

# **Code of Student Government Elections**

## **ARTICLE I – Scope and General Policies of this Code**

### **Section 1 – Scope**

- 1.1 Student Government Elections shall be conducted according to the procedures and guidelines set forth in this Code as well as the Student Government Constitution and Bylaws.

### **Section 2 – General Policies**

- 2.1 This Code shall be reviewed by the Elections Coordinator(s) and Student Government Advisor before and after each election. All proposed changes shall be approved by the Student Senate as outlined in the Student Government Bylaws.
- 2.2 Ignorance of this Code shall not be an acceptable defense in response to any offense committed in any election under this Code, either by the candidates or their campaign personnel.
- 2.3 Each election under this Code shall be considered a single and separate application of this Code. Precedent, while useful as a guideline, shall be non-binding for actions.
- 2.4 Final discretion regarding any discrepancies in this Code shall be left up to the Elections Coordinator(s) and Student Government Advisor.

## **ARTICLE II – Definitions and Terminology**

### **Section 1 – Definitions and Terminology**

- 1.1 “Campaign Personnel” refers to any person who contributes time, effort, or services for the purpose of supporting or furthering a candidacy, where that candidate or ticket has personal knowledge of and explicitly accepts the time, effort, and services rendered.
- 1.2 “Campaign Materials” refers to all materials and literature concerning any candidate or ticket. Campaign materials shall include, but not be limited to signs, handbills, buttons, email, electronic media, social media, food, and other advertisements.
- 1.3 “Student Government Function” refers to any event which receives all or part of its funding from Student Government for the specific event and could be viewed by a reasonable person as connected to Student Government.
  - 1.3.1 Any official Election Forum, as defined by the Elections Coordinator(s), shall be exempt from this definition.

## **ARTICLE III – The Elections Coordinator(s)**

### **Section 1 – Authority and Responsibilities of the Elections Coordinator(s)**

- 1.1 The Elections Coordinator(s) shall interpret, execute, and enforce all election rules provided in the Student Government Constitution, Bylaws and this Code in a manner consistent with University policy.
- 1.2 The Elections Coordinator(s) shall ensure equal opportunity and treatment of all candidates.
- 1.3 All activities and decisions of the Elections Coordinator(s) shall be free of bias.
- 1.4 The Elections Coordinator(s) is responsible for the following:

- 1.4.1 Preparing Election Packets in accordance with this Code Article V.
- 1.4.2 Effectively advertising elections and voting.
- 1.4.3 Conducting and preparing for the Election Forums.
- 1.4.4 Tabulating votes at the close of polling for the election.

## **ARTICLE IV – Candidate Policies and Awareness Efforts**

### **Section 1 – Candidate Policies**

- 1.1 Candidates are responsible for actions that they or their campaign personnel take that violate the Student Government Constitution, Bylaws, or this Code.
- 1.2 There shall be no campaigning or campaign material displayed in the Student Government/Student Involvement Office, or at any Student Government function.

### **Section 2 – Student Government Website**

- 2.1 The Student Government website shall include:
  - 2.1.1 A copy of the current Code of Student Government Elections.
  - 2.1.2 All forms needed by applicants for positions, including all contents of the elections packet.
  - 2.1.3 The due date of applications.
  - 2.1.4 The date of elections.
  - 2.1.5 The date(s) of official Election Forums.
  - 2.1.6 Details on where and how people can vote.
  - 2.1.7 The name and contact information for the Elections Coordinator and Student Government Advisor

### **Section 4 – Election Forums**

- 4.1 There shall be at least one (1) Election Forum for the executive candidates and one (1) for senatorial candidates. The Elections Coordinator(s) may choose to combine the forums into one event. Formats and moderators for the Election Forum(s) shall be approved by the Election Coordinator(s) and Student Government Advisor. At least one (1) Election Forum shall include an opportunity for audience questions.

## **ARTICLE V – Election Packets**

### **Section 1 – General Items**

- 1.1 Election Packets shall be compiled and approved by the Elections Coordinator(s) within two weeks of the Code of Student Government Elections being approved by Student Senate.
- 1.2 Election Packets shall be available for pick-up and posted on the Student Government website no later than six (6) weeks before the election. The Elections Coordinator(s) shall have the discretion to set the starting and ending deadlines of the Election Packets and shall also designate a person(s) with proper authority to receive Election Packets.
- 1.3 After the Election Packet deadline, the Elections Coordinator(s) shall review the Election Packets to determine the completeness and accuracy.

