

Fall 2012

F12RS SGB No. 4 (Election Code)

Pace

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STUDENT SENATE

S12RS

SGB No. 4

BY: SPEAKER PRO TEMPORE PACE

A BILL

TO AMEND THE STUDENT GOVERNMENT ELECTION CODE

PARAGRAPH 1: WHEREAS, THE ELECTION CODE IS CENTRAL TO HAVING FAIR AND PROSPEROUS ELECTIONS AND;

PARAGRAPH 2: WHEREAS, IT WAS DEEMED BY THE SUMMER PLANNING COMMITTEE THAT CHANGES AND CLARIFICATIONS NEEDED TO BE MADE TO THE ELECTIONS CODE TO PROVIDE A MORE CLEAR UNDERSTANDING OF THE ELECTIONS PROCESS AND ENSURE A MORE FREE ELECTION AND;

PARAGRAPH 3: WHEREAS, ARTICLE II SHOULD READ AS FOLLOWS;

ARTICLE II

Governance of Elections

Section 1. Appointment of the Commissioner of Elections

- A. The new Commissioner of Elections shall be appointed by the Student Body President during the Spring Organizational Session of Student Senate.
- B. In the event of a vacancy in the office of Commissioner of Elections during an election cycle, the Student Body President shall appoint one of the Elections Board Members to be the new Commissioner of Elections. That Commissioner shall take office upon notification of his or her appointment, subject to approval by a one-half vote of the student senate present and voting.

Section 2. Responsibilities of the Commissioner of Elections

The Commissioner of Elections shall have the following powers and responsibilities:

- A. To serve as the Chairman of the Election Board, and to supervise all elections personnel;
- B. To remain impartial to any candidates or tickets participating in any election;
- C. To execute the provisions of the Student Government Constitution relative to elections and all other provisions of this Election Code;
- D. To have the authority to expend such funds as appropriated to the Election Board's use, with their majority (1/2) vote;
- E. To meet with the Information Technology Services (ITS) and establish guidelines for online voting procedure a minimum of one (1) month prior to filing;
- F. To submit a calendar with the days of the election time frame two (2) weeks prior to the first day of filing to the Student Senate; and,
 1. This calendar shall be kept between the Commissioner of Elections, the Election Board, and the appropriate adviser(s) until the Student Senate has been informed.
- G. To issue a report to the Student Senate each week during the election time frame;
- H. To administer special elections; and,

55 I. To ensure that the Board presents a defense if any of their decisions are appealed or if a
56 complaint is filed against the Board.

57

58 **Section 3. Accountability of the Commissioner of Elections**

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60 A. The Commissioner of Elections shall be responsible for upholding the Election Code and
61 executing all decisions of the Election Board.

62 B. The Election Board may overrule any action of the Commissioner of Elections by a two-
63 thirds (2/3) vote of those present and voting.

64 C. Should the Commissioner of Elections fail to uphold his/her responsibilities, he/she shall
65 be removed from office by the Student Body President with approval of a two-thirds
66 vote of the senate present and voting.

67 D. Commissioner of Elections shall report to the Advisor and shall be subject to removal by
68 the Student Body President.

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71 **PARAGRAPH 4:** WHEREAS, ARTICLE III SHOULD READ AS FOLLOWS;

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ARTICLE III

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Election Timetable

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77 **Section 1. Order of Events**

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79 The election time frame shall consist of seven (7) academic weeks beginning no sooner than the
80 third (3rd) week of class in a semester and ending no later than the twelfth (12th) academic week
81 of class in a semester. The order of events for any campus-wide election, not including special
82 elections and the elections for the consideration of a referendum brought by petition or
83 constitutional amendment, shall be as follows:

84

85 A. Pre-Qualifying

86 B. Filing period

87 C. Qualifying

88 D. Posting of qualified candidates and appeals

89 E. Election Informational Meeting(s)

90 F. Ticket registration

91 G. Passive Campaigning begins

92 H. Mandatory Meetings

93 I. Active Campaigning begins

94 J. Posting of official ballot

95 K. General Election

96 L. Financial and monetary contribution reports filed

97 M. General Election results

98 N. Validation of General Election results

99 O. Run-off Election

100 Q. Run-off Financial and monetary contribution reports filed

101 R. Run-off Election results

102 S. Validation of Run-off Election results

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106 **Section 3. Selection of Election-Related Dates and Deadlines**

