

By: Jayci Jones

WHEREAS The Judicial Affairs committee reviewed the current Northeastern State Government Association Bylaws and the current election procedures that are in use.

WHEREAS It is in the opinion of the Judicial committee that our election procedures are better suited within the Bylaws.

BE IT ENACTED THAT:

SECTION 1. The current Bylaws of the Northeastern Student Government Association be amended and recodified to include the following:

Elections Procedures

I. DEFINITIONS

- a. Campaign. The term "campaign" shall mean any individual(s) or planned action(s) working to promote or oppose any candidate or question voted upon by the student body.
- b. Active Campaigning. The term "active campaigning" shall mean any direct distribution of campaign materials or verbal encouragement to promote or oppose a campaign.
- c. Campaign Materials. The term "campaign materials" shall mean any advertisement, document, or device of any kind whatsoever intended to promote or oppose a candidate or question voted upon by the student body.
- d. Harassment. The term "harassment" shall mean continued solicitation to an individual beyond the initial communicated refusal.
- e. Candidate. The term "candidate" shall mean any individual who has satisfied all of the eligibility requirements to run for office in the General Election, and has filed a declaration of candidacy with the Election Commissioner.
- f. Major Offenses. The term "major offenses" shall include the following.
 - i. Tampering with ballots or the electronic election system.
 - ii. Casting more than one ballot.
 - iii. Allowing a person to cast a ballot in a name other than his/her own.
 - iv. Deliberate submission of false or misleading information or deliberate omission of information.
 - v. Failing to file required.
 - vi. Harassment, intimidation, bribery, or fraud with the intent of affecting the outcome of an election.
 - vii. Libelous or slanderous statements or conduct.
 - viii. Intentional actions to mislead or obstruct the Election Commissioner in the completion of their duties as outlined.
 - ix. Encouraging the commission of a major offense under this Code.
 - x. Failing to comply with rulings or pay restitution.

- xi. Campaign materials or activities that are disorderly, lewd, or indecent; breach the peace; or aid, abet, or procure another person to breach the peace on university premises or at university- sponsored activities.
- g. Minor Offenses.
 - i. Minor offenses shall be defined as any other violations of this Code as not listed above.

II. ELIGIBILITY TO VOTE

- a. All students enrolled in at least one credit hour at Northeastern State University shall be eligible to vote. Eligibility shall be determined by the Election Commissioner.

III. QUALIFICATIONS

- a. Qualifications for Candidacy. The qualifications to run as a candidate for any Northeastern Student Government Association position shall be as established by the Northeastern Student Government Association Constitution.
- b. The Election Commissioner is disqualified from being a candidate in any election that falls during their term of office.

IV. NOMINATION OF CANDIDATES

- a. Any person meeting the qualifications of Article II, Section 1.2 of the NSGA Constitution may become an executive officer candidate and any person meeting the qualifications of Article III, Section 2.1 of the NSGA Constitution may become a senator candidate by complying with the requirements outlined in this section.
- b. Declaration of Candidacy.
 - i. The Election Commissioner shall determine the form of the declaration of candidacy. The declaration of candidacy shall include the name of the student, the student's N Number, and the office being sought by the student. Any person seeking to have their name placed on the ballot as a candidate must do so in accordance with due dates determined and announced by the Election Commissioner.
- c. Mandatory Meetings.
 - i. Each candidate shall attend the mandatory meeting prior to the general election as specified by the Election Commissioner. A candidate may be excused from this requirement only if the candidate has received written permission from the Election Commissioner.
- d. Expense and Contribution Reports.
 - i. Each candidate shall file an expense and contribution report as specified in this packet.
- e. Exceptions.
 - i. Exceptions as to the date and time of a filing requirement under this section may be made by the Election Commissioner upon determination of reasonable circumstances.

V. ELECTION SYSTEM

- a. The Elections System is the electronic voting system procured by the Department of Student Engagement and Northeastern Student Government Association.
- b. Responsibility.

- i. The Election Commissioner shall be responsible for establishing and maintaining the election system on the days of the elections. The Election Commissioner shall be responsible for developing specific voting procedures, administering such procedures, and ensuring that voting is carried out in an orderly and impartial manner.
 - c. Location.
 - i. Voting may take place in University Computing Labs or on any electronic device with access to the election system.
 - d. Times of Operation.
 - i. The elections system shall remain accessible for not less than eight continuous hours for each day of the election. The Election Commissioner shall have the discretion to maintain the Elections System beyond these time requirements.

