



**73rd Student Senate
Judiciary Committee Agenda
Jun 13, 2021 | Zoom Meeting ID: 909 196 4098**

Call to Order: 7:01 PM

Members Present: Chair Linsky, Senator(s) Myers, Bowling, Puwalski, Flashman

Members Tardy: X

Members Absent: X

Guests: Parliamentarian Rowan, Senator(s) Marcus, Tackett

Approval of the Minutes:

Announcements:

- Chair- X
- Vice Chair- X
- Members- X
- Guests- X

Student Comments:

Committee Business:

- Adopt Rules of Procedure
 - Motion to enter round table discussion:
 - Senator Puwalski moves to enter round table
 - Senator Flashman seconds
 - Chair Linsky: Does anyone have any issue with these rules of procedure as they've been utilized in the past?
 - Senator Puwalski: I'm fine with the Rules of Procedure but they are referred to as "Rules and Procedure" sometimes for consistency's sake that could be changed. Rule 1.1, last sentence could be revised to "in absence of both chair and vice chair" for clarity
 - Chair Linsky: Rules of Procedure should say "of" procedure. My question is, grammatically, to yield one's time, technically



you're doing that with your own time. To be yielded implies that you're not the one who is choosing to yield. The rules of procedure already convey that you're given time when you're an office of the student government. Anyhow i'm fine with it

- Bowling: I have a suggestion, to make it more clear maybe we can get rid of passive voice
- Linsky: I'm ok with leaving it as is but I'm going to make a note of it as well to discuss this during the next ROPAH meeting
- Bowling: Point of order, Senator Tackett is in the waiting room
- Senator Flashman motions to approve rules of procedure
- Bowling seconds
- No objections
- Rules of procedure are approved

Old Business:

New Business:

- SB 42:
 - Sponsored by Senators Tackett and Marcus
 - Opening statements: 3 minutes
 - Tackett: Adding the word organization to some election laws. We felt that the rules as stated before only apply election finance laws to individuals and we are enumerating that they apply to organizations as well. So when organizations donate they will adhere to the same rules as individuals, for more transparency. We also set a \$200 dollar per person per election cycle limit. 200 comes from looking at past election reports
 - Marcus (1:56 min): Inspiration behind the bill came from looking at election finances from the past. Two elections were not on the website, we have asked people for them, no one has really gotten back to us, we wanted to increase transparency as organizations have claimed they donated. The bill does nothing to ban donations, there was great debate in finance between Randall and Hadley and we look forward to anything to be added. Yielded with 55 seconds left.
 - Technical Non Debatable:
 - Bowling: Were there no restrictions in place or did different organizations have different restrictions?
 - Marcus: Organizations claimed to donate but they weren't in reports so we added the word organization to add more transparency
 - Flashman: To clarify, how would you stop someone from individually donating on behalf of an organization and having just their name show up?



- Marcus: There are still loopholes people can jump through but this encourages transparency because if an organization wants to donate through an individual, the entirety of that transaction would be required to be documented.
 - Flashman: Is there a reason it's not being made required and not encouraged?
 - Marcus: This is simply adding organization to allow for that transparency because technically you should be following statutes.
 - Puwalski: What was the method of arriving at \$200 through looking at reports?
 - Tackett: Previous BSU election financial reports, Spring 2020 and Fall 2019 reports, that was slightly above the average campaign donation
 - Linsky: Were you able to look at the 2021 report?
 - Tackett: No, we emailed the supervisor of elections but didn't receive emails back and Ben young never received them
 - Marcus: Point of personal privilege, that's technically against statutes
 - Puwalski: Were the reports for general SGA election or just agency level elections?
 - Tackett: Final expense reports for SGA elections as well
 - Marcus: Point of information, Progress didn't have any available, nor Movement
 - Flashman: What were the maximum's, or the largest donations that exceed \$200?
 - Tackett: There were a few \$500 donations
 - Marcus: Exec candidates donated 100s of dollars, but the same person contributes the same amount of money on a report multiple times. That's why we added the last part about venmo
 - Linsky: About provisions F and G, how can we determine if someone is a proxy for donation without investigation?
 - Marcus: Statue 7.11, we have to increase the teeth on that
 - Linsky: "The teeth" as in the degree of violation of the election code? As in whether it is a schedule 1, 2, 3, or 4 of violation?
 - Marcus: Yes, because it looks suspicious if someone donates something multiple times
 - Linsky: No more technical debatables. We have two options, go into pro and con debate, or go into legislative round table
- Linsky: I'll entertain a motion to go into round table
 - Senator Flashman: moves to enter round table
 - Senator Puwalski: seconded