- 1.4 Incomplete or unacceptable packets will or will not be accepted at the discretion of the Elections Coordinator(s). The decision of the Elections Coordinator(s) may be appealed to the Judicial Committee of Student Senate.

## **Section 2 – Election Packet Composition**

- 2.1 Election Packets shall consist of the following items:

- 2.1.1 Election Cover Letter
- 2.1.2 Candidate Statement/Waiver
- 2.1.3 Student Records Release Form
- 2.1.4 Campaign Financial Disclosure Statement
- 2.1.5 Campaign Personnel Form
- 2.1.6 Code of Student Government Elections
- 2.1.7 Residence Halls Campaigning Policy

- 2.2 The following shall be retained by the candidate(s):

- 2.2.1 Election Cover Letter
- 2.2.2 Code of Student Government Elections
- 2.2.3 Residence Halls Campaigning Policy

- 2.3 The following shall be turned into the Student Government/Student Involvement Office:

- 2.3.1 Candidate Statement/Waiver
- 2.3.2 Student Records Release Form
- 2.3.3 Campaign Financial Disclosure Statement(s)
- 2.3.4 Campaign Personnel Form

## **ARTICLE VI – Campaign Spending and Reporting Policies**

### **Section 1 – Campaign Spending Limits**

- 1.1 A ticket for president and vice president shall not spend more than five hundred dollars (\$500) from any one individual, including the candidates' themselves and no more than three thousand dollars (\$3,000) total per election, regardless of the source.
- 1.2 A senatorial candidate shall not spend more than one hundred dollars (\$100) total per election, regardless of the source.

### **Section 2 – Campaign Financial Disclosure Statement(s) (CFDS)**

- 2.1 Each ticket for president and vice president and each senatorial candidate shall keep accurate records of all campaign contributions and expenditures and submit them on the Campaign Financial Disclosure Statement (SFDS).
- 2.2 A CFDS shall contain:

- 2.2.1 An itemized list of contributions to a candidate or ticket by individuals or organizations including identifying information (name, item, etc.) and amounts of each contribution.
- 2.2.2 An itemized list of expenses incurred by the candidate or ticket for all campaign materials distributed by and/or paid for by the candidate/ticket or a contributor.
- 2.2.3 Receipts must be submitted for all campaign expenditures in excess of five dollars (\$5).
- 2.2.4 Documentation must be submitted for contributions and expenditures of non-monetary assets or in-kind efforts.
- 2.3 The Elections Coordinator(s) shall have final discretion over values assigned to items per fair market value.
- 2.4 A candidate/ticket shall fill out a CFDS whether or not any monies were spent or contributed to a candidate or ticket.
- 2.5 CFDS forms and accompanying documents shall be turned into the Student Government-Student Involvement Office by noon (12:00 p.m.) the day following the election.
- 2.6 CFDS forms (with personal information redacted) shall be open for public inspection after being received by the Elections Coordinator(s).
- 2.7 The Elections Coordinator(s) shall review and approve all CFDS forms received.
  - 2.7.1 CFDS appeals must be received by noon (12:00 p.m.) one (1) academic day after the CFDS filing deadline.
  - 2.7.2 CFDS appeals shall be resolved within seven (7) academic days after the election.
- 2.8 If a CFDS is not received by the time stated in this section, the candidate/ticket will have one (1) academic day, after notification, to resubmit a CFDS. Failure to do so will result in disqualification.

### **Section 3 – Write-in Candidate Filing Procedures**

- 3.1 Write in candidates must submit a CFDS and a Student Government records release form to the Student Government-Student Involvement office or a location designated by the Elections Coordinator within three academic days of notification of election or they will be disqualified.

