

NORTH DAKOTA STATE UNIVERSITY 2009 STUDENT BODY ELECTION CODE

Created by the Student Court in accordance with the
Constitution of the Student Body

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100 Scope

The Student Court, the judicial branch of Student Government, will be the governing body for the North Dakota State University Student Body Election. The Student Court will deal with all responsibilities regarding election procedures. The Student Court has the responsibility to hold elections as it deems appropriate, with the approval of the Student Senate. In all cases, the Student Body Election will be subject to the provisions in this Student Body Election Code, the Constitution and By-Laws of the Student Body, Rights and Responsibilities of Community: A Code of Student Behavior, North Dakota State University Alcohol Policy, North Dakota Century Code, and Federal Law.

200 Policies

An effective student government is dependent upon fair elections that are free from improper influences. Maturity and restraint in these elections are necessary to provide the voters with a proper environment that allows them to make their decisions. Experience has shown that non-partisan supervision of elections is necessary to prevent political excesses from surrounding the electoral process. In accordance with these considerations, the Student Court will ensure through its authority and the Student Body Election Code that an amiable atmosphere will exist for the Student Body and their rights.

300 Definitions

- A) **Student Body**. The student body refers to students registered for at least one credit at North Dakota State University.
- B) **Academic District**. An academic district is an individual college of the University. This term refers to those enrolled in a college, except for graduate students (See Section D below). The Student Court has the authority to reapportion annually the number of seats per academic district according to Article II, Section 2, Paragraph C, (1), (a) of the Student Body Constitution. The academic districts are as follows:
- Agriculture, Food Systems, and Natural Resources
 - Arts, Humanities, and Social Sciences
 - Business Administration
 - Engineering and Architecture
 - Human Development and Education
 - Pharmacy, Nursing and Allied Sciences
 - Science and Mathematics
 - University Studies
 - Graduate Studies
- C) **Residential District**. A residential district is a pre-determined residential area, which the Student Court may redistrict each year due to changes in the population of the Student Body. This term refers to those who live in a particular area. The Student Court has the authority to define and reapportion annually the number of seats per residential district according to Article II, Section 2, Paragraph C, (1), (b) of the Student Body Constitution. The residential districts are as follows:
- Off-Campus
 - Greek Housing (students living in recognized fraternity and sorority houses)
 - University Apartments (University Village, Bison Court)
 - High-Rise (Thompson, Severinson, Seim, and Pavek)

- Women's Low-Rise (Burgum, Dinan, North Weible, and South Weible)
 - Men's Low-Rise (Churchill, Stockbridge, Reed, and Johnson)
 - Apartment Style Living (Living Learning Center West and East, and Niskanen Apartments)
- D) Graduate Studies. Graduate studies refers to individuals enrolled in the Graduate School. Individuals enrolled in the Graduate School must vote and/or run for office in the Graduate Studies district regardless of the academic college they belong to.
- E) Candidate. A candidate is a campaign representative who has satisfied all of the qualifications to run for office in the Student Body Election and filed a Declaration of Candidacy within the deadlines contained in the Student Body Election Code (See Section 402 Qualifications for Office).
- F) Write-in Candidate. A write-in candidate is an individual who is running for office but has not filed an Application for Candidacy within the deadlines contained in the Student Body Election Code. Write-in candidates must still submit a Declaration of Write-In Candidacy and a Financial Statement by the stated deadline in order to have any votes for him/her counted.
- G) Campus Proper. Campus proper refers to any piece of property owned, leased, operated, or administrated by North Dakota State University, and its immediate environment.
- H) Electoral Race. Electoral races are contests involving one (1) or more candidates running for the same office in the election.
- I) Campaign Activities. Campaign activities involve any conduct and/or materials intended to promote or oppose the election of any candidate or to promote or oppose any ballot measure or constitutional amendment.
- J) Pre-Campaign Activities. Pre-campaign activities involve any conduct or materials intended to create or develop a campaign team or strategy.
- K) Campaign Materials. Campaign material includes any advertisements, documents, or devices through any medium intended to promote or oppose the election of any candidate, ballot measure, and constitutional amendment.
- L) Campaign Expenditures. Campaign expenditures mean the actual retail value of any obligations incurred, the retail value of any goods and services donated, and any actual funds expended to promote or oppose the election of any candidate or to promote or oppose any ballot measure or constitutional amendment.
- M) On-line Voting System. On-line voting system refers to the user interface that allows the casting of electronic votes and the counting of the electronic votes cast.

400 General Election

- A) Definition. The Student Body Election will be held in April for the purpose of electing the Student Body President, Student Body Vice President, Student Senators, and Members of the Board of Student

Publications. The April election will also be held for the purpose of amending the Student Body Constitution or presenting initiatives or referrals to the Student Body.

B) President and Vice President. In the Student Body Election, the presidential ticket, consisting of one (1) Presidential candidate and one (1) Vice Presidential candidate, will be filed and elected jointly by the Student Body. If a write-in candidate is elected to office, he/she will appoint a Vice President in accordance to Article III, Section 2, Part B of the Student Body Constitution. Only one presidential ticket will be elected.

C) Student Senators. In the Student Body Election, a candidate may run in either his/her academic district or his/her residential district. The following is a breakdown of the number of positions available:

RESIDENTIAL SENATORS

▪ Apartment Style Living	1
▪ Greek Housing Units	1
▪ High Rise	2
▪ Men’s Low Rise	1
▪ Off-Campus	13
▪ University Apartments	1
▪ Women’s Low Rise	1

ACADEMIC SENATORS

▪ Agriculture, Food Systems, & Natural Resources	1
▪ Arts, Humanities, and Social Sciences	2
▪ Business Administration	2
▪ Engineering and Architecture	4
▪ Graduate Studies	3
▪ Human Development and Education	2
▪ Pharmacy, Nursing and Allied Sciences	2
▪ Science and Mathematics	2
▪ University Studies	1

Apportionment of Academic and Residential Senator seats are made in accordance with Article II, Section 2, Part C of the Student Body Constitution.

