

11-24-2020

SB-20F-3535: Title VI Revisions

Student Government Association University of North Florida

Follow this and additional works at: <https://digitalcommons.unf.edu/sgaleg>



Student
Government
University of North Florida

SENATE LEGISLATION

SB-20F-3535

SB 20F.3535: Title VI Revisions

- 1 Whereas: The Student Government of the University of North Florida was established to represent
2 student concerns in all University wide matters, and;
3
- 4 Whereas: The Senate is the legislative body of the University of North Florida's Student Government and
5 is given the responsibility of carrying out such legislative acts that are necessary and proper for
6 the Student Body of the University of North Florida, and;
- 7 Whereas: Legislation regarding necessary and proper statutory revisions to the System of Statutes shall be
8 considered by the Senate, and;
9
- 10 Whereas: The Elections Code (Title VI) requires updates in order to ensure that regulations for the Office
11 of Elections, candidates, and political party organizations (PPOs) are reasonable, and;
12
- 13 Whereas: The Elections Code did not previously make explicit that all members of the Office of Elections
14 must be unbiased in regard to PPOs and candidates, and;
15
- 16 Whereas: The Elections Commissioner and Deputy Commissioner are appointed to two year terms, a
17 unique characteristic that is merely utilized by those who fill the positions and is therefore
18 unnecessary, and;
19
- 20 Whereas: Clarification is necessary regarding whether Section 602.3.C.5 is a part of the Elections Code of
21 Ethics or a clarifying statement regarding responsibility for certain actions, and;
22
- 23 Whereas: PPOs should have the formal power to dismiss candidates prior to the creation of the ballot,
24 and;
25
- 26 Whereas: In order to preserve individuals' freedom of speech and expression, individual members of PPOs
27 should not have to obtain approval from the Office of Elections for digital media to be posted
28 onto personal social media accounts, and;
29
- 30 Whereas: Candidates and PPOs should be able to cite previous experience in Student Government during
31 their campaigns, and;
32
- 33 Whereas: The Office of Elections should determine the exact designation for the protected polling
34 region(s) four (4) weeks prior to the nearest upcoming election in order to ensure all candidates
35 and PPOs have ample time to move restricted signage, and;
36
- 37 Whereas: All violations regarding the actions of individuals not at the direction of candidates or PPO
38 leadership should be accountable for their own actions, rather than the PPO or candidate
39 receiving a violation for actions they did not condone, and;
40



SB-20F-3535

- 41 Whereas: The Attorney General should find merit in Elections Complaints in order to maintain
42 consistency with the rest of the Student Government's judicial proceedings, as well as to ensure
43 that a petitioner has access to counsel, and;
44
45 Whereas: The following necessary and proper revisions to the Student Government System of Statutes are
46 being proposed in an effort to ensure future compliance with the law and the balance of our
47 democratic system.
48

Title VI: THE ELECTION CODE

- 50 601.3 The purpose of this office shall be to conduct the unbiased service of upholding the democratic
51 process through elections.
52 A. No member of the Office of Elections shall actively or passively campaign or support
53 any candidate for elective office, or act in any partisan manner. Members of the Office
54 of Elections may vote in the Student Government elections.
55 B. A
56
57
58 601.4 The Office of Elections shall consist of the Elections Commissioner, who must:
59 A. Be appointed by the Student Government President, and;
60 B. Be subject to confirmation by the Rules and Oversight Committee and the Senate requiring a
61 majority vote, and;
62 C. May serve a term of one (1) year, and;
63 D. Have the power to form Ad Hoc committees, and;
64 E. Be responsible for proposing changes to the Election Code, Elections Policies and Procedures
65 to the Rules and Oversight Committee, when necessary, and;
66 F. Update the Senate, and the Rules and Oversight Committee upon request in regard to matters
67 concerning the Office of Elections, and;
68 G. Make public an election timeline, containing all important dates, deadlines, and statutes of
69 limitation prior to the start of each semester as they pertain to the upcoming General Election,
70 and;
71
72 601.5 The Office of Elections shall consist of a Deputy Elections Commissioner, who must:
73 A. Be appointed by the Elections Commissioner, and;
74 B. Be subject to confirmation by the Rules and Oversight Committee and the Senate requiring a
75 majority vote, and;
76 C. Serve a term of one (1) years, and;
77 D. Assume the duties of the Elections Commissioner in the event of their absence.
78 E. Assist the Elections Commissioner in overseeing the completion of initiatives related to
79 elections.
80
81 602.3 Election Code of Ethics
82 A. There shall be an Election Code of Ethics that all students involved with the system of elections
83 must agree to uphold.
84 B. The Election Code of Ethics shall exist as an accord established between all individuals
85 participating in the system of election and the Student Government Association, and