VI. **BALLOTS**

- a. Ballot Forms.
 - i. The Election Commissioner shall provide an electronic ballot, which shall contain spaces for all campus-wide offices to be elected as well as spaces for each referendum or initiative to be voted upon.
 - ii. Candidates shall be listed on the ballot in random order. The name of the candidate shall be printed as requested by the candidate in his or her declaration of candidacy. At a minimum, candidates must use their last name as registered with the University.
- b. The Election Commissioner shall ensure that all ballots are secure from damage, loss, theft, or alteration.

VII.

VOTING

- a. Voting shall be by online ballot. To receive a ballot, the voter must follow procedures outlined by the Election Commissioner. The voter must mark the ballot according to the instructions on the ballot.
- b. Tabulation.
 - i. Votes for all offices shall be counted electronically by the elections system. Vote totals shall not be released to anyone prior to the closing of the polls.

VIII.

CAMPAIGN MATERIALS

- a. Time Limited Materials.
 - i. Tables may be established by candidates who are running for an executive position or an at large senator position beginning immediately after the candidate meeting on Friday, February 17th at 5:00 p.m.
 - ii. All tables are to be removed during the weekends and immediately following the completion of the respective elections.
 - iii. All General Election candidates shall remove campaign materials from campus property by 5:00 p.m. the day following the completion of the General Election.
 - iv. Items such as stickers, buttons, websites, social media, T-shirts, and other materials not listed in these regulations shall not be restricted in regard to time.
- b. Posters.

- i. Each candidate is only allowed 5 posters to hang up, and will be hung by the Election Commissioner.
 - ii. Posters should be turned in no later than Friday, February 17th at 5:00 P.M. into the NSGA office.
- c. Chalking.
 - i. Chalking. Candidates in the General Election may begin to display chalking after the candidate meeting on Friday, February 17th at 5:00 p.m.
 - ii. Chalking is permitted only on sidewalks. Chalking is not permitted on stairs and any area not generally intended as a pathway for pedestrians.
 - iii. The use of “liquid chalk,” or any other permanent or semi-permanent material is prohibited.
 - iv. No chalking is allowed within 30 feet of the entrance to any building on campus.
- d. Stickers and Buttons.
 - i. Stickers shall only be placed on personal property.

IX. RESTRICTINS ON DISTRIBUTION OF MATERIALS

- a. Distribution of tangible campaign materials to individuals must be made by an individual. Campaign activities that distribute tangible campaign materials through any form of contact beyond personal interaction are prohibited.
- b. Individuals may not be representing a business at the time of distribution.
- c. Illegal distribution of tangible campaign materials shall include, but is not limited to, canvassing of parking areas, leaving campaign materials unattended or in piles, mass mailings, and indiscriminate scattering of materials.
- d. E-mails containing campaign language shall not be sent to a Northeastern State University Listserv. A candidate running for any office may not post and/or request for a post to be made on any Northeastern State University website, Go NSU page, or other officially managed site.

X. RESTRICTED MATERIALS

- a. All campaign materials and activities shall conform to the laws of the State of Oklahoma, the ordinances of the City of Tahlequah, Northeastern State University Housing Regulations, and all other rules of the University.
- b. All NSU copyrighted or trademarked logos (e.g. Northeastern State University, the RiverHawk, and Rowdy) are not licensed for use in conjunction with any political campaign, including any campaign for any office governed by these regulations. As such, no candidate shall use any such logo on any campaign materials.
 - i. No chalking or outdoor hanging of posters within 50 feet of resident hall complexes.
- c. No campaign materials shall be leaned against or otherwise affixed to campus property.
- d. Unauthorized Removal. No individual shall remove, deface, obscure, or otherwise tamper with the campaign materials of any candidate without authorization.
- e. Class Interference. No campaign activity that disturbs or otherwise interrupts a class shall be permitted.
- f. Harassment. No campaign shall engage in harassment.

- g. Obstruction. Campaigners shall not physically obstruct individuals.
- h. Any activity related to a campaign, except for those approved by the Election Commissioner, shall not be permitted in the Department of Student Activities.
- i. Any activity related to a campaign, except for those approved by the Election Commissioner, shall not be permitted in the Office of Northeastern Student Government Association.
- j. No campaign shall promote or engage in activities that are disorderly, lewd, or indecent; breach the peace; or aid, abet, or procure another person to breach the peace on university premises or at university sponsored activities.
- k. Authority to Remove. Election Commissioner Authority. The Election Commissioner, or his/her designee, shall have the authority to remove any campaign materials found to be in violation of the regulations noted above, at which time the candidate shall be notified of the violation.

