

**FLORIDA STATE UNIVERSITY
STUDENT ELECTIONS COMMISSION**

No: FALL-2023- 3

FORWARD FSU, Petitioner v.
SURGE FSU, Respondent.

[November 3, 2023]

Argued and Decided on 2 November 2023. Petitioner for Forward FSU. Megan Bettley for the Respondent. Opinions delivered electronically on [] November 2023.

Supervisor of Elections and Chair Spencer Greenwood was in attendance. Commissioners in attendance included Alexa Kays, Mason Bennett, Andrew Barrineau, and Jonathan Carden.

SUMMARY OF ALLEGATIONS

This action was brought before this Commission by Marshall Widmann on behalf of Forward FSU, an on-campus political party (“Petitioners”). Petitioner Widmann 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(B)(7) one count for not following the rules and regulations of the Student Body Statutes.

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 Forward FSU cite the proper statute within the Student Body Elections Code in their claim against Surge FSU.

HOLDING

I: Petitioner failed to cite the proper statute. Case is dismissed.

FACTUAL BACKGROUND

The relevant facts are as follows. On or about, October 25th, 2023, at 6:47 pm, Forward FSU alleges that members of the Surge FSU party actively campaigned within 15 feet outside of the entrance to the Bellamy Building, FSU Tallahassee Campus, 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 3, the Petitioners presented photo evidence that showed a Surge FSU member holding a campaign poster outside of the Bellamy Building. The Surge FSU member is seen holding a poster that clearly promotes the Surge FSU platform near the staircase leading up to the Bellamy Building.

The Petitioner argued that the Surge FSU member was actively campaigning within 15 feet of the ‘entrance’ to the Bellamy Building. Petitioner argued that actively campaigning this close to an ‘entrance’ of an academic building was in violation of Elections Code 711.6(B)(7).

Respondent argued that this violation should have been filed under Elections Code 709.1(C).

OPINION

COMMISSIONER KAYS, with whom VICE CHAR BENNETT and COMMISSIONERS BARRINEAU, and CARDEN 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.” However, the Bellamy Building is not a residential hall. The Bellamy Building houses the College of Social Sciences and Public Policy, making it an academic building.

Based on the evidence submitted, it was clear to the Commission that petitioner should have cited SBS § 709.1C which reads in full: “All material and activity in the Union and on FSU campuses shall be in accordance with rules and regulations of Oglesby Union policy.” Because the active campaigning took place near Bellamy Building on the FSU campus, petitioner should have cited SBS § 709.1C.

II.

CONCLUSION

This Commission enters judgment 0-4 in favor of the Respondent for Violation 3, dismissing this charge. Forward FSU failed to cite the correct Elections Code Statute in their claim against Surge FSU.