



Student Government Association

Election Commission Rules of Procedures

Revised: August 31, 2020

Section I Purpose

The purpose of this document is to outline rules of procedures for proceedings and other general provisions for the Student Government Association Election Commission. This document applies to all proceedings of the Election Commission, which will oversee all matters relating to student body elections.

Section II Composition

The Election Commission shall be composed of 5 members: the Election Commissioner and the four (4) Election Commission Members

Section III Responsibilities of the Election Commissioner

1. The Election Commissioner shall serve as the chair of the Election Commission and vote only to break a tie.
2. The Election Commissioner shall serve as the administrative head of the election process.
3. The Election Commissioner shall call meetings of the Election Commission.
4. The Election Commissioner shall host a mandatory candidates meeting for all election candidates prior to the election to ensure that all candidates are aware of election regulations as outlined in the Election Code.
5. The Election Commissioner may ask any election personnel, including officials on the Election Commission, to leave the polling area if he/she suspects them of committing any questionable behavior that may affect the validity of an election.
6. The Election Commissioner shall work with the SGA Director of Public Relations to ensure the adequate publicity of all elections.
7. The Election Commissioner shall delegate duties to officials of the Election Commission.
8. The Election Commissioner may change, cancel, or postpone any general election with the approval of the Election Commission in emergency situations. Emergency situations shall include, but not be limited to, inclement weather, broken election tabulating equipment, and blatant fraud by voters or election personnel.
9. The Election Commissioner shall be the most knowledgeable of the Student Government Association Election Commission Rules of Procedures and the Nicholls State University Student Election Code.
10. The Election Commissioner shall demonstrate impartiality throughout his or her term in office.

Section IV Responsibilities of the Election Commission Members

The primary responsibilities of the Election Commission Members shall be:

1. Election Commission Members shall be responsible to attend all meetings or hearings called to order by the Election Commissioner.
2. Election Commission Members shall be responsible for enforcing the Nicholls State University Student Election Code.
3. Ensure one (1) member is in attendance at SGA Senate meetings the week before, during, and after a student body election.

4. Assist in investigations at the request of the Election Commissioner
5. All Election Commission Members shall be knowledgeable of the Election Commission Rules of Procedures and the Nicholls State University Student Election Code.
6. All Election Commission Members shall demonstrate impartiality throughout their term in office.
7. Perform any other official duties as outlined in this document.

Section V Quorum

1. A simple majority of the number of Election Commission Members eligible to hear any complaint shall constitute the quorum of the Nicholls State University Election Commission.
2. Any action taken by the Election Commission without quorum present shall be null and void, and it will be eligible for a rehearing.

Section VI Complaints

1. All complaints of possible infractions of Election Code, including possible infractions of honorary selections (Homecoming Court, King and Queen, Mr. and Mrs. Nicholls, etc.) 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 within 48 hours after the specific primary or run-off election ends.
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. Formal complaints regarding the Homecoming and Mr. and Ms. Nicholls elections will be handled solely and directly by the Election Commission.

Section VII Investigations

1. 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.
2. Once the investigation is completed, the Commissioner will determine if there is merit to the 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.

Section VIII Procedures for Hearings

1. 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.

2. The Hearing will be open to the public. However, the Election Commission may meet in executive session to hear information protected by FERPA (Family Educational Right and Privacy Act) or any other privacy laws or regulations which affect university operations and procedures.
3. 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).
4. 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 credibility 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.
5. If the Election Commission determines that a student violated the Election Code, the Commission will impose sanctions as noted in Section IX of the Election Code. The Election Commission will have to determine any restitution imposed for applicable sanctions. All other Nicholls State University Student Election Code sanctions are not debatable and will be imposed by the Commission upon concluding that a violation of the Election Code has been committed.
6. 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 as per Section IX of the Election Code. The Commissioner will, within 48 hours 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 require 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 has been filed with the SGA Secretary and are available upon request.

Article IX Appeals

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 2, 3, 10 and 11 in Article IX of the Election Code for restitution imposed for any violation may also be appealed.

Article X Procedures for Appeals

- 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 48 hours 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, 6, 7, 8, 9 or 11 is inappropriate, or the amount determined for restitution is not correct. Disqualification imposed as a result of violation of Infractions 1, 6, 7, 8 or 9 or repeated violation of Infractions 2, 3, 4, 5, 10 or 12 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 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 48 hours 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 48 hours of the filing of the Election Commission minutes. The appeal petition must be filed with the SGA Secretary within 48 hours of the filing of the minutes.
 6. The Chief Justice of the Student Supreme Court shall handle the appeal following the procedures outlined in Article IX, A, 3.