Senate Bill

To: The Student Senate of the University of North Dakota

Authors: Alan Oberg – EHD Senator, Brian Tschosik -- Honors Senator

Sponsors:

CC: Nick Creamer - Student Body President, Lexi Hanson - Student Body Vice President, Cassie Gerhart - Student Government Advisor, Andrew Frelich – Student Government Office Manager,

Date: 11/24/2013

Re: Revised Code of Elections

Whereas, the Student Government Code of Elections is in some areas outdated, ineffective, and incomprehensible, and

Whereas, the section of the Student Government Bylaws that mention the Code of Elections also need to be changed to ameliorate this Code,

Therefore, be it moved that the Code of Elections shall be amended as per the attachment to this bill, and

Therefore, be it furthest moved that the Student Government Bylaws will be amended in the following ways:

Under Article IV

5. Election Appeals Process

5.1 All appeals shall be submitted in writing to the Student Government Office and addressed to the Elections Committee Chair within forty-eight (48) hours from the occurrence.

5.2 Appeals shall follow the guidelines set forth in the Code of Student Government Elections

Nick Creamer, Student Body President
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.

1.2 In all cases, the elections shall be subject to the provisions in this Code, as well as the Student Government Constitution and Bylaws.

1.3 Violations of local, state, and federal laws as well as violations of University regulations and the Code of Student Life may be referred to the appropriate organization, resulting in further disciplinary actions.

Section 2 – General Policies

2.1 This Code shall be reviewed by the Elections Committee ("the Committee") before and after each election. All proposed changes shall be approved by the Student Senate as outlined in the Student Government Bylaws Article I, Section A.

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 themselves, their agents or workers, or the Committee.

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 Committee actions.

2.4 Final discretion regarding any discrepancies in this Code shall be left up to the Committee.

2.5 This Code shall apply to all aspects of elections regardless of the date of the alleged infraction.

ARTICLE II – Definitions and Terminology

Section 1 – Definitions and Terminology

1.1 “Agent” 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 implicitly or 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, 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 forum, as defined by the Committee, shall be exempt from this definition.

1.4 To the extent that there is a dispute about any undefined terms in this Code, Merriam-Webster Collegiate Dictionary, 11th edition, shall govern.

ARTICLE III – The Committee

Section 1 – Authority and Responsibilities of the Committee

1.1 The Committee 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 Committee shall assess and execute the sanctions and penalties provided in this Code if it finds a violation of this Code.

1.3 The Committee shall ensure equal opportunity and treatment of all candidates. All activities and decisions of the Committee shall be free of bias.

1.4 A separate office shall be established by the Committee for the day of the election.

1.4.1 This office shall be used to store election material and circulate all information regarding the election. The location and phone number shall be posted in the Student Government Office as well as in the The Dakota Student.

1.4.2 This office shall be open during election hours with a Committee member available to answer questions and handle any problems that may arise.

1.5 The Committee shall have responsibility over all polling locations on the days of elections governed by this Code.

1.6 The Committee and/or Committee Chair is responsible for the following:
1.6.1 Preparing Election Packets in accordance with this Code Article V.

1.6.2 Effectively advertising elections and voting.

1.6.2.1 Polling dates, times, locations, voter identification procedures, and voting instructions shall be published twice in the Dakota Student, one of which shall be the press day immediately before election day.

1.6.2.2 All advertisements shall include day, time, and locations of the election.

1.6.3 Conducting and preparing for the forums. This shall include setting guideline for forums, appointing a moderator, deciding on dates, times and locations of forums and creating both questions and topics for the candidates.

1.6.4 Holding Candidate Workshops.

1.6.5 Ensuring that polling locations are staffed.

1.6.6 Establishing methods to ensure that each student votes only once.

1.6.7 Counting votes at the close of polling for the election.

1.7 The Committee reserves the right to issue sanctions or penalties to candidates or tickets.

ARTICLE IV – Candidate Policies and Awareness Efforts

Section 1 – Candidate Policies

1.1 All senatorial candidates shall run individually in their respective academic or residential districts.

1.2 Candidates and tickets are responsible for acts which they, their agents, and their workers do which violate the Student Government Bylaws or this Code.

1.3 There shall be no campaigning or campaign material in the Student Government Office, Elections Office, or at any Student Government function. There shall be no campaigning during election day on the floor of any buildings that is being used as a polling place.

Section 2 – Elections Webpage
2.1 An elections webpage shall be created and maintained as a yearlong webpage.

2.2 It shall be kept up to date by the Committee during the election period.

2.3 The webpage shall include:

2.3.1 A current copy of the Election Code.

2.3.2 All forms needed by applicants for positions.

2.3.2.1 This shall include all contents of the elections packet.

2.3.3 The due date of applications.

2.3.4 The date set for election.

2.3.5 The dates of official forums.

2.3.6 The dates of Candidate Workshops.

2.3.7 The polling locations.

2.3.8 Details on where and how people can vote.

**Section 3 – Candidate Workshops**

3.1 Candidate Workshops shall be scheduled so that candidates are able to ask questions about all documents related to an election.

3.2 The Committee Chair shall set a date to have the Candidate Workshops. The times and locations shall be included in the Election Packet Cover Letter.

3.3 There shall be no fewer than two (2) Candidate Workshops.

**Section 4 – Forums**

4.1 There shall be at least three (3) public forums for executive tickets. At least one (1) of these forums shall include senatorial candidates. Formats and moderators for each forum shall be approved by the Committee. At least one (1) forum shall include an opportunity for audience questions.

