



Student Government Association

Nicholls State University Student Election Code

Revised: January 25, 2021

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. 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 two-thirds (2/3) vote of the SGA Senate without approval by the Election Commission. Constitution (See Article III, Section 3, Number 1, Letter I).
 - 2. Once an election cycle begins, any changes after the deadline for the call of elections or nominations for awards will take effect with the next election cycle.
 - 3. 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 meeting the criteria for an elected office or 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: All currently enrolled students who pay the SGA student self-assessed fees are 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
Scope and Manner

Section I
Jurisdiction

This Election Code, as set forth by the Student Government Association, is the ultimate governing document during matters relating to a student body vote or referendum. The Election Commission reserves the exclusive right to oversee all matters over a student body vote or referendum.

Section II
Proceedings

Guidelines of the handling of proceedings by the Election Commission of the Student Government Association can be found in the Election Commission Rules of Procedures.

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

Section I
General Guidelines

- 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 online voting is not possible, judged undesirable, or if the integrity of an online 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 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, 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).
- C. Run-off Elections shall be held no sooner than 48 hours following the close of the primary election polls.

Section II
Honorary Positions

Homecoming and Mr. and Ms. Nicholls Committees must submit their nominee selection and election plan within thirty (30) days prior to the student body election for approval by the Commissioner.

Article IV
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 Mr. & Ms. Nicholls Honors 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. All candidates for Homecoming Court Honors must file the appropriate application/nomination form with the appropriate committee responsible for the award program by a date and time specified by the committee.
 2. All prospective candidates for SGA/SPA positions or Mr. & Ms. Nicholls Honors must confirm receipt of a copy of the Election Code in writing with the SGA office or after attending the Candidates Meeting.
 3. Candidates who do not attend meetings are responsible for abiding by the Election Code.

Article V
Candidate Expenditures and Ethics

- A. All candidates running for SGA or SPA positions shall not spend in excess of \$750 on campaigning.
- B. All candidates running for SGA or SPA positions must submit all campaign related expenditures and transactions in the form of a receipt to the Election Commission on a weekly basis.
- C. Article V Section I is subject to oversight by the Election Commission

Article VI
Campaigning

Section I
General Guidelines

- A. Active campaigning, including posting or distribution of material and/or launching a social media page may begin only after a candidate has confirmed receipt of a copy of the Election Code in writing with the SGA office or after attending the Candidates Meeting. However, only individuals who meet qualifications for candidates or referendums which receive proper approval will be placed on the student election ballot.
- 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. Social media, including but not restricted to Facebook, Twitter, Instagram, email, etc., may be used throughout the entire election and voting process. Candidates must turn in to the Election Commission the domain names/electronic addresses of all internet campaign sites utilized, including social media pages.
- D. If allowed by the University, candidates may run commercials and/or place ads on university electronic display boards that are paid for by the candidate.

- E. Candidates may use chalk in their campaign efforts. Candidates should refer to the Office of Student Life for acceptable chalk locations as per university regulations.
- F. Emails shall be sent out to all Nicholls student email accounts on behalf of the Election Commission informing students of the election and what is on the ballot. Individual candidates will not be permitted access to bulk or mass emailing through the university email system.
- G. 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.
- H. SGA/SPA and any university copy machines, computers, equipment, materials, and/or supplies shall not be used to produce campaign materials for any election.
- I. 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.
- J. Any sign placed on campus must not defame any candidate or it will be removed and subject the individual responsible for the sign to appropriate disciplinary action or disqualification.
- K. No campaign material shall be affixed to any vehicles, without the permission of the owner. Persons supporting a campaign must place the campaign material on their own car. Distribution of campaign materials on cars, bikes, motorcycles, or any other form of transportation used by persons not affiliated with a campaign is prohibited.
- L. Candidates will comply with university parking regulations.
- M. Campaigning that disrupts the normal flow of University business is prohibited and can be stopped by appropriate University officials.
- N. Littering on campus is prohibited. Campaign materials shall be distributed directly to students.
- O. Destruction/damage of campaign (candidate or referendum) materials is strictly prohibited.
- P. Candidates may not defame another candidate in any way during campaigning.
- Q. 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.
- R. All candidates are encouraged to create original logos and designs for campaigning purposes. Candidates are to refrain from the use of the SGA's logos and Nicholls university logos, spirit logos, mascots, and other specialized Nicholls logos in any and all campaigning efforts. Candidates should refer to the Nicholls Branding Guide or the Office of University Marketing & Communications on the Nicholls website for the full list of prohibited designs and logos.
- S. Any event that is in support of a candidate or in support of or in opposition to a referendum or the election process must be hosted on campus and approved by the Office of Reservations. The dates, times, and locations must be submitted to the Election Commission at least one week prior to the actual event.

