

Associated Students of Northern Arizona University Election Code

Article I. Definitions

Section 1. ASNAU

The Associated Students of Northern Arizona University shall herein after be referred to as ASNAU.

Section 2. ASNAU Elections Commission

The ASNAU Elections Commission is established and sanctioned by ASNAU to monitor the ASNAU general, special, and run-off elections. This commission is vested with the authority to interpret and enforce the ASNAU Election Code. The commission will be appointed by the ASNAU President and approved by the ASNAU Senate in an in-person confirmation hearing during a regular session. The commission will consist of five (5) members. All of the members must be full-time mountain campus NAU students.

- a.** The elections commission will provide each candidate with specific rules based on campaigning, campaign material, and adherent(s) after confirming the Candidates.

Section 3. Candidates

A candidate is defined as any NAU student attempting to fill an office in ASNAU in a general, special, or run-off election. A student can be elected as either a primary candidate or write-in candidate.

Section 4. Primary Candidates

A primary candidate is one who has legally secured the number of signatures required to become an official candidate of a general or special election as outlined by the ASNAU Elections Commission and has met all other requirements for office as outlined in the ASNAU Bylaws. Primary candidates will have their names placed on the election ballot by the ASNAU Elections Commission for an election.

Section 5. Write-IN Candidates

A write-in candidate is one who was not recognized as a primary candidate in a general or special election. Write-in candidates are eligible for any office they are written in for, providing they meet the candidate eligibility requirements (Article IV, Section 4) outlined by the ASNAU Election Code, and receives a plurality (Article I, Section 16) of votes for the seat which being written-in for.

Section 6. Nominating Petitions for Official Candidates

A nominating petition is one which has been certified by the ASNAU Elections Commission as valid, carrying the required number of signatures of electors deserving to have a candidate's name placed upon the ballot.

Section 7. Petitioner(s)

A petitioner is any NAU student who carries a petition to secure student signatures.

Section 8. Adherent(s)

An adherent is any person who attempts to aid any candidate, official or write-in, in obtaining the required number of signatures or receiving a plurality of the votes cast in a general, special, or run-off election. This person(s) is formally recognized as a representative of the petitioner or candidate and the petitioner or candidate may be held responsible for Election Code violations committed by adherents at the discretion of the ASNAU Elections Commission. Adherents must be NAU students.

Section 9. Campaigning

Campaigning shall be defined as any public action to persuade members of the student body to vote for a candidate(s). Campaigning includes any form of advertising initiated by either a candidate or an adherent of a candidate to persuade members of the student body to vote for a candidate. All campaigning must be done in accordance with the NAU Student Life, Student Handbook, Information Distribution Policy. Due to constant change in technology and candidate innovation, this section may be interpreted and adapted by the Elections Commission in order to adapt with new situation.

Section 10. Campaign Material

Campaign material is defined as but not limited to all posters, stake signs, handouts, name tags, favors, table tents, buttons, and radio, newspaper, or television, candy/food, and electronic advertising or any item or service used to campaign. Due to constant change in technology and candidate innovation, this section may be interpreted and adapted by the Elections Commission in order to adapt with new situation.

Section 11. Campaign Contributions

Campaign contributions shall include any professional services, material, or monetary contributions given to a candidate for the purpose of obtaining a majority or plurality of the votes cast.

Section 12. Elections

A general election occurs annually during the Spring semester for the purpose of selecting the Executive Officers and Senators for the following academic year.

a. All general elections for ASNAU shall be completed a minimum of 40 days before the spring semester completion for the purposes of transitioning and educating newly elected officials into positions.

i. In the event that the election commission receives knowledge that a current general election was not conducted under the ASNAU Constitution, By-laws, or Election Code; the election commission may postpone the general election, suspending the 40-day rule with the approval of a two-thirds vote from the senate.

ii. The postponed general election will abide by all other articles in the ASNAU Constitution, By-laws, and Election Code.

Section 13. Graduate Student Guidelines

Graduate Students of NAU are ineligible to run for a position, sign candidate's petitions, or vote in the ASNAU General Elections.

Section 14. Run-Off Elections

In the event of a tie or if no candidate receives a plurality of the votes, a run-off election shall be held no later than one business week after the original election.

Section 15. Special Elections

In the event of a twenty-five (25%) vacancy of the Senate, a mandatory special election will be held. The process for this election must begin no later than one week after the vacancies become known. If an executive position is vacated in conjunction with a twenty-five (25%) vacancy of the Senate, the special election will also fill any executive position.

