



**73rd Student Senate
Judiciary Committee
Date: January 26nd, 2021**

Call to Order: 7:11

Members Present: Chair Little, Senator(s) Linsky, Murcia, Rivera, Arutt, Bergen, Gerdts

Members Tardy: Senator(s)

Members Excused Absent: Vice Chair Boole, Senator(s)

Members Absent: Senator(s) Sam, Mougey,

Guests: Griffin Leckie

Announcements:

- Chair Little - Thank you guys for coming on short notice for our second meeting of the week. I'm happy we can meet to discuss more legislation before tomorrow. For the future, I encourage everyone to do some research on the legislation we hear. No question is a bad question in this committee and I want everyone's issues to be cleared up before we vote on anything.
- Vice Chair - X
- Members -
 - Gerdts: I'm sorry I dropped off early on the last meeting, I was running on 4 hours of sleep.
- Guests -
 - Leckie: I just wanted to advocate for you guys to get the Investigative Board resolution on the floor and take your time with it. It's very important for a lot of students and a lot of work went into it. I hope to see it soon!

Committee Business:

- **Bill 3** - Sponsored by Senator Villacorta - Updating the list of major offices to preserve checks and balances and address conflicts of interest
- **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 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:

- Bill 3
 - **Murcia moves to table, Linsky seconds**
 - **BILL TABLED**
- Bill 6
 - **Murcia moves to table Bills 6 and 7, Arutt seconds**
 - **BILL TABLED**
- Bill 7
 - **BILL TABLED**
- Bill 8
 - Opening Statement:
 - Linsky: Thank you again for taking the time to go over this. I would like to move for some amendments to clear up language and add a new subsection.
 - Technical non-debatable:
 - XMurcia: Can you send the amendment you want in the chat?
 - Linsky: Yes I can
 - **Murcia moves to enter roundtable, Arutt seconds**
 - Round table:
 - Murcia: This would make the elections committee its own entity instead of an appeals court?
 - Linsky: No. The EC is not an appeals board, it is and has always been an original board of jurisdiction. But the rules are confusing and often make people think that they are an appeals board. Then they rule on cases. This just drags out the whole elections process. Equally importantly, we want to create a system of rules that are short and simple. So, no, this does not make the EC an original board of jurisdiction, it already is that. This is simply to make the rules align with what is happening pursuant to prior rulings and to make sure we have qualified EC Commissioners.
 - Murcia; Thank you.
 - Gerdts: A big commendation to Senator Linsky for this Bill. As one of the people who was at the hearing which was problematic, I can say that it's destructive to have ambiguous rules. I remember being looked down at by the EC as if I had not prepared for a meeting properly or didn't know what I was doing, but then it turns out they don't know what they're doing either. Unclear and daunting rules are a deterrent to student involvement in SGA. It makes people feel like it requires specialized knowledge. The EC being vague makes it harder for new students to join SGA. By leaving it vague, we would be discouraging more involvement. I will be voting in favor of this and I hope you all join me.
 - Little: Sen. Linsky, I will recognize to propose any amendments you would like to see made in committee.
 - Linsky: Most of the small amendments I would like here are adding numerical symbols or fixing typos.
 - Gerdts: If I can suggest, for the grammatical errors, you can change all of those as one amendment, and then make the substantial ones on their own. That way we don't have to debate any clerical errors.
 - Linsky: First, I want to amend section 702.4.C from "adjournment" to "commencement". This is because adjournment means we want the meeting times to be published 24 before they adjourn, and that sets a

time limit for when meetings have to be done. Commencement seems more in line with the 24 hour clock and is more logical.