107

- 108 A. The Election Board shall be in charge of setting all dates of the election-related events
109 listed in Section 1 of this Article subject to any further provisions of the Election Code.
110 All deadlines and dates that are relative to filing, campaigning, and election days for the
111 Fall and Spring Student Government Elections shall be declared by the Commissioner of
112 Elections no later than the second (2nd) academic week of the semester the election in
113 question.
- 114 B. The election time frame shall consist of seven (7) academic weeks beginning with the
115 first day of pre-qualifying, and ending two (2) class days after the final election results
116 have been announced.
- 117 C. Once the dates have been set and publicly announced before the Student Senate, the
118 Commissioner of Elections will immediately deliver this information to Student Media,
119 the Student Body President, the Speaker of the Student Senate, and the Chief Justice of
120 the University Court.
- 121

122 **Section 4. Announcement of Elections**

123

- 124 A. The Commissioner of Elections shall:
- 125 1. Issue a press release to be posted on the Student Government website
126 at least five (5) class days prior to the opening of the pre-qualifying
127 period for the Fall and Spring elections; and,
 - 128 2. Issue appropriate widespread campus announcements, which may
129 include but not be limited to broadcast emails, a letter to the
130 editor, or advertisements in the campus newspaper at least three (3)
131 class days prior to the opening of the pre-qualifying period for the Fall
132 and Spring elections.
- 133
- 134 B. The announcement shall list the following:
- 135 1. Positions to be filled in the election;
 - 136 2. Dates for the opening and closing of both pre-qualifying and filing;
 - 137 3. Time and place that a person may pre-qualify and file for office;
 - 138 4. Dates of the General Election and any run-off; and,
 - 139 5. Name and contact information of the Commissioner of Elections.
- 140

141 **Section 5. Pre-Qualifying**

142

- 143 A. A student shall have the option to pre-qualify for an election to ensure he/she
144 meets all stipulations outlined in Section 6 of this Article for the sought office
145 before the period of filing begins.
- 146 B. A two (2) day class period for pre-qualifying shall be opened on the first academic
147 week of the election timeframe.
- 148 C. Each student-choosing to pre-qualify must submit a Pre-Qualifying Form to the
149 Election Board on these two (2) class days from 9:00AM until 4:30PM. This form
150 may be turned in to the Elections Board by a ticket representative or another
151 student on the student's behalf. This form shall include:
- 152 1. The student's name;
 - 153 2. The student's LSU identification number;
 - 154 3. The Academic Area in which the student is enrolled;
 - 155 4. The office sought.
- 156 D. The Commissioner of Elections shall deliver these reports to the Office of the Dean
157 of Students, who shall process the requests and notify the Commissioner of
158 Elections of the results by the following Monday.
- 159 E. The Commissioner of Elections shall post these results outside the Student
160 Government Executive Office and the Senate Office as soon as it is received and no
161 later than the first (1st) day of filing.
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166 **Section 6. Filing**

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- A. A person shall file as a candidate by:
 - 1. Filing his/her intention for candidacy, in person, by completing registration with the Election Board during the filing period; and,
 - a. No one may file on behalf of a student that is not himself/herself.
 - b. Official LSU picture ID must be presented at the time of filing.
 - 2. Verifying his/her eligibility by the Election Board.
- B. A three (3) class day period for filing shall be opened on the second academic week of the election timeframe. Any student may file an intention of candidacy form provided by the Election Board for the office he/she seeks from 9:00 A.M. to 4:30 P.M. during these days.
- C. Once a student has filed for a certain office, he/she may not change to any other office even if the filing period has not closed. The student may either run for the position for which he/she originally filed for, or may withdraw from the race completely. The only exception applies to President/Vice President candidates and is as follows:
 - 1. Candidates for Student Body President and Vice President shall both be listed together on the ballot and identified as to which office each candidate seeks. If, after the close of filing, a candidate for Student Body President or Vice President has not qualified, has been disqualified, or has withdrawn, then the remaining candidate may submit the name of a replacement candidate to the Commissioner of Elections, and this replacement candidate must be qualified by the Commissioner of Elections by 4:30 P.M. on the fifth (5th) class day preceding the General Election. The remaining candidate will also have the discretion to refile as either President or Vice President upon selecting their replacement candidate.