XI. ELECTION DAY ACTIVITIES

- a. Distance Requirement. No ballots may be cast within 25 feet of a campaign table set up. No campaign may provide a device upon which students may vote.
- b. Exception. It shall not be considered a violation for a voter to wear passive campaign material in the form of a shirt, sticker, or other item in the vicinity of the polls or while voting so long as that individual is not loitering.
- c. Authority. The Election Commissioner shall have the authority to make determinations of loitering or campaigning under this section.

XII. CAMPAIGN EXPENSES AND CONTRIBUTIONS

- a. Definition.
 - i. The term "campaign expense" shall mean the retail value of any obligations incurred, the retail value of any goods or services donated, and any actual funds utilized to promote or oppose the election of any individual to any office under this code. This definition shall include the value of any discounts not available to the general public and the retail value of any services donated. This definition shall not include any fines assessed under this Code.
 - ii. The full amount of any item that is used by more than one candidate or campaign shall be listed as an expense on each candidate or campaign's expense report.
- b. Personal Contributions Limited. The value of labor by a candidate, professional or otherwise, is not to be expensed or included as personal contributions. Any contribution to a candidate from a business or nonstudent shall count towards the personal contribution limit. The maximum amount any candidate may contribute toward his or her campaign shall be as follows:
 - i. The total amount any Executive Office candidate or Senator Candidate may contribute towards a campaign including any contributions from outside sources to the campaign is \$200.00.

XIII. REPORTING REQUIREMENTS

- a. Content. Expense and contribution reports shall itemize all campaign expenses, and the fair market value of each item listed as determined whether by receipt, proof of purchase, or when unavailable. All campaign material must be purchased before the expense report deadline, and no expense can be incurred

after the report is turned in. The contribution section of the report shall itemize each amount contributed to the campaign, the name of the donor, and any other information deemed necessary by the Election Commissioner.

- b. Verification. The Election Commissioner shall review the expense and contribution reports in order to check for accuracy and completeness. The Election Commissioner has the authority to make final judgments on cost of items where evidence of cost is absent.
- c. All campaign expense reports must be submitted by the Election Commissioner requesting by 5:00 pm on the Friday after to the General Election.

XIV. **COMPLAINTS**

- a. Filing Complaints. Any election complaints involving a suspected violation of this Code must be filed with the Election Commissioner within 24 hours after discovery of the suspected violation. Complaints shall be made in such a form that states the name of the filer, the section(s) under which the suspected violation shall have occurred, any evidence to support the complaint, the names and contact information of any witnesses, and shall be signed by the filer.
- b. At any time prior to the hearing, the party filing the complaint may withdraw their complaint by notifying the commissioner in writing.
- c. Notification and Review. The Election Commissioner shall have 48 hours to notify the individual(s) suspected of the violation, the individual(s) filing the complaint, make public the suspected violation, and conduct a review. Notification shall include the suspected violation, the name of the person filing the complaint, and the date, time, and location of the scheduled hearing.
- d. Suspension of Timeframe. Upon the removal, resignation or permanent inability of the Election Commissioner to discharge his or her duties as the Election Commissioner, there shall be a suspension of the timeframe for filing complaints, reviewing suspected violations, determining violations and appealing violations. This suspension shall cease upon the approval of a new Election Commissioner.

XV. **REVIEW OF SUSPECTED VIOLATIONS**

- a. All actions of the review of suspected violations shall be documented.
- b. Review Process.
 - i. The Election Commissioner shall conduct an investigation of the suspected violation prior to the scheduled hearing.
 - ii. The respondent shall have the opportunity to submit a written response to the complaint, any evidence to support their response, and the names and contact information of any witnesses prior to the scheduled hearing to the Election Commissioner. If the respondent chooses to admit the violation in their response, the violation and penalty will still be considered at the time of the hearing.
- c. The Hearing
 - i. The hearing will be held at the scheduled time listed in the notification. Upon request of the parties involved, the Election Commissioner may reschedule the hearing for another time within the time allowed for notification and review.
 - ii. The NSGA Advisor or his/her designee shall attend all hearings as counsel to the Election Commissioner.

