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A Bill -

A bill to be entitled "Nomination Review Clarification Act" which makes various updates to the process involving filling Senate vacancies and reviewing Presidential nominations.

1 **WHEREAS:** The Senate strives to provide robust oversight of the
2 Cabinet including vetting candidates for office; and

3 **WHEREAS:** Presidential nominees that are submitted to the Senate
4 do not currently undergo external review prior to
5 their confirmation in the Senate; and

6 **WHEREAS:** When a Senate vacancy occurs the process for reviewing
7 nominees and forwarding nominees to the Senate is not
8 clear or transparent; and

9 **WHEREAS:** The Student Government Constitution Article III,
10 Section 10(f)(g), and (j) empowers the Senate to "(f)
11 Establish rules for ...operations and business of the
12 Student Government, (g) Ensure a way to fill vacant
13 Senate seats, (j) To legislate all statutes which must
14 be necessary and proper for execution of all powers
15 granted to all components of Student Government as
16 prescribed in this constitution."; NOW, THEREFORE:

17 **BE IT ENACTED:** That Title 5, Chapter 100, Article II, Section 2
18 is amended by striking paragraph f: "Review and
19 approve replacement Senators as forwarded by the
20 Senate Committee on Selections and Appointments
21 and decide which of the names is forwarded to the
22 Senate for confirmation."

23 **BE IT ENACTED:** That Title 5, Chapter 101 be amended by striking
24 the chapter; and

25 **BE IT ENACTED:** That the Student Government Code be amended by
26 striking out every instance of Select Committee
27 on Nominations and Selections and any variations
28 therein and replace it with Committee on
29 Nominations and Appointments; and

30 **BE IT ENACTED:** That Title 6 be amended by insert a new Chapter
31 400 with the following:

32 **CHAPTER 400 - NOMINATION AND CANDIDATE REVIEW PROCESS**

33 **ARTICLE I. ADMINISTRATIVE**

34 §1 **AUTHORIZATION.** This chapter and all its regulations are authorized pursuant to Article
35 III, Section 9(e) and Section 10(f)(g), and (j) of the Student Government Constitution.

36 §2 **PURPOSE.** The purpose of this chapter is to ensure that positions of Student Government
37 are made available to the student body and that qualified nominees are given equal
38 opportunity to apply for a position, that they are substantially vetted, and information related
39 to committee inquiry is available to the Senate.

40 §3 **APPLICATION PREFERENCES.** The President is to report to the Nominations and
41 Appointments Committee their preferred application requirements, questions, and
42 qualifications for Cabinet and judicial positions.

43 §4 **DATE TO COMPLY.** Applications for positions must be made public during the first week
44 after spring elections have concluded and may close within ten (10) business days. The
45 President or Nominations and Appointments Committee may reopen the application for a
46 period of their discretion if a vacancy occurs, a position is not filled or if the original
47 nominees are not satisfactory.

48 **ARTICLE II. APPLICALION FOR OFFICE**

49 §1 **BASIC REQUIREMENTS** Each application pursuant to this chapter must be required to
50 contain basic information to be provided by the applicant to the President and reviewable by
51 the Nominations and Appointments Committee or Senate. Review responsibility must be

52 vested in the Nominations and Appointments Committee. This application must include the
53 following items for completion by the applicant:

- 54 (a) Name
- 55 (b) Date
- 56 (c) Student ID
- 57 (d) Texas State Email

58 §2 **POSITION SPECIFIC REQUIREMENTS.** Depending on the position additional
59 information regarding qualification of ability may be required including:

- 60 (a) A resume or Vita.
- 61 (b) Cover Letter.

62 **ARTICLE III. NOMINATIONS AND APPOINTMENTS COMMITTEE**

63 §1 **PURPOSE.** The purpose of the Nominations and Appointments Committee is to investigate
64 to discover if nominees to fill vacant Senate seats as well as cabinet level and judicial
65 nominees meet a high standard of capability, have all the desired qualifications, and are not
66 improperly entangled in any activities which may result in a loss of public trust in nominated
67 and properly confirmed officials. Resolutions for the nomination of any such position must
68 first be reviewed by the committee and can only be advanced to the full Senate upon passing
69 by a majority vote of the committee.