196 **Section 7. Qualifying**

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- A. Candidate Eligibility
 - 1. A qualified student is any full-time student that is in accordance with all Campus Life mandated requirements for officers of recognized campus organizations.
 - 2. For all Senate and College Council positions a candidate must be enrolled at the time of filing in the college which he/she is seeking to represent, with the exception of the Graduate School or LSU School of Veterinary Medicine.
 - a. Students seeking a Senate or College Council position in the Graduate or LSU School of Veterinary Medicine must have applied and received provisional or full acceptance prior to the filing process of the election in question in order to run for that position.
 - b. Proper acceptance documentation must be presented to the Student Government Commissioner of Elections at the time of filing to ensure candidate eligibility.
 - 3. If any clerical errors arise on behalf of the University, the Commissioner of Elections shall consult the University Registrar and approve members to run in their appropriate college or for their desired position on a case-by-case basis.
 - 4. No senator can file or run for another seat within the LSU Student Senate until the final semester of their current term unless proof of change of college can be presented to the Commissioner of Elections. Proof of college must be provided by the University Registrar.

- 222 B. After the closing of the filing period, the Commissioner of Elections shall submit the
223 appropriate information for each potential candidate to the office of the Dean of
224 Students for verification.
- 225 C. If a student has pre-qualified with the Election Board as outlined in Section 4 of this
226 Article, the Commissioner of Elections shall not submit their information for verification,
227 and shall list those students as eligible.
- 228 D. Once the office of the Dean of Students reports back to the Commissioner of Elections,
229 he/she shall report to the Election Board with a listing of filed candidates, and whether
230 or not each is qualified.
- 231 E. After any amendments and final approval by the Election Board, the official list of
232 qualified candidates will be posted outside of the Student Government Executive Office.
233 This shall occur on at noon (12:00PM) on the Monday of the third (3rd) academic week
234 of the election time frame. Appeals to the qualifying of candidates may be filed during
235 this time.
- 236 1. The Commissioner of Elections shall notify all candidates who fail to
237 qualify and give reason for disqualification.
 - 238 2. Appeals pertaining to academics and discipline should be addressed
239 to the Office of the Dean of Students.
 - 240 3. All other appeals should be made to the Commissioner of Elections
241 and the Election Board.
 - 242 4. Once the office of the Dean of Students reports back to the
243 Commissioner of Elections, he/she shall report to the Election Board with a
244 listing of filed candidates, and whether or not each is qualified.
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247 **Section 8. Campaigning**

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249 There shall be no campaigning, as defined in Article IV, prior to the qualifying of candidates.
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- 251 A. Passive Campaigning, as defined in Article VI, will begin at 7:00 AM on the Monday of the
252 third (3rd) academic week of the election time frame. Further rules will be discussed in
253 Article IV of this code.
- 254 B. Active Campaigning, as defined in Article IV shall begin at 7:00 AM on the Monday of the
255 fifth (5th) academic week of the election time frame.
- 256 a. On election day, no active campaigning shall take place after 4:30 PM.
257

258 **Section 9. General Election**

- 259
260 A. Fall election
261 The General Election for the appropriate Student Senators and members of the
262 University Court elected in the Fall shall be held each year on the Monday and Tuesday
263 of the sixth (6th) academic week of the election time frame.
- 264
265 B. Spring election
266 The General Election for the Student Body President, Student Body Vice President, the
267 appropriate Student Senators, College Council officers, shall be held each year on the
268 Monday and Tuesday of the sixth (6th)-academic week of the election time frame.
269

270 **Section 12. Run-off Election**

- 271
272 A. Except as otherwise provided in this Election Code, if no candidate in the General
273 Election receives a percentage majority of the votes cast, the two (2) candidates
274 receiving the highest number of votes in said election shall be in a Run-off Election.
- 275 B. The Run-off Election shall be held on the Monday and Tuesday of the seventh (7th)
276 academic week of the election time frame.
- 277 C. Provisions for ties are included in Article IV of this code.
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279 **Section 13. Run-off Election Results**

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Regardless of complaints or appeals, the unofficial results of the Run-off Election shall be announced by the Commissioner of Elections in an appropriate campus location after 4:30 P.M. on the night after the Run-off Election.

