



**Constitutional Amendment C-1-21  
The University of Alabama**

**Authors:** Councilor David Ware

**Sponsors:**

**Endorsements:** Olivia Davis, Speaker of the SGA Senate;

**AN AMENDMENT TO THE CONSTITUTION TO ENSURE ELECTION VIOLATION  
ADJUDICATION TRANSPARENCY**

*Be it enacted by the First Year Council of the Student Government Association assembled.*

Section 1. Findings:

1. As it currently stands, the Student Elections Board issues decisions following a hearing regarding elections and campaign violations, pursuant to Article VII, Section 1, Subsection D of the SGA Constitution.
2. The Student Elections Board has the discretion to “publicly disclose the findings of any hearings on the SGA website,” however is not required to do so, pursuant to the XVIII Violations section of the Spring 2021 Elections Manual.
3. As of March 4, 2021, after the conclusion of the 2021 spring SGA elections, there are no published decisions for the hearings of election and campaign violations, even though there were hearings regarding the conduct of candidates during the 2021 spring SGA elections.
4. The Auburn University SGA requires that their Elections Board “shall make the alleged violation, as well as the ruling, available in writing in the SGA office as well as on the

SGA website within an hour after the violation has been ruled upon in an Elections Board hearing” pursuant to Chapter 1011.5 of the Auburn University SGA Code of Laws.

5. The University of Georgia SGA requires that their Elections Board ensure that “Hearing proceedings shall be open to the public,” and furthermore that “All decisions by the Elections Committee must be clearly reasoned and explained using citations from this Code, and/or any other governing documents of the Student Government Association,” pursuant to Chapter 712.3, Sections c and d, of the University of Georgia SGA Elections Code. It is additionally required that “The Attorney General shall write the decision of the Elections Committee and shall deliver it to the complainant(s) and defendant(s) of the hearing and to the public as soon as possible after the conclusion of said hearing,” pursuant to Chapter 712.9 of the University of Georgia SGA Elections Code.
6. In order to ensure transparency with the public, the SGA constituency, SGA officials, and the candidates pursuing office themselves, the Student Elections Board should publish all alleged election and campaign violations, as well as their respective rulings and decisions on the SGA website, specifically on the “Election Violations” page.

Section 2. Amendment to the Constitution: **changes in red**

## ARTICLE VIII - ELECTIONS

### **Section 1: Student Elections Board.**

D. Jurisdiction. The Student Elections Board shall regulate SGA elections and campaigns. All rules and regulations of the Student Elections Board shall reside in the Elections Manual, which shall be pursuant to only this Constitution. The Student Elections Board shall hear elections and campaign violation cases and issue decisions.

1. The Student Elections Board shall issue decisions in accordance with this Constitution and any rules and regulations created by the Student Elections Board that reside in the Student Elections Board manual.
  - a. Panels of six (6) members and the Chair will preside over elections violations hearings and decisions.
  - b. Should a member of the Student Elections Board have a conflict of interest with the candidate responsible for a violation, i.e. be members of the same organization, etc., that member must recuse themselves from hearings.
    - i. Should the Chair of the Student Elections Board need to recuse themselves from a hearing, the Assistant Chair will preside over the hearing.

c. The Student Elections Board shall publish all alleged election and campaign violations, as well as their respective decisions, on the SGA website following their Student Elections Board hearing.

i. Both the alleged violation and the decision of the Student Elections Board shall be published on the Election Violations page of the SGA website within twenty four hours after the violation has been ruled upon.

ii. The published decision shall include the ruling issued to the candidate, the justification for said ruling citing the specific rules and regulations of the Student Elections Board Elections Manual, as well as the evidence provided for the hearing.

iii. Upon publication of the alleged violation, all contact information of the complainant shall be redacted including but not limited to, phone number and email address, to prevent harassment of the complainant.

iv. Upon publication of the alleged violation, at the request of the complainant, all personal identifiable information shall be redacted including the name of the complainant and any information that could directly implicate the complainant, to prevent harassment.

2. The Elections Manual is to be revised once per term and must be completed one month prior to the date of the spring election.
3. The Senate, the Executive Council, or both student bodies have the power to review the rules and regulations of the Student Elections Board and may request any opinion from the Attorney General on the constitutionality of those rules and regulations.
4. Rulings and regulations of the Student Elections Board may be appealed to the SGA Judicial Board by any students at the University of Alabama. If the Judicial Board finds rulings and regulations of the Student Elections Board not in accordance with provisions of this Constitution or the Elections Manual, then the Judicial Board shall declare such rulings or regulations unconstitutional.
5. A ruling or regulation of the Student Elections Board that has been ruled unconstitutional by the Judicial Board shall declare such rulings or regulations unconstitutional.
6. The Student Elections Board shall forward hearings of elections and campaign violations that have issues pertaining to the Code of Student Conduct at The University of Alabama to the Office of Student Conduct.

**Section 3. Copies:**

Copies of this Constitutional Amendment shall be sent to: Demarcus Joiner, SGA President; The Crimson White; and any others that be deemed necessary at a later date.