



**74<sup>th</sup> Student Senate  
Judiciary Committee  
[June 20<sup>th</sup>, 2022 | 1:00pm] | [996 927 9440]**

**Call to Order: 1:00 P.M.**

**Members Present: Tucker, Kariher, Casiple, Rivers, Boisvert, Lall**

**Members Tardy: Kariher**

**Members Absent: None**

**Guests: President Diaz, Chair Folwell**

**Land Acknowledgement read by Senator Lall:** The Student Government of Florida State University acknowledges that it is located on land that is the ancestral and traditional territory of the Apalachee Nation, the Miccosukee Tribe of Florida, the Muscogee Creek Nation, and the Seminole Tribe of Florida. We pay respect to their Elders past and present and extend that respect to their descendants and to all Indigenous people. We recognize this land remains scarred by the histories and ongoing legacies of settler colonial violence, dispossession, and removal. In spite of all this, and with tremendous resilience, these Indigenous Nations have remained deeply connected to this territory, to their families, to their communities, and to their cultural ways of life. We recognize the ongoing relationships of care that these Indigenous Nations maintain with this land and extend our gratitude as we live and work as humble and respectful guests upon their territory. We encourage all to learn about and educate others on the contemporary work of the Indigenous Nations whose land we are on and to endeavor to support Indigenous sovereignty in all the ways that we can.

**Announcements:**

- Chair Tucker: Thanks for getting the Election Code question answers in.
- President Diaz: The reason why the last meeting was shut down was due to violation of Sunshine law, because the Zoom link was changed without giving a 24-hour notice to the public on the SGA website.

**Committee Business:**

- Approve Election Code Exam & Create Answer Key
- Bill 51: Folwell (P); Kariher, Rivers (Co)
  - To fix an error that stipulates two different thresholds for overruling the minimum time served to be considered into the Senate Hall of Fame and increasing the standard for nominees who have served less than two years. Also, to fix several grammatical and formatting errors.
- Bill 52: Rowan (P)
  - A bill to formalize the processes for the opening, operation, and report of the Central Reserves Committee.

## Old Business:

- Approve Election Code Exam & Create Answer Key
  - Chair Tucker: We are in charge of creating an exam that will be given to the Supervisor of Elections. We have a past one that we have looked at and we have the answers for the most part. I assigned a little bit of homework to everyone to find the answers. Vice-Chair Kariher do you have questions one through five done?
  - Vice Chair Kariher: No, I do not.
  - Chair Tucker: Alright so the first thing I am going to do to make this easier on everyone is assign-
  - Senator Rivers: I went ahead and did the whole thing, so I have answers for one through five.
  - Chair Tucker: Alright did you have anything we are unsure about? This is just the test we were given so we can change anything we need to.
  - Senator Rivers: Yes, I have some things to say about it. A lot of it was questions that were no longer relevant anymore and then there were some questions that were the same question over and over again. Questions three, thirteen, and eighteen are essential the same, especially three and eighteen. Fourteen was one of my questions and I am not sure if that is right. And question twenty-one- I am not sure it is viable anymore, because there was a statute change that changed the date from three weeks to year round for the timeline for submitting election code violations.
  - Chair Tucker: President Diaz should we use the old statutes for this or utilize the new bill?
  - President Diaz: Use the new bills because those take effect legally by Amy Hecht's signature, even if the statutes have not been updated on the website.
  - Chair Tucker: There are some things we can work on.
  - Senator Rivers: I don't want to make anyone's life difficult for them, but this compared to the Financial Certification Exam is a walk in the park. That could be a good thing or bad thing depending, also I am more familiar with Election Code so that could be why as well, but to me it was a little easy
  - Senator Casiple: For this exam are there a minimum number of questions we need to meet?
  - President Diaz: Not to my knowledge. What I would say on this test, what I sent you was an example test given to me by President Harmon, so you guys can make it harder, and it is completely up to you guys to approve, but I can check for minimum number questions.
  - Tucker: This is a test we create so it is up to us what we wanted to go through. If we want to have five questions, we can have five questions if we want to have fifty questions, we can have fifty questions.
  - Senator Lall: I am going to reiterate what Senator Rivers said. I noticed some of the question I had were redundant, so it is a matter to maybe eliminate them. Also, twenty was not specific to what it was asking and there are several areas with different statutes with different dates so I could not find a clear answer if someone could help me on number twenty.
  - Senator Tucker: If you guys decide you want to change a question or delete a question just say, "I move to change question this," and we can debate or move to pass by unanimous consent, but there is no written voting procedure for this.

