

Nicholls State University Student Election Code



Preamble

Whereas the student body of Nicholls State University must at times make decisions through election and selection, and whereas the students desire the voting process to be fair and just, the SGA hereby establishes this Election Code to outline procedures and practices that shall occur prior to, during, and after student elections and selections overseen by the Election Commission.

Article I General Provisions

- A. Interpreting this Document
 - 1. Provisions in this document shall be interpreted strictly so that clear and unambiguous provisions are interpreted in their plain and general meaning.
 - 2. In the event a provision is unclear or ambiguous, this document should be interpreted by evaluating either the general purpose of the provision or the behavior which the provision is meant to prevent or resolve, and applying that purpose or remedy to address the specific circumstance.
- B. Amendments and Repeals
 - 1. This document may be amended by a majority of members present and voting at a duly constituted meeting of the Senate as per the guidelines for amendments to Rules of Procedures in the SGA Constitution (see Article III, Section 3, Number 1, Letter I)
 - 2. The Election Commission may submit recommended amendments to this document to the appropriate SGA Senate Committee.
- C. Definitions
 - 1. Candidate: Any individual who applies to be on the ballot for an elected office or is nominated for an honorary selection.
 - 2. Computer printouts: A printed material that shall list any of the following: eligible students names, classification, or Student Identification Number
 - 3. Print-out Books: bound paper materials which contain the Election Commission computer printouts.
 - 4. Eligible Voter: Every student who registers for 7 or more hours in the Fall & Spring Semesters who must pay student self-assessed fees or any student carrying six or fewer hours in the Fall or Spring Semester who elects to pay the student self-assessed fees. In the case of new student self-assessed fees or student opinion referendums handled through an SGA Referendum, all those currently enrolled students who would be required to pay the fee or would be directly effected by the Referendum upon its possible passage shall be considered eligible voters.
 - 5. Endorse/Endorsement: Showing public support by way of publications, letters, or speaking in public forums on behalf of an individual or idea. Does NOT include monetary support.
 - 6. Honorary Positions: Include but are not limited to Mr./Ms. Nicholls, Homecoming King/Queen, and Homecoming Court.

Article II Guidelines for Dates and Times of General and Run-off Elections

- A. Elections shall be conducted using online voting as designated by the Election Commission. Voting dates and times shall be set by the Election Commission the semester or session before a given election. In instances where special elections or referendums must be held within a given semester, the Election Commission shall set the times and dates of the new election at least 4 weeks prior to voting. In cases where on-line voting is not possible, judged undesirable, or if the integrity of an on-line election is suspect in the opinion of the Election Commission, the Election Commission may designate that a more traditional approach for conducting a student election be used including the use of on-site voting machines, paper ballots, etc.

- B. The Election Commission may postpone, cancel, extend or take other action necessary regarding election times and dates. Wide latitude is given to the Commission in regards to the conducting of elections impacted by weather or other emergencies which affect operations of the campus and student life at Nicholls State University. Whenever it becomes necessary to alter the time, date(s) or method for voting, the Election Commissioner shall file a copy of the minutes of the Commission meeting where decisions were made to relative to the election. During major campus emergencies, the Election Commission may meet electronically (internet or telephone) to make decisions. If the situation does not allow such communication to happen in a timely manner, the Election Commissioner, in his/her absence, the Chief Supreme Court Justice, and in their absence, the Vice President for Student Affairs and Enrollment Services, may order all election processes cancelled/postponed and the “freezing” of all election data (results) and records for review and action by the Election Commission at an appropriate time (when the campus returns to its regular schedule).
- B. Run-off Elections shall be held no sooner than 2 school days following the close of the primary election polls.

