



THE FLORIDA STATE UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION

73RD STUDENT SENATE

Senate Bill #: 8
Primary Sponsor: Linsky.

A revision to the Student Body Statutes

BE IT ENACTED BY THE SEVENTY THIRD STUDENT SENATE THAT:

Updating Statute Number(s) § 702.4, § 703.1, § 703.2, § 704.3, § 708.2, § 708.3, § 711.4, § 711.5, § 711.6, § 711.8, § 711.9, §711.10 regarding the Elections Code to resolve contradicting statutes and provide procedural clarity.

Read 1st Time:
Referred to Committee: Judiciary 1/20
Committee Report: Passed Judiciary 1/26
Read 2nd Time: 1/27
Senate Vote: 42Y – 1N – 0A

OFFICIAL: *Alexander Harmon*
Student Senate President

PASSED: JANUARY 27TH, 2021

CERTIFIED TO THE STUDENT BODY

DocuSigned by: <u><i>Jonathan Levin</i></u> 1B650CE32A8A4B2...	2/11/2021 4:12 PM EST
President of the Student Body	Date
DocuSigned by: <u><i>Dr. Brandon Bowden</i></u> 58FD9A67791A4EA...	2/12/2021 8:38 AM EST
Director of the Student Governance & Advocacy	Date
DocuSigned by: <u><i>Dr. Amy Hackett</i></u> F0C9CD88902240E...	Date
Vice President of Student Affairs	Date

Statute/Amendment Text:

702.4 Role in the Election Commission

- A. The Supervisor of Elections shall serve as chair of the Elections Commission.
- B. Convene the Elections Commission and assist in setting the agenda for its meetings.
- C. Publish meeting times twenty-four (24) hours prior to the adjournment commencement of Elections Commission meetings. The Elections Commission shall attempt to notify candidates or political parties who are charged with alleged violations at least twenty-four (24) hours in advance of the meeting by phone, email, or in person.
- D. During campaigning the Supervisor of Elections shall ~~review and rule on any alleged violations in the Elections Code. The Supervisor of Elections has the right, based on the Student Body Election Code, to decide whether an alleged violation shall be forwarded to the Elections Commission. Notice of such a decision must be given to the party, or individual filing the violations, within twenty-four (24) hours. This decision can be appealed~~ receive and review complaints which allege violations of the Elections Code per Chapter 711 of the Student Body Statutes.
- E. Upon receipt of a complaint alleging a violation of the Elections Code, the Supervisor of Elections will immediately notify the accused of the alleged violation by transmission of the entire complaint to the accused. Further, the Supervisor of Elections will review the substance of the allegation through consultation with Chapter 711 of the Student Body Statutes to determine if the allegation merits a hearing before the Elections Commission.
 - 1. In the event that the Supervisor of Elections determines a complaint does not state a cause of action accounted for in Chapter 711 of the Student Body Statutes, the Supervisor of Elections shall dismiss the complaint without prejudice. The Supervisor of Elections will notify the petitioner and the respondent(s) of the complaint's dismissal within twenty-four (24) hours of the receipt of the initial complaint, and will provide their reasoning as to why the complaint did not adequately state a claim upon which relief can be granted.
 - a. Allegations of violations of the Elections Code which have been dismissed pursuant to Student Body Statute § 702.4(E)(1) will have the opportunity to cure the complaint's defect by resubmission within twenty-four (24) hours of the complaint's dismissal.
 - b. Upon receipt and review of an allegation of a violation of the Elections Code which was previously dismissed by the Supervisor of Elections, the Supervisor of Elections shall forward the complaint, the original complaint which was previously dismissed, and the reasoning by which the Supervisor of Elections dismissed that original complaint to the Elections Commission and all other parties to the complaint. Within twenty-four (24) hours of their receipt of these items, the Elections Commission shall determine, by majority vote from which the Supervisor of Elections must abstain, if the alleged violation merits a hearing. In the event that the Elections Commission determines the allegation merits a hearing, a hearing shall be scheduled by the Supervisor of Elections.

2. In the event that the Supervisor of Elections does not dismiss a complaint pursuant to 702.4(E)(1), the complaint shall be forwarded to the Elections Commission for a hearing. The Supervisor of Elections will both notify the petitioner and the respondent(s) of this decision and will forward the full and unedited complaint to the Elections Commission within twenty-four (24) hours of initial receipt of the complaint.

