

## ADVISORY OPINION 2017-1

### POLITICAL PARTIES AND REGISTERED STUDENT ORGANIZATION STATUS

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

We have jurisdiction under SGA Statute 703(F) which informs the Supervisor of Elections to “[r]efer questions of interpretation of the Elections Code to the Student Supreme Court.”

On February 1, 2017, the Supervisor of Elections for the Student Government Association of the Florida State University petitioned the Court for an advisory opinion as to the whether she may permit the Uplift Party and the Enlighten Party (hereinafter the “Parties”) to participate in the Black Student Union (“BSU”) election even though neither party has gone through the approval process to become Registered Student Organizations (“RSO”) as prescribed by SGA Statute 1003.3(B)(6).

Under these narrow facts, the Court advises that the Parties should go through the recognition process in order to become RSOs and after receiving approval both parties’ candidates may run under their respective party in the upcoming BSU Election.

### REASONING

According to SGA Statute 1003.3(B)(6), “BSU political parties **must be a Registered Student Organization** by the last Friday in January.” (*emphasis added*). Additionally, in order to become an RSO, a new organization must follow the recognition process laid out in the FSU Student Organization Handbook (“Handbook”). According to the Handbook,

this process includes “a meeting with a member of the Student Organization Advisory and Resource Board, completing the Get Recognized! workshop, completing the hazing prevention module, completing the online application, signing/completing the Student Organization Signature Packet, and turning the Student Organization Signature Packet in to the Student Activities Center office.” Oglesby Union, Recognized Student Organization Handbook, (Spring 2016), available at <https://union.fsu.edu/sac/wp-content/uploads/sites/7/2013/05/RSO-Handbook-16-17.pdf>. New RSOs can expect to receive email notification of their approval within two to three weeks. *Id.*

In the instant case, the Parties turned in their party registration to the office of elections and filed to become RSOs on January 27th, the last Friday of January. However, neither party went through the approval RSO approval process. Therefore, based on the plain reading of the statute and approval process in the FSU Student Organization Handbook, neither party is an official RSO because the Parties failed to obtain RSO recognition prior to the last Friday of January.

The consequence of failing to obtain RSO recognition in the past results in the candidate’s party status defaulting to independent. This default procedure is a strong protection of access to our elections because it provides an equal alternative route to candidacy. However, it leaves open a backdoor exception that could be exploited by political gamesmanship. Those who wish to avoid the burdens created by initiating a political party and gaining RSO recognition could forego RSO benefits, register their candidates as independents, and still receive all the protections afforded to parties in an election. By running under

the guise of being an independent candidate, these unrecognized political parties would be able to provide the support to their candidates while avoiding the procedures and requirements of the election statutes. The Court does not point this out to suggest that is happening in the instant case, but to illustrate the possible degradation of the party system that could follow from the default independent candidate procedure.

In order to avoid this potential backdoor exception, the Court would rather require the Parties to complete the approval process for RSOs and then permit the candidates to run under their party platform in the upcoming election. There is no undue burden on the Parties to gain RSO approval because the BSU Election is not until April 5th. Additionally, permitting this one time exception does not create any fairness issues because both Parties failed to follow proper procedure and there are no additional independent candidates running in the upcoming election. If the Supervisor of Elections so wishes, they could permit the election committee to restrict all campaigning by the Parties until they have achieved final RSO approval.

## **CONCLUSION**

With great hesitancy and consideration, the Supreme Court advises the Supervisor of Election to permit a one-time extension to the Parties to seek approval as RSOs. If such approval is granted, then the candidates for the parties may run under their respective party in the upcoming BSU Election.

Furthermore, the Court wishes to extend a notice to the members of the Senate and to all future candidates and parties. No similar extension or exception shall be provided in the future. According to

Merriam-Webster, a Political Party is “a group of persons organized for the purpose of directing the policies of a government.” Inherent in this definition is sophistication, experience, and awareness of election procedures and deadlines. It is imperative that a political party that chooses to direct government is itself aware of the requirements and procedures of the election.