## **ARTICLE VII – Election Complaints**

### **Section 1 – Complaint Process**

- 1.1 A complaint shall be submitted in writing to the Student Government-Student Involvement Office within two (2) academic days of the day of the occurrence and shall be submitted using the Election Complaint Form.
- 1.2 The Elections Coordinator(s) shall inform the candidate or ticket that a complaint has been filed against them. The Elections Coordinator shall provide a copy of the complaint to the accused.
- 1.3 The Student Government Judicial Branch shall be responsible for hearing complaints.
  - 1.3.1 The Judicial Branch shall not meet to discuss the complaint until the accused has had twenty-four (24) hours to review the complaint.

- 1.3.2 Written responses by the accused student are not required but will be reviewed by the Judicial Branch.
- 2.4 The complainant and the accused student shall have an opportunity to present an oral presentation to the Judicial Branch.
  - 2.4.1 The Judicial Branch is not responsible for investigating the complaint.
  - 2.4.2 The complainant and accused student are responsible for providing the Judicial Branch with any evidence regarding the complaint.
  - 2.4.3 Members of the Judicial Branch shall remove themselves from any hearings involving subject matters or individuals with which they have a conflict of interest.
  - 2.4.4 If a party involved in a hearing believes that a member of the Judicial Branch has a conflict of interest in that hearing and has not removed themselves from the proceedings and if that party can provide sufficient evidence, that party may request that the Judicial Branch remove the individual from the proceeding in order to ensure the integrity of the process. Such request must be made at the beginning of the hearing and upon receiving such request, the Judicial Branch shall discuss and vote on the temporary removal of the Judicial Branch member for the duration of the hearing. The Judicial Branch member in question shall be asked not to take part in this vote which shall require a 2/3 majority in order to pass.
- 2.5 The Judicial Branch shall discuss the complaint and render a decision and if appropriate, a sanction.
  - 2.5.1 The standard of proof is Preponderance of the Evidence.
- 2.6 The Judicial Branch shall notify all parties involved of the decision within 24 hours.
- 2.7 The Judicial Branch's decision is final and may not be appealed.

## **ARTICLE VIII – Sanctions and Penalties**

### **Section 1 – Sanctions**

- 1.1 Minor offenses may include, but are not limited to, the following:
  - 1.1.1 Failing to comply with the campaign policies in this Code.
  - 1.1.2 Being found responsible for a third and any subsequent minor offense during the election shall be considered a major offense.
- 1.2 Major offenses may include, but are not limited to, the following:
  - 1.2.1 Failing to comply with the CFDS policy.
    - 1.2.1.1 Offenses for Executive tickets shall be violation of spending limits within three thousand and one dollars (\$3,001) and three thousand three hundred dollars (\$3,300).
    - 1.2.1.2 Senatorial offenses shall be violations of spending limits within one hundred one dollars (\$101) and one hundred fifty dollars (\$150).
  - 1.2.2 Making a libelous or slanderous statement regarding another candidate, the Elections Coordinator(s) or the Judicial Branch.

- 1.2.3 Failing to comply with the decisions of either the Elections Coordinator(s) or the Judicial Branch within a reasonable time.
- 1.2.4 Being found responsible for a third serious offense during this election shall be considered an egregious offense.
- 1.3 Egregious offenses may include, but are not limited to, the following:
  - 1.3.1 Failing to comply with the CFDS policy.
    - 1.3.1.1 Executive ticket offenses shall be violations of spending limits greater than or equal to three thousand three hundred one dollars (\$3,301).
    - 1.3.1.2 Senatorial offenses shall be violations of spending limits greater than or equal to one hundred fifty-one dollars (\$151).
  - 1.3.2 Falsification of CFDS.
  - 1.3.3 Attempting to mislead or obstruct the Elections Coordinator or Judicial Branch in the performance of their duties.
  - 1.3.4 Tampering with election equipment/paraphernalia.
  - 1.3.5 Attempting to influence the outcome of the election by means of harassment, intimidation, bribery, or fraud.
  - 1.3.6 Removal of another candidate's campaign material.