**ARTICLE V – Election Packets**

**Section 1 – General Items**
1.1 Election Packets shall be compiled by the Chair and approved by the committee within three (3) weeks of the start of spring semester.

1.2 Election Packets shall be available for pick-up no later than six (6) weeks before the election and shall cease to be available for pick-up no later than twenty five (25) days before the election. The Chair shall have the discretion to set the starting and ending deadlines of the Election Packets and shall also designate a person with proper authority to receive Election Packets.

1.3 A record shall be kept of all individuals who take out Election Packets.

1.4 All tickets seeking to run for president and vice president shall garner a total of two hundred and fifty (250) signatures. Any student enrolled in the University as defined in the Student Government Bylaws Article I may sign a Petition Form.

1.5 All candidates seeking to run for a Student Senator seat shall garner a total of twenty five (25) signatures from the area (academic or residential) from which they plan to represent. Students running for University Senate shall garner a total of fifty (50) signatures from any student attending the University of North Dakota. Any student enrolled in the University as defined in the Student Government Bylaws Article I may sign a Petition Form as long as said student resides, or will reside, in the academic or residential district the candidate wishes to represent.

1.6 After the Election Packet deadline, the Committee Chair shall review the Election Packets to determine the completeness and accuracy. The Committee shall perform random checks on signatures garnered by the candidates.

1.6.1 Senatorial Petition Forms shall have at least four (4) random phone numbers called to verify the identities of the signatures.

1.6.2 Presidential Petition Forms shall have at least forty (40) random phone numbers called to verify the identities of the signatures.

1.7 If any invalid signatures are found on Petition Forms as requested by the committee candidates shall have forty-eight (48) hours after notification to obtain needed valid signature(s).

1.7.1 No more than two requests for signatures will be made.

1.8 Incomplete or unacceptable packets will or will not be accepted at the discretion of the Committee Chair. The decision of the chair 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 Election Cover Form
2.1.3 Student Records Release Form
2.1.4 Candidate Statement/Waiver
2.1.5 Petition Form(s)
   2.1.5.1 One (1) for senatorial candidates
   2.1.5.2 Ten (10) for executive ticket candidates
2.1.6 Campaign Financial Disclosure Statement
2.1.7 Campaign Personnel Form
2.1.8 Job Description of position
2.1.9 Code of Student Government Elections
2.1.10 Letter from Director of Residence Life
2.1.11 Letter from the Dakota Student Editor
2.1.12 The Dakota Student Candidate Form/Questionnaire
2.1.13 The Dakota Student Press Information

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

2.2.1 Election Cover Letter
2.2.2 UND Senatorial Job Description(s)
2.2.3 Code of Student Government Elections
2.2.4 Letter from Director of Residence Life
2.2.5 Letter from the Dakota Student Editor
2.2.6 The Dakota Student Press Information

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

2.3.1 Election Cover Form
2.3.2 Student Records Release Form
2.3.3 Candidate Statement/Waiver
2.3.4 Petition Form(s)
   2.3.4.1 One (1) for senatorial candidates
   2.3.4.2 Ten (10) for executive ticket candidates
2.3.5 Campaign Financial Disclosure Statement(s)
2.3.6 Campaign Personnel Form
2.3.7 The Dakota Student Candidate Form/Questionnaire

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 two thousand five hundred dollars ($2,500) 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 candidate shall keep accurate and up-to-date records of all campaign receipts and expenditures.

2.2 Contributions to a candidate or campaign by individuals or organizations are allowed. All contributions shall be documented in a CFDS.

2.3 The Committee or the Student Government Administrative Assistants shall provide standardized forms for the purposes of this section to be turned in by the filing deadlines outlined in this article.

2.4 Each CFDS shall list identifying information (name, item, etc.) and amounts of each contribution and expenditure. The Committee shall have final discretion over values assigned to items per fair market value.

2.5 All campaign materials distributed by and/or paid for by a contributor of a candidate or ticket shall be included in a CFDS.

2.6 A CFDS shall contain all the expenses incurred during campaigning. A candidate shall fill out a CFDS whether or not any monies were spent or contributed to a candidate or ticket. Each CFDS shall have all expenditure receipts attached.

2.6.1 Receipts shall be provided for all campaign expenditures in excess of one dollar ($1).

2.6.2 Receipts shall be provided for contributions and expenditures of non-monetary assets or in-kind efforts.

2.7 Each candidate or ticket shall submit two spreadsheets in paper format summarizing their campaign expenditures and contributions to the Committee.

2.7.1 One spreadsheet shall outline expenses incurred while campaigning.

2.7.2 One spreadsheet shall outline contributions received by while campaigning

Section 3 – Day After Election Filing Procedures

3.1 Election winners shall be declared unofficial until CFDS forms are approved.
3.2 CFDS forms shall be turned into the Student Government Office or a location designated by the Committee starting four (4) academic days prior to the election until noon (12:00 p.m.) on the academic day following the election.