D) Board of Student Publication. Candidates may run for a seat on the Board of Student Publications. There are two (2) positions available. Information about these positions may be found in the Student Government Office or the Spectrum Office.

E) Eligibility to Vote. To cast votes in the Student Body Election, a student must be enrolled in at least one (1) hour of course work at North Dakota State University. A student may cast votes for one presidential ticket, for as many senate seats available in the academic district and residential district of which the student is a member, and also for as many seats available on the Board of Student Publications. The Student Court will determine a student’s membership in a particular district on the basis of official enrollment records as of the close of business the day before voting begins. Minnesota State University-Moorhead and Concordia College students taking classes at North Dakota State University are not members of the Student Body and therefore are not eligible to vote.

F) Singularity of Office. No member of the Student Body will be eligible to run in more than one electoral race in the Student Body Election.

401 Election Schedule

The following is a schedule showing all events and deadlines for Student Body Election.

Date	Event	Time	Location
March 10, 2009 (Tuesday)	Application Deadline	5:00 P.M.	Student Activities Office MU 120
March 12, 2009 (Thursday)	Constitutional Amendment(s) Due	5:00 P.M.	Student Activities Office MU 120
March 12, 2009 (Thursday)	Ballot Measure(s) Due	5:00 P.M.	Student Activities Office MU 120
March 12, 2009 (Thursday)	Eligibility Appeals Due	7:00 P.M.	Student Activities Office MU 120
March 18, 2009 (Wednesday)	Informational Meeting	5:00 P.M.	Meadowlark Room
March 23, 2009 (Monday)	Campaigning Opens	12:00 P.M.	
March 23, 2009 (Monday)	Campaign Team Roster Due	8:00 A.M.	Student Gov't Office MU 124
March 25, 2009 (Wednesday)	Complaint Hearing #1	7:00 P.M.	Meadowlark Room
March 29, 2009 (Sunday)	Senators Survey to be Completed	11:59 P.M.	Blackboard
April 2, 2009 (Thursday)	Complaint Hearing #2	6:00 P.M.	Meadowlark Room
April 7, 2009 (Tuesday)	Campaigning Closes	8:00 A.M.	
April 7, 2009 (Tuesday)	On-line voting opens	8:00 A.M.	
April 7, 2009 (Tuesday)	Complaint Deadline #1**	8:00 A.M.	Student Gov't Office MU 124
April 8, 2009 (Wednesday)	On-line voting closes*	5:00 P.M.	
April 8, 2009 (Wednesday)	Complaint Deadline #2**	5:00 P.M.	Student Gov't Office MU 124
April 8, 2009 (Wednesday)	Candidate's Financial Statements Due	6:00 P.M.	Student Activities Office MU 120
April 8, 2009 (Wednesday)	Complaint Hearing #3	6:00 P.M.	Meadowlark Room
April 14, 2009 (Tuesday)	Contests Due	5:00 P.M.	Student Activities Office MU 120
April 15, 2009 (Wednesday)	Election <i>may</i> be certified		
April 15, 2009 (Wednesday)	Declaration of Write-in Candidacy forms due***	5:00 P.M.	Student Activities Office MU 120
April 16, 2009 (Thursday)	Last Date for Contest Hearings		

*See Section 405 B below for more information affecting this event and all following events with the exception of the swearing in of those elected.

**See Section 412 B for details on complaint submission deadlines.

***Declarations of Write-in Candidacy forms may be submitted to the Student Activities Office (MU 120) up until 5:00 P.M., after this time, the form should be submitted to a Justice in the Student Government Office (MU 124).

See Section 412 ([Enforcement](#)) for restrictions and consequences.

402 Qualifications for Office

- A) Eligibility for Participation in Co-Curricular Activities. All candidates must meet the requirements of Eligibility for Participation in Co-Curricular Activities (as defined by University Policy) in order to hold office. Candidates must be currently enrolled as students at North Dakota State University. Eligibility will be checked after the application is submitted. If a candidate does not meet the standards of the Eligibility for Participation in Co-Curricular Activities, he/she has the option to appeal the eligibility before the required eligibility appeal deadline (as stated in section 401 above).

The Student Court is not responsible for any personal or financial losses incurred as a result of ineligibility.

- B) District Membership. Each candidate must be a member of the district that he/she seeks to represent. In the case of academic districts, the Student Court, on the basis of declared majors on Campus Connection as of the application deadline, will determine membership in a particular district. If a candidate is not enrolled in said district, he/she will be informed and will have the option to run in an appropriate district before the eligibility appeal deadline. Candidates who intentionally enroll in a particular district for the

sole purpose of obtaining a Student Senate seat may be disqualified or removed from office by the Student Court.

In the case of residential districts, candidates will run to represent the district in which they intend to live during the following academic year. The Student Court will accept candidates' statement of where they intend to live beginning the 2009 fall semester. However, Student Government will review each senator's residential status at the beginning of fall semester, and the Student Court will remove any senator that does not reside in the district that he/she represents.

- C) North Dakota State University Policy Statement 155. All candidates must adhere to the North Dakota State University Policy Statement 155 on the use of Alcohol and other Drugs by Students, Faculty, and Staff. This policy is available at the following address: <http://www.ndsu.edu/policy/155.htm>.