**Section 2 – Penalties**

- 2.1 Each minor offense may be punishable by restitution and/or any other non-monetary penalty deemed appropriate.
- 2.2 Each major offense may be punishable by a fine of no less than fifty dollars (\$50) and no more than one hundred dollars (\$100), restitution, and/or any non-monetary penalty deemed appropriate.
- 2.3 Each egregious offense may be punishable by a fine of no less than one hundred dollars (\$100), restitution, and/or any non-monetary penalty deemed appropriate including possible candidate or ticket disqualification.
  - 2.3.1 Disqualification is only an acceptable penalty when the candidate is directly responsible for the offense.
- 2.4 The Judicial Branch may refer the accused student(s) to appropriate University departments for further disciplinary action.
- 2.5 In assessing penalties, the Judicial Branch shall consider any circumstances that tend to aggravate or mitigate the severity of the offense, including any voluntary disclosures or cooperation provided when investigating the offense.
- 2.6 All candidates shall be responsible for the timely payment of their fines. Fines shall be considered outstanding if they are not paid within two (2) weeks of notification. Candidates or tickets do not have to include any fines on CFDS.
- 2.7 When paid, fines will be deposited into the Student Government General account.

## **ARTICLE IX – Voting and Ballots**

### **Section 1 – Voter Identification**

- 1.1 Policies stated in this section shall apply to all voters.
- 1.2 All students enrolled at the University are eligible to vote. If a student’s online voting is not working that student may contact the Student Government-Student Involvement Office (701.777.4200) for voting help and a paper ballot.
- 1.3 For online voting, a student shall login to a website established for the election.
- 1.4 For paper ballot voting, a student shall present their student identification.
- 1.5 All students shall vote according to their current academic and residential district.
  - 1.5.1 Persons who wish to vote in a residential district in which they will be living during the upcoming term of office, may sign an online or paper affidavit as to their future residential district.
  - 1.5.2 Students shall be confirmed as to their major academic affiliation based on enrollment information from the Registrar at the beginning of the spring semester. If a discrepancy is encountered the student shall be required to sign an online or paper affidavit as to their academic affiliation.

### **Section 2 – Online Ballot**

- 2.1 Online polling shall be open from 8:30 a.m. until 5:30 p.m. on election day.

### **Section 3 – Online Ballot Voting Policies**

- 3.1 An online voting website shall be set up for the election. Only the provider and Student Government Advisor and/or their designee shall have total administrative access to the program for the duration of the election day.
- 3.2 The candidates’ names shall randomly rotate in a manner in which each candidate has their name change position in the list.
- 3.3 Voting procedures shall be posted on the website instructing students how to vote. Students shall be required to enter their University of North Dakota IDM information (ex. firstname.lastname and password).
- 3.4 Procedures for online voting failure shall include, but are not limited to:
  - 3.4.1 Failures may include, but are not limited to, a campus-wide loss of Internet connection, website malfunction, and/or problems as defined by the Elections Coordinator(s) or Student Government Advisor.
  - 3.4.2 The Elections Coordinator(s) shall decide if further actions are necessary. Further actions may include, but are not limited to, a revote by a paper or online ballot at a time determined by the Elections Coordinator and Student Government Advisor.

## **ARTICLE X – Election Results**

### **Section 1 – Ties**

- 1.1 In the event of a tie, the tie shall be broken using the procedures set forth in the Student Government Bylaws.

**Section 2 – Election Results Posting**

- 2.1 The Elections Coordinator(s) shall inform, by phone call, all candidates who provided a phone number of the election results no later than six (6) hours after poll closing. If no phone number is provided, email shall be used.
- 2.2 The Elections Coordinator shall have the election results posted on the Student Government webpage within thirty-six (36) hours of the close of polls.
- 2.3 The Elections Coordinator shall compile a summary sheet that includes a list of all candidates/tickets and student write-ins for all offices and the number of votes each received.

**ARTICLE XI – Amendments to this Code**

**Section 1 – Amendments**

- 1.1 Amendments to this Code may be approved by a simple majority vote of the Student Senate.
- 1.2 The Elections Coordinator(s) may suspend any section of this Code with the approval of the Student Government Advisor. A memo shall be submitted immediately to the Student Senate outlining the section(s) suspended and reasons for the suspension of that section(s).

Updated:

03-29-98	03-31-98	04-02-03	02-01-04	03-22-06	04-29-07	04-27-08
02-01-09	02-01-11	02-22-11	04-03-11	09-21-12	12-08-13	02-01-15
01-27-16	02-21-18	02-04-19	02-11-19	02-20-19	02-27-19	02-19-20
02-10-21	02-23-22	02-08-23	<b>02-07-24</b>			