703.1 Compositional Overview

- A. The Elections Commission shall be composed of the Supervisor of Elections and six (6) FSU students selected by the Chief Justice of the Student Supreme Court. Alternate(s) shall be selected by the Supreme Court Chief Justice to fill absences. The SGA Advisor and one Deputy Supervisor of Elections shall serve as ex-officio non-voting members. Quorum for meetings shall be no less than four (4) of the seven (7) voting members.
 1. The Supervisor of Elections shall serve as the chair of the Elections Commission. The Commission shall elect a vice-chair by a majority vote of no less than quorum. The Supervisor of Elections shall be responsible for convening this meeting.
 2. The Elections Commission must convene for the first time no later than three (3) weeks prior to any election.
 3. During the campaigning period, the Elections Commission shall officially convene at least once per week.
- B. No member of the Elections Commission shall be a candidate for Student Government Association office. No member of the Elections Commission shall be directly affiliated ~~in any way~~ with a political party.
- C. Upon just cause and in a written and signed request to the Student Government Association Advisor, any candidate for office shall have the right to request a recusal of any member of the Elections Commission. The SGA Advisor shall investigate the complaint and upon finding merit, that member must recuse themselves.
- D. The Elections Commission shall serve as an ~~appeals board before cases are brought to the Student Supreme Court. The Elections Commission shall also determine if alleged violations are upheld. The process by which the Commission shall undertake these duties outlined in Chapter 703.2 of the Student Body Statutes.~~ administrative review board of original jurisdiction, and will hear only those cases which are forwarded by the Supervisor of Elections pursuant to Chapter 702.4(E)(2) of the Student Body Statutes. The burden of proof to be met by a party alleging a violation in order to prove that violation

shall be by “clear and convincing evidence.”

- E. The Senate President may create an ad-hoc Elections Oversight Committee to compose a written or multiple-choice certification exam to assess appointments to the Elections Commission. The test must fairly encompass the Election Code. The Judiciary Committee must approve this test prior to the start of campaign week every Fall and Spring semester. A previously used test may be re-approved. All voting members of the Election Commission shall take the Election Code test every Fall Semester. If any vacancy should occur, the new voting member shall take the Election Code Test prior to their first Election Commission meeting.
1. A passing grade will consist of eighty (80) percentile with not more than two (2) attempts within a semester.
 2. The competency test will be administered and graded by the Supervisor of Elections.
 - a. Only the questions answered incorrectly may be revealed, but not the answer choices.
 - b. The test questions and scores may be made available upon demand to the Student Body President, Vice President, Chief of Staff, Supervisor of Elections, Senate President, Senate Pro Tempore, Senators, COGS Speaker of the House and the SGA Advisor.

703.2 Powers and Duties of the Elections Commission

- A. All actions of the Elections Commission shall require the approval by a majority of present, voting members.
- B. The Supervisor of Elections shall ~~abstain from voting when:~~ preside over Elections Commission hearings as chair and must abstain from voting unless to break a tie. In the event that the Supervisor of Elections is unavailable, the Vice Chair of the Elections Commission will chair the hearing, in which case the Vice Chair must abstain from voting unless to break a tie.
1. ~~The Supervisor and/or Deputy Supervisor(s) of Elections files an alleged violation against an independent candidate, individual candidate, and/or political party.~~
 2. ~~An independent candidate, individual candidate, and/or political party files an appeal against the Supervisor and/or Deputy Supervisor(s) of Elections.~~
- C. Submit recommendations regarding the Elections Code to the Student Senate.
- D. Appoint a Secretary