**Article III
Candidate Qualification and Requirements**

- A. Candidate Qualifications
 - 1. Qualifications for all candidates for elected office or honorary selections shall be specified by the appropriate authority of the elected office or honorary selection. Candidates must meet the qualifications and guidelines of their respective positions as listed in the pertinent qualifying document.
 - 2. The Election Commission, through Records and Registration, will be responsible for verifying the eligibility of all candidates after the close of the qualifying period. If a candidate fails to meet the qualification requirements, his or her name will not be placed on the ballot, and he or she will be notified by letter.
- B. Candidate Requirements
 - 1. All candidates for SGA/SPA positions or honors (as in Mr. & Ms. Nicholls or Homecoming Court) must file the appropriate application/nomination form with the SGA by a date and time specified by the Election Commission. The filing deadline shall be publicized by the SGA at least two (2) weeks prior to the deadline.
 - 2. All prospective candidates will be provided a copy of the Election Code with the election petition and invited to attend an “Election Procedure” meeting conducted by the Election Commission. Prospective candidates will verify by signature that they are in receipt of a copy of the Election Code, and understand that they are responsible for complying with the Election Code, and are aware of the possible consequences for not complying with the Election Code.

**Article IV
Candidate Expenditures**

The Student Government Association does not limit the amount which can be spent by a candidate, individual or group in support or in opposition of a candidate or referendum.

**Article V
Campaigning**

- A. Active campaigning, including posting or distribution of material, may begin on any day and at any time as long as it is within University policy and procedures. However, only individuals who meet qualifications for candidates or referendums which receive proper approval, will be placed on the student election ballot. Campaigning for any honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) is subject to the guidelines established by the appropriate committee responsible for the award program.
- B. Campaign materials, including the number and size of signs/advertisements, times for placement and removal, as well as other forms of communicating with the student electorate must be conducted in accordance with campus regulations, that is, this Election Code and published University policy (ies). A copy of the current university policy governing election signs and solicitation on campus is attached.
- C. Campaign material may not be affixed, attached, or placed on trees, shrubs, bushes, plants, or surface of any sort without the permission of the appropriate building or grounds authority
- D. Nicholls sound systems, including the SPA’s, may not be used for campaigning for a candidate at any time, unless made available to all candidates at a public election forum.
- E. Candidates will comply with university parking regulations. .

- F. SGA/SPA and any university copy machines, computers, equipment, materials, and/or supplies shall not be used to produce campaign materials for any election unless such equipment is available for use by all students.
- G. Destruction/damage of campaign (candidate or referendum) materials is strictly prohibited.
- H. Payment of money to any individual for the purpose of swaying or causing someone to vote for or against a particular candidate or referendum issue is prohibited.

Article VI

Faculty & Staff Involvement in Student Elections/Selections

- A. Faculty and staff are encouraged to motivate student participation in elections. However, it shall be a violation of this Code for any faculty or staff member to endorse or campaign for or against any candidate or issue. Violations of this Code by faculty or staff will be referred to the appropriate supervisory personnel.
- B. Candidates may not solicit endorsement of faculty or staff members to encourage students to vote a certain way in any student election.