3.3 CFDS forms shall be open for public inspection after received by the Student Government Office.

3.3.1 Personal information may be blacked out for privacy concerns; such as credit card numbers, addresses, etc.

3.4 On this day, the Committee shall meet at a pre-specified time to review and approve all CFDS forms received.

3.4.1 CFDS appeals shall be received by noon (12:00 p.m.) one (1) academic day after the filing deadline.

3.4.2 The Committee shall resolve any appeals within seven (7) academic days after the election.

3.4.2.1 If the appeal is denied, the results of the election in question shall stand as approved by the Committee, pending no other appeals.

3.4.2.2 If the appeal is upheld (approved), the result of the election in question is subject to void. Subsequently, the candidate or ticket with the next highest votes garnered shall win that election, pending the procedures outlined in this section are completed correctly.

3.4.3 If there are no appeals to the office sought by the candidate or ticket, the result of that election shall stand as approved.

3.5 If a CFDS is not received by the time stated in this section, the candidate will have one (1) academic day, after notification, to resubmit a CFDS. Failure to do so will result in disqualification.

Section 4 – Write-in Candidate Filing Procedures

4.1 Write in candidates must submit a CFDS and a Student Government records release form to the Student Government office or a location designated by the Committee within three academic days of notification of election or they will forfeit.

ARTICLE VII – Appeals Process

Section 1 – General Policies

1.1 Appeals, except those regarding CFDS, shall be in accordance with the procedures outlined within this article.
Section 2 – Appeals Process

2.1 An appeal shall be submitted in writing to the Student Government Office within two (2) academic days of the day of the occurrence and shall be submitted using the Appeals Form.

2.2 The Committee Chair shall inform the candidate or ticket that an appeal has been filed against them. The Committee Chair shall provide a copy of the appeal to the accused.

2.3 The Judicial Committee of Student Senate shall be responsible for hearing appeals.

2.3.1 The Judicial Committee shall not meet to discuss the appeal until the accused has had twenty-four (24) hours to look over the appeal.

2.3.2 Written responses by the accused are not required but will be reviewed by the Judicial Committee.

2.4 The Judicial Committee shall hear the appeal at the next regularly scheduled meeting. For time sensitive appeals, the Judicial Committee shall have the discretion to meet at an earlier time.

2.5 The accuser and the accused shall have an opportunity to present an oral presentation to the Judicial Committee.

2.5.1 The Judicial Committee is not responsible for investigating the facts of the case but may do so at their own discretion.

2.5.2 The involved parties are responsible for providing the Judicial Committee with any evidence necessary for the validity of their case.

2.5.3 Members of the Judicial Committee shall remove themselves from any hearings involving subject matter with which they have a conflict of interest and shall not vote or take place in discussion of the hearing as a member of that committee.

2.5.4 If a party involved in a hearing believes that a member of the Judicial Committee 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 the committee to 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 committee shall discuss and vote on the temporary removal of the committee member for the duration of the hearing. The
committee member in question shall be asked not to take part in this vote which shall require a 2/3 majority in order to pass.

2.6 The Judicial Committee shall then discuss the appeal and render an appropriate sanction.

2.6.1 The standard of proof is Preponderance of the Evidence.

2.7 The Committee Chair shall notify all parties involved of the outcome decision within 24 hours.

2.8 The Judicial Committee’s decision may be appealed to the Elections Committee within three academic days.

2.9 The Election Committee’s decision may be further appealed to the Judicial Branch for final judgment.

2.10 Valid reasons for appeal of Committee or Judicial Committee decisions shall be limited to procedural errors or new information not considered in the original decision. Penalties may not be appealed.

ARTICLE VIII – Sanctions and Penalties

Section 1 – Sanctions

1.1 Minor offenses may include, but will not be limited to, the following:

1.1.1 Failing to comply with the campaign policies in this Code.

1.1.2 Conviction of a third and any subsequent minor offense from this election shall be punished as a major offense.

1.2 Major offenses may include, but will not be 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 two thousand five hundred one dollars ($2501) and two thousand eight hundred dollars ($2800).

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 Committee or the Judicial Committee.
1.2.3 Failing to comply with rulings of either the Committee or the Judicial Committee within a reasonable time.

1.2.4 Conviction of a third serious offense from this election shall be punished as an egregious offense.

1.3 Egregious offenses may include, but will not be 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 two thousand eight hundred one dollars ($2801).

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 Committee, Committee Chair, Judicial Committee, 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 materials.

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 or any campaign agent is directly responsible for the offense.
2.4 The Committee Chair may refer offenders to appropriate University departments for further disciplinary action.

2.5 In assessing penalties, the Committee or Judicial Committee 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 own fines. Fines shall be considered outstanding if they are not paid within two (2) weeks from time of final judgment. Candidates or tickets do not have to include any fines on CFDS.

2.7 A list of possible non-monetary penalties may be found in the Code of Student Life Section 2-4. These are only to be used as a guide in assessing penalties.

2.8 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 online, paper, and absentee ballot voters.

1.2 All students registered at the University are eligible to vote.

1.3 For online voting, a student shall login to a website previously set up by the Committee.

1.4 For paper ballot voting, a student shall present his/her 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 or academic district which they will be, but are not currently enrolled in, may sign an online or paper affidavit as to their future residential or academic district.

1.5.2 Students shall be confirmed as to their major academic affiliation and residential district based on the most current enrollment information from the Registrar. If a discrepancy is encountered the student shall be required to accept an online affidavit.

Section 2 – Polling Location(s)

2.1 There shall be at least one (1) official polling location.
2.2 Polling location shall be open from 8:00 a.m. until 4:30 p.m.

