

**FLORIDA STATE UNIVERSITY
STUDENT ELECTIONS COMMISSION**

No: SPR-2023- 12

OMER TURKOMER, Petitioner v.
SURGE FSU, Respondent.

[March 8, 2023]

*Argued 6 March 2023 and Decided on 7 March 2023.
Petitioner for Forward FSU. Rawan Abhari for the
Respondent. Opinions delivered electronically on 13 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 one count of Student Body Statute (“SBS”) §§ 711.6(B)(7) for use Residence Halls for campaigning purposes and being within fifteen (15) feet of entrances or exits for campaigning purposes.

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 member use Residence Halls for campaigning purposes and being within fifteen (15) feet of entrances or exits for campaigning purposes.

HOLDING

I: No. Petitioner did not meet the burden of proof to clearly and convincingly demonstrate that Surge FSU used Regans Residence Hall for campaigning purposes.

FACTUAL BACKGROUND

The relevant facts are as follows. On or about, March 2nd, 2023, at 1:04 pm, Forward FSU alleges that members of the Surge FSU party posted campaign material inside Regans Hall in violation of 711.6(B)(7), which states in full, “Using Residence Halls for campaigning purposes and being within fifteen (15) feet of entrances or exits for campaigning purposes.” For Violation 12, the Petitioners presented video evidence that showed Surge FSU campaign material inside Regans Hall. Petitioners also submitted a picture of Surge Campaign material inside Regans hall. The campaign material is hanging on the wall, along with other flyers and miscellaneous FSU events. In the video, there are three flyers found at various locations in Regans Hall.

The Petitioner argued that the way the flyer is placed with the QR code facing out and on top of the other hanging material indicated that a Surge FSU member placed the flyer on the wall. Petitioner argued the meticulous placement of the flyer indicated an Surge FSU member place they flyer.

Respondent argued that there is no evidence to show that a member of Surge FSU hung the flyers on the wall and not just a member of the community who wanted the Surge party to win. Respondent content that there is no clear and convincing evidence, the burden of proof, is not met here.

OPINION

COMMISSIONER KOLASA, with whom VICE CHAR TARANTO and COMMISSIONERS KENNAMER, KENDALL, and BRODIGAN join.

I.

SBS § 711.6(B)(7) reads in full: “Using Residence Halls for campaigning purposes and being within fifteen (15) feet of entrances or exits for campaigning purposes.” Based on the evidence submitted, it was clear to the Commission that there was Surge FSU campaign material inside Regans Hall.

In the video evidence submitted, there are three flyers that were posted around Regans Hall. The first flyer was at time 0:08, the second was at 0:31, and the third was at 1:13. At time 0:31, the first and second flyers can be seen in the same frame. However, the Commission was not convinced that a Surge FSU member put the material there versus a general body student who supports Surge FSU. The Commission did not find the Petitioner's argument persuasive that Surge FSU should be penalized for an overzealous friend of Surge FSU who posts campaign material in places where it is not allowed. This creates bad incentives for either party to post the other party's material in place that would trigger a violation.

The Commission did not find the Petitioner's argument persuasive that the way the flyer was placed indicated that a Surge FSU member posted the material. The location where the flyer was posted or how the flyer is posted does not indicate that a Surge FSU member hung it on the wall. There is no evidence to distinguish a Surge member from a non-Surge member posting the material. There was no evidence to show that Surge FSU has their own style of hanging material. The Commission would like to note that Petitioners did not bring up an agency argument, nor did Petitioner submit evidence that Surge FSU used an agent to post the material to try and get around the Election Statutes.

CONCLUSION

This Commission enters judgment 0-5 in favor of the Respondent for Violation 12, dismissing all charges. Surge FSU is not in violation of the Elections Code, as Forward FSU failed to meet its burden of proof for violations it filed regarding using residence halls for campaigning purposes.