285 **Section 14. Validation of Run-off Election Results**

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If no complaints or appeals are registered by 4:30 P.M on the Friday of the seventh (7th) academic week of the election time frame, all election results shall be deemed final.

292 **PARAGRAPH 5:** WHEREAS, ARTICLE IV SHOULD READ AS FOLLOWS;

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294 **Section 1. Ballots**

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Candidates shall appear on the General Election ballot in alphabetical order. This order shall be reversed in the Run-off Election.

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1. Student Body President and Vice President shall not be voted on separately; they shall be listed together.
2. No ticket affiliation shall be listed anywhere on the ballot except for President/Vice President pairs.

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303 **Section 3. Voting Requirements**

304

305 An eligible voter must agree to the LSU computer use policy and the student code of conduct in
306 order to access the voting application upon login to “myLSU”.

307 **Section 4. Online voting**

308

309 Students may vote from any voting apparatus with access to the internet using “myLSU”, or
310 voting stations provided by the Election Board.

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314 **PARAGRAPH 6:** WHEREAS, ARTICLE VI SHOULD READ AS FOLLOWS;

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316 **Section 2. On-Campus Campaigning Rules and Regulations**

317

318 A. Campaigning does not include reporting by media outlets of any referendum, petition,
319 recall, or constitutional amendment.

320

B. List-Serves and E-Mails

321

1. Before and during campaigning, members of a private campaign list-serve run by candidates or campaign staff, including and limited to staff, volunteers, and candidates, are considered willful participants and therefore may receive any email concerning candidacy, ticket issues, and other information.

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3. During passive and active campaigning, the leader of any student organization, whose organization is not affiliated with Student Government and is registered with the University, may be contacted by any candidate or ticket affiliate for the sole purpose of requesting to speak at that organization's meeting to seek its endorsement.

- 332 C. Social Media
333 1. Social Media shall be defined as any web-based or mobile-based
334 applications that use highly accessible and communication techniques
335 for social interaction.
336 2. Social Media may be used by any campaign during both the passive
337 and active campaigning periods,
338
- 339 D. Prohibition on Interference with Education
340 1. Campaigning must not interfere with the educational life of the
341 University. This includes but is not limited to the posting of campaign
342 signs and/or posters in classrooms, and writing on chalkboards or
343 similar devices.
344 2. No campaigning shall be allowed inside any University building or
345 within twenty (20) feet of any entrance to a University building.
346 a. Specifically exempt are candidate and ticket
347 organizational meetings and meetings of registered
348 student organizations, or events authorized by a
349 building coordinator.
350 3. Active campaigning within twenty (20) feet of the Quadrangle is
351 prohibited except for election days.

352 Section 3. Prohibited Methods of Campaigning

353
354 The following methods of campaigning may not be used:

- 355
356 A. Loudspeakers, sirens, or other noisemakers;
357 B. Decorating any car without the express consent of the owner;
358 C. Any method that violates university or state policy concerning mass e-mail or text
359 message;
360 D. Sending potential voters unsolicited private electronic communications at any time;
361 E. Sending potential voters electronic messages through any LSU software;
362 F. Sending electronic messages specifically asking for a vote prior to campaigning;
363 G. Utilizing the Student Government logo or any logo of any organization that has not
364 explicitly endorsed a candidate.
365 H. Any method using animals, except consenting humans; and,
366 I. Any method that uses a voting apparatus or interferes with a person using a voting
367 apparatus.
368 J. The dissemination of any item of prurient nature;
369 K. Any form of consumable items; and,
370 L. Any method that violates university or state regulations.

371 Section 4. Campaigning Ethics

- 372
373 A. Candidates are expected to conduct themselves in an ethically appropriate manner in
374 accordance with Student Government documents and the Student Code of Conduct,
375 University Policies, and local and state law.
376 B. A candidate or volunteer may under no circumstances intentionally interfere with the
377 campaign of another candidate in any way, including but not limited to the destruction
378 of campaign materials.
379 C. Anything offered to affect the students' vote must clearly display ticket or candidate
380 affiliation.
381 D. No student shall make any threat to any voter to affect the students vote.

