on account of illegal votes, unless it appears that such number of illegal votes has been given to the person whose right to the office is contested or who has been certified as having tied for first place, which, if taken from him/her, would reduce the number of his/her legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

- E. Complaint by Contestant. When a voter contests any election, he/she shall file with the EC a written complaint, setting forth specifically:
- a. The name of the contestant and that he/she is a named candidate, in which the contested election was held.
 - b. The name of the defendant.
 - c. The office.
 - d. The particular grounds of the contest.
- F. Allegation of Illegal Votes. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that illegal votes were given to the defendant, that, if taken from the contestant will reduce the number of the contestant's legal votes below the number of legal votes given to some other candidate for student regent. The EC shall cause to be delivered to the defendant, a copy of the complaint filed by the contestant.
- G. Technical Errors in Allegations Disregarded. A statement of the grounds of contest shall not be rejected, nor do the proceedings dismissed by the EC, for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular ground or cause for which the election is contested.

Procedure in Filing Statements of Contest

- A. Timeline for Filing Statements of Contest. The contestant shall write a statement of contest and shall file it within ten (10) business days after the declaration of the result of the Student Regent election.
- B. Special Session. Within seven (7) business days after the end of time allowed for filing statements of contest, the EC shall thereupon hold a special session to address the statement of contest.
- C. Citation to Defendant. The EC shall thereupon issue a citation for the defendant to appear at the time and place specified in the order, which citation shall be delivered and served upon the parties at least three (3) business days before the time so specified, either:
- a. Personally, or
 - b. Through their official UOG e-mail address (gotriton).
- D. Findings and Conclusions: Judgment. The EC shall continue a special session to hear and determine all issues arising in contested elections. After hearing the proofs and

allegations of the parties and within five (5) business days after the submission thereof the EC shall place in the election file its findings of fact and conclusions, and immediately thereafter shall announce judgment in the case, either confirming or annulling the portion of the election contested. The judgment shall be entered immediately thereafter in the election file.

- E. Final Appeals. Within five (5) business days following the Special Session decision, the contestant may file a final appeal with the UOG President. The President will make a final decision on the contest stating in writing the reasons and justifications.
- F. Determination of Tie. In the case of a tie for Student Regent, a runoff election will be held within ten (10) business days of the election.

Sanctions

The following sanctions for violation of the Student Regent Election Regulations are to be considered by the University Student Discipline and Appeals Committee:

- A. **Warning:** A notice in writing to the student that he/she is violating or has violated the election regulation, but that the violation did not result in a substantial disruption to the election process. Two (2) or more sanctions of warnings against a student may result in a loss of privileges with regards to participation in the current and/or future elections as a voter and/or candidate.
- B. **Loss of privileges:** A student may be sanctioned with a loss of privilege to participate in future elections, both as a voter and/or candidate for a specified number of election cycles. If the student violated the election regulation resulting in a substantial disruption to the election process and/or received two (2) or more sanctions of warnings, and that student is a current candidate, then removal as a candidate for that current election may be sanctioned. In such a case, the student candidate with the next highest vote will be declared the winner. If there is no candidate with the next highest vote, procedures of a vacancy of this position shall be followed in accordance with the UOG BOR Amended Bylaws, dated August 23, 2018. Any vacancy during the term of a Student Regent shall be filled for the remainder of the term by an election of a majority of the Student Government Associate of a student having the qualifications specified in the Articles of Incorporation and the UOG BOR Amended Bylaws.

SECTION 11

Election Process Evaluation and Review

- A. Within thirty (30) business days of certification of a Student Regent Election, the EC shall furnish the Chairperson of the BOR, via the Dean of EMSS, the Senior Vice President and Provost for Academic and Student Affairs and the President of the

University, a report summarizing the election process. Any recommendations for improving the Student Regent Election Regulation will be provided in this report. This report shall also be directed to the SGA Council.