

# **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 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.
- 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 campaign personnel 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 “Volunteer” refers to any person who contributes time, effort, or services for the purpose of supporting or furthering a candidacy, regardless of whether the candidate or ticket is aware of the time, effort, or service.
- 1.2 “Campaign Personnel” refers to any person who is listed on the Campaign Personnel Form 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.
- 1.3 “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.
- 1.4 “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.
  - 1.4.1 Any official forum, as defined by the Committee, shall be exempt from this definition.

## **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 The Committee 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 forums.
  - 1.4.5 Tabulating votes at the close of polling for the election.
- 1.5 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 Candidates and tickets are responsible for acts by which they and their campaign personnel violate the Student Government Constitution, Bylaws, or this Code.
- 1.2 Candidates and tickets are responsible for acts which their volunteers do under explicit instruction of the candidates or tickets which violate the Student Government Constitution, Bylaws, or this Code.
- 1.3 There shall be no campaigning or campaign material displayed in the Student Government/Student Involvement Office, or at any Student Government function.

### **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 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, including 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 date(s) of official forums.
  - 2.3.6 Details on where and how people can vote.
  - 2.3.7 The Elections Committee Members of the current year’s election

### **Section 4 – Forums**

- 4.1 There shall be at least one (1) public forum for the executive tickets and one (1) forum for senatorial candidates. The Committee may choose to combine the forums. 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 and approved by the committee within two weeks of the elections code 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 Committee 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 After the Election Packet deadline, the Committee 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 Committee. The decision of the Committee 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 Campaign Financial Disclosure Statement
  - 2.1.6 Campaign Personnel Form
  - 2.1.7 Job Description of position
  - 2.1.8 Code of Student Government Elections
  - 2.1.9 Letter from Director of Residence Life
- 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
- 2.3 The following shall be turned into the Student Government/Student Involvement Office:
  - 2.3.1 Election Cover Form
  - 2.3.2 Student Records Release Form
  - 2.3.3 Candidate Statement/Waiver
  - 2.3.4 Campaign Financial Disclosure Statement(s)
  - 2.3.5 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 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 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 Documentation shall be provided for contributions and expenditures of non-monetary assets or in-kind efforts.
- 2.7 Each candidate or ticket shall submit a spreadsheet summarizing their campaign expenditures and contributions to the Elections Committee no later than noon (12:00pm) on the academic day following the election.

### **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-Student Involvement 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 being received by the Elections Committee.
  - 3.3.1 Personal information will be redacted for privacy concerns; such as credit card numbers, addresses, etc.

- 3.4 The Elections Committee shall 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-Student Involvement 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-Student Involvement Office within two (2) academic days of the day of the occurrence and shall be submitted using the Appeals Form.
- 2.2 The Committee shall inform the candidate or ticket that an appeal has been filed against them. The Committee shall provide a copy of the appeal to the accused.
- 2.3 The Elections Committee shall be responsible for hearing appeals.
  - 2.3.1 The Elections Committee shall not meet to discuss the appeal until the accused has had twenty-four (24) hours to review the appeal.
  - 2.3.2 Written responses by the accused are not required but will be reviewed by the Elections Committee.
- 2.4 The Elections Committee shall hear the appeal at the next regularly scheduled meeting. For time sensitive appeals, the Elections 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 Elections Committee.
  - 2.5.1 The Elections 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 Elections Committee with any evidence necessary for the validity of their case.
  - 2.5.3 Members of Elections 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 Elections 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 that the Elections Committee 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 Elections 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 Elections Committee shall notify all parties involved of the outcome decision within 24 hours.
- 2.8 The Elections Committee's decision may be appealed to the Judicial Committee of Student Government within three academic days.
- 2.9 The Judicial Committee's decision may be further appealed to the Judicial Branch for final judgment.
- 2.10 Valid reasons for appeal of Judicial Committee or Elections Committee decisions shall be limited to procedural errors or new information not considered in the original decision. Sanctions and 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 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 Committee or the Judicial Committee.
- 1.2.3 Failing to comply with rulings of either the Elections 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 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 Committee, 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 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 or any campaign personnel is directly responsible for the offense.
- 2.4 The Committee may refer offenders to appropriate University departments for further disciplinary action.

- 2.5 In assessing penalties, the Elections 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 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 online. If an individual student’s online voting is not working that student may contact the Student Government-Student Involvement Office (701.777.4200) for voting help and paper ballots.
- 1.3 For online voting, a student shall login to a website previously set up by the Elections Committee.
- 1.4 For paper ballot voting, a student shall present their student identification.
- 1.5 All students shall vote according to their 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**

- 2.3 Online polling shall be open from 8:30 a.m. until 5:30 p.m.

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

- 3.1 An online voting website shall be set up for the elections. Only the provider and election advisor shall have total administrative access to the program for the duration of the election day.
- 3.3 The candidate names shall randomly rotate in a manner in which each candidate has their 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 Elections Committee.
  - 3.5.2 The Elections 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 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 Committee shall have the election results posted on the webpage within thirty-six (36) hours of the close of polls.
- 2.3 The Committee 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 Elections Committee**

- 1.1 Any amendments to this Code shall garner a simple majority vote of the Elections Committee in order to be recommended to the Student Senate for approval.
- 1.2 Any amendments made by the Elections Committee shall be presented in a resolution, sponsored by a current Student Senator, and presented to the Student Senate.
- 1.3 The Elections Committee reserves the right 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:

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	<b>02-08-23</b>				