Article VII

Voting Procedures

- A. Electronic Voting
 - 1. Eligible voters in an election (as defined by Article I, Section C, Number 7) will be able to cast their vote electronically through the Nicholls server. The voters must enter their Student Identification Number and Personal Identification Number into the secure voting website to cast their vote.
 - 2. Should an eligible voter be unable to vote because of technical reasons, they will be directed to the SGA office where an official of the Election Commission will inform the appropriate university authority of the problem and help the student to reach a resolution. The official will document any such occurrence and report it to the Election Commission.
- B. Voting Booth or Paper Ballot Voting
 - 1. Eligible voters in an election (as defined by Article I, Section C, Number 4) must present his or her valid driver's license, NSU student ID, or picture state/federal ID to the Election Commission Official or poll worker. No other ID will be accepted. The Election Commission Official or poll worker must check the ID and verify the student's classification from the computer printout. If the student's name is not on the printout, the student can be eligible to vote by presenting a paid fee slip. The poll worker must verify that the student is eligible to vote. An ID will still be required.
 - 2. Computer printouts will be the property of the Election Commission during all elections. No one, including candidates, workers, or commissioners, is allowed to examine printouts during the elections other than to verify voter classification. Printout books must remain closed when no one is voting. No one will be allowed to examine the printouts as a method of acquiring names of those students yet to vote.
- C. Should an error occur which omits a candidate's name, a new ballot will be developed. The old ballot will be discarded before the polls open. This may cause a delay in voting.
- D. While working at the polls, the Election Commission officials shall not wear any campaign material on their persons, nor are they to solicit votes or wear any organization paraphernalia during elections.
- E. The Election Commission shall appoint no individual who is a candidate for an elected SPA or SGA office or an honorary selection to work as a poll worker in any polling center.
- F. Election Commission officials will provide assistance to any individual with disabilities upon request.
- G. Following any election, if any Nicholls student wishes to examine the computer printouts or other record of who voted, they may do so after the completion of the primary or run-off elections in the presence of at least one (1) Election Commission official.

Article VIII

Election Code Infractions

- A. Infractions
 - 1. Payment of money to any individual for the purpose of swaying or causing someone to vote for or against a particular candidate or referendum issue
 - 2. Use of SGA/SPA or any university copy machines, computers, equipment, materials, and/or supplies to produce campaign materials for any election that is not available for use by all students.
 - 3. Destruction of campaign (candidate or referendum) materials.
 - 4. Soliciting a faculty or staff member to encourage students to vote a certain way in any student election.

5. Using any Nicholls sound system, including the SPA's, to campaign for a candidate at any time, unless made available to all candidates at a public election forum (personal rentals excluded).
6. Examination of Election Commission printouts used for voting booth or paper ballot elections to acquire the names of students who have yet to vote (during a voting period).

B. Procedures for Filing and the Handling of Election Infractions Complaints.

1. All complaints of possible infractions of Election Code must be in writing and filed with the SGA Secretary, who will date and time stamp the complaint when it is received.
2. Complaints must be filed by 4:30 p.m. on the second class day after the electronic election process ends. For example, if the last opportunity to vote is 11:59.59 p.m. on Wednesday, complaints may be filed until 4:30 p.m. on Friday. If the last opportunity to vote is after 12:00.00 (midnight) on Thursday, complaints may be filed until 4:30 p.m. on Monday.
3. Complaints may be filed by any student eligible to vote in the election, including Election Commission members who witness an Election Code Violation. All other persons may serve as witnesses; however, all complaints must be filed by a student eligible to vote in the specific election in question. Commission members who observe a violation of the Election Code should advise the violating party (ies) to cease and desist from behavior which violates the Election Code.
4. Complaints filed within the deadline as verified by the SGA Secretary's date and time stamp, will be forwarded to the Election Commissioner.
5. The Commissioner will oversee the investigation of the complaint. Election Commission members will assist as requested by the Commissioner. As noted in item 3, when any Commission member has reason to believe that a violation has or is occurring, he/she should advise the individual(s) to cease and desist from behavior which violates the Election Code. This preventive action by the Commission member does not preclude him or her from participating in the investigation and any subsequent hearing.
6. Once the investigation is completed, the Commissioner will determine if there is merit to complaint. If not, the Commissioner will dismiss the complaint and notify in writing the person who filed the complaint. If the Commissioner determines that there is merit to the complaint, the Commissioner will convene a meeting of the Election Commission. The Commissioner will notify in writing the person accused of violating the Election Code and the person who filed the complaint that the complaint has been accepted and that a meeting of the Election Commission has been scheduled. The notice will identify the specific violation, evidence supporting the charge including witnesses to be called, and the time, date and location of the hearing.
7. The Hearing will be held at the time, date and location set by the Election Commissioner. The hearing may be postponed or rescheduled by decision of the Election Commissioner.
8. The Hearing will be open to the public. However, the Election Commission may meet in executive session to hear information protected by FERPA, HIPPA or any other privacy laws or regulations which affect university operations and procedures.
9. The Commissioner will present the results of the investigation to the full Commission. The individual filing the complaint will then be provided an opportunity to present evidence and call witnesses. The individual accused of violating the Election Code will then be provided an opportunity to present evidence and to call witnesses. Election Commission members, the individual filing the complaint and the accused will be permitted to ask questions of witnesses testifying before the Commission. Other than witnesses called to testify and parties to the hearing, no other individuals will be permitted to speak or participate in the hearing. Attorneys, advisors or friends will not be permitted to address the Commission or participate in the hearing other than to offer advice to their party. The Commissioner shall rule on admissibility of evidence, motions and objections as well as the acceptability of questions asked by any party. The Commissioner may limit evidence that is repetitious and may take other action as necessary to maintain an orderly hearing, including requiring that all questions be submitted to the Commissioner who will then read each question to the witness(es).
10. The Election Commission will then deliberate in executive session. The burden of proof will be "more likely than not." Does the evidence presented, including the creditability of the witnesses and evidence presented, lead one to conclude that it is more likely than not that the individual accused violated the Election Code. If so, the Commission must find the accused guilty of violating the Election Code. If not, the Commission, must rule that the Election Code was not violated.
11. If the Election Commission determines that a student violated the Election Code, the Commission will impose sanctions as noted below. The Election Commission will have to determine the fine level for situations involving items A and F as well as any restitution imposed for items B, C, D and E. All other

