

**FLORIDA STATE UNIVERSITY  
STUDENT ELECTIONS COMMISSION**

---

*No:* SPR-2022-18      “Banners”

---

ASHLEY GONZALEZ, as a member of SURGE FSU,  
Petitioner *v.* FORWARD FSU, Respondents.

[March 1, 2022]

## SUMMARY OF ALLEGATIONS

This action was brought before this Commission by Ashley Gonzalez, a Florida State University (“FSU”) student and member of Surge FSU (“Petitioner”), against Forward FSU, (“Respondents”) for violating Student Body Statutes (“SBS”) § 711.6(B)(9) via § 710.2(G) by failing to submit a “complete” Final Expense Statement (hereby, “FES”). The alleged violation occurred on 25 February 2022.

## JURISDICTION

The Elections Commission has the power to investigate and make findings of fact regarding alleged violations of the Elections Code pursuant to SBS § 703.2(F) and § 703.2(G). Chapter 700 of the SBS states, “Once the date of an election has been determined, according to 705.4 and 706.5, the election code used for that election cannot be changed. The Election Code will be enforced in a time period beginning three (3) weeks prior to an election and ending upon the certification of that election. This does not preclude the reporting of violations later enumerated in Chapter 711.”

## RIGHT TO APPEAL

According to SBS § 703.2(I), “Any decision made by the Elections Commission may be appealed by a party to the hearing to the Student Supreme Court no later than thirty-six (36) hours after said decision and all accompanying opinions have posted to the SGA website pursuant to Chapter § 703.2(F)(1) of the Student Body Statutes. No appeals of decisions made by the Elections Commission shall be accepted after this thirty-six (36) hour period.”

## ORDER

This matter is before the Commission as forwarded by the Supervisor of Elections. The Commission has carefully reviewed the relevant Statutes, proffered evidence, and the submitted violation. During the initial hearing, this violation was dismissed as the relevant section was found unenforceable. The following statutes are included for the reader's convenience:

SBS § 710.2(G), in relevant part:

“An Incomplete Final Expense Statement will be defined as inconsistent, or not including every point listed in Student Body Statutes 710.3 B (1) through 710.3 B (6). Failure to submit a complete Final Expense Statement by 12 p.m. the Friday following the elections, will be considered incomplete. Failure to submit a verifiably complete final expense statement by 12 p.m. the Friday following the election will constitute a Schedule I Violation, consistent with 711.6 B11.”

SBS § 711.6(B)(11), in its entirety:

“Submitting an incomplete financial statement, consistent with 710.2 G.”

SBS § 710.2(B), in relevant part:

“Final expense statements shall be submitted to the Supervisor of Elections no later than 12:00 p.m. on the Friday following any election, and shall include: ... 2. An itemized list of all expenses.”

This Commission makes the following findings of fact:

1. According to SBS § 710.2(G):  
“An Incomplete Final Expense Statement will be defined as *inconsistent*, or not including every point listed in Student Body Statutes 710.3 B (1) through 710.3 B (6) ...” (emphasis added).

SBS § 710.3(B) Subsections 1-6 do not exist.

2. Additionally, SBS § 710.2(G):  
“...Failure to submit a complete Final Expense Statement by 12 p.m. the Friday following the elections, will be considered incomplete...”

This definition contradicts the previous definition requiring the enumerated points and imposes an unclear definition, therefore we assume the point is to indicate a timeliness requirement and not to assist in defining. Neither of these provisions consider what constitutes a violation.

3. Continuing, SBS § 710.2(G):  
“...Failure to submit a verifiably complete final expense statement by 12 p.m. the Friday following the election will constitute a Schedule I Violation, consistent with 711.6 B11...”

The referenced section (SBS § 711.6(B)(11)) creates a circular reference by citing the section originally referencing it (SBS § 710.2(G)), neither of which indicate what determines a “complete” FES. Under the guidance of the Supremacy-of-Text Principle (*See* A. Scalia & B. Garner, *Reading Law: The Interpretation of Legal Texts* 66 (2012)) the definition must come from the text. To do so, we must assume that the reference of SBS § 710.3(B) is a scrivener’s error and the proper section is SBS § 710.2(B). This Commission assumes that 710.2(F) is controlling to define a “complete” FES, although this is not indicated. In relevant part, an FES must include “every point listed in Student Body Statutes 710.2 B, or the provisions as outlined in 710.3 E. (1).” The initial reference gives clarity, however, the second (admittedly irrelevant) reference points to another non-existent section of the SBS.

4. Under the assumption of said scrivener’s error, the relevant section itself (SBS § 710.2(G)) still fails to state what is incomplete and can only indicate what is inconsistent by reference within SBS § 710.2(G). However, as SBS § 710.2(B)(2) indicates that an FES “...shall include: ... [a]n itemized list of all expenses,” it is a reasonable conclusion therefore, that such a requirement is consistent with the alternative definition

within SBS § 710.2(B). The third section (Section 3 of this document’s findings of fact) is the only language that specifies what constitutes a violation and is therefore controlling as to a violation itself.

5. Although we now understand what “complete” means, there is no guidance as what a “*verifiably* complete” statement is. The only standard for verification within the statute is that every FES is sworn to be valid as a requirement for submission (SBS § 710.2(B)(3)). Verification, according to Black’s Law Dictionary, is “the examination of a writing for the purpose of ascertaining its truth; or a certificate or affidavit that it is true.” Therefore, no finding of insufficient verification is possible, unless the FES doesn’t include a signed statement as required under SBS § 710.2(B)(3).
6. Ultimately, Petitioner’s evidence consists solely of the FES as submitted by Respondents. As a matter of law, this Commission finds that the evidence proffered (solely the Respondent’s FES as submitted) is insufficient to overcome the clear and convincing evidence standard required of this Commission in accordance with SBS § 711.4(F).

After due consideration, it is ORDERED and ADJUDGED as follows:

1. SBS § 710.2(G) is hereby STRICKEN, as it is unenforceable.
2. As such, the violation fails to state a claim upon which relief can be granted and, as a matter of law, no violation can be found. In the alternative, as a matter of law, the proffered evidence fails to overcome the clear and convincing evidence standard required of this Commission by statute. Therefore, this allegation is hereby DISMISSED.
3. The legislature is hereby advised to re-establish this section of the code if they intend for it to be enforceable in the future.

DONE and ORDERED, this 7th day of March 2022.

NICHOLAS CONCILLA  
Vice Chair, Elections Commission