1. Appointment:
The Elections Commission Secretary shall be selected by a majority vote of the Elections Commission.
 2. Duties:
Record the minutes of the Elections Commission.
- E. Decide and validate the agenda of the Elections Commission in conjunction with the Supervisor of Elections.
- F. ~~Hear and act upon appeals against decisions of the Supervisor of Elections. They may overturn such decisions by majority vote. The Rules of Procedure for Elections Commission hearings for appeals or alleged violations shall be the following:~~ Upon the receipt of a complaint from the Supervisor of Elections pursuant to Chapter 702.4(E)(2), the Elections Commission will schedule a hearing to take place within 5 business days. The Rules of Procedure for Elections Commission hearings for appeals or alleged violations shall be the following:
1. The Elections Commission shall notify all ~~candidates and political~~ parties involved at least 24 hours prior to a scheduled hearing.
 - a. The Elections Commission Chair shall be able to convene the Elections Commissions without 24 hour notice when all parties involved agree to an earlier meeting time.
 2. The meeting time shall not conflict with the Student Senate, therefore not allowing a candidate running for re-election to attend. If a conflict of schedule exists, the affected candidate has until **five** (5) hours prior to the Elections Commission meeting to notify the Supervisor of Elections. Candidates shall provide the Supervisor of Elections with documentation regarding the scheduling conflict and any excuse granted shall be in accordance with University Policy. If no such excuse is provided to the Supervisor of Elections, the Supervisor of Elections shall have the sole discretion to allow the Elections Commission to hear the case in question.
 3. ~~Once convened for the first time, the Elections Commission will elect a Vice Chair from the Commission to preside over meetings in the absence of the Chair.~~ the acting Elections Commission Chair will then read aloud each appeal or alleged violation that the Commission will hear during the meeting.
 4. ~~As the first order of business, the~~ The Elections Commission will confirm the minutes of the previous meeting. next hear each appeal or alleged violation in the order that it was received.

5. ~~The second order of business will be to resolve any previous business left over from the last meeting. Beginning with the party who alleged an Elections Code violation, the Elections Commission will hear each party's opening oral arguments for a maximum of **five** (5) minutes.~~
6. ~~Once old business is completed, the chair will then read aloud each appeal or alleged violation that the Commission will hear during the said meeting. opening oral arguments are concluded, the Elections Commission will direct each party, beginning with the party who alleged a violation of the Elections Code, to present their cases in chief by way of oral arguments not exceeding **ten** (10) minutes.~~
7. ~~After the first three minutes of a party's case in chief have expired, Commission will then hear each appeal or alleged violation in the order that it was received. It is up to the Commission's discretion whether or not to combine or disjoin similar appeals or violations. any currently empaneled member of the Elections Commission is entitled to ask questions of the party making oral arguments. Questioning shall not penalize any party's respective time limit.~~
8. ~~Following the presentation of each party's case in chief, each shall be entitled to a **five** (5) minute closing, beginning with the party who alleged an Elections Code violation. Each party shall be allotted fifteen (15) minutes to present their respective case.~~
9. ~~After closing arguments have commenced, the Elections Commission shall adjourn to deliberate for no more than **one** (1) hour, at which time a final majority vote must be taken to determine if the alleged violation shall be sustained, and the respondent found responsible for violating the Elections Code. Following the presentation of the case each party shall be entitled to a five (5) minute closing.~~
10. ~~The Elections Commission shall immediately notify all relevant parties of the case's disposition, and shall post their ruling, including any concurring or dissenting opinions, to the SGA website within **forty-eight** (48) hours of the final vote in any given case. At any time during the hearing, the Commission shall be entitled to ask questions of either party. Questioning shall not penalize each party's respective time limits.~~
11. ~~If the case before the Elections Commission is an alleged violation, the Elections Commission shall then rule by majority vote on the following:~~
 - a. ~~If the alleged violation at hand, when proved would constitute a violation at all.~~
 - b. ~~Whether or not the alleged violation should be sustained.~~

12. ~~If the case before the Elections Commission is an appeal, the Elections Commission shall rule by majority vote on whether the decision of the Supervisor of Elections is sustained or overturned.~~
13. ~~If the case before the Elections Commission involves contesting the election as outlined in 708.1, the Elections Commission shall vote by a simple majority to validate or invalidate the election results.~~
14. ~~The Commission shall be entitled to extend the allotted time for both parties by up to thirty (30) minutes through a majority vote.~~
15. ~~The Commission shall post the results of the meeting within twenty-four (24) hours.~~
16. ~~Should a conflict in statutes, an emergency, or an otherwise unforeseen circumstance render it infeasible for someone to comply with the Election Code, or it be a miscarriage of justice to enforce the code, the Election Commission shall have the power to rule if a "good faith effort" was rendered by the specified party and adjust the ruling as necessary. Such a ruling may also be appealed to the Supreme Court.~~

G. Investigate, note, and make findings of fact of violations of the Election Code.

H. Decisions of the Elections Commission may be appealed to the Student Supreme Court. The Elections Commission must rule on a matter before it can be appealed to the Supreme Court. Under no circumstances may the Elections Commission defer ruling on a matter to a higher body without rendering a decision.