2.3 Online polling shall be open from 7:30 a.m. until 7:30 p.m..

Section 3 – Online Ballot Voting Policies

3.1 An online voting website shall be set up for the elections. Only the provider shall have total administrative access to the program for the duration of the election day.

3.2 The Chair shall e-mail a list of the candidates to the provider one (1) academic week after Election Packets are due.

3.3 The candidate names shall randomly rotate in a manner in which each candidate has his/her name change position in the list.

3.4 Voting procedures shall be posted on the website instructing students how to vote. Students shall be required to enter their IDM information (ex. firstname.lastname and password).

3.5 Procedures for online voting failure shall include, but are not limited to:

3.5.1 Failures may include, but are not limited to, a campus-wide loss of Internet connection, website malfunction, and/or problems as defined by the Committee.

3.5.2 The Committee 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 Committee.

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 Committee shall inform, by phone call, all candidates who provided a phone number their election status no later than six (6) hours after poll closing. If no phone number is provided, email shall be used.

2.2 The Committee shall have the election results posted on the webpage within thirty six (36) hours of the close of polls.
2.3 The Chair shall compile a summary sheet. This sheet shall include a list of all student candidates, student tickets, and student write-ins for all offices and the number of votes each received. This summary shall be completed and validated by the Committee before the ballots are destroyed.

ARTICLE XI – Amendments to this Code

Section 1 – Amendments by the Committee

1.1 Any amendments to this Code shall garner a simple majority vote of the Committee in order to be recommended to the Student Senate for approval.

1.2 Any amendments made by the Committee shall be presented in a bill, sponsored by a current Student Senator, and presented to the Student Senate.

1.3 The Committee reserves the right, as stated in the current edition of the Standard Code of Parliamentary Procedure, to suspend any section of this Code it deems necessary. 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:
3-29-98
3-31-98
4-02-03
2-01-04
3-22-06
4-29-07
4-27-08
2-01-09
2-1-11
2-22-11
4-3-11
9-21-12
12-08-13
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.

1.2 In all cases, the elections shall be subject to the provisions in this Code, as well as the Student Government Constitution and Bylaws.

1.3 Violations of local, state, and federal laws as well as violations of University regulations and the Code of Student Life may be referred to the appropriate organization, resulting in further disciplinary actions.

Section 2 – General Policies

2.1 This Code shall be reviewed by the Elections Committee (“the Committee”) before and after each election. All proposed changes shall be approved by the Student Senate as outlined in the Student Government Bylaws Article I, Section A.

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 themselves, their agents or workers, or the Committee.

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 Committee actions.

2.4 Final discretion regarding any discrepancies in this Code shall be left up to the Committee.

2.5 This Code shall apply to all aspects of elections regardless of the date of the alleged infraction.

ARTICLE II – Definitions and Terminology

Section 1 – Definitions and Terminology

1.1 “Academic Day” refers to any day the University is in session. Ending and beginning with Student Government’s office hours, unless otherwise noted.
1.2 "Academic Week" refers to five (5) consecutive days during which the University is in session.

1.3 "Advisory Opinion" refers to any opinion issued by the Committee concerning any matter affecting the election that may not be included within the language of this Code.

1.4 "Agent" and "Worker" refer 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 implicitly or explicitly accepts the time, effort, and services rendered.

1.5 "Appeals Board" refers to the Election Appeals Board, as established in the Student Government Bylaws Article I, Letter F.

1.6 "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, and other advertisements.

1.7 "Campaign" and "Campaigning" refer to any statement, literature, activity, or deliberate use of materials which has the effect of promoting an individual or ticket pursuing an elected office.

1.8 "Candidate" refers to any individual who has satisfied all of the requirements to run for office in an election and has returned a completed Elections Packet.

1.9 "Contribution" refers to but is not limited to a donation, gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, transfer, gift or other rendering of money, distribution, or deposit of money, services or anything else of value, whether tangible or intangible, unless it is clear from the surrounding circumstances that it is not made for political purposes. It also includes the candidate's own money used on behalf of his or her candidacy and any funding or money received by a candidate for use by his or her candidacy. Non-monetary and in-kind efforts are included under this definition as well.

1.9.1 This definition does not include volunteer personal services by individuals assisting a candidate or ticket.

1.10 "Egregious Offenses" refer to infractions ruled to be of major consequence to the current election, the political environment, and the reputation of the Student Government generally. These infractions are committed with intent to disrupt the democratic process and involve egregious malfeasance on the part of one or more individuals.

1.11 "Election Committee" and "Committee" refer to the Election Committee established by the Student Government Bylaws Article II, Section B, Subsection I.
1.12 "Election" refers to the annual election of Student Government officers, as specified in Student Government Bylaws Article I.

1.13 "Election season" refers to all months and days outside of January 5th and April 1st.

1.14 "Contributor" refers to a person who makes a contribution to a candidate or ticket.

1.15 "Executive Ticket" and "Ticket" refer to the two (2) students running for the executive offices of Student Government as easily identified as such from their campaigning.

1.16 "Judicial Branch" refers to the Judicial Branch of Student Government as established in the Student Government Constitution Article IV.

1.17 "Libel" is the act of making a defamatory statement expressed in a fixed medium, especially writing but also a picture, sign, or electronic broadcast; publication of defamatory matter by written or printed words; by its embodiment in physical form; or by any other form of communication that has the potentially harmful qualities characteristic of written or printed words.

