S.B. 64-55

**The Student Senate
64th Session
Texas A&M University**

Introduced By: Senator Cody T. Vasut, Off Campus
Rules and Regulations Chair, Paul A. Boehm

Action Taken   PASSED
November 30, 2011

Certified By: _Tanner Wilson_
Tanner Wilson
Speaker of the Senate

Duly Approved: _Jeff Pickering_ '12   12-7-11
Jeff Pickering
Student Body President

The Student Body Referendum and Recall Petitions Act
Special Designation: Act of the Senate

"An act regulating student body referendum and recall petitions in line with the amended Constitution."

Whereas(1):   The Constitution has recently been amended vesting the issuance of petitions with the Chief Justice; and,

Whereas(2):   It is necessary to provide basic regulations governing the issuance of petitions, the certification of signatures, and rules for the distribution of petitions.

**Therefore
Let it be
Enacted(1):**   That this Act shall take effect February 20th, 2012; and,

**Therefore
Let it be
Enacted(2):**   That Title V Chapter 602 of the Student Government Association Code is created to read as follows:

CHAPTER 602 – STUDENT BODY REFERENDUM AND RECALL PETITIONS ACT
Created by S.B. 64-XX

ARTICLE I. EXECUTION OF THIS ACT

SECTION I.   Articles II-VI of this Act shall be faithfully executed by the Chief Justice of the Judicial Court.

SECTION II.   Article VII of this Act shall be faithfully executed by the Election Commissioner of the executive branch, or the Student Body President should no Election Commissioner be appointed, the position not exist, or the Election Commissioner is incapacitated.

ARTICLE II. LEGISLATIVE INTENT AND PURPOSE

SECTION I.   The Student Senate intends this Act to provide regulations governing student body referendum and recall petitions in line with the Constitution.

ARTICLE III. INITIATION OF PETITIONS

SECTION I.   Referendum Petitions

(a)   Referendum petitions shall be issued from the Student Government Association Office by the Chief Justice. The Chief Justice shall maintain the requisite forms necessary for students to request a referendum petition to be issued.

(b)   The Chief Justice shall issue a referendum petition upon determining that the following criteria have been met:

(1)   That the petitioner is a student at Texas A&M University;

(2)   That the referendum petition is in roughly the equivalent form as a Student Senate bill;

(3)   That the referendum petition contains the explicit clause(s) of the Student Government Association Code amended, indicating additions to the code with underlines and deletions from the code with bracketed strike-throughs, if the petitioner wishes to enact a codified statute or a constitutional amendment;

(4)   That the referendum petition contains a written policy to be executed by the Student Body President if the petitioner wishes to enact an uncodified statute;

(5)   That the petitioner is aware of the provisions of Article X Section I of the Constitution;

(6)   That the petitioner is aware of the contents of this Act;

(7)   That the petitioner is aware of any and all deadlines for returning the petition; and,

(8)   That the Student Body President, the Speaker of the Senate, and the Student Senate Rules and Regulations Chair have been informed of the final contents of the petition for at least seventy-two (72) hours before the petition is issued.

SECTION II.   Recall Petitions

(a)   Recall petitions shall be issued from the Student Government Association Office by the Chief Justice. The Chief Justice shall maintain the requisite forms necessary for students to request a recall petition to be issued.

(b)   The Chief Justice shall issue a recall petition upon determining that the following criteria have been met:

(1)   That the petitioner is a student at Texas A&M University;

(2)   That the petitioner has clearly identified which Student Senator he or she wishes to recall, including the Student Senator's academic or residency caucus;

(3)   That the petitioner is a member of the Student Senator's academic or residency caucus;

(4)   That the petitioner is aware of the provisions of Article X Section I of the Constitution;

(5)   That the petitioner is aware of the contents of this Act; and

(6)   That the petitioner is aware of any and all deadlines for returning the petition.

SECTION III.   All petitions must be issued between the hours of 8:00 AM and 5:00 PM Monday through Friday during the fall or spring academic semesters. No petition may be issued on any university holiday.

