



**73rd Student Senate
Judiciary Committee
Date: January 22, 2021**

Meeting recording:

<https://drive.google.com/file/d/1gwio1LP5jndkPzjbBWPUJyVx6xSgYINo/view?usp=sharing>

Call to Order: 7:36 pm

Members Present: Chair Little, Vice Chair Boole, Senator(s) Arutt, Murcia, Lewis, Linsky, Bergen, Gerdt

Members Tardy: Senator(s)

Members Excused Absent: Senator(s) Daraldik

Members Absent: Senator(s) Mougey, Sam, Rivera

Guests: Senator Villacorta

Announcements:

- Chair - Welcome, briefly states summary of what judiciary is. Asks for any objections to recording committee meetings.
- Vice Chair - Asked members to be patient with meeting minutes.
- Members - none.
- Guests - none.

Committee Business:

- **Adopt Rules of Procedure**
- **Bill 1** - Sponsored by Senators Ramos and Gerdt - Creating Statute 211, enacting an SGA Indigenous Land Acknowledgment Act of 2020
- **Bill 2** - Sponsored by Senator Villacorta - Mandating the publication of minutes from any and all SGA meetings
- **Bill 3** - Sponsored by Senator Villacorta - Updating the list of major offices to preserve checks and balances and address conflicts of interest
- **Bill 4** - Sponsored by Senator Villacorta, Co-sponsored by Senator Marcus - Amending the Candidate Screening Process
- **Bill 5** - Sponsored by Senator Villacorta - Refining the Statutory definitions of Majority and Two Thirds to line up with Roberts Rules and general best practices
- **Bill 6** - Sponsored by Senator England - Outline the appointment process for Senate officers in Chapter 400.2 and establish the Office of the Senate President.
- **Bill 7** - Sponsored by Senator England - To eliminate the conflict between statute 304.3 and 400.2. This deals with the appointment process of candidates by the Student Body President and the appointment of Senate officers by the Senate President.

- **Bill 8** - Sponsored by Senator Linsky - Updating the Elections Code to resolve contradicting statutes and provide procedural clarity.
- **Constitutional Amendment 1** - Sponsored by Senator Villacorta - Correcting the mathematics behind Recall Election Petitions
- **Constitutional Amendment 2** - Sponsored by Senator Villacorta - Remove redundant language referring to the office of the Student Body Treasurer in the Student Body Constitution
- **Constitutional Amendment 3** - Sponsored by Senator Villacorta - To make the Student Body President and Student Body Vice President run separately
- **Constitutional Amendment 4** - To Create a Constitutional Review Commission to ensure periodic review and modernization of the Student Body Constitution

Old Business: None

New Business:

- Rules of Procedure
 - Motion to adopt - Lewis
 - Seconded - Murcia
 - No objections
 - Rules of Procedure Adopted
- Bill 1
 - Opening Statement:
 - Gerdt: Describes history of bill and past veto of very similar bill. That same previous bill in 72nd was passed unanimously.
 - Technical non-debatable:
 - X: none
 - Round table:
 - Boole: I think we will pass this bill again it looks great
 - Linsky: Agreed. There might be a spelling error.
 - Gerdt: There is a system in place to handle that
 - Closing:
 - Gerdt: Thank you, glad that there was no real debate. I hope to see it pass and I hope to see it pass on the floor.
 - Vote:
 - Y (Boole, Murcia, Linsky, Gerdt, Lewis, Arutt, Bergen) N (0) A (0)
 - **BILL PASSES**
- Bill 2
 - Opening Statement:
 - Villacorta: Requires that all committees send minutes to webmaster within 2 days of meeting. It allows legal action to be sought if this is not followed.
 - Technical non-debatable:
 - Linsky: is this meeting one that would apply to this statute
 - Villacorta: yes
 - Linsky: Are zoom recordings ok
 - Villacorta: Absolutely
 - Bergen: Prior to zoom meetings were meetings recorded?
 - Villacorta: In 72nd and & 73rd there were experiments but other than that; no, not to my knowledge.
 - Round table:

- Linsky: Overloading those that are tasked with going back and forth with the webmaster. I think requiring a full video is even better for transparency
 - Boole: I am worried that two days is too harsh and does not allow leniency for mistakes
 - Gerdt: Two days is not really going to be that harsh. And the after two days advisors would start reaching out. Meetings without minutes are a waste of time. Minutes haven't been taken seriously and they should be. It is important that committee meetings happen continually throughout the week. Minutes allow deaf students to participate. I doubt any real legal issues would arise.
 - Murica: I think two days is very attainable
 - Linsky: I think that a real harsh deadline would be 24 hours
- Closing:
 - Villacorta: thank you, thanks for the debate. Thank you vice chair Boole for your points. The last section of the bill states that the minutes are required to be taken in committee. If an emergency does happen there is a cushion for those responsible.
- Vote:
 - Y (Boole, Arutt, Gerdt, Bergen, Murcia, Lewis, Linsky) N (0) A (0)
- **BILL PASSES**
- Bill 3
 - Villacorta point of personal privilege: Request to table bill 3
 - Murcia: motion to table
 - Lewis seconds
 - **BILL TABLED**
- Bill 4
 - Opening Statement:
 - Villacorta: This bill addresses some issues brought up in the investigative board. Some interviews were reported as only 2 minutes for senate candidates. The bill also has any interviewer with a personal interest to recuse themselves. Helps prevent nepotism, making sure that just because someone has friends with the current leadership in the executive branch that they are getting some kind of favor from that.
 - Technical non-debatable:
 - Round table:
 - Linsky: there is one issue with this bill. I don't know where the line for a professional relationship begins and ends. There shouldn't be nepotism and I like this bill. But it could be seen as vague and easy to get around. Minimums for a ceiling must be made.
 - Closing:
 - Villacorta: Thank you to senator Linsky for the interesting questions and would love to talk with you about the legal definitions about a professional relationship
 - Vote:
 - Y (Boole, Arutt, Gerdt, Murcia, Lewis, Linsky) N (0) A (0)
 - **BILL PASSES**
- Bill 5
 - Opening Statement:

- Villacorta: Helps reduce redundancy and helps become inline with Robert's rules. Helps solve the issue with super majorities and the absention problem.
- Technical non-debatable:
 - None
- Round table:
 - Lewis: I support this bill I'm all for clarity
 - Arutt: I am also all for this bill and I think it will help streamline the rules
- Closing:
 - Villacorta: I yield
- Vote:
 - Y (Boole, Arutt, Gerdts, Murcia, Lewis, Linsky) N (0) A (0)
- **BILL PASSES**
- Bill 6
 - Sponsor not present, **BILL TABLED**
- Bill 7
 - Sponsor not present, **BILL TABLED**
- Bill 8
 - Opening Statement:
 - Linsky: So a basic tenet of any judicial proceeding is that there be jurisdiction. There are two main types of jurisdiction: Original jurisdiction and appellate jurisdiction. The current rules are not clear whether the elections commission is an appellate body or an original. There is contradicting writing in the statues. The problem is that when the rules are read that the body believes its an appellate body. The rules indicated in many cases that the body is appellate contradictory to the previous intentions of the body.
 - Technical non-debatable:
 - None
 - Round table:
 - Boole: I think I speak for everyone here that I am not a legal expert. I will vote to pass this because I trust you and because I will have more time to read it before it is on the senate floor. I think I speak for every one when I say it's a little out of my wheelhouse of expertise.
 - Murcia: I agree but, I also don't think that we should just pass the bill to pass it. I think if we really don't understand it we sould table it because as judiciary it is our responsibility to know what we're passing and understand what we're passing and support what we're passing. I don't think just passing things to pass is a very good precedent to set. I rather table it then pass it to pass it.
 - Boole: What I meant by my comments was not that I was just passing it to pass it. I feel like I don't understand a lot of the language. I understand what the bill aims to do and fix. Its not as if I haven't read the bill but its that I feel that this discussion can continue on the senate floor. But ultimately it's up to everyone, but I'm in support.
 - Villacorta: Question for the sponsor, this would be taking the, making the elections commission the first place of deciding if a claim was valid?
 - Linsky: To clarify, the elections commission was never an appellate body even though it said it was an appellate body. If it were and they were allowed to continue like this three constitutional amendments would be violated. This happened by the rules being changed each year. What this

really does is the supervisor has two options, they have to review the complaint if a code has been violated, if none was found the case would be dismissed without prejudice. This allows anyone who made the complaint to resubmit it if a mistake was made. If not dismissed the case is forwarded to the elections commission for a hearing. The legislation also sets more clear boundaries for the hearing. And the rules are they are written now there is no original hearing. As the system is right now, my client was not given any information of the actual hearing which is a violation of the 6th amendment. So by creating a buffer of time where you have 24 hours to dismiss or forward the complaint. Then you have the hearing with clear and convincing doubt.