1.18 "Minor Offenses" refer to infractions ruled to be of minor consequences; often these accidentally committed. The immediate impact on the election is considered nominal.

1.19 "Own money" refers to personal assets and money given by family members, i.e., parents' personal assets.

1.20 "Polling Location" refers to any locations designated by the Committee as places to vote by means of a paper or online ballot.

1.21 "Sanction" refers to the assessment of a penalty and examples are found in this Code Article VIII, Section I.

1.22 "Senatorial Candidate" refers to any individual running for a single Student Senate seat.

1.23 "Serious Offenses" refer to acts ruled to be of serious consequence and committed intentionally. Though the offender need not have intended for the full array of the offense's consequences, it is a conscious infraction or action in bad faith. These offenses affect all or some of the following: the election, certain persons involved, and the political climate.

1.24 "Significant Offenses" refer to infractions ruled to be of significant consequence and generally, though not necessarily committed intentionally. These offenses can
be committed with or without malicious intent, but have an undeniable effect on the
election or on certain persons:

1.25—“Slander”: The act of making a defamatory assertion expressed in a transitory form,
especially-speech

1.26—“Special Election”: refers to an election called by the Student Government
President, as specified in the Student Government Constitution Article VII.

1.27—“Student”: refers to any person whose name appears on the current roster of the
Registrar of the University. Only a student of the University, as defined by this
Code, may seek office or vote in elections.

1.28—“Student Government”: refers to the Student Government of the University.

1.29 “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.

1.29.1 Any official forum, as defined by the Committee, shall be exempt from this
definition.

1.30—“Student Senate”: refers to the Student Senate of the University.

1.31—“University” and “U.N.D.” refer to the University of North Dakota.

1.32—“Week” refers to seven consecutive calendar days.

1.33—“Write-in Candidate”: refers to any student-eligible-to run for office who was unable
to have his/her name placed on the ballot but desires to be a candidate for either a
Student Senate seat or executive office.

1.34 To the extent that there is a dispute about any undefined terms in this Code,

ARTICLE III – The Committee

Section 1 – Authority and Responsibilities of the Committee

1.1 The Committee 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 Committee shall assess and execute the sanctions and penalties provided in this Code if it finds a violation of either provisions of this Code or prior Committee rulings.

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1.4 A separate office shall be established by the Committee for the day of the election.

1.4.1 This office shall be used to store election material and circulate all information regarding the election. The location and phone number shall be posted in the Student Government Office as well as in the *The Dakota Student*.

1.4.2 This office shall be open during election hours with a Committee member available to answer questions and handle any problems that may arise.

1.5 The Committee shall have responsibility over all polling locations on the days of elections governed by this Code.

1.6 The Committee and/or Committee Chair is responsible for the following:

1.6.1 Preparing Election Packets in accordance with this Code Article V.

1.6.2 Effectively advertising elections and voting.

1.6.2.1 Polling dates, times, locations, voter identification procedures, and voting instructions shall be published twice in the *Dakota Student*, one of which shall be the press day immediately before election day.

1.6.2.2 All advertisements shall include day, time, and locations of the election.

1.6.3 Conducting and preparing for the forums. This shall include setting guideline for forums, appointing a moderator, deciding on dates, times and locations of forums and creating both questions and topics for the candidates.

1.6.4 Holding Candidate Workshops.

1.6.5 Ensuring that polling locations are staffed.

1.6.6 Establishing methods to ensure that each student votes only once.

1.6.7 Counting votes at the close of polling for the election.
1.7 The Committee reserves the right to issue sanctions or penalties advisory opinions to candidates or tickets.

1.8 In the event that the Code of Student Government Elections needs to be changed outside of the election season, it can be changed by the Elections Chair, advisor, and a member of the Student Government Executive branch with approval from Senate.

ARTICLE IV – Candidate Policies and Awareness Efforts

Section 1 – Candidate Policies

1.1 All senatorial candidates shall run individually in their respective academic or residential districts.

1.2 Candidates and tickets are responsible for acts which they, their agents, and their workers do which violate the Student Government Bylaws or this Code.

1.3 There shall be no campaigning or campaign material in the Student Government Office, Elections Office, or at any Student Government function. There shall be no campaigning during election day on the floor of any buildings that is being used as a polling place.

Section 2 – Elections Webpage

2.1 An elections webpage shall be created and maintained as a yearlong webpage.

2.2 It shall be kept up to date by the Committee during the election period.

2.3 The Committee Chair shall be in charge of meeting with the Student Government Webmaster to update this webpage.

2.4 The webpage shall include:

2.4.1 A current copy of the Election Code.

2.4.2 All forms needed by applicants for positions.

2.4.2.1 This shall include all contents of the elections packet. The Election Appeal Form, Election Cover Letter, Election Cover Form, Student Records Release Form, Candidate Waiver/Statement, Petition Forms, Campaign Financial Disclosure Statement, UND Student Senate Job Description, Student Government Constitution, Student Government Bylaws, Letter from Director of Residence Life, Letter from the Dakota Student Editor, the Dakota Student Candidate Form/Questionnaire, and the Dakota Student Press Information.
2.4.3  The due date of applications.

2.4.4  The date set for election.

2.4.5  The dates of official forums.

2.4.6  The dates of Candidate Workshops.

2.4.7  The polling locations.

2.4.8  Details on where and how people can vote.

Section 3 – Candidate Workshops

3.1  Candidate Workshops shall be scheduled so that candidates are able to ask questions about all documents related to an election.