ARTICLE IV. DISTRIBUTION OF PETITIONS

SECTION I.   Referendum Petitions
- (a) The petitioner, or his or her agents, may physically distribute a referendum petition in any location.
  - (1) No referendum petition may be distributed in electronic form.
- (b) The petitioner, or his or her agents, must receive signatures in person from students, and only after informing the student signing the petition of the following:
  - (1) That the student is not required to sign the petition, and that any signature is completely voluntary;
  - (2) That the student may review the contents of the referendum petition in Senate Bill format before signing the petition;
  - (3) That the referendum petition was issued by the Chief Justice of the SGA Judicial Court;
  - (4) That the referendum will enact either a statute or a constitutional amendment for the Student Government Association only after a student body election is held on the petition at a later time; and,
  - (5) That the student has the right to sue in the Judicial Court for any violation of this Act by the petitioner or his or her agents.
- (c) A student signing the petition must provide:
  - (1) His or her name in readable print;
  - (2) His or her signature;
  - (3) The date his or her signature was made; and,
  - (4) The last four digits of his or her UIN.

SECTION II.   Recall Petitions
- (a) The petitioner, or his or her agents, may physically distribute a recall petition in any location.
  - (1) No recall petition may be distributed in electronic form.
- (b) The petitioner, or his or her agents, must receive signatures in person from students, and only after informing the student signing the petition of the following:
  - (1) That the student is not required to sign the petition, and that any signature is completely voluntary;
  - (2) That the student may review the contents of the recall petition before signing the petition;
  - (3) That the recall petition was issued by the Chief Justice of the SGA Judicial Court;
  - (4) That signing the recall petition does not automatically remove the Student Senator from office, but only upon the completion of a recall election on the petition at a later time; and,
  - (5) That the student has the right to sue in the Judicial Court for any violation of this Act by the petitioner or his or her agents.
- (c) A student signing the petition must provide:
  - (1) His or her name in readable print;
  - (2) His or her signature;
  - (3) The date his or her signature was made; and,
  - (4) The last four digits of his or her UIN.

ARTICLE V. SUBMISSION OF PETITIONS

SECTION I.   All referendum petitions and recall petitions must be returned to the Chief Justice in physical form at a location within the John J. Koldus building at Texas A&M University provided to the petitioner by the Chief Justice upon issuance of the petition. All referendum petitions and recall petitions are due fourteen (14) days after they are issued.

Senate Bill   S.B. 64-55 – **Page 4 of 6**   **Further Certified By:**

Tanner Wilson
Speaker of the Senate

ARTICLE VI. CERTIFICATION OF SIGNATURES

SECTION I.   All referendum petitions and recall petitions shall be certified by the Chief Justice within fourteen (14) days of their submission upon determining that the following has occurred:

(a)   Certified Signatures

    (1)   Only certified signatures may be counted when determining whether the minimum number of students have signed the petition.

    (2)   Only students who have provided the following information shall have their signatures counted as certified signatures:

        (i)   A signature;

        (ii)   A first and last name;

        (iii)   The last four digits of a UIN that matches the last four digits of the UIN for the first and last name provided; and,

        (iv)   A date by the signature that clearly indicates that the information was provided within the fourteen (14) day distribution time period for the petition.

(b)   Referendum Petitions

    (1)   In the case of referendum petitions enacting statutes, the Chief Justice determines that the petition contains at least five thousand (5,000) certified signatures.

    (2)   In the case of referendum petitions enacting constitutional amendments, the Chief Justice determines that the petition contains at least seven thousand five hundred (7,500) certified signatures.

(c)   Recall Petitions

    (1)   The Chief Justice shall calculate the number of students in the Student Senator's constituency based upon the twelfth (12th) class day enrollment figures for Texas A&M University College Station for the fall or spring academic semester, whichever is applicable.

    (2)   The Chief Justice shall multiply the number reached in Sub-Division (1) by 10% (.10). Should this calculation exceed 150, this calculation shall be used to determine the minimum number of certified signatures required; however, should this calculation be less than 150, 150 shall be used as the number of certified signatures required.

    (3)   The Chief Justice shall then determine that the petition contains at least the number of certified signatures called for by Sub-Division (2) above.