I. Any decision made by the Elections Commission may be appealed by a party to the hearing to the Student Supreme Court no later than ~~twenty-four (24)~~ **thirty six (36)** hours after said decision and all accompanying opinions have been issued, sustained, dismissed or overturned at the Elections Commission meeting posted to the SGA website pursuant to Chapter 703.2(F)(1) of the Student Body Statutes. No appeals of decisions made by the Elections Commission shall be accepted after this ~~twenty-four (24)~~ thirty six (36) hour period.

704.3 Ruling on Candidates Qualifications

A. ~~The Supervisor of Elections shall rule on the qualifications of candidates within three (3) days after filing closes, subject to appeal to the Elections Commission in accordance with Chapter 703.2 of the Student Body Statutes.~~ The Supervisor of Elections shall coordinate with the appropriate university offices to verify the qualifications of all parties who apply for

candidacy. If it is found that a candidate is unqualified pursuant to the Elections Code, the candidate shall be notified in writing by the Supervisor of Elections of the application's deficiency. Absent curing an application's defects, unqualified applicants are precluded from standing for election.

- ~~B. The Supervisor of Elections shall disqualify candidates who make false statements regarding qualifications for office or who forge signatures on applications.~~
- ~~C. Candidates disqualified by the Supervisor of Elections shall be notified in writing by the Supervisor of Elections. This shall be delivered to the candidate and to the candidate's party, if applicable, no later than two (2) school days after the disqualification has been made.~~
- ~~D. The Supervisor of Elections shall coordinate with the appropriate university offices to verify the qualifications of all candidates.~~

~~708.2 Filing and Appeals~~

~~Decisions of the Elections Commission may be appealed to the Student Supreme Court within twenty-four (24) hours of the decision of the Elections Commission. The Supreme Court rules of procedure shall govern any hearing before the Court.~~

~~708.3 Representation~~

~~The Student Body Attorney General shall represent the Supervisor of Elections in all proceedings.~~

711.4 Reporting Procedures

- A. All alleged violations ~~and appeals~~ shall be brought to the Supervisor of Elections in accordance with Chapter 702.4.D of the Student Body Statutes, **and must include:**
 - 1. **The name of the party alleging the violation;**
 - 2. **The name of the party who allegedly violated the Elections Code;**
 - 3. **The specific statute, or statutes, in the Elections Code which was allegedly violated; and**
 - 4. **A short and plain statement describing the occurrence of the alleged violation.**
- B. **When an alleged violation is filed against an individual candidate, independent candidate or political party, the Office of Elections Supervisor of Elections must notify the individual**

~~**candidate.** independent candidate or political party within twenty-four (24) hours. The individual candidate, independent candidate, or political party will have twenty-four (24) hours to review and decide to accept responsibility of the alleged violation and penalties in accordance to Chapter 711 of the Student Body Statutes or decline to accept the alleged violation. If the alleged violation is declined, the parties shall present their case directly to the Election Commission in accordance to 703.2 and 711.4A of the Student Body Statutes.~~

