**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 a violation of this Code, by a candidate or their campaign personnel. Throughout this Code, candidate refers to and includes individual candidates and tickets for student body president and vice president.

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/volunteer who contributes time, effort, or services for the purpose of supporting or furthering a candidate, where that candidate has personal knowledge of the time, effort, and services rendered.

1.2 “Campaign Materials” refers to all print and digital materials created or coordinated by a candidate. Campaign materials shall include, but not be limited to signs, handbills, buttons, email, electronic/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 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. The Elections Coordinator(s) shall interpret, execute, and enforce all election rules provided in the Student Government Constitution, Bylaws and this Code.

1.2 The Elections Coordinator(s) shall attempt to guarantee equal opportunity and treatment of all candidates. All activities and decisions of the Elections Coordinator(s) shall be free of bias.

1.3 The Elections Coordinator(s) is responsible for executing Student Government Elections. Duties include, but are not limited to:

1.3.1 Planning and conducting the Election Forum(s) and any events associated with the election.

1.3.2 Advertising Election Day and any events associated with the election.

1.3.3 Tabulating votes at the close of voting for the election.

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

**Section 1 – Candidate Policies**

* 1. Students can only be candidates for one position in a single election.
  2. Students can only run for student body president or vice president as part of a ticket that includes one candidate for president and one candidate for vice president.

1.3 Candidates are responsible for actions that they or their campaign personnel take that violate the Student Government Constitution, Bylaws, or this Code.

1.4 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.

2.2.2 The Election Packet (i.e. application materials) with due dates.

2.3.3 The date of elections and information on where and how students can vote.

2.3.4 The date(s) of official Election Forum~~s~~.

2.3.5 The name and contact information for the Elections Coordinator(s) and Student Government Advisor

**Section 3 – Election Forums**

3.1 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 this 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 Elections Coordinator(s) shall have the discretion to set the starting and ending deadlines of the Election Packets and shall also designate the person(s) with authority to receive Election Packets.

1.3 After the Election Packet deadline, the Elections Coordinator(s) shall review the submitted Election Packets for 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 include the following items:

2.1.1 Election Cover Letter (retained by candidate)

2.1.2 Candidate Statement/Waiver (submitted to Student Involvement Office)

2.1.3 Student Records Release Form (submitted to Student Involvement Office)

2.1.4 Campaign Financial Disclosure Statement (submitted to Student Involvement Office)

2.1.5 Campaign Personnel Form (submitted to Student Involvement Office)

2.1.6 Code of Student Government Elections (retained by candidate)

2.1.7 Residence Halls Campaigning Policy (retained by candidate)

**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 $500 from any one individual, including the candidates’ themselves and no more than $3,000 per election, regardless of the source.

1.2 A senate candidate shall not spend more than $100 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 senate candidate shall keep accurate records of all campaign contributions and expenditures and submit them on the Campaign Financial Disclosure Statement (CFDS). A CFDS shall contain:

2.1.1 An itemized list of contributions to a candidate/ticket by individuals or organizations including identifying information (name, item, etc.) and amounts of each contribution.

2.1.2 An itemized list of expenses incurred by the candidate/ticket for all campaign materials distributed by and/or paid for by the candidate/ticket or a contributor.

2.1.3 Receipts must be submitted for all campaign expenditures in excess of $25.

2.1.4 Documentation must be submitted for contributions and expenditures of non- monetary assets or in-kind efforts.

2.2 The Elections Coordinator(s) shall have final discretion over values assigned to items per fair market value.

2.3 A candidate/ticket shall fill out a CFDS whether or not any monies were spent or contributed to a candidate or ticket.

2.4 CFDS forms and documentation shall be turned into the Student Involvement Office by noon (12:00 p.m.) the day following the election.

2.5 If a CFDS is not received by the due date and time, the candidate/ticket will have one (1) academic day, after notification, to submit a CFDS. Failure to do so may result in disqualification.

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.

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

2.9 CFDS appeals shall be resolved within seven (7) academic days after the election.

**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 Involvement Office 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 that a complaint has been filed against them and provide a copy of the complaint to the accused.

1.3 The Student Government Judicial Branch is 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.

1.4 The complainant and the accused student shall have an opportunity to present an oral presentation to the Judicial Branch.

1.4.1 The Judicial Branch is not responsible for investigating the complaint.

1.4.2 The complainant and accused student are responsible for providing the Judicial Branch with any evidence regarding the complaint.

1.4.3 Members of the Judicial Branch shall remove themselves from any hearings involving subject matters or individuals with which they have a conflict of interest.

1.4.4 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.

1.5 The Judicial Branch shall discuss the complaint and render a decision and if appropriate, a sanction.

1.5.1 The standard of proof is Preponderance of the Evidence.

1.6 The Judicial Branch shall notify all parties involved of the decision within 24 hours.

1.7 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 three or more minor offenses during the election may 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 Executive ticket offenses may be violations of spending limits within $3,001 and $3,300.

1.2.1.2 Senate candidate offenses may be violations of spending limits within $101 and $150.

1.2.2 Making libelous or slanderous statements 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 three or more major offenses during the election may 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 may be violations of spending limits greater than or equal to $3,301.

1.3.1.2 Senate candidate offenses shall be violations of spending limits greater than or equal to $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 Minor offenses may be punishable by restitution and/or any other non-monetary penalty deemed appropriate.

2.2 Major offenses may be punishable by a fine of no less than $50 and no more than $100, restitution, and/or any non-monetary penalty deemed appropriate.

2.3 Egregious offenses may be punishable by a fine of no less than $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 2 weeks of notification. Candidates or tickets do not have to include fines on the 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 students.

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 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 UND student identification.

1.5 All students shall vote according to their current academic and residential district.

1.5.1 Students shall be confirmed as to their academic district (i.e. college) 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.

1.5.2 Students will self-select one (1) residential district (e.g. off-campus, residence halls, or university apartments) for which they would like to vote when they vote.

**Section 2 – Online Ballot Voting Policies**

2.1 Online voting shall be open from 8:30 a.m. until 5:30 p.m. CST on Election Day.

2.2 An online voting website shall be set up for the election. Only the provider and Student Government Advisor and/or their designee shall have administrative access to the program for the duration of Election Day.

2.3 The candidates’ names shall randomly rotate in a manner in which each candidate has their name change position in the list.

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

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

2.5.1 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 Coordinator(s) or Student Government Advisor.

2.5.2 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(s) 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).

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03-29-98 03-31-98 04-02-03 02-01-04 03-22-06 04-29-07 04-27-08

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