(d)   The Chief Justice may cease counting signatures and immediately certify a petition as complete upon determining that the number of certified signatures for a petition is at least 10% more than is required. In all other cases, however, the Chief Justice shall count all signatures before determining whether the petition is complete or incomplete.

(e)   All completed referendum petitions shall be delivered by the Chief Justice to the Election Commissioner in senate bill format within twenty-four (24) hours of their completion. All completed recall petitions shall be delivered by the Chief Justice to the Election Commissioner within twenty-four (24) hours of their completion. The completed referendum or recall petition shall be accompanied by a certified statement of the Chief Justice that the referendum or recall petition is complete.

ARTICLE VII. REFERENDUM AND RECALL ELECTION

SECTION I.   Referendum Petitions

(a)   All completed referendum petitions shall be placed on the ballot for the next general student body election, as provided for in the Election Regulations Act (Title V Chapter 601), by the Election Commissioner. The ballot shall contain either the referendum petition in its senate bill format, or

a link to the referendum petition in senate bill format.

(1) Should the referendum petition be deemed complete by the Chief Justice less than seven (7) days before the next general election, however, the Election Commissioner shall not place the completed referendum petition on the ballot until the next general student body election, as provided for in the Election Regulations Act (Title V Chapter 601) that is more than seven (7) days after the referendum petition is deemed complete by the Chief Justice.

(2) Should the Student Senate vote to call for a completed referendum petition to be voted on by the student body earlier than the next general student body election, pursuant to Article X of the Constitution, the Election Commissioner shall call a student body election on the completed referendum petition no sooner than seven (7) days after the Student Senate's affirmative vote, but no later than twenty-eight (28) days after the Student Senate's affirmative vote.

(b) All student body elections on completed referendum petitions shall be conducted in accordance with the Election Regulations Act (Title V Chapter 601).

(1) The Judicial Court shall hear any challenges to referendum results. The Court shall have the authority to overturn any referendum result if a student supporting the losing party can prove by clear and convincing evidence that the Election Regulations (Title V Chapter 601), or any other statute governing elections or referenda, were not followed substantially correctly by either the Election Commission or another party and that that transgression resulted in a material disadvantage for the plaintiff's side in the referendum.

(2) All such challenges, however, must be filed with the Judicial Court within forty-eight (48) hours.

(3) The Chief Justice shall certify all referendum results no sooner than forty-eight (48) hours after the referendum results, and no later than seventy-two (72) hours after the referendum results. The Chief Justice shall not certify any referendum result while a Judicial Court challenge is pending regarding the referendum result. This certification shall void any further challenge to referendum result.

(c) The Election Commissioner shall inform the Chief Justice of the Judicial Court, the Student Body President, and the Speaker of the Senate on the results of any election containing a completed referendum petition.

(d) Any referendum petition which passes a certified student body election shall be considered immediately amended into the Student Government Association Code as a matter of law. The petition shall then be physically amended into the Student Government Association Code by the Student Senate Rules and Regulations Chair according to the provisions of the Administrative General Act (Title I Chapter 001).

SECTION II. Recall Petitions

(a) All completed recall petitions shall be placed on the ballot for a special election of the Student Senator's constituency by the Election Commissioner. The ballot shall contain the name of the Student Senator subject to removal and a place for the students participating in the election to vote "yes" "no" or "abstain" on the question of whether the Student Senator should be removed from office. No other information about the Student Senator may be placed on the ballot.

(b) The special election of the Student Senator's constituency shall take place no sooner than seven (7) days after the recall petition is deemed complete by the Chief Justice and no later than twenty-eight (28) days after the recall petition is deemed complete by the Chief Justice.

(c) All special elections of Student Senator's constituencies on completed recall petitions shall be conducted in accordance with the Election Regulations Act (Title V Chapter 601).

(d) The Election Commissioner shall inform the Student Body President, the Chief Justice, the Speaker of the Senate, and the Speaker Pro Tempore on the results of any recall election. Should

the requisite number of students voting in the election vote to remove the Student Senator from office, the Student Senator shall be automatically removed from office and relieved from any and all privileges and rights pertaining to Student Senators.