403 Nomination of Candidates

- A) Procedure. Any person meeting the qualifications for office in Section 402 may become a candidate by complying with the requirements outlined in this section. Please also refer to Section 412 Enforcement, for restrictions and consequences.
- B) Application for Candidacy. Each candidate must file an Application for Candidacy with the Student Court and sign a statement that says that he/she has read, understood, and will abide by the Student Body Election Code. Applications will be made available at least three (3) weeks prior to the application deadline. Applications will be available in the Student Government Office, the Student Activities Office, and at the following address: <http://www.ndsu.edu/ndsu/sg/>
- C) Informational Meetings. An informational meeting will be held for candidates running for the Presidential/ Vice Presidential ticket. At least one member of the ticket must be present. Candidates running for Senatorial seats will be required to complete a survey on Blackboard by Sunday March 29, 2009 before being placed on the ballot.

The informational meeting will be held on Wednesday, March 18, 2009 at 5:00 P.M.

Any candidate having questions regarding election rules or procedures should contact a Student Court Justice for further information or clarification.

- D) Petitions. All candidates must complete a Petition for Candidacy, which is available in the Appendices of this document. Candidates running for the presidential ticket must return a petition bearing the legible and verifiable signatures of fifty (50) students currently enrolled at North Dakota State University with their application.

Candidates running for Student Senate seats must return a petition bearing the legible and verifiable signatures of twenty-five (25) North Dakota State University students currently enrolled in the same academic district as the candidate (for students running for Academic Student Senate seats) or residing in the residential district the candidate seeks to represent (for students running for Residential Student Senate seats) with their application.

Candidates running for the Board of Student Publications must return a petition bearing the legible and verifiable signatures of twenty-five (25) students currently enrolled at North Dakota State University with their application.

While it is recommended that you have extra signatures on your petitions, do not return petitions with more than one-hundred (100) signatures for presidential tickets or fifty (50) signatures for candidates running for Student Senate seats.

- E) Application Deadline. The application deadline for all candidates is Tuesday, March 10, 2009 at 5:00 P.M. Applications consist of an Application for Candidacy and a Petition for Candidacy. Applications must be returned to the Student Activities Office (MU 120) by the application deadline. The Student Court will not accept applications submitted to the Student Government Office. Failure to return the applications by the application deadline will prevent the candidate's name from being placed on the ballot; however, the candidate may still run as a write-in candidate. Application materials will be retained for thirty (30) days following the certification of the election.
- F) Write-in Candidates. If a write-in candidate does any campaigning, he/she will be required to follow campaigning rules and deadlines and also turn in a financial statement. If elected, write-in candidates must meet the requirements for Eligibility for Participation in Co-Curricular Activities. Declarations of Write-in Candidacy forms and Financial Statements (if necessary) may be submitted to the Student Activities Office (MU 120) until 5:00 p.m. on April 15, 2009, after this time, the form should be submitted to the Chief Justice in the Student Government Office (MU 124).

404 Constitutional Amendments

Proposed amendments will be properly filed by the deadline established by the Student Court. Approval as stated in Article V, Section 1, of the Student Body Constitution must also accompany any proposed amendments. The Student Court will give proper notice of the proposed amendments in each student newspaper publication as well as twice through the student listserv from the time campaigning starts to the time campaigning closes. The proposed amendments will also be posted in the Student Government Office. Constitutional amendments will require a two-thirds affirmative vote of the students voting in the Student Body Election.

405 Ballot Measures

- A) Educational Activities. All activities of a ballot measure(s) that does not promote or oppose a ballot measure according to the definitions of I., J., and K. of Section 300 will be unrestricted. Educational activities are those that are intended to inform the constituents of what the ballot measure(s) consists of.
- B) General Limitations. Ballot measure(s) will adhere to Section 410 Campaign Activities, Paragraph A, in the promotion or opposition of a ballot measure.

406 Polls

- A) Placement. Students will be able to vote from any computer capable of accessing the system, which will be available at: <http://vote.ndsu.nodak.edu>. The Student Court will provide and staff a kiosk of computers to be used solely for voting purposes. The kiosk will be available for at least five (5) hours each day of voting and will be located in the Memorial Union.

- B) Times of Operation The on-line voting system will be available for thirty-three (33) hours beginning at 8:00 A.M. on Tuesday, April 7, 2009. Voting will end at 5:00 P.M. on Wednesday, April 8, 2009, provided that there have been no major technical difficulties. The following procedures will be used in the event of technical problems that make the on-line voting system unavailable for periods of time:
1. Information Technology Services will inform the Student Court of the total amount of time the on-line voting system was unavailable.
 2. If the on-line voting system was unavailable for a total of more than thirty (30) minutes and less than three (3) hours, voting will continue for an equal amount of time following 5:00 P.M. on April 8 (for example, if the system was down for a total of one (1) hour, voting will be extended until 6:00 P.M. on April 9).
 3. If the on-line voting system was unavailable for a total of more than three (3) hours, voting will resume again at a time to be determined on April 9 for a period of time that the system was unavailable.
 4. The Student Court will post notices of any extension of the election time in at least the following places: the Industrial Agriculture Communication Center (IACC) bulletin board, the Memorial Union bulletin boards, outside the Student Government Office, in the “You Are Here” signs, and the Student Government homepage at <http://www.ndsu.edu/ndsu/sg/>. A notice of extension will also be sent out over the student listserv.

If the period for voting is extended in accordance with this section, the Student Court will postpone all deadlines in Section 401 (Election Schedule) accordingly.

C) Polling Procedures.