3.2  The Committee Chair, after consulting with the Executive Office Manager, shall set a date after the final deadline for Election Packets to have the Candidate Workshops. The times and locations shall be included in the Election Packet Cover Letter.

3.3  There shall be no fewer than two (2) Candidate Workshops.

3.4  The Candidate Workshops shall have a member of the Committee present to answer any questions.

Section 4 – Forums

4.1  There shall be at least three (3) public forums for executive tickets. At least one (1) of these forums shall include senatorial candidates. Formats and moderators for each forum shall be approved by the Committee. At least one (1) forum shall include an opportunity for audience questions.

ARTICLE V – Election Packets

Section 1 – General Items

1.1  Election Packets shall be compiled by the Chair and approved by the committee within three (3) weeks of the start of spring semester.

1.2  Election Packets shall be available for pick-up no later than six (6) weeks before the election and shall cease to be available for pick-up no later than twenty five (25) days before the election. The Chair shall have the discretion to set the starting
and ending deadlines of the Election Packets and shall also designate a person with proper authority to receive Election Packets.

1.3 A record shall be kept of all individuals who take out Election Packets.

1.4 All tickets seeking to run for president and vice president shall garner a total of two hundred and fifty (250) signatures. Any student enrolled in the University as defined in the Student Government Bylaws Article I may sign a Petition Form.

1.5 All candidates seeking to run for a Student Senator seat shall garner a total of twenty five (25) signatures from the area (academic or residential) from which they plan to represent. Students running for University Senate shall garner a total of fifty (50) signatures from any student attending the University of North Dakota. Any student enrolled in the University as defined in the Student Government Bylaws Article I may sign a Petition Form as long as said student resides, or will reside, in the academic or residential district the candidate wishes to represent.

1.6 After the Election Packet deadline, the Committee Chair shall review the Election Packets to determine the completeness and accuracy. The Committee shall perform random checks on signatures garnered by the candidates.

1.6.1 Senatorial Petition Forms shall have at least four (4) random phone numbers called to verify the identities of the signatures.

1.6.2 Presidential Petition Forms shall have at least forty (40) thirty-eight (38) random phone numbers called to verify the identities of the signatures.

1.7 If any invalid signatures are found on Petition Forms as requested by the committee candidates shall have forty-eight (48) hours after notification to obtain needed valid signature(s).

1.7.1 Random phone numbers will be called until the specified number of valid signatures has been obtained.

1.7.2: No more than two requests for signatures will be made.

1.8 Incomplete or unacceptable packets will or will not be accepted at the discretion of the Committee Chair committee. The decision of the chair 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 Election Cover Form
2.1.3 Student Records Release Form
2.1.4 Candidate Statement/Waiver
2.1.5 Petition Form(s)
   2.1.5.1 One (1) for senatorial candidates
   2.1.5.2 Ten (10) for executive ticket candidates
2.1.6 Campaign Financial Disclosure Statement
2.1.7.1 Campaign Personnel Form
2.1.7.2 UND Senatorial Job Description(s) of position
2.1.8.1.1.9 Code of Student Government Elections
2.1.9 Student Government Constitution
2.1.10 Student Government Bylaws
2.1.11 Letter from Director of Residence Life
2.1.12 Letter from the Dakota Student Editor
2.1.13 The Dakota Student Candidate Form/Questionnaire

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

2.2.1 Election Cover Letter
2.2.2 UND Senatorial Job Description(s)
2.2.3 Code of Student Government Elections
2.2.4 Student Government Constitution
2.2.5 Student Government Bylaws
2.2.6 Letter from Director of Residence Life
2.2.7 Letter from the Dakota Student Editor
2.2.8 The Dakota Student Press Information

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

2.3.1 Election Cover Form
2.3.2 Student Records Release Form
2.3.3 Candidate Statement/Waiver
2.3.4 Petition Form(s)
   2.1.4.1 One (1) for senatorial candidates
   2.1.4.2 Ten (10) for executive ticket candidates
2.3.5 Campaign Financial Disclosure Statement(s)
2.3.6 Campaign Personnel Form
2.3.7 The Dakota Student Candidate Form/Questionnaire

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) of their own money and no more than two thousand five hundred dollars ($2,500) 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 candidate shall keep accurate and up-to-date records of all campaign receipts and expenditures.

2.2 Contributions to a candidate or campaign by individuals or organizations are allowed. All contributions shall be documented in a CFDS.

2.3 The Committee or the Student Government Administrative Assistants shall provide standardized forms for the purposes of this section to be turned in by the filing deadlines outlined in this article.

2.4 Each CFDS shall list identifying information (name, item, etc.) and amounts of each contribution and expenditure. The Committee shall have final discretion over values assigned to items per fair market value.

2.5 All campaign materials distributed by and/or paid for by a contributor of a candidate or ticket shall be included in a CFDS.

2.6 A CFDS shall contain all the expenses incurred during campaigning. A candidate shall fill out a CFDS whether or not any monies were spent or contributed to a candidate or ticket. Each CFDS shall have all expenditure receipts attached.