- **Gerds moves to amend, Bergen seconds, bill is amended**
 - 702.4.C. Publish meeting times twenty-four (24) hours prior to the **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.
- Linsky: The next section is 703.2.F.1, I want to delete the phrase “candidates and political”. This is not everyone who can participate in this process. Just saying parties opens it up to anyone who filed a violation or is accused of violating a code. This is more representative of who can and should participate in hearings.
- Gerds: I agree, reminder that EC applies to everyone, not just people who are running or in political parties. If it wasn’t then anyone outside a political party could violate the code with little to no repercussions.
Motion to amend, Arutt seconds
 - 703.2.F.1, Delete “**candidate and political**”
- Linsky: I would now like to add the written out forms of the number where there is any indication of number throughout the document.
- **Gerds moves to amend, Arutt seconds**
 - **All numbers now have written out form, ex: five (5)**
- Linsky: Moving on to 711.4, I wanted to get rid of the “D” attached to 702.4. The entirety of the statute is more encompassing than just that section. That section is also contradictory about the duties of the supervisor of elections and gives them arbitrary power to rule on situations. Since we are clarifying that, I think it makes more sense to reference all of 702.4 instead of just section D
- **Gerds moves to amend, Murcia seconds**
 - 711.4.A, delete “D”
- Linsky: This next one is in the same section, I’m adding my proposed language in the chat. This details what an “adequate complaint” requires. Right now, there is no description of what an adequate complaint is, it’s up to the SOE. This list is just a bare minimum and gives the SOE something to look at on complaints. It also informs people on what to properly include if they want to file a complaint. Our goal is to create rules that encourage fairness, and I think this addition does that.
- **Gerds moves to amend, Murcia seconds**
 - 711.4.1 add: “**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.”**

- Linsky: The next one is in 711.4.B, I wanted to un-redact this entire section. I originally struck through it, but now I realize that it provides clarity. Although it restates some things, it flows well and makes sense where it is.
- **Gerdt's moves to amend, Bergen seconds**
 - Undo redaction **“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,”**
- Linsky: If the SOE dismisses a complaint without prejudice, there is nothing to stop them from doing it over and over again. There should be another system of recourse for these cases. I wanted to add a new section to the beginning of the document to solve the issue. I've sent a copy of my proposed language. This makes sure the SOE has to explain their reasoning for why the complaint was dismissed. It also allows people who have complaints dismissed to reapply in a specific timeline. These individuals can then have their case forwarded to the EC if they believe the issue is still not being dealt with. This solves the problem of an active SOE who dismissed complaints for various reasons.
- **Arutt moves to amend, Bergen seconds**
 - **702.4.e.1, add- 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 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 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.**
- Linsky: This next one is a new section, 702.1 at the very top. This ensures that the SOE is nonpartisan in their duties. If an SOE isn't willing to abide by this, that says something.
- Little: Is there existing legislation on this appointment process of SOE to your knowledge?
- Linsky: Yes, but it's outside the elections code and I am not touching it at the moment.
- Gerdt's: I would suggest that this be submitted as a separate bill, since it doesn't have to do with the EC and their process. The SOE is mentioned in other places, and if so, this might fall under the omnibus rule.

- Linsky: I agree with you, and I'll withdraw that suggestion to amend. I appreciate your advice on that.
 - **Murcia moves to call the question, Gerdt's seconds**
- Closing:
 - Linsky
- Vote:
 - Y (Linsky, Gerdt's, Murcia, Arutt, Bergen, Rivera) N (0) A (0)
- **BILL PASSES**
- Constitutional Amendment 3
 - Opening:
 - Villacorta: The goal of this is to help the exec branch be more representative of student interests. The president and VP have distinct jobs, and therefore, they should not be elected on the exact same ticket, in the same way the treasurer is elected. Currently, the treasurer is on a separate ticket. This amendment would also put the VP on a separate ticket. People could still run together, and this would probably still be the norm. But it allows for independent candidates to run, and it lets students vote their preference across different tickets. Now, if a student doesn't like the VP candidate but like the president, they would have to vote for both. I think this gives the student body a more nuanced choice in their leadership.
 - Technical non debatable
 - **Gerdt's moves to enter roundtable, Linsky seconds**
 - Roundtable:
 - Linsky: I like this, it promotes inclusivity and gives more people the option to run. Many people don't think about SGA until they see themselves in that role, and this makes it easier to get involved.
 - Gerdt's: I am also in support. It's important to note that some people would only be interested in running for VP. An independent candidate can currently run alone for president, but the VP cannot. If an independent won president, we would have no VP, they would have to be appointed and approved, and this legislation also solves that issue. I think this is a sensible amendment.
 - Lewis: I'm in support as well. My only concern would be preventing people from running together, but Villacorta made it clear that it would be an issue.
 - **Gerdt's moves to call the question, Linsky seconds**
 - Closing:
 - Villacorta: Thank you and I yield.
 - Vote:
 - Y (Linsky, Gerdt's, Murcia, Arutt, Bergen, Rivera)
 - **AMENDMENT PASSES**
- Constitutional Amendment 4
 - Opening:
 - Villacorta: Looking at the examples of other universities, something they had in common was a constitutional review commission. This would create a body which would convene every 2 years, and would submit amendments. The committee would be three members nominated by SBP, Senate Pres, and Chief Justice. The Senate President would act as chair. It is basically creating a new way for SGA and the student body to look at the constitution for changes. Constitutions are living documents