- iii. Failure to attend the hearing by either party shall not constitute an admission of violating the elections regulations. If neither party is present for the scheduled hearing the Election Commissioner shall make a ruling based on the investigation and submitted evidence.
- iv. The hearing shall be open to the public.
- v. An audio recording will be made of the full hearing.
- vi. The respondent shall have the opportunity to support their case by making any statements, calling relevant witnesses, and submitting any evidence.
- vii. The party filing the complaint shall have the opportunity to support their case by making any statements and calling relevant witnesses.
- viii. The Election Commissioner shall question witnesses provided by all parties involved in the review.
- ix. The Election Commissioner shall present the results of their investigation, and the respondent and party that filed the complaint shall have the opportunity to respond and ask questions of the Election Commissioner.
- x. Public participants attending the hearing shall not have speaking rights during the hearing and may be removed from the hearing by discretion of the Election Commissioner.
- xi. After the completion of the hearing, the Election Commissioner may no longer investigate the suspected violation.

XVI. DETERMINATION OF VIOLATION

- a. Within three hours of the completion of the hearing, the Election Commissioner shall, with the counsel of the NSGA Advisor or his/her designee, make a determination of whether or not a violation of the code was committed and, in the event that a violation did occur, shall determine a reasonable penalty for the violation under those restrictions as set forth in this section.
- b. The Election Commissioner shall notify the respondent, the party who filed the complaint, and make public the determination.
- c. Penalties. In determining penalties, the Election Commissioner shall consider repeat violations and the number of violations incurred by a campaign.
 - i. Major Offenses. Upon the determination by the Election Commissioner of a major offense, the Election Commissioner may cause the disqualification of such candidate(s) from the General Election or other penalties as deemed appropriate.
 - ii. Disqualifications.
 - 1. Any candidate who fails to file any required report for a position shall be disqualified from that position by the Election Commissioner except as provided in in this document.
 - 2. Individuals who have been disqualified by the Election Commissioner or Elections Commission from the General Election shall not be elected as a write-in candidate for the position from which they were disqualified.
 - iii. Minor Offenses. Upon the determination by the Election Commissioner of a minor offense, the Election Commissioner may impose such penalties as deemed appropriate.

- iv. No fines shall be levied as punishment for any violations committed under this code. This does not include such payments of restitution as may be deemed appropriate in the case of destruction or damage of property.
- v. In cases of destruction or damage to campaign materials or election equipment by a candidate or campaign, the Election Commissioner may order restitution for damaged items to those parties whose materials were so damaged.
- vi. Upon determination of an offense committed by a student who is not a candidate, including destruction of or damage to campaign materials or election equipment, the Election Commissioner may refer the case to the Election Commissioner for resolution within the judicial system.
- vii. In assessing penalties, the Election Commissioner shall consider the severity of the violation or any mitigating factors that may be involved in the situation as well as any cooperation provided by any person so involved.

XVII. APPEALS OF VIOLATIONS

- a. Any determination of violation made by the Election Commissioner may be appealed by the complainant or respondent. Appeals must be filed with Judicial Committee within 15 hours of the completion of the hearing.
- b. Once an appeal of a violation is filed, all individuals listed on the ballot as candidates for that position and the Election Commissioner shall be notified by the Judicial Committee.
- c. Grounds for Appeal.
 - i. The determination of violation failed to follow written procedures and rules as outlined.
 - ii. There was not sufficient evidence to support the determination of violation.
 - iii. The determination of violation was reached in an unjust manner including but not limited to the presence of bias; unreasonable, arbitrary, or capricious action; or discrimination on the basis of race, religion, color, sex, physical ability, national origin, sexual orientation, or ancestry.
 - iv. The determination of violation denied a student their constitutional rights as identified in the NSGA Constitution.
 - v. The penalty is too harsh or too lenient.
 - vi. There is new evidence that was not known nor could have been discovered at the time of the review.
- d. Any determination of a violation made by the Election Commissioner shall be valid until the ruling of the Senate Operation Committee.
- e. Appeals shall be of the record only and any new evidence allowed by Judicial Committee.
- f. Appeals to Judicial Committee shall follow the procedures outlined in the Elections Regulations Code.
- g. The Judicial Committee shall hear the appeal within 24 hours of the appeal being filed.
- h. The “appellant” shall be defined as the person appealing to the Judicial Committee the decision of the Election Commissioner.

- i. At the completion of the hearing the Judicial Committee shall notify the original complainant and respondent, Election Commissioner, and make public the decision of the appeal.

XVIII. **RECORDS**

- a. The following elections records shall be kept for a period of five years.
 - i. Documentation and recordings of the suspected violations; notification and reviews; determinations of violations; and appeals.
 - ii. The following elections records shall be kept for a period of one year:
 1. Expense reports.