- Senator Rivers: I would like to second what Senator Lall just said because I couldn't find number twenty either. To Senator Tucker do you want me to go one by one?
- Tucker: For simplicity's sake we will go one by one. So just pick one and then we'll go into some debate on it and then make a decision.
- Senator Casiple: How is this administered is this a Canvas quiz?
- Senator Tucker: President Diaz Do you know if they will be giving this to Candidate Allen on Canvas?
- President Diaz: The test will be administered and graded by the Supervisor of Elections, so literally after you guys are done with questions and answer key, and I will send it to the Supervisor of Elections, and he can do however he wants to.
- Senator Rivers: I hope we are not approving this today because I would like to add some questions, but I need to time to sit down and do it. Can you go to Question 13? Can you go to Question 3? I would like to remove Question 3.
- Senator Rivers: I would like to Remove Question 13
- Senator Casiple: Point of Information for Senator Rivers – Which questions are similar?
- Senator Rivers: I said thirteen and eighteen are similar. Thirteen asks about candidate specific and three and eighteen asks about the party in terms of removing candidates or party.
- Senator Boisvert: Objects to Question 13 being removed
- Senator Rivers: I withdrawal
- Senator Boisvert: I don't see any duplicate questions for thirteen and I think it is fair and all encompassing.
- Senator Casiple: What if we combined Thirteen and Eighteen?
- Chair Tucker: Point of Personal Privilege- If I was taking the test, I believe combining the political party questions will confuse the test taker.
- Vice Chair Kariher: I would love to see some cases in here, for instance if there are two people that commit a violation how do you handle it, just because I feel like it is more applicable to the job.
- Chair Tucker: Because this is a long process, we do need to get this done today. I personally would like to take more time this as well but let's try to get this done today.
- Senator Boisvert: I agree with Chair Tucker that combining those questions would confuse things further. However, if we can draft something that works, I would support, but I think question thirteen is fine as it is.
- Senator Diaz: Point of Clarification- This test has to be approved every Spring and Fall and it has not been approved last fall or spring, so we are doing this because we are late on this and to get Ashley Allen confirmed. We can do this in the Fall if we want to add more intricate questions like Senator Kariher said I think that would be great. If you want to get this done today you can, but it does not have to be done today.
- Chair Tucker: So, with what you're talking about, would the old exam be administered to Ashley Allen?
- President Diaz: Something has to approved at some point, whether it's the old exam or something more intricate like what Kariher was talking about. It would be nice if it is done today to get Ashley Allen through the confirmation. I will say Chair Rowan has put out the calendar for IA and obviously Ashley is not on that. So, she won't get put through IA at their next meeting, so it's not the end of the world.
- Senator Rivers: I move to get rid of Question Fourteen

