



**Student Government Association**

**Elections Commission Meeting**

**Tuesday, October 12<sup>th</sup>, 2021**

**Call to Order:**

**5:50**

**Elections Commission members present** – Chair: Spencer Greenwood (Supervisor of Elections), Vice- Chair: Nichollas Concilla, Khamisi Thorpe, Makie Taranto, Kelvin Ready, Corey Adamyk

**Members Absent- None**

**Start of EC Violation Hearing : 5:50**

- **The Progressive Party v. SOE**

**a. The Vice-Chair of the Elections Commission will read aloud the case**

- Details of Evidence: Submitted by Progress Party

Around 5 pm on October 7th, 2021, the General Counsel for Progress FSU (Brendan Gerdts) checked the Sample Election Ballot for the second time. Multiple changes were noted with candidates registered with the party Forward FSU having their seats moved.

At 7:14 pm on October 7th an email requesting information regarding, "which candidates have been moved, which seats they had originally declared for via Qualtrics, and why they were moved on the sample ballot" was sent to the Supervisor of Elections.

The SOE responded at 8:29 pm on the same day indicating a variety of changes to the sample ballot. The move of candidate Katie Russel to undergraduate seat 9 from a different undergraduate seat was of particular note as it denied a correctly filed candidate with the Progressive Party an uncontested election.

In the email, the SOE indicates that this was due to improper declaration by candidate Russel.

The SOE further noted that after consulting with the Supreme Court Chief Justice, the SOE changed candidate Russel's registration to Seat 9 characterizing it as "the seat she wanted to run for."

The SOE indicated that this move was justified with statute 702.2 (T).

Statute 702.2 (T) is written as follows:

702.2.T. The Supervisor of Elections shall have the authority to change the Declared Seat Number for Candidates to the Student Senate and Congress of Graduate Students if all of the following criteria is met:

1. The number of candidates who filed for that division is equal to or less than the number of seats allocated for that semester's election.

2. All filed candidates for that division have been properly contacted about the change by the Supervisor.

a. No earlier than three (3) days after filing closes

b. No later than twenty-four (24) hours before the starting time of the election day

3. No candidates show disapproval to themselves of being moved to a different seat number than they originally filed for.

4. There remains no outstanding appeals for qualifications of candidates in that division as outlined in 704.3 A.

In no part of this statute is there an indication that the SOE has the right to move the seat number of candidates due to improper declaration by the candidate. Furthermore, the statute indicates 4 (four) requirements for moving a candidates declared seat number.

The first requirement is that the "number of candidates who filed for that division is equal to or less than the number of seats allocated for that semester's election." This condition is clearly not met as the division (as defined in 701.1.O), in this case Undergraduate Studies, has 22 (twenty-two) candidates and only 12 (twelve) seats. As such, the decision by the SOE fails to meet the first requirement.

The second requirement is that "All filed candidates for that division have been properly contacted about the change by the Supervisor." To the knowledge of the Progressive Party's executive board, no such communication has been made to candidates running with said party. Therefore, the decision by the SOE fails to meet the second requirement.

The third requirement is that "No candidates show disapproval to themselves of being moved to a different seat number than they originally filed for." As to whether this requirement is met, the Progressive Party has seen no evidence and, as such, does not

contend that this requirement has not been met.

The fourth requirement is that "There remains no outstanding appeals for qualifications of candidates in that division as outlined in 704.3 A." As to whether this requirement is met, the Progressive Party has seen no evidence and, as such, does not contend that this requirement has not been met.

In summary, the Supervisor of Elections failed to meet the requirements listed under 702.2 (T) sections 1 & 2 before changing the seat for which candidate Katie Russel had declared for in the College of Undergraduate Studies to Seat 9 (nine). In doing so, the Supervisor of Elections denied candidate Katherine Grubb (a correctly declared candidate with the Progressive Party for Undergraduate Seat 9 (nine)) an uncontested election. The Progressive Party and candidate Katherine Grubb have therefore established an injury endured in violation of the plain wording of the SOE's written authority. As General Counsel for the Progressive Party, I therefore request that this decision be overturned, and candidate Katie Russel be returned to their originally declared for seat.

Based on the information provided in the alleged violation, the Supervisor of Elections forwarded the violation to the Elections Commission.

The Progressive Party failed to have any representatives attend the Election Commission Meeting and failed to provide reasoning for not attending in a timely manner as outlined in statute 703.2(F)(2). As a result, the Supervisor of Elections pursuant to statute 703.2(F)(2) has dismissed the alleged violation.

**Meeting Adjourned: 6:25 p.m.**

### **Relevant Statutes**

T. The Supervisor of Elections shall have the authority to change the Declared Seat Number for Candidates to the Student Senate and Congress of Graduate Students if all of the following criteria is met:

1. The number of candidates who filed for that division is equal to or less than the number of seats allocated for that semester's election.
2. All filed candidates for that division have been properly contacted about the change by the Supervisor.
  - a. No earlier than three (3) days after filing closes
  - b. No later than twenty-four (24) hours before the starting time of the election day
3. No candidates show disapproval to themselves of being moved to a different seat number than they originally filed for.
4. There remains no outstanding appeals for qualifications of candidates in that division as outlined in 704.3 A.

