

## **ADVISORY OPINION 2016-1**

### **ADEQUACY AND FAIRNESS OF BALLOT REFERENDUM**

*C.J. Meyer and J. Tomassetti writing for the Court*

Pursuant to Student Body Statutes, the Supreme Court is to review any proposed constitutional referendum for its adequacy and fairness to “ensure the language of the statement reflects the intent of the ballot proposal.” SGA Stat. 506 (B)2. Additionally, the purpose of the Court’s review is to, “ensure that all provisions voted on by students are fair and not deceptive in terms of the provision’s language.” SGA Stat. 506 (A)2.

On September 27, 2016, a Statement of Intent for a constitutional referendum was properly submitted to the Court for review. The referendum called for the Student Government Association to demand the Florida State University Board of Trustees and President John Thrasher to remove the Francis Eppes Monument, located in front of the Westcott building, and to rename Eppes Hall because Francis Eppes was an owner of slaves in Tallahassee in the 19th century. The Court advises that there is nothing to withhold this Statement of Intent from going forward, but there are some concerns about the possible misleading nature of the language.

### **REASONING**

In reaching this decision, the Court looked to the language of the SGA Statute 506 and the language of Article VI Section 2 of the Student Body Constitution. In the Title and Purpose of SGA statute 506, there is a distinct difference in the language used in

506(B)2. The Purpose section stresses the importance of preventing “deceptive language” going to the student body for a vote. This is distinguished from 506(B)2 which directs the Court to examine whether the statement adequately and fairly reflects the intent of the ballot proposal. Viewing the referendum and Statement of Intent in light of the statute, the Court finds that the intent of the ballot proposal is adequate and fair. The intent of the ballot proposal is to “end the honoring of [Francis Eppes] on campus.” No deceptive language is used throughout ballot proposal and the language cannot be seen as “deceptive” because there is a single intent put forth in the ballot proposal.

However, the Court cautions that the Statement of Intent could be viewed as deceptive. Specifically, the Statement of Intent indicates that Eppes was a slave owner and states that Eppes supported the Confederacy. Yet, the ballot proposal does not provide an explanation as to why the Florida State University honored Eppes with a monument and a building name. After briefly researching Eppes, the Court found that while Eppes did own a number of slaves, he was credited and honored by the University as one of the Founders. Eppes is credited with securing state recognition of the Seminary West of the Suwannee, which later became the Florida State University. While the Court has some concerns with the lack of disclosure in the Statement of Intent, it does not on its face appear to be deceptive enough to amount to “unfair.”

Nevertheless, this Court declares that it is the responsibility of the voter to educate themselves prior to voting on any constitutional amendment. Constitutional Amendments, similar to Presidential Candidates, are not required to provide voters with all necessary information to make an informed decision. It is the

responsibility of the voter to educate themselves, and determine if the intent of the ballot proposal furthers interests that the voter values.

## **CONCLUSION**

The Supreme Court advises that the Statement of Intent is “adequate and fair” and should be submitted for a vote. The language of the Statement of Intent reflects the intent of the ballot proposal.