



**73rd Student Senate
Judiciary Committee
Date: March X, 2021**

Meeting recording:

https://drive.google.com/file/d/1y9OpT8odN1X0HV_PK8wg3Vc75sPVBKXN/view?usp=sharing

Call to Order: 19:00

Members Present: Chair Little, Vice Chair Guillamont, Senator(s) Linsky, Arutt, Stewart, Myers

Members Tardy: Senator(s)

Members Excused Absent: Senator(s) Stults, Reeves

Members Absent: Senator(s) Rossi

Guests: Spencer Greenwood, Rawan Abhari, Ariel Trueba, Jack Hitchcock, Senators Nemeth, T. Murray

Announcements:

- Chair -Hopes everyone read over the slides.
- Vice Chair -
- Members -
- Guests - Greenwood: Wants to talk about revisions to Elections code.

Committee Business:

- **Impeachment Hearing** - Senator Bouchard
- **Bill 63** - Sponsored by Senators Tackett and Gonzalez (P) - to update the list of major offices to protect the separation of powers; and for other purposes.

Old Business: none

New Business:

Impeachment Hearing: Senator Bouchard

- Absent
- Deliberations:
 - Stewart- Notes absence of senator, shows carelessness. Also states that she understands that their absence cannot be officially counted against the senator.
 - Linsky- Senator has not demonstrated a willingness to participate in Senate and be of service to his constituents.
 - Myers- Does not think committee should hesitate to favor impeachment.
 - Arutt- Has Senator Bouchard noted reasons for absence?
 - Chair Little negates

- Arutt- Favors impeachment, notes apathy of Senator Bouchar.
- **Stewart moves to call the question, Guillamont seconds**
- Vote:
 - Y(Stewart,Linsky, Arutt, Myers,Guillamont) N () A ()
- RESULT: 5Y-0N-0A. Senator Forwarded to Senate Floor for impeachment.

Senator Stewart Moves to enter Legislative Roundtable, Senator Linsky Seconds

Bill 63 - to update the list of major offices to protect the separation of powers; and for other purposes.

- Opening Statement:
 - Tackett gives overview of bill. OGA changes and procedural alterations for other major officers. Notes OGA director's support for bill.
 - Gonzalez states the bill's purpose being that of institutionalizing the seriousness of the lobbying work that OGA engages in. Yields to closing.
- Technical non-debatable:
 - Linsky: Will this impact the speaker of COGS ability to claim a seat on the OGA board of directors?
 - Tackett- Asks for the statute to be read
 - Linsky- Explains the statute, restating that the speaker of COGS has an ability to claim a seat on the OGA board of directors.

Myers moves to enter roundtable, Stewart seconds

- Round table:
 - Linsky asks if sponsors would find amendment friendly if it ensured that the speaker of COGS remains as a voting member.
 - Tackett cites student body statutes 129, *ex officio* members can vote.
 - Linsky states that nowhere in statutes do the SBP, Senate president, and COGS speaker are referred to as ex officio officers. Asks how voting ability would be impacted.
 - Gonzalez notes her belief that there does not seem to be a clash with statutes.
 - Tackett suggests that including specific language referring exclusively to the 9 OGA members at large should solve the problem.
 - Linsky notes intent to not create conflict regarding who can serve on the Board of Directors.
 - Tackett states that 100.11 was included to prevent fraudulent attempts to create loopholes in order to serve in positions that would otherwise be prohibited to them.
 - Linsky states that Senate would have to revise these title changes regardless, and they would be identified.
 - Additionally, Linsky notes that the 100.11 statute could be used for competitiveness and agencies torpedoing each other.
 - Tackett notes for including, in 100.11, a clause including "as specified in student body statutes.
 - Gonzalez claims that Linsky's worry is addressed by the specific language of the proposed bill, which directs it at an Agency, Bureau, or Affiliated Project.
 - Chair Little: Why was the provisor language added in IA?
 - Gonzalez: Due to OGA Director being confirmed in a tardy manner because of bureaucracy. IA's idea was to not halt Rawan's goals and projects for OGA.