- C. Any candidate or political party ~~shall~~ will have the option to present their case directly to the elections commission or ~~Florida State University law student~~ shall be appointed a law student by the Supreme Court to represent their case before the Elections Commission.
- D. ~~The Supervisor of Elections shall request the Student Body President to order the Attorney General to investigate the complaint.~~
- E. ~~The Attorney General shall report all findings to the Elections Commission in a written memorandum or an oral report.~~
- F. ~~Upon finding that an alleged violation has merit, the Elections Commission shall sustain the violation against the offending candidate or political party.~~
- G. Beginning three (3) weeks prior to the day of an election, the Supervisor of Elections and the Deputy Supervisor(s) shall have the power to receive and review alleged violations pursuant to Chapter 720.4(D) of the Student Body Statutes. ~~issue alleged violations.~~ The time, place, and manner of such violations shall be recorded and submitted to the Elections Commission. ~~to verify, through a hearing whether the alleged violations shall be sustained unless the individual candidate, independent candidate, and political party accept the alleged violation in accordance to 711.4 B.~~
- H. ~~All candidates may appeal the assigning of sustained violations to the Student Supreme Court within twenty-four (24) hours of the issuance of a sustained violation at the Elections Commission meeting.~~
- I. All alleged violations and appeals must be presented to the Supervisor of Elections electronically by the end of two (2) business days from their discovery. The final deadline for all alleged violations and appeals to be filed by an individual or political party for a particular election, is forty-eight (48) consecutive hours after the close of polls.
 - 1. If for any reason an electronic failure on the part of the Supervisor of Elections occurs with the electronic form, candidates or political parties will be able to submit appeals and violations on forms prescribed by the Supervisor of Elections, available at the Office of Elections.

- ~~J. The Supervisor of Elections will have until 5:00 p.m. on the second (2nd) Thursday after elections (six (6) business days) to submit any alleged violations and appeals.~~
- K. The burden that a party alleging a violation of the Student Body Election Code must meet in order to prove a violation shall be by “clear and convincing evidence.” This shall apply only to hearings before the Elections Commission.
- L. Students shall not be prohibited from wearing clothing related to political parties, candidates or ballot items in SGA offices, academic buildings and classrooms, campus-owned residence halls, university-owned libraries, dining halls, or on-campus dining establishments. Incumbent candidates shall be allowed to wear their official badge of office on political party related clothing as well. “SGA offices” shall not include the Senate Chamber for the purposes of this section.
1. Clothing related to political parties, candidates, or ballot items must be submitted to and approved by the Supervisor of Elections. The Supervisor of Elections must approve clothing within one (1) business day of submission.

711.5

Implementation of Violations

- A. Each occurrence, event, or time that allegedly violates the Election Code shall constitute a violation. Violations do not count against a candidate or political party until ~~sustained~~ ruled upon by the Elections Commission. ~~or the acceptance of responsibility of an alleged violation(s) in accordance with 711.4 B.~~
1. In the event that a party found to be responsible by the Elections Commission appeals to the Student Supreme Court, the violation will not be counted until the Student Supreme Court issues their ruling.
- B. Disqualification shall be defined as:
1. Party disqualification:
 - a. In the event that there is not a special election subsequent to a political party’s disqualification all candidates registered under the political party become ineligible for office.
 - b. If there is a special election:
 - i. Inability to use the political party’s name or logo on ballots and campaign materials.
 - ii. Inability to use the party funds.
 - iii. A political party cannot endorse an individual candidate.
 2. Individual disqualification
 - a. The candidate is rendered ineligible to run for office the current semester.

711.6

Violations of the Code

- A. No violations will contest or come in contradiction with Section 711.4~~L~~.
- B. Schedule 1 Violations of this Code shall be assigned as follows:
 - 1. Removing, obscuring, or damaging another candidate's or political party's campaign materials within a given space such as a bulletin board or general flyer area.
 - 2. Campaigning within a polling site perimeter. Such a violation may only be alleged by the Supervisor of Elections, who must ensure that polling site perimeters are clearly marked on the day of an election.
 - 3. Using band or audio amplification within one hundred (100) feet of a polling site.
 - 4. Using materials larger than 11" X 17" in academic classrooms.
 - 5. Using adhesive-backed material in an academic building, excluding tape.
 - 6. Having any posted campaign flyers in a classroom.
 - 7. Using Residence Halls for campaigning purposes and being within fifteen (15) feet of entrances or exits for campaigning purposes.
 - 8. Using chalk in any form for campaigning as defined in Section 701.1 A.
 - 9. Engaging in any action against Chapter 709 and Chapter 710 of the Student Body Statutes, including but not limited to violations of posting policies.
 - 10. Failing to remove campaign materials within twenty-four (24) hours of the closing of the polls.
 - 11. Submitting an incomplete financial statement, consistent with 710.2 G.
- C. Schedule 2 Violations of this Code shall be assigned as follows:
 - 1. Bringing false or malicious charges against another candidate or political party.
 - 2. The issuing or utilization of any newspaper article, social media posting, video, posters, placards, signs, signboards, leaflets, folders, handbills, flyers, banners, t-shirts, buttons, pain, handwritten announcements, audio announcements, or circulars of any size and consistency that is publicly libelous against a candidate for an elected office of the

student body.

a. This shall apply to political party's executive board members, candidates, and/or dues-paying members in the current semester.