Section 16. Electors

An elector is defined as any duly registered and currently enrolled full-time or part-time student attending Northern Arizona University's mountain campus.

Section 17. Plurality

Plurality shall be defined as the candidate who receives the highest number of votes. In the case of multiple openings for an office plurality will also be used to refer to the other candidates from high to low vote count until all of the seats have been assigned.

Section 18. Complaints

An official complaint relates to alleged violations of the ASNAU Election Code, Constitution, By-laws, or the NAU Student Handbook by petitioners, candidates, or their adherents.

Section 19. Plaintiff(s)

A plaintiff is one who files a written complaint with the ASNAU Elections Commission against a candidate or one of their adherents.

Section 20. Defendant(s)

A defendant is one against whom a complaint has been filed with the ASNAU Election Commission.

Section 21. Violation

A violation is any action, or lack of action, which is contrary to specific sections of the ASNAU Election Code, Constitution, By-laws, NAU's Distribution of Information Policy, or the NAU Student Handbook.

Section 22. Polling Place

The polling place is any public location where the electors cast their votes for any particular office.

- a. The Elections Commission may set up designated polling places. Candidates may not set up polling places.
- b. Candidates may not campaign within 250 feet from ASNAU designated polling places.

Section 23. University Housing Unit

A university housing unit is any building within the territorial boundaries or supervisory jurisdiction of NAU whose main function is the housing of NAU students.

Article II. Campaign Expenses for Candidates

Section 1. Expense Limits

- a. Expense limits for all candidates shall not exceed the sum of one-hundred-dollars (\$100) for Senators and two-hundred dollars (\$200) in personal expenses for Executive positions. All candidates shall not exceed the sum of two-hundred dollars (\$200) for any campaign donations. If a run-off election becomes necessary, an additional fifty dollars (\$50) may be spent by any involved candidate(s). Write-in candidates are limited to the amount of the office they are campaigning for.
 - i. For the purposes of Section 1.1, donations include any campaign materials, professional services and advertisements given to a candidate from any given person.

Section 2. Accounting of Expenses

Any and all campaign materials, professional services and advertisements purchased or donated to a candidate shall be considered a campaign contribution of property and be accounted for at a fair market value by said candidate.

- a. Records of all personal expenditures as well as campaign contributions related to campaigning shall be kept by all candidates. A copy of this record must be turned in to the ASNAU office (to go to the Elections Commission) on the day of the election by 5:00 pm. The Chief Election Commissioner is responsible for reviewing all expense reports. These records are public and shall consist of original or legible, copies of all receipts or invoices with the following information attached in addendum: 1) vendor's name and telephone number; 2) date received; 3) quantity received; 4) description of material or service(s); 5) samples where possible.
 - i. Information on campaign contributions will include: 1) name, email and telephone number of donor; 2) amount donated; 3) date received.
 - ii. Absolutely no campaign purchases shall be made by candidates or their adherents after submission of this record.
 - iii. In the event of a runoff election, a new record of personal expenditures must be turned into the election commission by the date and time set by the commission.

Section 3.

A Candidate may be disqualified if complete campaign receipts are not turned in before the established deadline. Candidates not having any campaign expenses must state so in a written expense report to the election commission by the same deadline of candidates reporting expenses.

Section 4.

Write-in candidates must follow all rules pertaining to campaign expenses. However, due to the nature of a write-in candidate, Electee(s) are required to turn in a final account of all expenses three (3) business days after election results are posted.

Article III. Campaign Materials and Locations

Section 1. Location

- a.** Campaign material may be placed anywhere that is allowed by the Student Life Handbook Information Distribution Policy.
- b.** Campaigning within a classroom while that class is in session is prohibited without the instructor's prior consent.
- c.** Campaigning may not take place within two-hundred and fifty (250) feet of a designated polling place on Election Day, nor within fifty (50) feet of any university maintained computer labs on campus.
- d.** There will be no campaigning prior to the ten (10) business days before the day of election.

Section 2. Removal of Campaign Materials

All candidates must remove all campaign material by 5:00pm two (2) days following the election polls closing.

- a.** The elections commission will provide each candidate with specific rules based on campaigning, campaign material, and adherent(s) after confirming the Candidates. These rules can be provided either by hard copies or an electronic version at the discretion of the Election Commission.

Section 3. Candidate Responsibility

Any candidate or adherent who destroys, removes, defaces, places their candidate's materials over another candidate's or otherwise damages any campaign material of another candidate will be in violation of the Election Code.