382 Section 5. Endorsements

383

- 384 A. Any student organization, excluding Student Government affiliated organizations, that is
385 registered with the University may publicly endorse any candidate and/or ticket for office
386 that it has the prior approval of the candidate to be endorsed.
387 B. Any Student Government affiliated organization, including Student Government itself, shall
388 not publicly endorse any candidate or ticket.
389 1. A Student Government affiliated organization shall be defined as any
390 registered student organization that includes one or more members
391 appointed by or elected to said organization through Student Government.
392 2. Student Government affiliated organizations, including Student
393 Government itself, cannot publicly endorse nor display any campaign
394 materials including but not limited to office, work, and meeting
395 spaces.
396 B. Candidates or tickets cannot receive any financial contributions from any student
397 organization.
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401 **PARAGRAPH 7:** WHEREAS, ARTICLE VII SHOULD READ AS FOLLOWS;
402

403 **Section 2. General Election Spending Limits for Tickets**
404

- 405 A. Two thousand five hundred dollars (\$2,500) shall be the total expenditure limit of any
406 President/Vice President pair.
407 B. Five hundred dollars (\$500) shall be the expenditure limit of any candidate running for a
408 University Court Associate Justice position.
409 C. Fifty dollars (\$50) shall be the expenditure limit for any candidate running for a Senate
410 or College Council position).
411 D. Expenditure limits for tickets shall be based on the total expenditures of individuals
412 involved with a particular ticket who are opposed in their election, as stipulated in
413 Section 7 of this Article.
414

415 **Section 3. General Election Spending Limits for Independent Candidates**
416

- 417 A. Three thousand dollars (\$3,000) shall be the combined expenditure limit of any
418 President/Vice President pair.
419 B. One thousand dollars (\$1,000) shall be the expenditure limit of any candidate running
420 for a University Court Associate Justice position.
421 C. Two Hundred and Twenty Five dollar (\$225) shall be the expenditure limit for any
422 candidate running for a Senate or College Council position.
423

424 **Section 7. Expenditures for Unopposed Candidates**
425

- 426 A. Candidates who are unopposed at the posting of the list of qualified candidates are
427 allowed to spend any money campaigning.
428 B. These candidates are still required to file monetary contribution reports.
429 C. If an unopposed candidate gives money to be part of a ticket, that money shall be
430 considered a monetary contribution. After a candidate is informed that he/she is
431 unopposed, that candidate shall expend no more money. The expenditure limits for
432 unopposed candidates shall not be counted towards the total expenditure limit of a
433 ticket.
434 D. The expenditure limits for candidates who become unopposed after the initial posting of
435 the list of qualified candidates shall be counted toward the total expenditure limit of a
436 ticket.
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440 **PARAGRAPH 8:** WHEREAS, ARTICLE VII SHOULD READ AS FOLLOWS;
441

442 **Section 2. Procedure for Filing Complaints**

443
444 A complaint concerning irregularities in the conduct of an election by the Election Board or a
445 candidate may be brought by any LSU student.

446
447 A. Complaints regarding violations of Election Code provisions must be submitted in
448 writing to the Commissioner of Elections by 4:30 P.M. within two (2) class days of the
449 alleged violation.

450 B. The Election Board may also file complaints concerning irregularities in the conduct of
451 an election.

452 1. If the Commissioner of Elections files a complaint, then the Election board
453 within themselves will vote for an acting chair.

454
455 D. Election results shall be deemed final at 4:30PM two (2) class days after their
456 announcement. No complaints may be filed after the election results have been
457 finalized.

458
459 **Section 3. Complaints and Burden of Proof**

460
461 The person making the complaint shall have the burden of proving the alleged violation by a
462 preponderance of evidence.

463
464 **Section 4. Procedure for Processing a Complaint**

465
466 A complaint brought to the Election Board, will follow this procedure:

467
468 A. A Student filing a complaint will fill out a complaint form issued by the Commissioner of
469 Elections detailing the time, place and nature of the alleged violation.

470 a. A signature of the student filing the complaint must be included in order for the
471 complaint document to be considered valid.

472 b. No anonymous complaints will be viewed.

473 B. The subject of the complaint will be notified immediately upon receipt of said complaint by
474 the Commissioner of Elections. The subject will then have 12 hours to submit a response.

475 C. All complaints pertaining solely to the Election Code will be reviewed by the Election Board.
476 Any complaint citing further governing documents shall be immediately forwarded to the
477 Clerk of Court by the Commissioner of Elections.

478 D. The Elections Board will review complaints based solely on what is included in the
479 documents presented in letters A and B of this section.