- Villacorta: that was awesome, do you mind, chair Little if I reserve two follow-ups?
- Little: that would be fine as long as no committee member has any comments
- Boole: I would like to say something real quick.
- Little: per our rules committee members must be recognized before non-committee members
- Boole: Thank you, I just wanted to say to senator murcia's complaints or rather concerns, that I don't believe I will become more of an expert in the inner workings of this bill in two days or a week. So that's why I'm willing to pass it here, so I hope you join me in that; that said if you really feel like you're not reaching the fullest competency in the paper that you would like then I would vouch for you to go ahead and not pass or vote no, but that's just how I feel so thank you.
- Villacorta: Thank you chair, so, two questions for the sponsor. First, I saw that the period was changed to 36 hours and was wondering when that would start.
- Linsky: That would start with publication. The old timeline was 24 hours which made it difficult to write a 30 page paper. To senator Boole's question in a previous bill, there was statutory language in there to publish their findings much sooner than they did. But in the election case there is a much slimmer window. So extending that a little bit just to give it some breath. There is a condensed timeline for the elections commission to get these hearings heard and ruled on so senators can be seated and the fallout doesn't extend for many weeks. So, I'll reserve whatever opinions I have for closing.
- Villacorta: The second question I had was, does the supervisor have the power to accept or reject or does it go automatically to the elections commission?
- Linsky: They have the power to reject only, dismiss without prejudice. I will pontificate for a second. Here's the problem we have with the rules in the first place. I stood in front of the elections commission when I went to them and said that this was my client's first hearing. And they said, no it was not. I turned to my client and said, have you had a hearing before? And my client goes I don't think that I have. And that was that and at that point I realized that I wasn't getting anywhere. The board had convinced themselves that they were something that they were not. If they had actually done the deep dive into the rules they would have seen that they were violating multiple constitutional rights. And they didn't even check if he had a hearing before.

- Chair: I would like to say that although it is not my position to debate any legislation, I would like to echo that if the committee feels as if they are unfamiliar with the legislation that they table the bill so they can become such. Keeping in mind that our primary job is to evaluate the legislation through the lens of the election code and not the job of the full senate.
- **Lewis: I move to postpone to a definite time.** Ok I move to table
- **Murcia: Seconded**
- Linsky: Can I object with a qualification that this next meeting happens before the next senate meeting. Because once the election is set, per section 700 the rules cannot be altered in any way shape or form. So there is a sense of urgency. And I do appreciate that everyone is so willing to look over this. It would be silly to just rubber stamp it and move on but I would stress that if there is time over the weekend to overlook it I would urge you to take it.
- Little: So, adding on to that if the board wanted to meet again we do have to give 24 hours notice to the earliest we could meet would be next week on tuesday. So is there an objection?
- Linsky: No.
- **BILL TABLED**
- Constitutional Amendment 1:
 - Opening Statement:
 - Villacorta: This amendment addresses one of the bigger issues that have come up with FSU's growth. This helps change the rules of the population on recalling an election. Changing the percentage to be lower to make it more accessible to the student body. Sets it from 20% to 10% for senators. Reads and summarises off legislation.
 - Technical non-debatable:
 - Bergen: Underlined is the added language?
 - Chair: Yes, and explains notation system on bill
 - Bergen: what is the stated needed population
 - Villacorta: Around 2,000 per un updated numbers.
 - Round table:
 - Lewis: I am in support of this legislation, I think it makes perfect sense and I support this amendment passing.
 - Linsky: What happens after a recall?
 - Villacorta: let me pull up the exact wording...I think the specifics may be in statues.
 - Linsky: Regardless, the issue I have stands and that is with the delineation between graduate and undergraduate seats. I worry that this bill allows for electioneering in certain colleges. I am still going to vote yes on this but I do think that they should be some type of percentage that is based on the size of the college.
 - Villacorta: I would like to work with you on figuring out how to change it for small colleges. 707.4 is where it defines what happens.
 - Linsky: Just a point of interest section 707.4 does nothing but refer back to the constitution and it doesn't seem like there's much in the constitution.
 - Boole: I had some concerns, similar to the previous senator. I think it may be unfair to have different percentages for different colleges. Just because some colleges are smaller than others. It should be harder for the college of arts and sciences if their population is larger because they

have more opinions. So I don't agree with setting different percentages for the college of music just because they're small. If anything that punishes the college of music and in some ways it punishes the college of arts and science just because their population is large. So I think you should keep it at a base level like 20%. So, I am not in support of this bill. And I also say that coming from COAS or rather I am not in COAS officially yet I'm still an undergraduate seat.

