

**FLORIDA STATE UNIVERSITY  
STUDENT ELECTIONS COMMISSION**

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No: SPR-2023- 13

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OMER TURKOMER, Petitioner v.  
SURGE FSU, Respondent.

[March 10, 2023]

*Argued 10 March 2023 and Decided on 10 March 2023.  
Petitioner for Forward FSU. Rawan Abhari for the  
Respondent. Opinions were delivered electronically on 17  
March 2023.*

*Supervisor of Elections and Chair Spencer Greenwood was  
in attendance. Commissioners in attendance included  
Mackie Taranto, Sam Brodigan, Kole Kolasa, Taylor  
Kendall, and Katie Kennamer.*

## SUMMARY OF ALLEGATIONS

This action was brought before this commission by Omer Turkomer on behalf of Forward FSU, an on-campus political party (“Petitioners”). Petitioner Turkomer filed these complaints with the Supervisor of Elections (“Supervisor”)—who forwarded them to this Commission—alleging that Surge FSU, an on-campus political party (“Respondent”), is responsible for the actions of its members who violated Student Body Statute (“SBS”) §§ 711.6(C)(1) and 711.6(C)(2) which prohibits political parties from bringing false or malicious charges against another candidate or political party or utilizing any medium to publicly libel a candidate for elected office of the student body.

## 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.”

## ISSUE

I: Did Surge FSU members bring false or malicious charges against a member of Forward FSU?

II: Did Surge FSU members utilize Instagram to disseminate libelous material against a member of Forward FSU publicly?

## HOLDING

I: No. Under SBS § 711.6(C)(1), the Instagram post was completely malicious, immature, and void of any sympathy or empathy for the personal circumstances of the Forward FSU Candidate, but the post did not bring any charges against another candidate.

II. No. Under SBS § 711.6(C)(2), Instagram was utilized for the dissemination of the material, but the material was not libelous.

## FACTUAL BACKGROUND

The relevant facts are as follows. On or about Election Day, March 1<sup>st</sup>, 2023, at 9:39 AM Forward FSU alleges that a Surge FSU party member brought false or malicious charges against another candidate on Instagram and publicly disseminated libelous information about a Forward FSU candidate. Two Surge members were reposting material from Ana Valdes-Herrera's Instagram account with the first Surge member added the caption, "A&S is back w[h]ere it belongs @oomf: Fuck you & fuck your sunscreen too[.]" A&S presumably means "Arts and Sciences" because Ms. Valdes-Herrera won seat ten of the Art and Sciences. The Second Surge member removed the profanity but kept the grammar mistakes. The second post's caption reads, "A&S is back w[h]ere it belongs, and we don't need sunscreen!"

Petitioner argued that Jack, a Forward FSU member who. Ran for the Senate seat against Ana, takes sunscreen very seriously because his mother had skin cancer, and the other Surge Members knew this because Jack used to be a member of Surge FSU and has given out sunscreen in a similar manner in the past. Petitioner argues that the inference is easy to see with reference to sunscreen and Surge's prior knowledge of Jack's mother getting skin cancer, the post was clearly directed at Jack. Since Ashely is a member of Surge FSU as their Treasurer and Erick is Surge FSU's Chair, this is a

malicious attack on Jack. It is very clear that Erick and Ashley intended to make fun of Jack for losing his seat to Ana.

Respondent argued that there were no actual charges brought against Jack in either post. The Respondent also argued that if the Commission ruled the posts were a violation, this would be too great a restriction on free speech.

#### OPINION

COMMISSIONER KOLASA, with whom VICE CHAIR TARANTO AND COMMISSIONERS KENNAMER, KENDALL, and BRODIGAN join,

#### I.

SBS § 711.6(C)(1) reads: “Brining false or malicious charges against another candidate or political party.” This is a schedule two violation. The posts with profanity and grammatical errors, authored by Ashley and Erick, but particularly Ashley’s, are extremely insensitive and malicious, but there were no actual charges brought against Jack.

The Commission absolutely does not approve or condone these actions despite how we had to vote, given our parameters with free speech and the wording of the SBS. The Commission thinks this type of behavior is absolutely abhorrent and has no place at Florida State University and that those who made these comments have no place holding any position in a political party. Members of political parties, and especially those who hold office, should be role models to the other students on campus. Certainly, making fun of someone whose mother had cancer simply because he lost his election is not the action of an upstanding role model at FSU. The Surge and Forward parties are supposed to work together to make the FSU community a better place and benefit the student body, not tear each other down with immature and emotionally charged references to a family member’s cancer.

The Commission places utmost importance on the freedom of speech guaranteed in the First Amendment. The Commission understands that elections can be emotional and stressful, but we want to remind everyone that everybody is human, and people should act accordingly.

## II.

SBS § 711.6(C)(2) reads, “The issuing or utilization of any newspaper article, social media posting, video, posters, placards, signs, signboards, leaflets, folders, and bills, flyers, banners, t-shirts, buttons, pins, handwritten announcements, audio announcements, or circulars of any size and consistency that is publicly libelous against a candidate for an elected office of the student body.” This is a schedule two violation. The Commission recognizes the post was disseminated on Instagram, which is within the scope of SBS § 711.6(C)(2), but the information was not libelous. The argument here is the same as above. The Commission and the law places a high bar on libelous information, and the evidence just does not support that. We do not condone this type of behavior or speech anywhere.

## CONCLUSION

This Commission must enter judgment 0-5 in favor of the Respondent for Violation 13.

The Commission strongly urges the parties to hold their members accountable for their abhorrent actions and to remove the offenders from their positions in cases like these. In these situations where the judicial system fails to deliver justice and fairness, it is up to the parties to stand up for what is right and just, punishing their own members for their actions. This kind of behavior is not what this Commission or this University stands for, and for Surge FSU to continue to allow them to hold their positions would be passive acceptance of the worst form of bullying.