480 E. The Commissioner of Elections is responsible for accepting all complaints.

481 **Section 5. New Election**

482
483 A. If the University Court determines that the action(s) of the Election Board, any person,
484 or any organization has cast a reasonable doubt on the fair outcome of an election, it
485 may order that particular election to be held again.

486 B. The new election will adhere to all rules applicable to a Special Election.

487 **Section 6. Rulings & Notification of the Complainant and Defendant**

488
489 Once a complaint has been processed, both parties should be notified before the trial takes place
490 in order not to interfere with due process. After a complaint has been ruled on, the Judicial
491 Branch shall take immediate action to notify the complainant and defendant in writing within
492 two (2) hours of its ruling.

494 **Section 9. Time Limits for and Verification of Collected Signatures**

495

- 496 A. A signed petition must be submitted to the Student Body President within twenty-eight
497 (28) consecutive calendar days of its registration. The President shall
498 immediately transmit any petition received to the Election Board.
- 499 B. In a petition to levy, amend, repeal, or otherwise regulate a self-assessed student fee,
500 the twenty-eight (28) consecutive calendar days prior to the beginning of campaigning
501 of any Fall or Spring General Election shall be the only days for petitioners in this
502 category to collect signatures.
- 503 C. During these twenty-eight (28) consecutive calendar days, the petitioners may campaign
504 for signatures only.
- 505 D. The Election Board shall verify the sufficiency of the petition within seven (7) calendar
506 days of submission. The Election Board shall verify as valid only those signatures which:
- 507 1. Contain the name of the student with the date of the signature in the
508 handwriting of the signer and the student's "myLSU" login ID;
 - 509 2. Are Student Body members as defined by the Constitution as of the
510 date of submission;
 - 511 3. For a matter affecting a student assessed fee, are members of the
512 group assessed or to be assessed; and,
 - 513 4. Were actually collected after registration of the petition and before
514 the submission deadline.

515 **PARAGRAPH 9:** WHEREAS, ARTICLE IX SHOULD READ AS FOLLOWS;

516

517 **Section 3. Penalties for Candidates and Tickets**

518

- 519 A. If a candidate or ticket is found responsible for violating this Code by the Election Board
520 and/or Judicial Branch, the candidate or ticket shall be penalized by the Election Board
521 and/or the Judicial Branch in the manner deemed appropriate from the following:
- 522 1. Private censure reserved for only unusually minor cases;
 - 523 2. Public censure, as publicized by the Commissioner of Elections;
 - 524 3. Restriction of the candidate or ticket and its volunteers from
525 campaigning for a fixed period of time in such a manner, as the Board
526 feels appropriate;
 - 527 4. Reduction of expenditure limits as the Elections Board or Judicial
528 Branch deems appropriate;
 - 529 5. Suggestive, self-imposed sanction made by the defendant and agreed
530 upon by the board; or,
 - 531 6. Disqualification. In this case the Election Board may pursue
532 disciplinary action with the Dean of Students.
- 533 B. The Elections Board is encouraged to consider past precedent when distributing
534 penalties.
- 535 C. The Elections Board shall submit an official opinion to the Clerk of Court no more than
536 twenty-four (24) hours after an Elections Board hearing.
- 537 1. These opinions will be kept on record within the Student Government server
538 and evaluated as precedent for determining future relief.

539

540 **PARAGRAPH 10:** THEREFORE, BE IT ENACTED BY THE LOUISIANA
541 STATE UNIVERSITY AGRICULTURAL AND
542 MECHANICAL COLLEGE STUDENT SENATE THAT ...,
543 AND

544 **PARAGRAPH 11:** THIS BILL SHALL TAKE EFFECT UPON PASSAGE BY A TWO-THIRDS
545 ($\frac{2}{3}$) VOTE OF THE LSU STUDENT SENATE AND SIGNATURE BY
546 THE PRESIDENT, UPON LAPSE OF TIME FOR PRESIDENTIAL
547 ACTION, OR IF VETOED BY THE PRESIDENT AND SUBSEQUENTLY
548 APPROVED BY THE SENATE, ON THE DATE OF SUCH APPROVAL.

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Approved:

Meredith Westbrook
Speaker of the Senate

R. Taylor Cox
Student Body President

Date: _____

Date: _____