sanctions are not debatable and will be imposed by the Commission upon concluding that a violation of the Election Code has been committed.

12. The following sanctions will be imposed against a student who has been found guilty of violating the Election Code.
 - A. A student found guilty of payment of money to any individual for the purpose of swaying or causing someone to vote for or against a particular candidate or referendum issue (vote buying) will be disqualified and fined up to \$200 (amount to be decided by the Election Commission).
 - B. A student found guilty of using SGA/SPA or any university copy machines, computers, equipment, materials, and/or supplies to produce campaign materials for any election that is not available for use by all students will be fined \$50.00 and restitution imposed for value of what was used to produce the campaign materials. A student found guilty of a second offense of this kind will be disqualified, fined \$50.00 and restitution imposed for the value of what was used to produce the campaign materials.
 - C. A student found guilty of destruction/damage of campaign materials, including any involvement in the destruction/damage of campaign materials by others, will be fined \$50.00 and restitution imposed for value of what was destroyed/damaged. A student found guilty of a second offense of this kind will be disqualified, fined \$50.00 and restitution imposed for the value of what was destroyed/damaged.
 - D. A student found guilty of soliciting a faculty or staff member to encourage students to vote a certain way in any student election will be fined \$50.00. A student found guilty of a second offense of this kind will be disqualified and fined \$50.00. The Commission will file a complaint with the employee's supervisor
 - E. A student found guilty of using any Nicholls sound system, including the SPA's, to campaign for a candidate at any time, unless made available to all candidates at a public election forum will be fined \$50.00 and restitution imposed for value of what was used. A student found guilty of a second offense of this kind will be disqualified, fined \$50.00 and restitution imposed for the value of what was used.
 - F. A student found guilty of examining Election Commission printouts used for voting booth or paper ballot elections to acquire the names of students who have yet to vote (during a voting period) will be disqualified and fined up to \$200 (amount to be decided by the Election Commission).
13. The Commission will adjourn from Executive Session and convene in regular session for the purpose of announcing its findings and the sanctions, if applicable, to be imposed. The Commissioner will, within two class days of the conclusion of the hearing, file a copy of the minutes of the meeting with the SGA Secretary who will date and time stamp the minutes when received. The minutes will reflect the specific charges filed, the findings of the Commission and the sanctions imposed. The minutes will also refer to the procedures for appealing Commission findings and decisions (see Article IX of this Election Code). Copies of the minutes may be obtained from the SGA Secretary. It will not be required that the SGA Secretary or the Commission post a copy of the minutes. The Commissioner will notify the parties involved in the matter, complainant and the accused, that a copy of the minutes have been filed with the SGA Secretary and are available upon request.