- Linsky notes unfairness of proviso language that would disallow them from participating in other boards would contradict earlier permissible.
 - Gonzalez states that according to OGA statutes, OGA is an agency. Target of bill was to preserve the inclusivity of OGA.

Linsky moves to table bill, Guillamont seconds.

Little brings meeting back to legislative roundtable.

X moves to call the question, X seconds

- Closing:
 - X:
- Vote:
 - Y(x) N (x) A (x)
- RESULT:

Unfinished Business:

Committee Legislative Round Table:

- Senator Stewart inquiries about CLRT.
- Chair Little replies by stating that it is an informal process that, among other things, can generate ideas for legislation.
- SOE Greenwood notes enthusiasm for revising and reshaping elections code.
 - Mainly wants to add statutes on violations
 - Encountered implied powers in code but fogginess in language creates confusion.
 - Cites ambiguity in political party attire within senate chamber
 - Notes intention for including sanctions to parties' absences to Elections commission meeting.
- Guillamont inquires about SOE's idea for statute regarding sanction for unexcused absences.
 - Greenwood notes there already is, but that for the specific case being referenced, the party only gave 5 minute notice prior to absence.
- Linsky asks SOE Greenwood if SOE's jurisdiction to dismiss reports of violations is effective
 - Greenwood answers in the affirmative, notes that it allows for the EOC to deal with violations with merit.
- Greenwood notes intent to discuss legislation for sanctions to political party members who violate code.
 - Linsky explains that the "real punishments only kick in after on accrues 50 points". Asks if bar should be lowered.
 - Greenwood replies that the penalty point system is effective as is. Candidates paying fines is an acceptable form of enforcement.
 - Chair Little notes that she believes some students use the high threshold as breathing room for committing violations.
 - Greenwood notes intent on increasing awareness of gravity of violating the elections code
- Myers notes agreement with the general direction of the discussion (not lowering the threshold as long as it does not incite students to continue violating code)
- Stewart introduces concept of violations arising from ambiguity of elections code. States that narrowing down specific unclear statutes will be helpful.
- Greenwood notes calendar changes he would like to make.

- Predecessor noted maltreatment from students
 - Greenwood states that seeing the predecessors experience, he would like to discuss statutes that would sanction anyone found guilty of harassing the SOE or anyone involved with the Elections office.
- Stewart notes agreement and wants to include sanctions against any student found responsible of harassing any student being involved with the political campaigning process.
- Linsky notes caution with including slander in statutes, as first amendment, specially with political candidates, includes fortifications that raise the bar for proving slander to being that the complainant must prove knowledge of falsehood and intent of malice. Notes opinion that slander and defamation would not be the most effective language to include in statutes.
 - Greenwood states intent on decreasing adversity between complainants and SOEs.
- Chair Little notes support for perhaps including drafting legislation regarding personal, direct approaches to the SOE, but cautions the potential for these to give rise to more false grievances being filed.
 - SOE Greenwood states intent for the statutes to be focused on harassment toward SOE or any Election officials.
 - Linsky lays out hypothetical if statutes were drafted and passed, says it could work and be a deterrent for harassment.
 - SOE Greenwood notes intent on making such violations 2 or 3.
- Stewart doubles down on including sanctions against any student found responsible of harassing any student being involved with the political campaigning process.
 - Linsky notes questions regarding evidence standards in Florida and difficulty of proving grievances. Also adds a possible chilling effect on speech that could result.
- Myers notes agreement with general discourse, refers to first amendment in regard to scrutiny of evidence, and suggests that there may be a way of addressing the issues raised without trampling on 1st amendment rights.
- SOE Greenwood lists violation examples
 - Notes nothing in statues regarding creating a sample ballot, or releasing their own ballot as if it was the official ballot. Encourages senators to draft a violation that deals with scenarios where someone attempts to pretend to be the office of Elections.
 - Spread of political misinformation, political advertisements that are misleading- the SOE should be able to take these down or assign its publishers with a violation.
 - Guillamont
 - Linsky notes that having all proposed advertisement regarding ballot items travel through SOE may be a way to deal with issue.
- Little interjects, citing need to get to business.
- SOE Greenwood thanks committee for time and willingness to discuss.
- Little notes time-sensible nature of need for changes in election code.
- SOE Greenwood encourages senators to meet with him to discuss possible bills to better election code.
 - Greenwood notes poor engagement of students with in-person voting, favors legislation that would eradicate the requirement.
 - Guillamont notes worry that this may lessen access to an impartial source of information for students.