- Senator Casiple: Point of Information to Senator Rivers- Why question fourteen?
  - Senator Rivers: Fourteen was my question, and as far as social media and election code goes it is all very fuzzy. I said before our election code is not valid anymore because FSU Supreme Court ruled that due to social media. The first amendment extends to social media so it's difficult.
- Senator Casiple: Point of Information to President Diaz- Why was it considered unconstitutional?
  - President Diaz: There have been a lot of cases of the year that have challenged the election code. The Election Commission instead of dealing with these issues related to candidates posting on social media before they are supposed to which is prohibited by Election Code, they ruled that it violates the First Amendment of the Constitution protecting free speech. So, they struck Title VII, but they do not have the authority to do that. It is wishy washy, and we are planning on doing an overhaul of the election commission in the Fall. But I think the point of this test is to test the competency the candidates have on the current election code.
- Chair Tucker: I think this test is just to make sure they are competent in the election code.
- Vice Chair Kariher: I am going to take statement from before, I don't think there should be cases in the Election Code test because we don't even get to see their answers-
- Senator Rivers: When the Supreme Court makes a decision and the decisions are made public.
- Vice Chair Kariher: So, the test results from the last test are there?
- Chair Tucker: I believe what Senator Rivers is talking about is Supreme Court Cases. When you have an election cycle supreme court hears hearings on election violations and they are made public.
- Vice Chair: Because we don't get this exact test back from the candidate, we won't see their answers, so we should just be testing Election Code specific competency. I am thinking the case-based questions should be asked in IA or in front of the entire Senate, because they are about applying their knowledge of the election code to real life potential cases. I think that is a more appropriate place to be asking the questions that require a thought-out response of their potential actions if a similar case is brought to them. I think this test should be simpler.
- Senator Rivers: I like the case idea because if we are talking about competency- to navigate the SGA website and search up an old case and draw information from it requires competency. I don't want to make it too hard for them, but I don't want to make it too easy. I want to be like Goldilocks I think it should be right in the middle. I do not think it should be asked in IA especially if it is someone who is not as experienced with the Election Commission and Supreme Court. They won't even know to look on the website and they could look crazy in front of Senate. I don't have any more strikes or removal.
- Chair Tucker: On the lines of competency, I wouldn't cite a specific case and asked what happened, I would rewrite a question like number ten and say this party's campaign expenses exceeded \$12,000 what do you do? Personally if they are having to go through past cases it is not as intrinsic if they only have been studying the election code.
- President Diaz: We have two different boards- one board is the Election Commission and the other is the Supreme Court. So whenever election violations are filed, that goes to the supervisor of elections who is the chair of the Election

Commission and if it gets appealed it goes to the Supreme Court. The decision the Election Commission made about the Election Code does not hold a lot of force. Chair Rowan told me the Election Commission does not have the authority to strike our Statutes.

- Vice Chair Kariher: The previous Supervisor of Elections approved the Election Commission's decision to strike out the Election Code? Because if the Supervisor of Elections is the chair for the Election Commission, then they would be the one approving that right. I guess I just don't understand the Supervisor of Election's role on the Election Commission board.
- President Diaz: It is a board appointed by the Student Body President, and it is a group decision, and the details are public. I do not think the Supervisor of Elections voted on that.
- Senator Rivers: The Election Commission is a lot like our committees with limitations on what they can do. The violation was submitted by the Supervisor of Elections, so he had to recuse himself to present the case the Election Commission, so he was not able to vote on this. The Vice Chair of the Election Commission presided over the case and did not vote. I do not want to approve this today, to give everyone an opportunity to submit questions.
- Chair Tucker: We can go ahead and work on this more. Do we need to approve it in committee, or can we just send it?
- President Diaz: No official business can be conducted or approved outside of committee.
- Vice Chair Kariher: I think it would be great if we met and worked on this more. I want to see what other Senators come up with. Especially since Ashley isn't up for confirmation in a couple weeks, we've got the time to make this a good test. Because who knows, this could be the test for the next ten years because we don't even know when this test was made and approved, so this test change could be monumental if we want it to be.
- **Vice Chair Kariher moves to table; Senator Boisvert seconds**

#### **New Business:**

- **Bill 51 - Sponsored by Senator Folwell (P); Kariher, Rivers (Co)**

- Opening Statement:

Chair Folwell (P): Yeah, you know I feel like I am getting Déjà vu presenting this, but I'll briefly go into it. I want to thank Chair Tucker for letting me go first because I have a meeting at two that I would like to attend, so I really do appreciate that. This is a straightforward bill that fixes an error in a transcription of an amendment into statutes that gives two thresholds to overrule the minimum timed serve – it says this stipulation may be overruled by a three fourths two thirds vote of the Senate which is just ridiculous and not something we should be doing so that should be three fourths vote, and changes some grammatical spelling errors as well which I don't think will be controversial and also you guys are able to meet outside of judiciary to change the grammatical errors, but there is no need to go through bureaucracy since I am already adding these amendments. Like I said this is for the sake of minutes and because Boisvert was not at the last session. **Sponsor yields with 1 minute 40 seconds for closing**

- Technical Non-Debatable Questions:

- None

- **Rivers moves to enter round-table discussion; Casiple seconds**

- Round-Table Discussion:

- Senator Rivers: Can you quickly allow me to share my screen. I mocked up my amendment to this bill based on last time we met. My problem with this bill was that it does not specify when the vote will happen before the resolution should be presented and to not allow con debate during the hearing.
- Senator Casiple: Point of Information to President Diaz - When we are putting these into the statutes does it just get copied and pasted over? As Chair Folwell said it didn't transfer when coming over from statutes, so I am just trying to make sure that it's sorted out before it goes to statutes.
  - Chair Tucker: The next step is sending this to Senate, so we will make sure it gets cleaned up before entered statutes. However grammatical fixes in statutes will continue to stay there.
- Senator Rivers: Can everyone see my screen? Okay I am going to read this out loud: This stipulation may be overruled by a three-fourths vote of the senate during the "New Business" section in a Senate meeting before the resolution is submitted in situations where the Senate determines a nominee's work is exceptional (emphasis added) in a shorter amount of time. For the subsections: When this vote is debated on the Senate Floor, one round of pro may be given, but no rounds of con will be permitted, or this shall be a non-debatable vote.
- Senator Rivers: Point of Information to the Sponsor which one do you prefer?
- Chair Folwell (P): Can you restate?
- Senator Rivers: Out of these two right up here, which do you prefer?
- Chair Folwell (P): Personally, I prefer it to be a nondebatabable vote, but practically it might be worthwhile to do a round of pro. However, I will note that whenever it is only pro it is standard to have two rounds of pro.
- President Diaz: Can someone check the most recent calendar? The new business is after the resolution section of the calendar, so it would be weird to go to have the resolution read after the resolution section. It might be kind of weird to pass resolutions and then vote on this after in new business.
- Senator Rivers: Before the resolution is sent in there is a vote to see if the ruling can be overturned. New business one meeting then if the Hall of Fame is valid, before Tuesday at 12:00 PM it is submitted and then voted on Wednesday during resolutions section, also for the amendment I am going to get rid of this- so it says this should be a non-debatable vote because there are already so many rounds of pro in the Hall of Fame process.
- Chair Folwell: I think personally I want the 3/4th vote to happen before the reading of the resolution. I'm wondering if there is a way to make the language so that it happens after the resolution but before opening statement. I think it may be easier overall.
- Senator Rivers: I understand. If that's the case, then we can change it to: "Before the resolution is read" and that will clear everything up.
- Chair Tucker POI to Diaz: In roundtable can any senator talk, or only committee members?
  - President Diaz: Typically, we do allow noncommittal members to speak in committees without recognition. Senator Kariher and Rivers both spoke last week in IA.