- a.** Any candidate or adherent who persuades votes through illegal means, such as bribery, will be in violation of the Election Code. These violations will be held at a high scrutiny and may be grounds for immediate disqualification at the discretion of the Election Commission, as they disrupt the fairness of the election.
 - i.** For the purposes of section 3.2, examples of bribery include casting a vote for a specific candidate in return for items or favors.
- b.** All candidates and adherents are responsible for all material covered at any and all official ASNAU Elections Commission candidate meetings.

Article IV. Petitions and Nominations

Section 1. Signature Requirements

a. A student who has received the endorsement of no less than one-hundred-fifty (150) campus wide student signatures upon a nominating petition meets requirements set by Article I; Section 4 of this Election Code, and upon approval of the ASNAU Elections Commission shall be considered an official candidate for the position of ASNAU College Senator. All petitions must be signed in person by the endorser.

i. For the purposes of section 1.1, pending extenuating circumstances, the, “in person signature requirement,” may be overturned by a majority vote of the election commission.

b. A student who has received the endorsement of no less than two-hundred fifty (250) campus wide student signatures upon a nominating petition meets requirements set by Article I; Section 4 of this Election Code, and upon approval of the ASNAU Elections Commission shall be considered an official candidate for the position of ASNAU President, Vice President of Student Affairs, Vice President of Academic Affairs, or Vice President of Government Affairs. All petitions must be signed in person by the endorser.

i. For the purposes of section 1.2, pending extenuating circumstances, the, “in person signature requirement,” may be overturned by a majority vote of the election commission.

Section 2. Petitioner Requirements

An elector may sign each individual Senate candidate’s petition only once, for up to 14 different candidates.

Section 3. Candidate Requirements

Petitions must be those issued by the ASNAU Elections Commission.

a. The name of the candidate, the office being sought and the petitioner’s name must be indicated in pen or typed on each nominating petition. No erasures or any other alteration of a nominating petition will be allowed.

b. Should someone desire to run for an office other than the one they have obtained nominating petitions for, all of said candidate’s nominating petitions must be surrendered to the ASNAU Elections Commission and new petitions must be issued.

c. Petitions shall only be available in the ASNAU office, University Union.

Section 4. Candidate Eligibility

Each person desiring to become an official candidate must complete an Election Packet and deliver it to the ASNAU office for approval from the Elections Commission.

a. Each person desiring to become an official candidate must complete and turn in petition forms with the appropriate number of signatures determined by Article IV, Section 1 and 2 to the ASNAU Elections Commission for approval by the date established by the Commission.

Article V. Code of Violations and Prescriptions

Section 1. Candidate Responsibility

- a.** All candidates and their adherents shall be held accountable for knowledge of the ASNAU Election Code and the ASNAU Constitution, By-laws, and the NAU Student Handbook. Failure to read any section of the Election Code, ASNAU Constitution, By-laws, NAU Campus Policies, or the NAU Student Handbook does not constitute a defense for any violation.
- b.** Any candidate may request an advisory opinion from the Elections Commission on any provision of the Election Code, which may appear to be vague or unclear.
- c.** Anyone wishing to file a complaint with the Elections Commission must do so in writing within two (2) working days after the alleged violation occurred.

Section 2. Elections Commission Responsibility

Upon receipt of an official complaint the Elections Commission will review the merits of the case and answer the complaint in writing within three (3) working days.

- a.** Upon receipt of an official complaint the Elections Commission will notify the candidate whom the violation is against within one (24 hours) working day

Section 3. Academic College Endorsement

Any candidate requesting an endorsement from a college, or any school within said college, and/or faculty/administration is prohibited in order to remain impartial and ensure fairness within the election among all candidates.

- a.** Endorsement is defined as any act of giving one's and/or one's own public approval or support to a particular candidate.
- b.** For the purposes of Section 3a, this will not be in conflict with Article III. Campaign Materials and Locations, Section 1b.

Section 4. Hearings

In the instance of an official complaint, not thrown out on the premise by the Commission, both plaintiff and the defendant will be provided an opportunity to present their side of their case at an official hearing within two (2) days of the official complaint and request for hearing being filed. The Elections Commission will hear both presentations and may ask questions to clarify issues. After both sides have explained their positions, the Elections Commission will meet to consider appropriate outcomes, including sanctions. The decisions of the commission will be in writing and will be available to both parties within two (2) working days of the completion of the hearing. The Elections Commission must resolve all complaints within seven (7) working days of receiving any complaint.