Section II
Special Guidelines for Honors Positions

- 1. Campaigning for any honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) is prohibited.
- 2. Students chosen for any honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) will receive a copy (digital or physical) of the Election Code. Students will also be required to attend a virtual meeting before the election begins.
- 3. Students chosen for honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) may participate in a candidate presentation.

Article VII
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 and the University Compliance Committee.

- B. Candidates may not solicit endorsement of faculty or staff members to encourage students to vote a certain way in any student election.

Article VIII Voting Procedures

Section I Electronic Voting

1. Eligible voters in an election (as defined by Article I, Section C, Number 4) will be able to cast their vote electronically through the Nicholls server. The voters must enter their assigned credentials 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.

Section II 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, Nicholls 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.
4. 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.
5. 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.
6. 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.
7. Election Commission officials will provide assistance to any individual with disabilities upon request.
8. 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.
9. The Election Commission shall determine the candidate information to be placed on the ballot for each election for SGA/SPA positions and honorary selections.

Article IX
Election Code Infractions

Section I
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.
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. Use of any Nicholls sound system, including the SPA's, to campaign for a candidate.
6. Examination of Election Commission printouts used for voting booths or paper ballot elections to acquire the names of students who have yet to vote (during a voting period).
7. Use of the University's bulk or mass email system.
8. Defaming another candidate in any way which rises to a level that violates the Code of Student Conduct.
9. Affixing campaign materials to any vehicles without the owner's permission.
10. Littering of campaign materials.
11. Failure to remove campaign materials within forty-eight (48) hours after the results of the election is announced.
12. Violation of the University's policy governing election signs and solicitation on campus.
13. Campaigning, in any form, for honorary selections/positions (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.)
14. Use of SGA or university logos/designs in any campaign materials.
15. Utilizing an internet campaign site or social media page for campaigning purposes before notifying the Election Commission.
16. Hosting of an unauthorized campaign event in relation to a candidate, referendum, or the election process.
17. Failure to notify the Election Commission one week prior to the candidate, referendum, or election-related campaign event.
18. Spending in excess of \$750 on campaigning.
19. Failing to submit all campaign related expenditures and transactions to the Election Commission on a weekly basis as ethics reports in an accurate and timely manner.

Section II
Imposable Sanctions

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 \$200.
- 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 will be fined \$50 and restitution imposed for the 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 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 and restitution imposed for the

- value of what was destroyed/damaged. A student found guilty of a second offense of this kind will be disqualified, fined \$50 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. A student found guilty of a second offense of this kind will be disqualified and fined \$50. 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 will be fined \$50. A student found guilty of a second offense of this kind will be disqualified, fined \$50.
 - 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 \$200.
 - g. A student found guilty of sending emails via the University's bulk or mass email system in favor of any candidate will be disqualified and fined \$50.
 - h. A student found guilty of defaming a candidate in any way will be disqualified and fined \$50.
 - i. A student found guilty of affixing campaign material to any vehicle that is not the candidate's own personal vehicle or the vehicle of the candidate's supporters will be disqualified and fined \$50.
 - j. A student found littering campaign materials will be fined \$50 and restitution imposed. A student found guilty of a second offense of this kind will be disqualified, fined \$50 and restitution imposed.
 - k. A student who fails to remove their campaign material within forty-eight (48) hours after the results of the election is announced will be fined \$50 and restitution imposed.
 - l. A student who violates the University's policy governing election signs and solicitation on campus shall be fined \$50. A student who is found guilty of a second violation of this kind will be disqualified and fined \$50.
 - m. A student found guilty of using SGA or university logos/designs in any campaign materials shall be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
 - n. A student found guilty of utilizing an internet campaign site or social media page for campaigning purposes before notifying the Election Commission shall be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
 - o. A student found guilty of hosting an unauthorized campaign event shall be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
 - p. A student who fails to notify the Election Commission one week prior to any campaign event will be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
 - q. A student found guilty of campaigning for honorary selections (Homecoming Court, King and Queen, Mr. and Ms. Nicholls, etc.) will be issued a warning. A student found guilty of a second offense of this kind will be disqualified and fined \$50.
 - r. A student that spends in excess of \$750 on campaigning will be disqualified.
 - s. A student that fails to submit campaign related expenditures in an accurate and timely manner will be fined \$50. A student found guilty of a second offense of this kind will be disqualified and fined \$50.

Section III 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, as outlined in the Election Commission Rules of Procedures of the Student Government Association Governing Documents.