2.6.1 Receipts shall be provided for all campaign expenditures in excess of one dollar ($1).

2.6.2 Receipts shall be provided for contributions and expenditures of nonmonetary assets or in-kind efforts.

2.7 Each candidate or ticket shall submit two spreadsheets in paper format summarizing their campaign expenditures and contributions to the Committee.

2.7.1 One spreadsheet shall outline expenses incurred while campaigning.

2.7.2 One spreadsheet shall outline contributions received by while campaigning

Section 3 – Day After Election Filing Procedures

3.1 Election winners shall be declared unofficial until CFDS forms are approved.
3.2 CFDS forms shall be turned into the Student Government Office or a location designated by the Committee starting four (4) academic days prior to the election until noon (12:00 p.m.) on the academic day following the election.

3.3 CFDS forms shall be open for public inspection after received by the Student Government Office.

3.3.1 Personal information may be blacked out for privacy concerns; such as credit card numbers, addresses, etc.

3.4 On this day, the Committee shall meet at a pre-specified time to review and approve all the CFDS forms received.

3.4.1 CFDS appeals shall be received by noon (12:00 p.m.) one (1) academic day after the filing deadline.

3.4.2 The Committee shall resolve any appeals within seven (7) academic days after the election.

3.4.2.1 If the appeal is denied, the results of the election in question shall stand as approved by the Committee, pending no other appeals.

3.4.2.2 If the appeal is upheld (approved), the result of the election in question is subject to void. Subsequently, the candidate or ticket with the next highest votes garnered shall win that election, pending the procedures outlined in this section are completed correctly.

3.4.3 If there are no appeals to the office sought by the candidate or ticket, the result of that election shall stand as approved.

3.5 If a CFDS is not received by the time stated in this section, the candidate will have one (1) academic day, after notification, to resubmit a CFDS. Failure to do so will result in disqualification-forfeiture.

Section 4 – Write-in Candidate Filing Procedures

4.1 Write in candidates must submit a CFDS and a Student Government records release form, to the Student Government office or a location designated by the Committee within three academic days of notification of election. Failure to do so will result in disqualification-forfeiture.

ARTICLE VII – Appeals Process

Section 1 – General Policies
1.1 Appeals, except those regarding CFDS, shall be in accordance with the procedures outlined within this article.

1.2 Procedures outlined in this article apply to all appeals except those regarding CFDS.

Section 2 – Steps to Appealing Appeals Process

2.1 An appeal shall be submitted in writing to the Student Government Office within two (2) academic days following the closure of the Student Government Office or the day of the occurrence, and it shall be submitted using the Appeals Form.

2.2 The Committee Chair shall inform the candidate or ticket that an appeal has been filed against them. The Committee Chair shall provide a copy of the appeal to the accused.

2.3 The Judicial Committee of Student Senate shall be responsible for hearing appeals.

2.3.1 The Judicial Committee shall not meet to discuss the appeal until the accused has had twenty-four (24) hours to look over the appeal.

2.3.2 Written responses by the accused are not required but will be reviewed by the Judicial Committee.

2.4 The Judicial Committee shall hear the appeal at the next regularly scheduled meeting. For time sensitive appeals, the Judicial Committee shall have the discretion to meet at an earlier time.

2.5 The accuser and the accused shall have an opportunity to present an oral presentation to the Judicial Committee.

2.5.1 The Judicial Committee is not responsible for investigating the facts of the case but may do so at their own discretion.

2.4.2 The involved parties are responsible for providing the Judicial Committee with any evidence necessary for the validity of their case. Validity of the evidence presented will be determined by the committee.

2.5 The Judicial Committee shall then discuss the appeal and render an appropriate sanction.

2.5.1 The standard of proof used by the Elections Committee is preponderance of the evidence, in which it is more likely than not a violation of the Code occurred.
2.6 The Committee Chair shall notify all parties involved of the outcome decision within 24 hours.

2.7 The Judicial Committee’s decision may be appealed to the Elections Committee Appeals Board within three academic days.

2.8 The Appeals-Board Election Committee’s decision may be further appealed to the Judicial Branch for final judgment.

2.9 Valid reasons for appeal of Committee or Judicial Committee decisions shall be limited to procedural errors or new information not considered in the original decision. Penalties may not be appealed.

ARTICLE VIII – Sanctions and Penalties

Section 1 – Sanctions

1.1 Minor offenses may include, but will not be limited to, the following:

1.1.1 Failing to comply with the campaign policies in this Code.

1.1.2 Conviction of a fourth minor offense from this election shall be punished as a significant offense.

1.2 Significant offenses may include, but will not be limited to, the following:

1.2.1 Failing to comply with the CFDS policy.

1.2.1.1 Executive ticket offenses shall be violations of spending limits within two thousand five hundred and one dollars ($2,501) and two thousand five hundred and ten dollars ($2,510).

1.2.1.2 Senatorial offenses shall be violations of spending limits within one hundred one dollars ($101) and one hundred ten dollars ($110).

1.2.2 Conviction of a fourth significant offense from this election shall be punished as a serious offense.

1.2.3 Major Serious offenses may include, but will not be 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 within two thousand five hundred eleven
dolars ($25101) and two thousand eight hundred dollars ($2800).

1.3.2 Senatorial offenses shall be violations of spending limits within one hundred eleven dollars ($111) and one hundred fifty dollars ($150).

1.3.2 Making a libelous or slanderous statement regarding another candidate of the Committee or the Judicial Committee.

1.3.3 Failing to comply with rulings of either the Committee or the Judicial Committee within a reasonable time, including failing to pay fines when due.

