

Elections Commission Meeting
February 27th 2017
Lusaka V. Supervisor of Elections

Start time: 7 pm

Attendance:

VonSee, Jenna- Not Present

Altman, Abigail- Present

Rosenthal, Michael- Present

Meloon, Nathan- Present

Jacobs, Gregory- Present

Sharpe, Lillian- Present

Jade McGrath - Present

- Jade Confirms minutes from last meeting
- No unfinished business from last meeting
- Motion to hear case and seconded
- Jade excuses herself and gives power to Ms. Sharpe
- Ms. Sharpe reads Erins qualtric verbatim

Unanimous decision to allot 30 extra minutes to the case

Lusaka- Alleged Party recognized: 2 minutes- **3 remaining**

- Many statutes broken by SOE and Supreme court
- Failed to rule on her candidacy and disqualify her from election
- SC went against their own advisory opinion
- Referendum received no formal review by the supreme court
- Created undue burdens on the students by SGA
- Power and authority usurped during the election to fail to allow students to participate
- REQUESTING with the intent that we try to hold the election again and encourage student participation

McGrath Opening Statement- 3min 40 seconds, **1:20 for closing**

- Attorney general speaks on behalf
- Doesn't think SGA denies that it isn't important
- Only points to one statute (Erin) lack of advisory opinion
- Erin references 506 , which contains multiple provisions when the court does not issue or mandate an advisory opinion
- 506 b2b allows for automatic placement for ref on ballot when the court does no issue an advisory opinion
- 203
- 703 appeal
- 707 referendum on ballot and election occurred properly
- 710 candidate qualifications and Erin was qualified

- Erin said there weren't any injuries yet wants to throw the election away would affect due process of winning candidates
- Erin could vote in election and referendum
- Advisory opinion fall 2013.1 – could be counter argument for no time for petitioner to represent herself and campaign, she should have known she would have to present herself

Lusaka recognized to make her case- 17:12 seconds **5.88 for cross examination**

- Refers to unofficial ballot on elections website
 - o Unofficial language
 - o Does not state when ICE has a warrant and have a right and authority to request info
 - o Language does need to be reviewed and it failed to happen and abridged the students' knowledge of the referendum
- Was it binding?
 - o Requires SGA to act on it
 - o Article 6 section 2
 - o Lack of advisory opinion treats the issue unfairly, infringes on their responsibility
- How does this case relate to your candidacy? Two different claims?
 - o All under one umbrella
 - o Two separate instances
- How does SOE influence referendum?
 - o 707.2 of statutes- SOE shall conduct referendum elections
 - o 506 of statutes
 - o SC emailed SOE told her to put it on ballot but wouldn't issue an opinion
- Her candidacy
 - o Advisory opinion saying she shouldn't be placed it did alter her place in the election
 - o When appealed filed to retain removal of her name she sees a different opinion issued
 - o Her candidacy sets a tone for the election and how the student body should go about things
 - o To treat one person unfairly creates an issue
- We had the hearing on Friday and elections were Wednesday when did you find out you could run?
 - o Wednesday
- Could you campaign while under appeal?
 - o I don't know and I don't want to misrepresent myself
 - o In regards to the unfairness she sees concerns when individuals are treated differently
 - o HUGE difference between votes of referendum and student body president
- You are comparing oranges to apples
 - o If you would have campaigned more it would have been more fair
 - o If I were actively campaigning the results may have altered

- I was not campaigning because my candidacy was being questioned for two weeks
- Other statutes broken throughout this process
 - SOE Confirmed was uncompromised
 - Her appointment was wrong
 - 703
 - Candidate was forwarded and undue time frame there
- The way in which Jade was elected is unfair
 - Under this election challenge a branch was that SOE was unconstitutional in her case
 - ATTORNEY GENERAL OBJECTS
 - Sharpe says they aren't prepared to talk about it and it is not in their jurisdiction
 -

McGrath Case 12:57 – **12.43** left

- Wanted to clarify that federal law cannot be overturned by SC at FSU
 - Court may have been unwilling to speak because of that reserved ruling
 - The opinion that was overturned showed that it does give deference to election commission review
 - Did not know SC met either
 - Seems to be the only issue we are arguing is the referendum
 - An educated student that cares about the referendum will care enough to
- Does the advisory opinion allow to change the language?
 - Understanding is when something is against fed or state law the SC can make the language stricter if it goes against another law
 - When law is being challenged, I can understand a withholding in ruling
 - Is the state going to enforce the federal law?
- Did you know it is illegal to harbor illegal aliens?
 - Not willing to speak on the validity of the referendum
 - Wont speak on behalf of SGA
 - Not binding
- I believe that Erin had ample opportunity to campaign
 - We can look back at presidential elections and if there is a question in candidacy it doesn't hold them back from campaigning
 - Good faith effort to represent themselves correctly
- Sharpe goes over the last case and SC appeal ruling
- What if she had been rejected by the SC for candidacy and she campaigned?
 - A violation wouldn't have been upheld
 - If campaigning happened after SC opinion being upheld
 - But during that she can campaign
 - EC gets notified opposing party before the hearing
 - Petitioner was not a party to that issue
- Decides to not call witnesses
- Does seem to be SOE to put referendum on ballot if SC fails to

- Why was the election fair?
 - o Publicized in a correct manner
 - o More than 10 percent voted to make it real
 - o They all came to the debate to see unofficial ballot to read
 - o There is a dually elected ballot
 - o To throw out the election he sees no grounds for it because the electorate had ample opportunities to raise any questions it may have had

McGrath closing statement: 5:13

- Seems to be a question as to whether SC acted legally in writing an advisory opinion
- There is no language to compel the court to issue an opinion
- Those sorts of words doesn't demand the court because there is no consequence to the court
- There cant be a consequence to the court
- We find ourselves back to 506 b2b which allows SOE to put it on the ballot
- There are other means that SOE can do if there's not
- There will be no postponement of election due to lack of advisory opinion
- There shouldn't be a do over it is only logical
- FSU is not trying to run around federal law
- He asks he finds the election to be fair and make it certified to put an end to the appeals and that SOE acted correctly in putting the referendum on the ballot

Lusaka Closing statement

- She is contesting the elections because she and the student body has been injured due to the improper carrying out in a fair and equal manner for all individuals and parties involved
- 710.5.b.2
- Const. Article 6 referendum election
- No language would require a result or a consequence the SC placed an undue burden on SOE in recommending an opinion through an email
- Able to issue regarding her candidacy and BSU parties being RSO
- To not issue an opinion it places a lot of concern in fairness of the elections
- SOE actions taken
 - o Appointment being carried out later
 - o To question the merit of her candidacy due to the language "shall"

Q by EC: Couldn't it be argued that SC saw it and decided they weren't going to touch the issue and let it get to the ballot

- My issue is it was within the 21 days
- There was an unfairness in what they do
- It is to be heavily considered to re do the election
- When I do see the failure of voter turnout I wonder what kind of environment we are perpetuating in student government and the electoral process and as officers in

usurping power and authority and ensuring that their rights be carried out faithfully and mobile

Were these elections fair and unfair? I was req. to jump through hoops to put my name on the ballot. (Could have been race and gender)

- No student would pursue appeal if they didn't know it existed so we are disenfranchising independents to run.

Motion to vote

No objections

We are unable to find error in the elections and will side with SOE

5-0 UNANIMOUS