1. Electronic Voting. Information Technology Services will retrieve a final database of the Student Body the day before on-line voting begins. Students will be verified by entering their Electronic ID (the part of their mail@ndsu.edu e-mail address before the @ sign) and the password for their mail@ndsu.edu e-mail address. A ballot individually designed for the voter will be presented, and the student may make selections and click the “Vote” button to submit his/her vote or the “Abandon” button to exit without recording a vote. If a student abandons his/her ballot, he/she will be able to return and vote at a later time. Once a student has voted in an election, he/she will not be able to vote again in that election. The on-line voting system will record an entry in a database for each vote that is cast. In addition, an individual file will be created for each ballot cast. These files may be printed to facilitate a manual recount if requested and granted by the Student Court.

407 Ballots

A) Names.

1. Placement. Candidates will be listed on the ballot by seat in random order. Candidates' names will be drawn in the presence of two (2) witnesses deemed viable by the Student Court.
2. Spelling. Spelling of candidates' names will be taken directly from the Application for Candidacy.

B) Ballot Forms.

1. Electronic. An individual student's electronic ballot will consist of a single hypertext document containing sections for only the electoral races in which that student may vote. The design of the ballot will allow a student to vote for no more than the maximum number of seats available in any given district. An electronic ballot will include as many text boxes for write-in candidates as there are seats available in a district.

C) Inspection of Ballots and On-Line System. The system will be made available in early March for students to verify that they can access the on-line voting system and that it indicates their proper academic and residential districts. If a student cannot be verified by the system, he/she should contact the Student Court to resolve the problem. Some problems may need to be resolved by the student visiting the Office of Registration and Records or changing the form of his/her address in the administrative database via PeopleSoft.

D) Security of Ballots. Records of ballots from the system will be deleted thirty (30) days after the certification of an election. In the event that Information Technology Services cannot remove a copy of the election returns from a backup archive, the backup copy may remain in the archive, but it will not be accessed by anyone.

E) Write-in Votes.

1. Students wishing to cast a ballot for write-in candidates will type reasonable representation of the candidate's official registered name with the University. This name should be placed upon the ballot in the space designated for this purpose. In order for a presidential write-in vote to be counted, at least the name of the presidential candidate must appear on the ballot.
2. Appropriate blank spaces will be provided on the ballot for the names of qualified write-in candidates to be entered.
3. If a student wishes to have write-in votes cast for them count, that student must submit a Declaration of Write-In Candidacy by the deadline indicated in Section 401.
4. If a student casts multiple votes for a single candidate in any electoral race only one (1) vote for that candidate will be counted.

408 Vote Tabulation

A) Procedure. The Student Court will prescribe the method of counting votes.

B) Ballot Counters. The Student Court Justices and the Student Court Advisor, with the aid of a computer- programming analyst, will be the sole counters. Only the ballot counters will be allowed into the designated counting room during the counting of ballots.

C) Tie Votes. In electoral races for Student Senate districts where more than one (1) seat is available, ties will not be broken if there are enough seats available for all tied candidates to be elected. In all electoral races in which the Student Court determines that there is a tie and there are insufficient seats to certify all tied candidates as winners, the tie will be resolved in a run-off election. Any candidate

will be allowed to concede in order to prevent a run-off election for a particular electoral race. The Student Court will then certify the remaining candidates as the winners of the electoral race.

D) Counting and Evaluation of Electronic Ballots. Information Technology Services will provide the Student Court with access to the voting databases following the close of voting. Information about which students voted and their demographic information will only be used for statistical purposes. Each database entry that records a vote will include certain information about that vote, with separate entries made for each vote in each electoral race. The information recorded will be:

1. Identifying information about the computer from which the ballot was cast (Internet Protocol Address).
2. The date and time at which the ballot was cast.
3. The name of the candidate for whom the ballot was cast.

The Student Court reserves the right to use the database of votes to check for election fraud. The court may disqualify any votes that appear to have been cast in a fraudulent manner; any disqualification of votes is at the discretion of the Student Court.

E) Vote Required for Election. According to the Student Body Constitution, the vote required for election to any office in the Student Body Election will be a plurality of the votes cast for that office. All candidates, both on the ballot and write in must receive more than one vote in order to qualify for their elected position. Where more than one (1) seat is to be filled within a single district, seats will be awarded to candidates in descending order, according to the number of votes received.

409 Certification of Election

- A) Procedure. Upon completion of tabulation of all votes cast in the Student Body Election, the Student Court will immediately post the unofficial results. Before the results may be considered official, the Student Court will certify to the Student Government Advisor that the results are valid and free from any material distortion. The Student Court will certify the elections no sooner than seven (7) days after the voting closes. After certification, the Student Court will notify all the winners of the election.
- B) Partial Certification. In appropriate circumstances, the Student Court may decide to certify some electoral races in the Student Body Election and not others.
- C) Violations. If the Student Court finds that the results of any electoral race have been materially altered by a violation of this Code, the Court will have final authority to determine appropriate sanctions for the violations that have occurred. If the Student Court finds that the violations of this Code have been substantial enough, it may partially or entirely annul the results of the election.
- D) Contested Election. Any individual who was eligible to vote in any electoral race may contest the results of *that race* by filing a written complaint with the Chief Justice of the Student Court no later than two (2) school days after the unofficial results have been announced. A contest may only be filed with regard to the processes of the election and the results thereof. If a race is contested, the Student Court will conduct a hearing no later than five (5) school days after the results have been announced to determine whether the results are valid and free from material distortion. The Student Court will not certify a contested electoral race until a determination has been made. The Student Court may grant a

reevaluation of electronic ballots within fourteen (14) days of the election, and a representative of the individual requesting the recount and reevaluation may be present.