Section 5. Sanctions

The ASNAU Elections Commission shall have the authority to levy sanctions against any candidate who violates this Election Code.

- a.** If a plaintiff or the defendant does not feel their complaint has been duly handled or resolved by the Elections Commission they may have their case heard by the Supreme Court. All timelines involving the Supreme Court apply as stated in the ASNAU By-laws. The Supreme Court shall have the authority to levy sanctions in accordance with Article V, Section 5b of this document against any candidate who violates this Election Code, only after a proper hearing has been conducted.
- b.** Sanctions will be implemented on a point scale which corresponds to the severity of the violation. A point value of one (1) would correspond to a minor violation, a point value of two (2) would correspond to a mid level violation, while a point value of three (3) would correspond to a more severe violation. Points for a violation will be determined by the Election Commission in accordance with the descriptions provided in Article VI of the ASNAU Election code. When a candidate has reached a point accumulation of three (3), the candidate will be up for disqualification from the election. The Election Commission will review the sanctions within one (1) business day, and determine the outcome of the violation. The candidate should be notified of the outcome within one (1) business day of the review process of the sanctions. All sanctions implemented by the election commission must be done within two (2) days of the original violation occurring/complaint being made.
 - i.** In the case that a candidate does not feel that the points given for a violation were just, or that the violation should not apply altogether, said candidate may appeal the violation to the election commission within one (1) working days of receiving the violation. Following this, the election commission will hold a hearing with candidate where both sides have the opportunity to explain their views. After the hearing, the election commission will vote on whether or not to uphold the violation/point value, change it, or dismiss it. The outcome of that vote will be released within two (2) days of the hearing.
- c.** The Election Commission will decide the point value of each violation that occurs during an election.

Article VI. Conducting Elections

Section 1. Timetables

- a.** The general election shall be held in accordance with the ASNAU Constitution and Bylaws and the policies and timetables adopted by the Elections Commission.
- b.** All run off elections and special elections shall be held in accordance with the ASNAU Constitution, By-laws and the Election Code.
- c.** The ASNAU Public Relations Department is responsible for advertising any ASNAU election three weeks before the start of the campaign date, and in a minimum of three (3) forms.
 - i.** In the event of a run off election, the ASNAU Public Relations Department is responsible for advertising the election three (3) days in advance in a minimum of three (3) forms.

- d.** The Elections Commission must establish a minimum of two (2) polling sites across campus for each election and advertise their location to the entire student body. These locations must be open for no less than three (3) hours on Election Day.
- e.** Any election must be open for student vote from the time of 12:00 a.m. to 11:59 p.m. on Election Day via Internet. All students must be notified by email when the polls are open.

Section 2. Tabulation of Results

All votes will be collected electronically through the Internet. No hand written ballots will be accepted.

- a.** The Elections Commission may, at its discretion, call for additional recalculation of results.
- b.** No votes will be tabulated until all polling places are closed and all ballots are in the possession of the Elections Commission.
- c.** The Dean of Students or their designee and the Chief Election Commissioner or their designee will be required to be in attendance when the votes are tabulated and posted for public view.
- d.** The election results shall be tabulated by the Elections Commission the following working day of the general, special, or runoff election. The results of the election will be certified and posted at the discretion of the Election Commission no sooner than four (4) business days after the election takes place. Election results will also be given to the respective candidates and NAU student body electronically.
- e.** The Elections Commission is responsible for the posting of all vote totals and percentages for all candidates, including write-in candidates, involved in all races regardless of sanctions or disqualification issued by the commission. These will be posted for public view on the ASNAU Office window for no less than one (1) week. In the event of run-off elections or disputes, all results will remain posted until one (1) week after they are resolved.
- f.** The winning candidate is Primary or write-in who receives a plurality of the total votes cast. In the instance where there are numerous open seats, the top candidates receiving the highest amount of votes will be declared the winners in order of highest to lowest until all seats are filled. Plurality shall be defined as stated in Article I, Section 17.
 - i.** A write-in candidate must receive more than ten (10) percent of the overall vote in order to be considered a winner in the Senate race.
- g.** Should the top two (2) or more candidates for elective office receive an equal number of votes after a recount, the winner shall be declared by run-off election conducted by the Elections Commission within one (1) week after the tabulation of the results.
- h.** In the event that an ASNAU position is not filled after the general election and any subsequent run-off election in the Spring, the Elections Commission shall refer the matter back to the Senate for action.