- Linsky: I mean I've never seen a recall election. When I lived in California they had those every now and then. I think the gist of this is officials can become stagnated. And what I do think this legislation does is it sends a message to the people at the top and I like the ethos behind that. So, what if it was 15% lets split the difference here.
- Boole: I don't think we should pass legislation just to send a message to the people about what they can do. Especially a constitutional amendment.
- Linsky: That's exactly what legislation is.
- Boole: Well, we could actually pass a resolution if we wanted to express opinions. I think changing the constitution in order... recalls should be rare, right? Because the people should choose right or how they want the first time. And I think the current writing keeps it that way.
- Linsky: Out of curiosity does anyone know when there was a recall petition last at FSU? So rare implies that something occurs very seldomly but it sounds like we're closer to never than rare.
- Lewis: I agree with Linsky with this. I think a common complaint we get from students is that they don't feel like they have a way to express their opinions of their dislike of elected officials in SGA. I think that this could be empowering and I don't think that we will see a recall but I do think that sending a message is extremely important.
- Boole: I'd have to disagree with that again. First of all I don't think a way to voice your opinion is a recall election. I think the best way to voice your opinion is with your initial vote. If you lose the election or if your candidate you supported loses the election then that's just the fate of democracy, tyranny of the majority. Also I have an issue with the idea of empowering students. If you don't think that a recall will ever happen then it's not empowering at all. It's a complete sham of empowerment. Because now what you're saying is a recall election could happen but it's not really ever going to because recall elections don't happen. So, I would urge the sponsor and everyone to look for ways to actually empower students to voice their opinions. Because if no one even expects this to happen, even with the change then why should this be seen as empowering to students. I think it's a classic SGA thing that ... I just don't agree.
- Murcia: I would like to say something real quick, I have been in the 71st student senate. During the 71st student senate a piece of legislation was written to specifically remove the president from power. It was written without purpose, basically the same way as just in case we ever need it. It was never meant to be used but then it was in the 72nd because of the situation. This piece of legislation is there to protect students and give them that voice.
- Boole: See but it still exists in the constitution. Not passing this amendment does not change what is already in the constitution. Those safeguards still exist. Me not supporting this is not me not supporting the

safe guards because those safeguards are already in the constitution. We already have the capability to do a recall election if necessary.

- Linsky: what is voter turnout?
- Murcia: less than ten percent
- Linsky: It's less than ten percent so we're essentially saying that if we are going to recall an election you need double the amount that actually voted. The odds of getting 20 percent there is beyond highly impractical. So with that piece of information this sounds like a constitutional provision that is there only for show. That being said I can appreciate that having a recall amendment could encourage people directly after an election to recall someone without cause just to say they can. We are going to petition to recall if we lose. So that being said I am not so onboard with 10 percent because its so close to voter turnout but 15 percent even though it was a spur of the moment number it allows for people to come together in order to combat a situation like the one in the 72nd. It shows the elected that if you do poorly against the powers that be as an electorate they can be ousted. And to the electorate that they can have their voices be heard.
- Little: Senator villacorta is that a point?
- Villacorta: Indiscriminate speaking
- Boole: I would like to speak it possible.
- Little: Did anyone want to add anything first?
- Villacorta: I would like to clear something up. From the Archives I have never seen a recall election. I understand the fears of a recall election. In section 707.5 requires sponsors of the recall to explain reasons behind recall. I know last year that the students didn't even try because it was such a high number. 7-8% turnout last semester and on average 10%. We've had amendments appear on the ballot and then they are accepted or rejected. Getting 20% of the College of Arts & Sciences it would be impossible to get that number of signatures. It can be very difficult for many colleges. When the 20% number was made it was when the university was much smaller.
- Linsky: You've won me over. 2/3rd on the ballot will ensure that it is what the people want
- Boole: I agree and I think we need to discuss what percentage is fair before the senate.

- Closing:

- Villacorta: I appreciate the debate and I yield

- Vote:

- Y (Boole, Murcia, Lewis, Linsky, Arutt, Bergen) N (0) A (0)

- **CONSTITUTIONAL AMENDMENT PASSES**

- Constitutional Amendment 2:

- Opening Statement:

- Villacorta: Helps reduce redundancy and makes the constitution easier to read.

- Technical non-debatable:

- None

- Round table:

- Boole: I commend senator Villacorta on this legislation.

- Closing:

- Villacorta: I yield
- Vote:
 - Passed by acclamation
 - **CONSTITUTIONAL AMENDMENT PASSES**
- Constitutional Amendment 3:
 - **CONSTITUTIONAL AMENDMENT TABLED**
- Constitutional Amendment 4:
 - **CONSTITUTIONAL AMENDMENT TABLED**

Unfinished Business:

- Bill 6
- Bill 7
- Bill 8
- Constitutional Amendment 3
- Constitutional Amendment 4

Committee Legislative Round Table:

- None

Final Announcements:

- Chair - We will discuss next meeting times in the groupme, we will attempt to meet again on Tuesday before the next Senate meeting on Wednesday.
- Vice Chair - none
- Members - none
- Guests - none

Date and Time of Next Meeting:
Adjourned 9:05pm

Gabrielle Little

Signature of Chair