- E) Quorum. A quorum of half plus one (1) of the currently serving Student Court justices must be present in order to certify the election results.

410 Campaign Activities

A) General Limitations.

1. Campaign activities are restricted to those days set by the Student Court.
2. All campaign activities must comply with Federal laws, laws of the State of North Dakota, ordinances of the City of Fargo, all rules and regulations of the University and of this Code.
3. All campaign activities and materials in residence halls must adhere to Residence Life and residence hall policies and procedures.
4. All campaign activities and materials in and around the Memorial Union must adhere to Memorial Union procedures.
5. No campaign materials will be leaned against the campus proper and no campaign materials will be secured to trees or secured by materials driven into the ground, without proper written permission from the Department of Facility Management. Candidates, ballot measures, and constitutional amendments will use the Election Permission Form provided in the Appendices for this purpose.
6. No campaign materials will be posted off the campus proper, unless the consent of the occupant, the owner, or the manager of the property has been obtained.
7. No campaign banner(s) will be hung on the campus proper without proper written permission from the Department of Facility Management. The areas in front of the library and across skywalks, bridges, and catwalks are off limits to campaigns and will be used by the Student Court and Public Relations Commission to advertise the election.
8. Campaign materials cannot be hung in the "You Are Here" signs.
9. Campaign materials hung on campus and campaign activities on campus must adhere to rules and regulations of this Code as well as University regulations. Individual candidates, ballot measures and constitutional amendments and their campaigns are responsible for taking down all of their own campaign materials before campaigning closes.
10. The use of sidewalk-chalking for campaign purposes will not be tolerated.
11. Campaign activities or materials that interfere with North Dakota State University courses and business are prohibited. This includes, but is not limited to, electronic mailing lists, student organization listservs, and unsolicited campaigning via email.
12. Removal, defacing, obscuring, or otherwise tampering with campaign materials of a candidate, ballot measure, or constitutional amendment is not permitted by any individual(s).
13. Any candidate, ballot measure, or constitutional amendment may stuff mailboxes in accordance with the regulations set by the Student Activities Office and the Department of Residence Life.
14. In order to prevent any influence over voters, the Court will not permit any loitering in or around the voting kiosks.
15. All public campaign materials must be removed by 8:00 A.M. on the first (1) day of the election, Tuesday, April 8.

16. Campaign websites do not have to be taken off-line by the above deadline, but the Student Court will not permit any activity that would require students using public computers to view a campaign website.
17. Internet campaigning is under the jurisdiction of the Student Court. The Court assumes no obligation to monitor internet campaigning, but will when such activities are reported. This includes, but is not limited to all content on candidates Facebook, MySpace, and social networking pages.
18. False or inaccurate campaigning that directly impacts another candidate's reputation in a negative fashion, done directly by candidates is prohibited.
19. The Student Government office will remain a neutral area from the time campaigning opens until all elections are certified. Campaigning, campaign meetings and campaign materials are not to be planned, created, distributed or stored in the office.

B) Pre-Campaign Guidelines.

1. Each campaign must submit a campaign roster that recognizes official campaign team members. This document should include the names of the members, their specific titles, a description of their responsibilities, and their signature. This document must be filed with the Chief Justice no later than 8:00 A.M. on the opening day of campaigning.
2. Online campaign activity cannot be accessible prior to the opening day of campaigning. Websites, social networking sites, and other online activity can be created but must be blocked from the general public until campaigning opens.

411 Campaign Expenditures

- A) Campaign Budgets. There is a limitation to expenditures for candidates. Expenditures, may go up to, but will not exceed the following amounts:

Presidential Ticket	\$1200
Senatorial Ticket	\$200

- B) Budget Enforcement. The budgets will be enforced on a no-tolerance percentage system. If limitations are exceeded, as stated in Section 411 A., the candidates' vote total will be reduced by the percentage of which he/she surpassed the limit up to twenty-five percent (25%), at which time the candidate(s) will be disqualified.
- C) Filing. All Presidential candidates (declared and write-in) are required to file a Candidate's Financial Statement (available in the Appendices), which will include all expenditures made by and donations given to the candidates. All receipts, monetary or non-monetary, must be included with the statement. Candidates will give a reasonable retail value for any goods and services donated. This statement is to be turned in to the Student Activities Office by the deadline given in Section 401 above. These statements will be available to anyone who wishes to see them. These statements will be destroyed thirty (30) days after the certification of the election.

Failure to disclose campaign expenditures in their entirety may result in forfeiture of office. See Section 412 (Enforcement) for restrictions and consequences.

- D) Senatorial candidates are required to submit a Financial Statement only if they spend any money. The Student Court reserves the right to request Financial Statements from any candidate suspected of using or exceeding their Senatorial budget.

412 Enforcement

- A) Scope. All candidates (declared and write-in), ballot measures, and constitutional amendments in the Student Body Election are bound by and may be penalized under this Code. Failure to comply with any of these requirements/regulations may result in forfeiture of candidacy, loss of a percentage of votes, any combination of the above, or other penalties at the discretion of the Student Court.
- B) Complaints. If any individual eligible to vote, chooses to report any violation of the Code in the Student Body Election occurring between the time campaigning opens and the time campaigning closes, must file a formal complaint by 8:00 A.M. on Tuesday, April 7. Any individual choosing to report any violation of the Code occurring between the time voting begins and voting closes, must file a formal complaint by 5:00 P.M. on Wednesday, April 8. A complaint should be typed and refer to a specific campaign activity that violated the Code. Standardized forms for this purpose can be obtained from the Chief Justice or the Student Government Office. Again, the complaint deadlines are as follows:
- | | |
|-----------------------------------|---------------------------------|
| Complaints regarding campaigning: | 8:00 A.M. on Tuesday, April 7 |
| Complaints regarding elections: | 5:00 P.M. on Wednesday, April 8 |
- C) Complaint Hearings. The Student Court will hold three (3) regular complaint hearings during the election process. All parties involved in the complaint will have the opportunity to be heard. The Student Court may make preliminary decisions on the complaints heard at the first or second complaint hearing but will make all final decisions after the final complaint hearing. The Student Court will make any decisions resulting in a loss of a percentage of votes before any vote totals are disclosed to the Court. The three (3) hearings will be held at the following times:

