

**FLORIDA STATE UNIVERSITY
STUDENT ELECTIONS COMMISSION**

No: SPR-2023- 17

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 Student Body Statute (“SBS”) § 709.1(C) for not following the rules and regulations of the Oglesby Union Policy for Posting, Promotions, Advertising and Distribution of Materials on FSU Campuses. University policy on handing out political literature is clear, "Active distribution of literature outside a university facility, including athletic and recreational venues and fields, shall not occur within 30 feet of any entrance or exit way of the facility. Active distribution of literature that is consistent with the educational mission of the university may occur inside a university facility with approval from the director or manager of the facility."

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: Does the basket that a Surge Member gave to a member of the Greek Life organization count as active distribution of campaign materials within 30 feet of the Oglesby Union?

HOLDING

I: No. The Commission declines to consider a gift basket as literature.

FACTUAL BACKGROUND

The relevant facts are as follows. On or about Election Day, March 1st, 2023 at 1:01pm, a Surge FSU member was seen giving a gift basket to a Greek Organization who had a table in the walkway of the Union. The Commission agrees that this location is within 30 feet of the Union. The two photos that Petitioner later withdrew, showed a student in a light blue shirt fanning herself on with a paper while sitting on a wall and a member of Surge in a Surge t-shirt squatting in front of a table. After closer inspection of the photo and realizing it was not a Surge member, Petitioner withdrew the evidence. After a message from the Surge member in the photo stating that she was just stopping by to talk to her friends with whom she had just started the organization they were tabling for, Petitioner also withdrew it. Petitioner submitted a video for evidence that shows a Surge member handing a gift basket to the Greek Life organization member.

OPINION

COMMISSIONER TARANTO, with whom COMMISSIONERS READY, THOMPSON, and THORPE join,

I.

SBS § 709.1(C) reads: “All material and activity in the Union and on FSU campuses shall be in accordance with rules and regulations of Oglesby Union policy.” The University Policy for Posting, Promotions, Advertising and Distribution of Materials on FSU Campuses applies to the Bellamy Building. It states in FSU-2.0131(4)(b): “Active distribution of literature outside a university facility, including athletic and recreational venues and fields, shall not occur within 30 feet of any entrance or exit way of the facility. Active distribution of literature

that is consistent with the educational mission of the university may occur inside a university facility with approval from the director or manager of the facility.”

It is clear to the Commission that this gift basket is considered a campaign material because Respondent stated that Surge FSU gives them out to the Greek Life Organizations whose members support them, as typically if one Fraternity or sorority member supports a political party, their brothers and sisters will vote for that party as well. This basket was delivered in the afternoon of the Election Day, so it can be inferred that it might have been given to encourage more members of that Greek organization to vote for Surge.

The video, upon a high definition version of it provided by Forward FSU, shows not a QR code and Surge FSU campaign cards, but simply a box of Peeps with a barcode. The Commission heard testimony from the maker of the gift baskets that they contained blue food items including Peeps, Salt and Vinegar Chips, and Mike and Ikes, as well as blue thank you cards. Petitioner requested we admit into evidence a separate campaign basket that did clearly have campaign literature in it. However, the Commission declined to admit the evidence because it has no bearing on the specific basket in question in this complaint.

As this complaint was based on the active distribution of literature, we decline to include a gift basket, that does not clearly or convincingly have any campaign literature within it, in the definition of literature in the University Policy for Posting, Promotions, Advertising and Distribution of Materials on FSU Campuses.

CONCLUSION

This Commission enters judgment 0-5 in favor of the Respondent. Surge FSU is not in violation of the Elections Code, as Forward FSU failed to meet its burden of proof for the violation it filed regarding the distribution of literature outside of the Union.