- No objections
- Entered round table:
 - Bowling: Only concern is that it doesn't go far enough in terms of securing large organizations and amounts of money out of our elections. I do support it completely but this is a big issue and this bill doesn't quite go far enough
 - Puwalski: There is a lot of clarification here that needs to be here but I do want to say thank you to the senators who wrote this for bringing attention to this. I fully support this bill and am looking forward to the next one on this.
 - Flashman: I have to agree with what Bowling said, I do think this is a good bill but I do wish it went a bit further. It takes a step in the right direction. I am concerned about proxies for organizations so I am hoping to see more from this point of view.
 - Bowling: Those organizations (national ones) are always going to try and encroach on our elections so I look forward to more resolutions and bills being passed
 - Linsky: If this was on the floor right now, I'd ask questions about the practicality of sections F and G. It seems like it is used as a justification to issue subpoenas to find the extent of a paper trail. Time table for election code hearings is so compacted and timeline for subpoenas is broader than that, I'm uncertain if these are enforceable provisions in the bill and I worry that it's hard to tell definitively who is a proxy and in order to find that out, I'm uncertain if we can expect to that effectively. I agree with the premise.
 - Tackett: At the moment, sections F and G are de facto, not enforceable at the moment, they're there to formally warn individuals of the moral violation. We do plan on enforcing it but it's hard to do that, if anyone has amendments we'd be friendly to that. This is the first step and we do plan to follow up but it will require talking to administration and the supervisor of elections
 - Senator Puwalski moves to call question
 - Senator Flashman seconds
- Closing statements (3:55):
 - Marcus: Thank you for insights on this, it's a rather straightforward bill. We want it in there for the moral background but the questions about enforceability are valid and need to be addressed further. Hopefully we can pass it and we'll encourage questions on the floor
 - Tackett: Thank you for bringing up your concerns. We plan to follow up and amending financial campaign laws, please reach out with issues or if you'd like to work with us



- Yay: Senator(s) Bowling, Myers, Puwalski, Flashman
 - Nay: X
 - Abstentions: X
 - Quorum reached, motion passed. Bill 42 approved
- SB 43:
 - Opening statements:
 - Marcus: A lot of the same intention as 42, didn't want it to detract from stuff in 42. Debate in Finance about including 501(c)3 organizations in it, stuck with 501(c)4 (Pacs and Superpacs) some have publicly claimed to be donating to FSU elections. Spending less money on these elections and writing in a statute saying these organizations shouldn't be allowed to fund our student government. Seeing in past years senators get attacked by these organizations on their social media accounts. These organizations don't care about student issues and we are here for the FSU students and we need to pass this to reaffirm we are an independent student body
 - Tackett: Only change in section E, banning donations from 501(c)4. Wanted to include 501(c)3 but just focused on 501(c)4 for now. Banning Superpacs from donating in our elections
 - Technical non debatable:
 - Bowling: What are some 501(c)3 organization examples?
 - Marcus: Religions organizations, animal shelter organization, wide range of organizations that fit under that but defer to Tackett
 - Tackett: Immigrants rights coalition "United We Dream". 501(c)3 can donate to places but cannot donate partisanly without losing tax status
 - Linsky: to clarify, would you consider 501(c)3 money to be dark money and same with 501(c)4?
 - Marcus: Yes, absolutely some of them are. Doing research that was a phrase mentioned a lot. 501(c)3 can be but more than often are not, they are less likely to want to lose tax exempt status. 501(c)4 are more political in nature and shouldn't be involved in "cosplay" government
 - Tackett: Most of the dark money comes from funneling from 501(c)3 to 501(c)4 with a different name
 - Bowling: What stops 501(c)4's from creating a 501(c)3 branch to get around this legislation?
 - Tackett: 501(c)3 usually comes first so they funnel to 501(c)4, then they are allowed to donate partisanly