Election Complaint Hearing #1	March 25, 7:00 P.M.	Meadowlark Room
Election Complaint Hearing #2	April 2, 6:00 P.M.	Meadowlark Room
Election Complaint Hearing #3	April 8, 6:00 P.M.	Meadowlark Room

Any complaints needing the immediate attention of the Student Court will be dealt with at a convenient time. Students with such complaints must contact the Chief Justice of the Student Court immediately to schedule a special complaint meeting. The Student Court may, at its discretion, issue a preliminary injunction prior to any hearing if the Plaintiff shows reasonable cause that he/she may suffer irreparable harm if the Defendant continues his/her allegedly improper and/or illegal action. The issuance of a preliminary injunction does not in any way indicate that the Student Court has made a decision on the merits of the complaint. It is merely a measure intended to prevent any harm from occurring before the Student Court can hear and rule on the complaint.

In the event that an individual feels his/her complaint is urgent and wishes to contact the Chief Justice immediately, he/she should try the following things:

1. E-mail Drew.T.Espeseth@ndsu.edu.
2. Call the Student Court at 231-7774. If a Justice is not present, leave a voice mail.
3. Stop in the Student Government Office and speak with the Chief Justice.

- D) Contests. Any individual who was eligible to vote in an election may file a typed formal contest with the Student Court no later than 5:00 P.M. Tuesday, April 14, following the announcement of the unofficial election results. Standardized forms for this purpose can be obtained from the Chief Justice, or the Student Government Office. Please refer to Section 409 D for further information on contested elections.

413 Run-off Elections

- A) Events Requiring. In the event of a tie (as defined in Section 408 C), a run-off election will be held.
- B) Candidates Eligible. If a run-off election is held for the presidential electoral race, only the tickets receiving the top two (2) vote totals will be named on the ballot. In all electoral races in which the Student Court determines that there is a tie and that there are insufficient seats to certify all tied candidates as winners, all tied candidates who have not conceded will be named on the ballot. If a run-off election must be held in a district that had more than one (1) Student Senate seat available in the general election, students will be able to vote for as many candidates on the run-off election ballot as there are unfilled seats in that district.
- C) Timeline. Any run-off election will be held on April 22, 2009. Voting in a run-off election will be conducted electronically, with voting opening at 8:00 A.M. and closing at 5:00 P.M. Voting times may be extended in the same manner used for the general election as specified in Section 406 B.
- D) Run-Off Elections. Run-off elections will be subject to all provisions of this Student Body Election Code, except that no additional time for campaigning will be allowed for candidates in a run-off election.

414 Special Elections

- A) Definition. A Special Election will be held in April for the purpose of electing any position left unfilled in the General Election due to major technical problems or other extenuating circumstances, as determined by the court. A Special Election will also be used in case of problems with ballot measures and Constitutional Amendments.
- B) General Limitations. NO additional campaigning will be allowed by candidates.
- C) Polling Procedures. Ballots will be cast using the online voting system for a period of thirty three (33) hours. Voting will open at 8 A.M. Tuesday April 14 and end at 5 P.M. Wednesday April 15. The Student Court will not provide a voting booth in the Memorial Union in the case of a special election. The following procedures will be used in the event of technical problems that make the on-line voting system unavailable for periods of time:
1. Information Technology Services will inform the Student Court of the total amount of time the on-line voting system was unavailable.
 2. If the on-line voting system was unavailable for a total of more than thirty (30) minutes and less than three (3) hours, voting will continue for an equal amount of time following 5:00 P.M. on April 15 (for example, if the system was down for a total of one (1) hour, voting will be extended until 6:00 P.M. on April 15).

3. If the on-line voting system was unavailable for a total of more than three (3) hours, voting will resume again at a time to be determined on April 16 for a period of time that the system was unavailable.
4. The Student Court will post notices of any extension of the election time in at least the following places: the Industrial Agriculture Communication Center (IACC) bulletin board, the Memorial Union bulletin boards, outside the Student Government Office, in the “You Are Here” signs, and the Student Government homepage at www.ndsu.edu/ndsu/sg/. A notice of extension will also be sent out over the student listserv.

D) Singularity of Office. In the case of a special election, candidates MUST run for the same electoral seat sought in the General Election.

415 Retention/Destruction of Records

All forms, applications, and/or records resulting from the Student Body Elections that contain personal information about individuals will be destroyed within thirty (30) days of the certification of the last election. A record of which individuals ran for each office and their vote totals may be kept for historical purposes only.

500 Amendments

This Election Code may not be amended between the dates of November 16, 2008 and May 10, 2009.

NORTH DAKOTA STATE UNIVERSITY 2009 STUDENT BODY ELECTION CODE

Created by the Student Court in accordance with the
Constitution of the Student Body

APPENDICES

DOCUMENTS INCLUDED IN THIS SECTION

The Appendices was edited to only contain documents which need to be handed in by candidates. The other documents will be on the Student Government website in 'Documents' under 'Judicial'.