- Senator Casiple: We are trying to change it to before the resolution is read. Would this have to be worded differently for after opening statement before the reading?
- Senator Rivers: When I say “read,” I mean it is on first reading and we push it to second reading and then during second reading it gets read in its entirety. So, in my mind, when I say “read” it is before opening statements and all of that.
- Chair Folwell (P): I would be friendly to amendment that strikes presented and says read. And it does not need to be a subclause. It could be changed to “immediately preceding the second reading of it” if that reduces confusion, but I am going to refer to the people to who have more legislative experience.
- President Diaz Point of Clarification: I spoke to Chair Folwell and the reason why we spoke about putting the vote before the process of deliberation is because it is not clear in statutes, because there is not a time where the vote takes place. So as policy makers the question is really do you guys want to have this vote before the president reads the resolution in its entirety or after. So that’s where your language has to become more specific. Senator Rivers was correct there are two different readings for resolutions. Technically the way that the rules are set up is that bills and resolution are first reading by publication. First reading is publishing it on Canvas. The second reading is well you know on the floor. You guys can work out that language.
- Vice Chair Kariher: Point of Parliamentary Inquiry – So I guess I am little confused because you just said that the first reading occurs by publication, but the first reading is you reading it to the Senate. So, are there two first readings?
- President Diaz: If you read our rules, it says first readings shall be by publication, me reading it out loud for first reading could be something different, but second reading is reading out loud the resolution or bill in its entirety.
- Senator Rivers: We want the resolution on the calendar, but we want the vote to take before we get to that point. I think before the resolution is placed on second reading that way if the resolution on first reading and there is a movement to put in on second reading then the vote has to take place then or if it placed on second reading then it takes place, but the vote should take place in the gap between first and second reading.
- Senator Kariher: I think what he is saying is that you don’t even need to motion to put it on second reading because it already is automatically on second reading, because the first reading occurs as soon as it’s published on Canvas. So as soon as we enter the space the resolution is already on second reading.
- Senator Rivers: I move to amend.
  - Senator Rivers: Strike out before the resolution is presented and replace it with before the second reading.
  - Chair Tucker: Does that look right?
  - Senator Rivers: Capitalize the Second Reading.
  - Senator Casiple seconds; No objections; Sponsor finds it friendly
- Senator Kariher: This might be a little off topic, but I am not a fan of the three fourths voting margin.

- Chair Folwell (P): The reason there is a three fourths margin is because two thirds are already required for the vote to pass. While there might not be a one-to-one relationship, anyone to vote to hear would vote to pass it which is why I changed to higher threshold. Back to what we were talking about before – lets change before the resolution placed on second – before opening statements are made on the resolution.
- Senator Rivers Point of Personal Privilege: Can the sponsor repeat what he said?
- Chair Folwell (P): Instead of between reading can we just say before opening statement. It seems like an easier way to do it that is less up to interpretation.
- Senator Rivers: I want to talk about the 3/4ths vote. I don't agree with it either. There have been instances where two thirds vote has happened to overturn the time restriction, but the person did not get the vote to receive the award. I like two thirds vote because we really don't see three fourths vote happen a whole lot in Senate. Let me pivot statement in the second reading. Unless it goes through committee the presiding officer will read it in its entirety, it doesn't equate the resolution to passing the person put in work to be considered for the hall of fame and what is written on the resolution and what that person has done to get people through the hall of fame profess.
- Senator Kariher: There definitely needs to be an extra step in this process for the Senators who haven't met that two year minimum threshold like maybe sending them through a committee for a confirmation process to bypass having to have four rounds of pro debate and a vote that requires three fourths of the Senate to agree. I just don't like the idea of having two votes in one session and four rounds of pro debate all for an award we are giving to ourselves. I feel like if we are going to be discussing candidates and having debate it should go through committee.
- Senator Boisvert: I just want to say I am fully in favor of the three fourths vote. It seems to me This stipulation is for exceptional circumstances when we have a Senator that has served less than two years, and I think the three fourths vote is appropriate for the circumstance.
- Senator Rivers: You would be surprised. People who have served less than two years get nominated all the time. Like it's not as rare as you would think because people who put in a lot of work but haven't been in Senate two years. I think last Senate there were two people who got nominated that had served less than two years. I don't like three fourths vote because it's seventy five percent instead sixty six percent which is actually a big difference. I am sure Chair Tucker or President Diaz could speak to this a little more because they have the experience, but it is hard to have seventy five percent of the Senate agree with you. Whenever there is a bill that requires three fourths vote it is always heavily debated on, and I am not sure if it's appropriate to heavily debate Hall of Fame candidates. I am fine keeping the three fourths vote it's just this is a very large threshold. The two thirds vote to hear a case may not always equate to passing the resolution.
- President Diaz: Just consider what is the point having the vote at all if it's the same margin as it is to pass it. If it's going to be two thirds to pass the resolution isn't that the same thing as having the threshold vote at two thirds.