70 §2 **POWERS.** The committee must review the nomination of any person proposed to fill a
71 Senate vacancy, cabinet position, or judicial position. The committee must exercise such
72 powers that allow it to fulfill its purpose including:

- 73 (a) Establish a standardized questionnaire or disclosure forms for all positions under its
74 jurisdiction to review.
- 75 (b) Request and require a nominee to produce written statements of qualification, deliver
76 an updated resume, answer question in writing, in person or by tele-conference,
77 produce documentation relevant to the interview process, and appear in person to
78 answer questions as it deems appropriate.
- 79 (c) Require the President to present any relevant information they may have in their
80 possession about the nominee and may require them to report on the nominee's
81 qualifications.

82 §3 **CHAIR.** The Senate Pro-Tempore must serve as chair of the committee.

83 §4 **MEMBERSHIP.** The committee will be made up of seven (7) Senators including the Pro-
84 Tempore. The Pro-Tempore is always a member of the committee, the other six (6) Senators
85 are nominated by the Vice President and confirmed by the Senate. Nominees for the
86 committee are exempt from the review process as outlined in this Article.

87 **ARTICLE IV. NOMINATIONS AND APPLICATIONS**

88 §1 **SENATE APPLICATION.** The committee will establish the application for Senator each
89 year, collect and process the applications as deemed appropriate, and select those nominees
90 they deem qualified to fill vacancies in the Senate. The Pro-Tempore will issue a Resolution
91 for Confirmation for each qualified applicant accepted by the committee and forward it to the
92 Vice President for consideration at the next meeting.

93 §2 **PRESIDENTIAL NOMINATION.** The President will select from the nominees to cabinet
94 and judicial position to forward to the Nominations and Appointments Committee. For all
95 cabinet and judicial nominations, the President must submit a nomination in writing to the
96 Senate. The nomination is read on the Senate floor and the nominee will be referred to the
97 Nominations and Appointments Committee for consideration.

98 **ARTICLE V. INTERVIEW, REPORTING, AND CONFIRMATION PROCEDURE**

99 §1 **NOMINEE CONSIDERATION AND INTERVIEW.** For Presidential nominations once
100 written notification by the President has been received the committee may take the steps
101 within its power to assess the qualifications and acceptability of the nominee and must report
102 its final disposition on the nominee to the Senate within seven (7) days. For Senate vacancies
103 the committee will review the applicant and report its final disposition on the application to
104 the Senate within seven (7) days. All positions subject to review under this chapter must
105 appear before the committee and answer questions if asked to do so either in person or via
106 teleconference. The dates, times, and locations of such interviews must be posted 24 hours in
107 advance on the Student Government website. The interviews will be open to the public but
108 only the committee and the nominee may participate in the interview.

109 §2 **OPEN RECORDS.** Any student may request records in connection with the transaction of
110 official business of the committee if the information is created by, transmitted to, received
111 by, or maintained by a member of the committee in their official capacity, or a person or
112 entity performing official business or function on behalf of the committee, and pertains to
113 official business of the committee, except those protected as privileged by federal and state
114 law or university policy, by addressing in writing via Texas State University email such

115 request for information to the Senate Pro-Tempore. The Pro-Tempore is required to respond
116 with information they deem relevant and applicable under the standards herein to the
117 requestor within five (5) business days.

118 §3 **TRANSCRIPTION OF PROCEEDINGS.** All proceedings of the committee must be
119 recorded with an audio or audio/visual recorder or written transcript. Anything recorded
120 during the hearing will be stored in an archive for 2 years.

121 §4 **RULE FOR RECUSAL.** Any member of the committee must recuse themselves from
122 participation in a hearing when by virtue of their relationship or association with a nominee
123 they are unable to decide the case impartially.

124 (a) A motion for recusal of a specific member may be made by a member of the
125 committee during a hearing and upon majority vote affirming therein will require the
126 committee member to recuse themselves from the hearing.