- Linsky: 501(c)3 are all charitable organizations which have tax exempt status and a more rigorous oversight process but they can create separate 501(c)4's for social welfare issues, 501(c)5 for union issues, etc. Which is to say that if a 501(c)3 wanted to donate to a student body election that would surprise me very much, but if a 501(c)4 wanted to donate that wouldn't surprise me nearly as much
- Flashman moves to enter legislation round table
- Puawalski seconds
- No objections
- Round table:
 - Bowling: I really like this bill, very anti corruption. If a 501(c)3 were to donate to student government entity that is completely wrong, we should extend this to 501(c)3 because donating to student government elections is inherently political
 - Linsky: Matter of clarification, does it not include 501(c)3's already? It could be argued on face value level that this provision does ban provisions for 501(c)3's , 5's, 6's, etc
 - Rowan: The way it's written is putting extra emphasis on 501(c)4 but it still includes all of them. Unless amended further to clarify on 501(c)4, it's currently all 501 organizations
 - Marcus: Personally I think the intention behind writing it that way was to be specific about where people can find where that is. We would be fine to add an amendment to add 501(c)3's but if that will be the interpretation maybe we need to amend it to clarify those two
 - Bowling: We should amend this to included 501(c)3 just outright saying it
 - Puawalski: I agree with interpretation, but we could list off different 501 organizations, unless you're wanting it to be specific to only 501(c)3's and 4's
 - Flashman: Receiving donations from RSO's is defined in D as not being allowed. I agree with Puawalski, I'm concerned with the way it's written, it could be seen as just excluding 501(c)4 unless we explicitly list them.



- Tackett: I'm friendly to an amendment to be specific to the two organizations
- Bowling moves to amend section E adding 501(c)3 and 501(c)4 organizations, and eliminating confusion regarding these two
- Puwalski: Seeing as this will be in statues, the emphasis isn't necessarily
- Marcus: Point of personal privilege, focus bill on politically motivated organizations. Do not want to pursue 501(c)7
- Flashman: Could create an unfair situation where some fraternities may be registered differently
- Linsky: I'm cautious of putting 501(c)3's in there, it probably won't make it a court challenge. I don't think we'll have the same problem with a 501(c)4 ban.
- Bowling: What 501(c)3 would be excluded other than fraternities and sororities?
- Puwalski: Anything charitable and tax exempt, like the YMCA
- Flashman moves to amend bill 43 section E
- Bowling seconds
- Sponsors find amendment friendly, No objections
- So amended
- Bowling moves to call the question
- Flashman seconds
- No objections
- Closing arguments:
 - Tackett: I'm glad the conversation came full circle, the 501(c)3 is a personal opinion of mine but we will bring that up in different legislation with different research.
 - Marcus: We're all pretty much on the same page. I want to make it more simple and transparent and connected to the university, I think this helps bring it



back to the students by getting rid of the interests in national organizations

- Yay: Senator(s) Bowling, Myers, Puwalski, Flashman
- Nay: X
- Abstentions: X
- Bill 43 has passed and will be heard and next general body meeting
- Puwalski: Point of information, how could we go about calling a hearing or using subpoena power?
- Linsky: We should wait until Exec gets their footing or it would be unfair to utilize investigative powers in a heavy handed way
- Flashman: To senator Bowling, be careful writing anything that creates an uneven playing field
- Bowling: thank you for the concern, I'd like to just focus on 501(c)4's working through 501(c)'s

Unfinished Business: X

Final Announcements:

- Chair- Entertain a motion to adjourn
 - Puwalski moves to adjourn
 - Bowling seconded
 - No objections
- Vice Chair- X
- Members- X
- Guests- X

Date and Time of Next Meeting: Sunday June 27. 2021 at 7:00 PM

Adjourned: 8:29 PM

Recording of Meeting:

<https://drive.google.com/file/d/18GbFEkUU7w9SK9HESnq32-kzP5RT7T1q/view?usp=sharing>

Matthew E. Linsky