- Senator Kariher: Is that true?
  - President Diaz: Yeah.
  - Chair Folwell (P): I just pulled up voting results for most recent Hall of Fame nomination that passed the overturning of the stipulation but did not pass the actual resolution and everyone who voted yes to overrule the stipulation also voted yes on the candidate. The reason why the candidate did not pass was due to someone changing their vote from an abstain to a no. So, in my eyes it affirms my personal thought that if you are going to vote to overturn the stipulation then you are going to vote to pass that candidate. So how do we increase this threshold, I agree that three fourths vote is incredibly high which is why that emphasis is in there, that being said this is not the hill I want to die on. So, if an amendment is going to be made, I will probably not find it friendly, but I won't be upset once the voting happens and if that passes. I want to clarify that nobody changed their vote it was just an abstention changed to no.
  - Chair Tucker: If this bill passes this will go to Senate. Sometimes when you are not sure how to word something, but still want to work on it, you can send it to the Senate floor and work on it more. There were multiple times in the Spring where we weren't so sure on the wording, but we wanted to know what the rest of Senate thinks so we went ahead and sent it to Senate.
- **Rivers moves to call the question; Casiple seconds**
- Closing Statement:
  - Chair Folwell (P): I agree with President Diaz we know potential points of contention. I pledge to you I will bring up those points of contention and frankly because I believe something doesn't mean it should always happen. With that being said, just keep that in mind while voting, and I thank you all.
- Vote:
  - Yes: 5, Senators: Kariher, Casiple, Rivers, Boisvert, Lall
  - No: 0
  - Abstain: 0
- **RESULT: BILL 51 PASSES**
- **Bill 52 - Sponsored by Senator Rowan (P)**
  - Opening Statement:
    - N/A
  - Technical Non-Debatable Questions:
    - N/A
  - **N/A moves to enter round-table discussion; N/A seconds**
  - Round-Table Discussion:
    - N/A
  - **N/A moves to call the question; N/A seconds**
  - Closing Statement:
    - N/A
  - Vote:
    - Yes:
    - No:
    - Abstain:
  - **RESULT: BILL 52 IS TABLED**

**Unfinished Business:**

- Approve Election Code Exam & Create Answer Key
- Bill 52: Rowan (P)
  - A bill to formalize the processes for the opening, operation, and report of the Central Reserves Committee.

**Closing Announcements:**

- Tucker: Next Thursday we are bringing in the Supreme Court Justice Nominees. You guys are taking time and due diligence to make sure everything is good. A lot of people come into Senate thinking they can do nothing and just put it on their resume. You guys are going above and beyond, really doing great and making me proud. Just be prepared for the Supreme Court Justice Nominees and the American Bar Association wrote reports and we also have their interviews that can be looked over.
- Rivers: I was in the Finance Committee in the Spring, which was nice, but I am really happy I am in Judiciary, and I am having so much fun. Thank you everyone for putting up with me. I like to get everything fine-tuned and everything is right before it gets sent over to Senate.

**Next Meeting:**

June 24, 2022, 5:45 PM

**Adjourned: 2:34 P.M.**

A handwritten signature in black ink, appearing to read "Tucker", written over a horizontal line.

Signature of Chair Tucker

A handwritten signature in black ink, appearing to read "Cole Kariher", written over a horizontal line.

Signature of Vice Chair Kariher