127 §5 **MEETINGS.** All meetings of the Nominations and Appointment Committee will be open to
128 the public, though only the Senators may participate in the discussion, questions, deliberation
129 and voting. The dates, times, and locations of the meeting will be set by the Pro-Tempore,
130 so long as three (3) days' notice is given to the committee members. All means necessary
131 should be taken by the Pro-Tempore to ensure the meeting occurs in the Student Center or
132 other on campus location. In addition, notice as to the meeting date, time, and location must
133 be posted on the Student Government website 24 hours before it occurs.

134 §6 **COMMITTEE REPORTING.** Upon a majority vote of the committee the Senate Pro-
135 Tempore must report to the Senate in writing the disposition of the nominee. The committee
136 may report to the Senate favorably, unfavorably, or without recommendation in accordance
137 with the following:

138 (a) Reporting a candidate's disposition favorably means that a majority of the committee
139 agrees with the nomination. In this case, the Senate Pro-Tempore and at least one
140 member of the committee they select will serve as author and lead sponsor on a
141 Resolution for Confirmation and submit it within the 7-day period to the Vice
142 President for placement on the next Senate agenda. Other members of the committee
143 may also choose to serve as sponsor. If the Senate Pro-Tempore objects to the
144 nominee, they must delegate resolution authorship to someone on the committee who
145 is in the majority.

- 146 (b) Reporting a candidate’s disposition without a recommendation may mean the
147 committee is tied on advancing the nominee to the full Senate or unsure of the
148 nominee’s qualification. Reporting without recommendation will advance the
149 nomination to the full Senate. When reporting without a recommendation at least two
150 Senators from the committee, one as author and the other as lead sponsor, must
151 submit a Resolution of Confirmation for the nominee within the 7-day period to the
152 Vice President for placement on the next Senate agenda.
- 153 (c) Reporting a candidate disposition unfavorably means that the committee does not
154 consider the candidate qualified, has found conflicts of interest, unacceptable
155 entanglements or other activities which may damage the legitimacy of their office or
156 in the event a nominee misses an interview. A nominee that is reported unfavorably
157 will not advance for a full vote in the Senate, unless the Senate passes “A Motion to
158 Discharge from the Committee on Nominations and Appointments the Consideration
159 of the Nomination to [Position Title]”. This motion must be made immediately after
160 the Senate Pro-Tempore reports the disposition to be valid. If this motion passes, any
161 Senator wishing to do so may author a Resolution of Confirmation.
- 162 (d) Regardless of the committees reported disposition the Senate Pro-Tempore has a
163 responsibility to speak before the Senate begins debate and discussion on the
164 Resolution of Confirmation to provide relevant and timely information about the
165 nominee and the committee’s findings.
- 166 (e) A Resolution of Confirmation may only bypass committee review if the committee
167 has previously evaluated the nominee, reports unfavorably, and a “motion to
168 discharge” is passed in the Senate.

169 §7 **CONFIRMATION BY THE SENATE.** A Resolution for Confirmation that has been
170 reported to the Senate favorably may be read and voted on in the same meeting, bypassing
171 the standard “two meeting-two reading” rule. A Resolution for Confirmation that has been
172 issued without a recommendation or has been caused to be on the agenda by a motion to
173 discharge from the committee must follow standard rules whereby two readings in sperate
174 meetings are required prior to a vote. When the committee reports without recommendation
175 or unfavorably considering the resolution under emergency status rules is prohibited.

176 §8 **INSTALLATION.** Upon passage of a Resolution of Confirmation the nominee will be
177 installed into their duly nominated and confirmed office. Approved Senate nominees will be

178 installed through a reading of the oath of office administered by the Vice President at the
179 same meeting for which they were confirmed. Approved judicial and cabinet nominees will
180 be installed through a reading of the oath of office administered by the President at the same
181 meeting for which they were confirmed.

182 §9 **REJECTED NOMINEES.** Rejected nominees may not be re-nominated in the same session
183 and will not be permitted serve in recess appointments.