- Applications for Candidacy
- Petition for Candidacy
- Declaration of Write-In Candidacy
- Candidate's Financial Statement
- Election Permission Form
- Contact Information for Student Court Members
- Candidate Checklist

APPLICATION FOR CANDIDACY
Office of Student Government
President

Applications Deadline: Tuesday, March 10, 2009 by 5:00 PM
Applications must be turned into the Student Activities Office (MU 120)

Position: **STUDENT BODY PRESIDENT**

NAME (EXACTLY as will appear on ballot): _____

LOCAL ADDRESS: _____

LOCAL PHONE NUMBER: _____ EMPLID: _____

E-MAIL ADDRESS: _____

CLASS: GRADUATE STUDENT SENIOR JUNIOR SOPHOMORE FRESHMAN

My signature below denotes that I have read and understand the following statements:

- I understand that my/our academic and conduct eligibility will be checked for verification purposes.
- I understand that any violation of the established rules and regulations for this election will result in a penalty assessed by the NDSU Student Court.
- I understand that these violations will be dealt with on an individual case by case basis.
- If I commit such a violation, I/We will promptly accept any penalties assessed, including fines, punishments, and/or a request to withdraw my/our candidacy.
- I have read, understand, and will abide by the Student Body Election Code.

(Signature of Presidential candidate)

(Date)

APPLICATION FOR CANDIDACY
Office of Student Government
Vice President

Applications Deadline: Tuesday, March 10, 2009 by 5:00 PM
Applications must be turned into the Student Activities Office (MU 120)

Position: **STUDENT BODY VICE PRESIDENT**

NAME (EXACTLY as will appear on ballot): _____

LOCAL ADDRESS: _____

LOCAL PHONE NUMBER: _____ EMPLID: _____

E-MAIL ADDRESS: _____

CLASS: GRADUATE STUDENT SENIOR JUNIOR SOPHOMORE FRESHMAN

My signature below denotes that I have read and understand the following statements:

- I understand that my/our academic and conduct eligibility will be checked for verification purposes.
- I understand that any violation of the established rules and regulations for this election will result in a penalty assessed by the NDSU Student Court.
- I understand that these violations will be dealt with on an individual case by case basis.
- If I commit such a violation, I/We will promptly accept any penalties assessed, including fines, punishments, and/or a request to withdraw my/our candidacy.
- I have read, understand, and will abide by the Student Body Election Code.

(Signature of Vice Presidential candidate)

(Date)

APPLICATION FOR CANDIDACY

Office of Student Government

All Positions EXCEPT President and Vice President

Applications Due: Tuesday, March 10, 2009, 5:00 PM

Applications are to be turned into the Student Activities Office (MU 120)

NAME (EXACTLY as will appear on ballot): _____

LOCAL ADDRESS: _____

LOCAL PHONE NUMBER: _____ EMPLID: _____

E-MAIL ADDRESS: _____

CLASS: GRADUATE STUDENT SENIOR JUNIOR SOPHOMORE FRESHMAN

DESIRED POSITION (CHECK ONE):

_____ Board of Student Publications

_____ Student Senator

SPECIFY DISTRICT (Choose ONLY ONE):

Academic Senator, College of _____

Residential Senator, District _____

My signature below denotes that I have read and understand the following statements:

- I understand that my academic and conduct eligibility will be checked for verification purposes.
- I understand that any violation of the established rules and regulations for this election will result in a penalty assessed by the NDSU Student Court.
- I understand that these violations will be dealt with on an individual case by case basis.
- If I commit such a violation, I will promptly accept any penalties assessed, including fines, punishments, and/or a request to withdraw my candidacy.
- I have read, understand, and will abide by the Student Body Election Code.
- I understand that the Student Court is not responsible for any personal or financial losses incurred as a result of ineligibility.

(Signature of candidate)

(Date)

PETITION FOR CANDIDACY
Office of Student Government

We, the undersigned, support the candidacy of _____, for the position
of _____.

We are also members of the same residential/academic area as said candidate. (NOT APPLICABLE in the case of Student Body Presidential Ticket or Board of Student Publications Candidate). Candidates are responsible for verifying the current student status of the undersigned, but the Student Court reserves the right to review this status.

NAME (Please PRINT name & INITIAL after it)	Date of Birth	Address	College
Ex. <u>Thundar the Bison T.T.B.</u>	<u>08/13/86</u>	<u>123 College St.</u>	<u>Science and Math</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____
9. _____	_____	_____	_____
10. _____	_____	_____	_____
11. _____	_____	_____	_____
12. _____	_____	_____	_____
13. _____	_____	_____	_____
14. _____	_____	_____	_____
15. _____	_____	_____	_____
16. _____	_____	_____	_____
17. _____	_____	_____	_____
18. _____	_____	_____	_____
19. _____	_____	_____	_____
20. _____	_____	_____	_____
21. _____	_____	_____	_____
22. _____	_____	_____	_____
23. _____	_____	_____	_____
24. _____	_____	_____	_____
25. _____	_____	_____	_____

"College" as used on this form refers to one of the 8 Undergraduate Colleges at NDSU or the "Graduate School"

PETITION FOR CANDIDACY
Office of Student Government

We, the undersigned, support the candidacy of _____ for the position of

_____.

We are also members of the same residential/academic area as said candidate. (NOT APPLICABLE in the case of Student Body Presidential Ticket or Board of Student Publications Candidate). Candidates are responsible for verifying the current student status of the undersigned, but the Student Court reserves the right to review this status.