3. Defacing or damaging poll booths or University election related material.
4. Campaigning prior to one (1) week before the election.
5. Performing an activity that would place another party in violation.
6. Offering goods or services in exchange for votes, not including campaign materials as specified in Chapter 701.1 E of the Student Body Statutes.
7. Using the past and/or present SGA logo on campaign items.
8. Utilizing any Student Government owned equipment or ~~resources~~ for express endorsement or support for or against any candidate, platform, political party, or ballot item.
9. Vandalism or any unauthorized marking of university or private property for campaign purposes, other than poll booths or election related materials.
10. Exceeding the number of votes cast on a single non-University owned computer as specified by Chapter 713.4 H.
11. Students will not be able to install a de-facto polling site with multiple computers not supervised by SGA for the purpose of garnering votes on or off campus.

D. Schedule 3 Violations of this Code shall be assigned as follows:

1. Submitting a falsified or fraudulent individual or final expense statements. This includes political parties or individuals failing to submit a complete final expense statement by the Friday following the election at 4pm.

E. Schedule 4 Violations of this Code shall be assigned as follows:

1. Candidates are responsible for all authorized campaign expenses made on their behalf. All candidates of a political party are responsible for the political party's expenses. Any candidate or political party that exceeds the campaign limits established in this title shall be held responsible for the commission of a Schedule 4 Violation.
2. Depriving poll sites of ballots or destroying ballots. This shall include electronic voting materials of ballots as well as

tampering with hard drives, computer terminals, disks, CDs, or ballot boxes.

3. Any attempt, other than tampering with election machinery, to perpetrate a fraudulent election. This shall include, but is not limited to, providing false information regarding filing or elections procedures, voting more than once, or attempting to vote with another person's student identification card.
4. Providing another individual or group with, or receiving personal login information (FSUID and password) in which they use to cast fraudulent votes.

711.8 Penalty Points System

- A. Penalty Points shall be assigned with each ~~sustained~~ violation as determined by Chapter 703.2 of the Student Body Statutes.
 1. If an individual or political party exceeds fifty (50) penalty points in a single election cycle, they will be disqualified by the Supervisor of Elections and the Election Commission.

711.9 Schedule 1 Violation Penalties

- A. The following penalties shall be levied against those who have been found responsible for committing a Schedule 1 violation.
 1. For the first instance of a ~~sustained~~ finding of a Schedule 1 v Violation pursuant to the Elections Code, a one (1) point penalty and a ten (\$10.00) fee or two (2) approved work hours shall be levied against an individual. For a political party, a one (1) point penalty and a twenty-five (\$25.00) dollar fee, or two (2) approved work hours shall be levied.
 2. For the second and any additional instances of a ~~sustained~~ findings of Schedule 1 Violations, a two (2) point penalty and a twenty (\$20.00) dollar fee or 4 approved work hours shall be levied against an individual. For a political party, a two (2) point penalty and a fifty (\$50.00) dollar fee or four (4) approved work hours shall be levied.

711.10 Schedule 2 Violations Penalties

- A. The following penalties shall be levied against those who have been found responsible for committing a Schedule 2 violation.
 1. For the first instance of a ~~sustained~~ finding of a Schedule 2 Violation, a three (3) point penalty and a forty (\$40.00) dollar fee or seven (7) approved work hours shall be levied against

an individual. For a political party, a three (3) point penalty and a one hundred (\$100.00) dollar fee or seven (7) approved work hours shall be levied.

2. For the second and any additional ~~instances of a sustained findings of~~ Schedule 1 Violations, a four (4) point penalty and an eighty-four (\$84.00) dollar fee or ten (10) approved work hours shall be levied against an individual. For a political party, a four (4) point penalty and a two hundred (\$200.00) dollar fee or ten (10) approved work hours shall be levied.