that should be reflected on and evaluated for their effectiveness in serving the people. Now, it's up to senators to determine when things should be updated or changed, and it's a big task. This effort should be SGA-wide, and taken seriously by all. The committee could convene and decide that no changes need to be made.

- Technical non debatable
 - **Gerdts moves to enter roundtable, Murcia seconds**
- Roundtable
 - Gerdts: I like the general concept of this. I do see a contradiction. It reads that the Senate President should be a non-voting ex-officio member. But I think it fails to consider the fact that if one person misses the meeting, there could be a tie vote, in which the President would have to break the tie. I would suggest adding a subsection that says that the President can vote in the event of a tie, or that any tie votes automatically fail.
 - Linsky: I like this idea a lot, it's a big idea. Is there any urgency in this? With something so large and definitive of our constitutional process, my instinct is to draw this out and gather as much data as possible. However, I assume that a lot of time and effort has gone into this. If it comes to a vote I will support it, but my instinct is saying to give this more time for polish.
 - Gerdts: I suspect the reason this is being pushed tonight is because if it passes senate this week, it will go on the spring ballot. Otherwise, it would have to wait for the fall. If that happens, it may fail based on turnout, since spring elections statistically have greater turnout.
 - **Gerdts moves to amend Article VI Section 5.E.1, Murcia seconds**
 - **“The Senate President shall serve as the Commission's chair, and shall be a non-voting member except in the event of a tie”**
 - Gerdts: As the only current FSU Student who has passed a constitutional amendment, I wish Villacorta the best of luck with this. I will definitely have this on my ticket for the spring election!
 - Little: Currently, the document lists that the Chair is a non-voting member with occasional voting privileges.
 - Linsky: I question having it list the Chair as a non-voting member and then directly afterwards, listing the conditions for their voting.
 - Bergen: I have a question, when would the first commission be held? Next spring?
 - Villacorta: Given the time that this would pass, once it is in the constitution, it would be some time between this spring and spring of 2023.
 - Bergen: Thank you.
 - Linsky: I think organizationally, it makes sense to keep the subsection that was just amended and just change the voting privileges language in subsection 2.
 - **Gerdts moves to amend Article VI Section 5.D.2,**
 - **“The Student Senate President shall appoint 3 members from the Student Senate and shall serve as a member.”**
 - **Gerdts moves to call the question, Murcia seconds**
- Closing:
 - Villacorta: I yield.
- Vote:

- Y (Linsky, Gerdts, Murcia, Arutt, Bergen, Rivera)
- **AMENDMENT PASSES**

New Business: None

Unfinished Business: none

Committee Legislative Round Table: -

Final Announcements:

- Chair: Thank you guys for coming out on short notice, I'm very happy with the work that we did. Tomorrow we will get to head legislation that we passed on the floor, so look forward to that!
- Vice Chair: X
- Members:
 - Murcia: Have we decided on an official meeting time/date?
 - Little: We will discuss that tonight in the groupme chat.
 - Gerdts: I wanted to remind everyone to go to JSU's event tomorrow. Good luck on the LSAT if you're taking it soon!
 - Murcia: If you guys want free LSAT stuff, I work for an LSAT prep company, DM me for information.
- Guests
 - Villacorta: Thank you guys for the smoothest judiciary experience of my time in senate. I appreciate the debate and the time and attention you gave to my legislation.

Date and Time of Next Meeting: TBD

Adjourned: 8:49pm

Gabrielle Little

Signature of Chair