- i. If there are no primary candidates running for a particular Executive seat, a write-in candidate may not win that seat. The seat will not be voted for and then will be re-advertised in a special election until it is filled.

Section 3. Absentee Voting

- a. Due to electronic voting, there shall be no absentee voting.

Section 4. Write-In Balloting

All ballot marks and notations shall contain the first and last name of the write-in candidate and the write-in candidate's office.

- a. Write-in candidates will have all rights as any official candidate, and be treated as any official candidate unless they cannot complete the information required as listed in Article I, Section 4 of the ASNAU Elections Code. If a write-in candidate wins a seat they must be contacted no later than forty-eight (48) hours after the positions and write in candidates are known.
- b. These candidates will have three (3) working days from when they are notified to collect all needed information, including a record of all expenses, and turn it into the Elections Commission for review. If they fail to turn in all required information, or do not meet the candidate eligibility, Elections Commission will notify the candidate or write-in candidate with the highest votes of the opening within two (2) business days.
- c. No write-in candidate may win an Executive seat if there are no official candidates running for that office.

Section 5. Special Elections

- a. **Petitions:** One who wishes to become a candidate in a special election must receive the endorsement of no less than one-hundred-fifty (150) electors signatures upon an official nominating petition for college Senator positions and two-hundred fifty (250) for Executive positions.
- b. **Dates:** Petitions shall be made available as specified by the Election Code and shall be returned a minimum of one (1) week preceding the special election. Candidates shall have a minimum of one (1) week to campaign.

Section 6. Special Referenda

Where practical, any referenda during the Fall semester shall be submitted to the students for a vote in conjunction with the Homecoming election.

Section 7. Homecoming Elections

In addition to any Homecoming election guidelines, Homecoming elections will follow all Election Codes. Where there is any question regarding rules for elections the ASNAU Election Code will outweigh any Homecoming election guidelines.

Section 8. Enforcement

The enforcement of the Election Code shall be the responsibility of the Elections Commission. The commission shall have the duty to initiate and proceed with any measures or procedures required for the enforcement of the Election Code.

Section 9. Information

Information directly related to elections shall be public information, available to all students by way of the Elections Commission as soon as said information is received. This information includes, but is not limited to, who has checked out what packet, how many of each packet has been picked up, dates each packet was checked out.

- a. Any personal student information including but not limited to contact information and academic performance shall never be made available to the public by the Elections Commission.

Article VII. ASNAU Complex

Section 1. Determination Procedure

- a. This is the procedure by which the Elections Commission shall determine the number of Senate positions available. The elections Commission shall monitor the number of students enrolled in each college during the Fall and Spring Semester. The commission shall average the Fall and Spring enrollment numbers to arrive at a final figure of enrollment for the academic year. From this number, the commission shall determine the number of Senate positions available in each college in accordance with Article VI, Section 2 of the ASNAU Constitution. Colleges may gain or lose positions in accordance with this formula. Should a college gain or lose a position, this will be announced by the Elections Commission prior to the commencement of the election so that the Associated Students shall know how many positions are open in each college. The number shall be determined prior to the general election and remain constant for the entire period prior to the next election.
- b. The ASNAU Complex shall be defined as all areas under the control and direction of the Associated Students of NAU.

Section 2. Integrity and Objectivity

To ensure the integrity and objectivity of ASNAU, all ASNAU officials and staff shall be prohibited from the following: 1) formally endorsing any candidate for office; 2) using any ASNAU capital equipment, facilities, and/or office supplies for the express purpose of advancing individual candidates for office; 3) displaying or disbursing any campaign materials on behalf on an individual candidate(s) for office within the physical ASNAU office.

- a. Any candidate may list or cite any previous or current ASNAU work or experience for the purposes of his or her own campaign.
- b. Candidates running in an ASNAU election may endorse and aid in the campaign of another candidate.

Article VIII. Amendments

Section 1. Origin of Amendments

a. Amendments to the ASNAU Election Code may originate through any member of the ASNAU Executive branch, Legislature, or by petition containing the signatures of no less than fifteen (15) percent of all members of ASNAU. The petition shall be presented to the ASNAU Senate upon verification of signatures by the Election Commission.

Section 2 Confirmation

All amendments must be presented before the ASNAU Senate for a two-thirds (2/3) vote for confirmation to be placed before all members of ASNAU for ratification.

a. A ratified amendment shall take effect on the date specified in the amendment, or take effect immediately if no date is specified.