Article IX Appeal Procedures

Election Commission decisions resulting in the disqualification of a candidate or the voiding or overturning of the results of any student election (candidate or referendum) may be appealed to the Student Supreme Court. Decisions by the Commission relative to the amount of fine for Infractions 1 or 6 and for restitution imposed for any violation may also be appealed. Decisions involving honors are subject to the guidelines established by the sponsoring group/organization.

- A. Procedures for filing Appeals of Election Commission decisions resulting in the disqualification of a candidate or the voiding or overturning of the results of any student election.
 1. A student who has been disqualified from participation in an election or as winner of an election or any student voting in an election where the results have been voided or overturned other than by the disqualification of a candidate may submit a written appeal to the Chief Justice of the Student Supreme Court within two class days of the filing of the Election Commission hearing/meeting minutes. The appeal must be filed with the SGA Secretary who will date and time stamp the petition.

2. The petition must indicate whether the appeal is based on the failure of the Commission to follow published procedures in this Election Code, there is insufficient evidence to support the finding that a violation of the Election Code occurred, the amount of the fine for violating infractions 1 or 6 is in appropriate, or the amount determined for restitution is not correct. Disqualification imposed as a result of violation of Infractions 1 and 6 or repeated violation of Infractions 2, 3, 4, or 5 may not be appealed. The finding of guilt may be appealed, which if reversed eliminates the sanctions imposed. Appeals regarding the finding of repeated violations may address the finding of guilt for each violation. In such cases, the Supreme Court will review the first reported finding of a violation before proceeding to the second issue. A reversal of the first finding will result in the pending second finding being treated as a first offense. Upholding of a first finding of violation of the Election Code will result in the second issue being treated as a second offense.
 3. The Chief Justice of the Student Supreme Court will verify whether the appeal was submitted within the time frame permitted by Article IX, A, 1. If not, the petition will be rejected and the decision of the Election Commission will stand. The Chief Justice will notify in writing the Election Commission and all parties involved in the case. If the petition has been submitted within the time frame allowed, the Chief Justice will proceed with the handling the petition in accordance with the Rules of Procedure adopted for the Student Supreme Court.
- B. Appeals of decisions made by the Election Commission relative to Article II of this document will be handled as follows:
1. Any student eligible to vote in the specific election in question may submit a written appeal to the Chair of the Election Commission. The appeal must be submitted within two class days of the filing of the Election Commission minutes with the SGA Secretary who will date and time stamp the petition.
 2. The petition must indicate the specific basis for the appeal and the corrective action requested.
 3. The Election Commissioner will review the petition and complete an initial investigation of the matter, including verification that the appeal was properly submitted and identifies the basis of the appeal and corrective action requested.
 4. The Commissioner will then report the findings to the Election Commission. The Election Commission may decide to reject the appeal, hold a full Commission hearing on the matter or refer the matter to the Supreme Court for review and appropriate action.
 5. The student may appeal the Commission's decision to reject the appeal or the results of a full Commission hearing to the Supreme Court by filing a written appeal within two days of the filing of the Election Commission minutes. The appeal petition must be filed with the SGA Secretary within two days of the filing of the minutes.
 6. The Chief Justice of the Student Supreme Court shall handle the appeal following the procedures outlined in A3 of this Article (IX).

Article X Amendments

The Nicholls State University Student Election Code may be amended by a majority vote of the Election Commission, subject to approval of the SGA Senate. The Election Code may also be amended by a 2/3s vote of the SGA Senate without approval by the Election Commission.

August 20, 2007