1.3.4 Failing to remove campaign materials by midnight (12:00 a.m.) the day of the election.

1.3.5 Campaigning on the day of the election.

1.3.6 Removal of other candidate’s campaign materials.

1.3.7 Conviction of a third serious offense from this election shall be punished as an Egregious offense.

1.4 Egregious offenses may include, but will not be limited to, the following:

1.4.1 Failing to comply with the CFDS policy.

1.4.1.1 Executive ticket offenses shall be violations of spending limits greater than or equal to two thousand eight hundred one dollars ($2801).

1.4.1.2 Senatorial offenses shall be violations of spending limits greater than or equal to one hundred fifty one dollars ($151).

1.4.2 Falsification of CFDS.

1.4.3 Attempting to mislead or obstruct the Committee, Committee Chair, Appeals Board/Judicial Committee, or Judicial Branch in the performance of their duties.

1.4.4 Tampering with Election equipment/paraphernalia.

1.4.5 Attempting to influence the outcome of the election by means of harassment, intimidation, bribery, or fraud.

1.4.6 Removal of another candidate’s campaign materials.
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 significant offense may be punishable by a fine no less than ten dollars ($10), restitution, and/or any non-monetary penalty deemed appropriate.

2.3 Each serious 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.

2.4 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.

2.4.1 Disqualification is only an acceptable penalty when the candidate or any campaign agent is directly responsible for the offense.

2.5 The Committee Chair may refer offenders to appropriate University departments for further disciplinary action.

2.6 In assessing penalties, the Committee or Judicial Committee shall consider any circumstances that tend to aggravate or mitigate the severity of the offense, including any voluntary disclosures or cooperation provided to the Committee investigator investigating the offense.

2.7 All candidates shall be responsible for the timely payment of their own fines. Fines shall be considered outstanding if they are not paid within two (2) weeks from the time of final judgment. Candidates or tickets do not have to include any fines on CFDS.

2.8 A list of possible non-monetary penalties may be found in the Code of Student Life Section 2-4. These are only to be used as a guide in assessing penalties.

2.9 When paid, fines will be deposited into the Student Government-Unallocated Fees General account.

ARTICLE IX – Voting and Ballots

Section 1 – Voter Identification

1.1 Policies stated in this section shall apply to online, paper, and absentee ballot voters.
1.2 All students registered at the University are eligible to vote.

1.3 For online voting, a student shall login to a website previously set up by the Committee.

1.4 For paper ballot voting, a student shall present his/her 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 or academic district which they will be, but are not currently enrolled in, may sign an online or paper affidavit as to their future residential or academic district.

1.5.2 Students shall be confirmed as to their major academic affiliation and residential district based on the most current enrollment information from the Registrar. If a discrepancy is encountered the student shall be required to accept an online affidavit.

Section 2 – Polling Location(s)

2.1 There shall be at least one (1) official polling location, located in Memorial Union.

2.2 The Memorial Union polling location shall be open from 8:00 a.m. until 5:00 p.m.

2.3 Online polling shall be open from 7:30 a.m. until 7:30 p.m.

Section 3 – Online Ballot Voting Policies

3.1 An online voting website shall be set up for the elections. Only the provider shall have total administrative access to the program for the duration of the election day.

3.2 The Chair shall e-mail a list of the candidates to the provider one (1) academic week after Election Packets are due.

3.3 The candidate names shall randomly rotate in a manner in which each candidate has his/her name change position in the list.

3.4 Voting procedures shall be posted on the website instructing students how to vote. Students shall be required to enter their IDM information (ex. Ffirstname.lastname and password).

3.5 Procedures for online voting failure shall include, but are not limited to:
3.5.1 Failures may include, but are not limited to, a campus-wide loss of Internet connection, website malfunction, and/or problems as defined by the Committee.

3.5.2 The Committee 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 Committee.

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 Article I, Section D, sub-section 1.

Section 2 – Election Results Posting

2.1 The Elections Committee shall inform, by phone call, all candidates who provided a phone number their election status no later than six (6) hours after poll closing. If no phone number is provided, email shall be used.

2.2 The Committee shall have the election results posted on the webpage within thirty six (36) hours of the close of polls.

2.3 The Chair shall compile a summary sheet. This sheet shall include a list of all student candidates, student tickets, and student write-ins for all offices and the number of votes each received. This summary shall be completed and validated by the Committee before the ballots are destroyed.

Section 3 – Election Results Approval

3.1 The Committee shall present election results to Student Senate for approval at least one week prior to the end of the current Student Senate term.

3.1.1 These results shall be final, pending any further appeals to the Election Appeals Board or the Judicial Branch.

ARTICLE XI – Amendments to this Code

Section 1 – Amendments by the Committee

1.1 Any amendments to this Code shall garner a simple majority vote of the Committee in order to be recommended to the Student Senate for approval.
1.2 Any amendments made by the Committee shall be presented in a bill, sponsored by a current Student Senator, and presented to the Student Senate.

1.3 The Committee reserves the right, as stated in the current edition of the *Standard Code of Parliamentary Procedure* Sturgis Rules of Parliamentary Procedure, to suspend any section of this Code it deems necessary. A memo shall be submitted immediately to the Student Senate outlining the section(s) suspended and reasons for the suspension of that section(s).

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2-22-11
4-3-11
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