- Greenwood states that while it is a valid worry, there are plenty of other resources for the students to access.
 - Myers echoes Mateo's sentiment, wants to be careful with accessibility issues.
- Director Abhari- Agrees with SOE Greenwood's, would encourage altering or striking out statute in question.
- Linsky- Comments on, if the statute is not altered, ensuring that SOE Greenwood has assistance during election day.
- Stewart- Echoes sentiment
 - Greenwood notes that another recommendation he has for statutory change, would be increasing advertising in lieu of the in person precinct.
 - Myers states personal predilection for prioritizing staffing at the in-person voting.
- Greenwood Suggestions
 - States date changes he would like to observe. Push back election date one week. SOE should be able to change the date of the election date or at least have clear guidance as to when he can.
 - All final expense statements are due by 12:00PM, but violations cannot be filed against those who submit before 4:00PM, clear up.
 - Sample ballot should be released on week after candidate declaration deadline (which is not clear- statute revisiioin)
 - Contribution statements should be filed two days after candidacy declarations.
 - Constitutional Amendments, make process more clear as to how the procedure to publish them is.
 - Linsky asks if re-publishing being made into a requirement would be efficient
 - Greenwood states that if it was a centralized effort, yes, but is wary of giving the Supreme Court more unnecessary work. Campus newspapers need to be defined in statutes, as well as what mediums can be used for public noticing.
 - Linsky asks if, due to the lack of binding authority to enforce publication, which would result in amendment not being put on the ballot, it'd be a good idea to create a body that would have to publish amendment.
 - Greenwood states that the Elections Office could handle the advertisement.
 - Campaigning per Greenwood
 - Candidates should be able to campaign in residence halls.
 - Contribution statements should be turned in.
 - Social media should be better defined in statutes
 - Advertisement conflicts as well
 - Re-doing the composition of the Elections commission
 - Chief Justice assigns 4, deputy SOEs assume other 2 positions.
 - Changing vote after its being cast, nothing present in statutes to solidify this.
 - If candidates are freshmen, they must run in undergraduate division, this needs to be clear in statutes.
- Stewart notes her own desires in altering election code
 - Statutes regarding usage of the word "vote" are ambiguous.
- Abari includes her own desire for statutes to better reflect responsibilities of deputies.
- Greenwood wants statutes to be clear as to how seminars are carried out and how candidates/campaign managers are held subject to these.
- Greenwood notes statutes regarding seat changes are unclear.
- Linsky notes worry about installing harsh enforcement mechanisms against inadmissible advertisements as this could lead to the possibilities of parties framing each other for the

publication of such advertisements. What powers does the Elections Commission have to investigate similar cases.

- SOE Greenwood notes sympathy for point raised, states he would be willing to discuss relevant statutory revisions/additions.
- SOE Greenwood closes out by stating he will send out formal list of recommendations of changes to the Elections Code to Chair Little.
- Stewart notes the need for SOE to establish uniform formatting and templates for finance report.
 - SOE Greenwood agrees and notes he's been working on it.
- Stewart expresses desire for drafting legislation regarding political party attire at formal senate meetings, as well as extending the deadline for taking down campaign materials post-election.
- Chair Little speaks on her desire to clarify the meaning of "social media" and "organic social media interaction" in statutes.
 - Arutt supports.
- Chair Little speaks on time-sensitive nature of issue of election code revisions. Wants to get "at least a few bills" drafted prior to next week tuesday.

Senator Stewart moves to exit legislative roundtable, Senator Myers seconds.

Final Announcements:

- Chair: Thanks SOE Greenwood for attending meeting.
- Vice Chair:N/A
- Members:N/A
- Guests:N/A

Date and Time of Next Meeting: November 2, 2021 at 7pm
Adjourned: 21:21

Gabrielle Little

Signature of Chair