NAME (Please PRINT name & INITIAL after it)	Date of Birth	Address	College
Ex. <u>Thundar the Bison T.T.B.</u>	<u>08/13/86</u>	<u>123 College St.</u>	<u>Science and Math</u>
26. _____	_____	_____	_____
27. _____	_____	_____	_____
28. _____	_____	_____	_____
29. _____	_____	_____	_____
30. _____	_____	_____	_____
31. _____	_____	_____	_____
32. _____	_____	_____	_____
33. _____	_____	_____	_____
34. _____	_____	_____	_____
35. _____	_____	_____	_____
36. _____	_____	_____	_____
37. _____	_____	_____	_____
38. _____	_____	_____	_____
39. _____	_____	_____	_____
40. _____	_____	_____	_____
41. _____	_____	_____	_____
42. _____	_____	_____	_____
43. _____	_____	_____	_____
44. _____	_____	_____	_____
45. _____	_____	_____	_____
46. _____	_____	_____	_____
47. _____	_____	_____	_____
48. _____	_____	_____	_____
49. _____	_____	_____	_____
50. _____	_____	_____	_____

"College" as used on this form refers to one of the 8 Undergraduate Colleges at NDSU or the "Graduate School"

PETITION FOR CANDIDACY
Office of Student Government

This form is for extra signatures, which we recommend you obtain in case we find some signatures that are illegible.

NAME (Please PRINT name & INITIAL after it)	Date of Birth	Address	College
Ex. <u>Thundar the Bison T.T.B.</u>	<u>08/13/86</u>	<u>123 College St.</u>	<u>Science and Math</u>
51. _____	_____	_____	_____
52. _____	_____	_____	_____
53. _____	_____	_____	_____
54. _____	_____	_____	_____
55. _____	_____	_____	_____
56. _____	_____	_____	_____
57. _____	_____	_____	_____
58. _____	_____	_____	_____
59. _____	_____	_____	_____
60. _____	_____	_____	_____
61. _____	_____	_____	_____
62. _____	_____	_____	_____
63. _____	_____	_____	_____
64. _____	_____	_____	_____
65. _____	_____	_____	_____
66. _____	_____	_____	_____
67. _____	_____	_____	_____
68. _____	_____	_____	_____
69. _____	_____	_____	_____
70. _____	_____	_____	_____
71. _____	_____	_____	_____
72. _____	_____	_____	_____
73. _____	_____	_____	_____
74. _____	_____	_____	_____
75. _____	_____	_____	_____

"College" as used on this form refers to one of the 8 Undergraduate Colleges at NDSU or the "Graduate School"

DECLARATION OF WRITE-IN CANDIDACY

Office of Student Government

All Positions

Declarations Due: Tuesday, April 15, 2009 by 5:00 PM

Declarations are to be turned into the Student Activities Office (MU 120)

(After 5:00 PM on April 15, please submit to Student Government Office)

NAME (as voters are most likely to write on ballot): _____

LOCAL ADDRESS: _____

LOCAL PHONE NUMBER: _____ EMPLID: _____

E-MAIL ADDRESS: _____

CLASS: GRADUATE STUDENT SENIOR JUNIOR SOPHOMORE FRESHMAN

DESIRED POSITION TO HAVE VOTES COUNTED FOR (CHECK ONE):

- _____ Student Body President
- _____ Board of Student Publications
- _____ Student Senator

SPECIFY DISTRICT (Choose ONLY ONE):

Academic Senator: College of _____

Residential Senator: District _____

IF YOU HAVE DONE ANY CAMPAIGNING, YOU MUST ALSO SUBMIT A FINANCIAL DISCLOSURE FORM BY THE DEADLINE STATED IN THE 2007 STUDENT BODY ELECTION CODE.

(Signature of candidate)

(Date)

Election Permission Form

This form gives you permission to place election materials in or on campus. Such materials include, but are not limited to: ones attached to trees and materials displayed by being staked into the ground. This form must be filled out and signed by the respective facility. Campaign/election activities that require this form are mentioned in the 2009 Election Code. If you are campaigning off-campus, this form must be signed by the manager/owner of the facility in which you are campaigning.

Date: __/__/09

Name of Candidate(s) _____

Name of Facility _____

I, _____ , _____ , **give the previously mentioned**
(Person giving permission) (Job title)

candidate(s) permission to _____

_____.

This can be verified by calling me at: _____.

Signed: _____

Student Court Contact Information

Chief Justice: Drew Espeseth
Drew.T.Espeseth@ndsu.edu
701-231-7774

Associate Justice: Meghan McCloud
Meghan.McCloud@ndsu.edu

Associate Justice: Rachel Persbacher
Rachel.Persbacher@ndsu.edu

Associate Justice: Lana Rask
Lana.Rask@ndsu.edu

CANDIDATE CHECKLIST
North Dakota State University
2009 Student Body Elections

Candidate(s) Name(s): _____

Deadline: March 10, 2009, 5:00 PM, Student Activities Office (MU 120)

_____ Completed Application of Candidacy – must be signed by the candidate(s)

_____ Completed Petition Form – **AT LEAST** 25 signatures for Senate Candidates, 50 per Presidential *ticket*.
(Having extra “backup” signatures is strongly encouraged!)

Deadline: April 8, 2009, 6:00 PM, Student Activities Office (MU 120)

_____ Completed Financial Statement (Presidential Tickets only-unless Senatorial candidates spent money)

Deadline: April 7, 2009, 8:00 AM, NDSU Campus

_____ All campaign materials have been taken down and campaign activities have ceased

Deadline: April 15, 2009, 5:00 PM, Student Activities Office (MU 120)
(Student Government Office after 5:00 PM on April 15)

_____ Declaration of Write-in Candidacy (for those not meeting the filing deadline to be on the ballot)