SB-20F-3535

- 86 furthermore, the Student Body.
- 87 C. An Election Code of Ethics shall be provided within the Election Policies and Procedures and
- 88 shall include, but are not limited to, the following provisions:
- 89 1. No person shall misrepresent any material fact(s) through any campaign material(s) or
- 90 action(s).
- 91 2. No person shall misrepresent any campaign material(s) or action(s) as being the property or
- 92 undertaking of any other candidate or political party organization.
- 93 3. No person shall condone or authorize the destruction or theft of any candidate's or political
- 94 party organization's campaign material(s).
- 95 4. No person shall commit written, printed, or verbal defamation.
- 96 D. Candidates and political party organizations are responsible for the actions of other individuals
- 97 and/or organizations acting on their behalf at the direction of the candidate or political party
- 98 organizations beyond a reasonable doubt.
- 99

602.2 Candidacy

- 100 A. The Election Policies and Procedures shall maintain a section concerning candidates.
- 101 B. Such a section shall contain, at a minimum, the following applicable provisions:
- 102 1. Any student who meets the constitutional requirements for candidacy shall be able to
- 103 declare themselves as a candidate for any election through the submission of a Candidate
- 104 Declaration of Intent document.
- 105 2. Candidate Declarations of Intent documents shall include:
- 106 a. An agreement on the part of the candidate to abide by the Elections timeline published
- 107 by the Elections Commissioner.
- 108 b. An agreement on the part of the candidate to abide by and uphold the Election Code of
- 109 Ethics.
- 110 c. An agreement on the part of the candidate to submit a Candidate Financial Statement,
- 111 as dictated under the Election Policies and Procedures.
- 112 d. An agreement on the part of the candidate to indicate his or her chosen Student
- 113 Government political party affiliation, whereas "Independent" is an option.
- 114 e. An agreement on the part of the candidate to the SG Authorization and Release form to
- 115 acknowledge verification of records.
- 116 f. An agreement on the part of the candidate to allow the Student Government Director
- 117 to check their qualification to participate in Student Government.
- 118 g. An agreement on the part of the candidate to attend one of the mandatory candidacy
- 119 meetings.
- 120 3. Candidacy may be withdrawn up to the time in which the ballot may no longer be
- 121 changed by presenting a written and signed Statement of Withdrawal to the Elections
- 122 Commissioner.
- 123 a. PPOs may dismiss candidates at any point prior to the creation of the official ballot. In
- 124 the event of a dismissal of a candidate, the PPO leadership must notify the Office of
- 125 Elections. Said candidate will remain on the ballot as an independent.
- 126 C. The following Student Government Positions must resign from their office once they declare
- 127 candidacy or obtain a position of leadership within a political party during an election season
- 128 due to a conflict of interest:
- 129
- 130

Commented [SA1]: The change here is moving this statement out from under the Code of Ethics. This needs to be a clarification because there's no way to materially violate it. Rather, it informs who is culpable for certain actions taken by individuals and/or organizations.



SB-20F-3535

- 131 1. Elections Commissioner
132 2. Deputy Elections Commissioner
133 3. Attorney General
134 4. Student Advocate
135 5. Judicial Branch members
136 D. A simple majority of the Rules and Oversight Committee will be comprised of Senators that do
137 not have a conflict of interest in an upcoming election. A conflict of interest includes, but is not
138 limited to, declaring candidacy in a current election or holding positions of leadership within
139 political parties, which includes, but is not limited to, campaign manager and party chair.
140 E. Party Chairs shall notify the Elections Commissioner of all individuals who have a position of
141 leadership within a political party organization.
142 F. A position of leadership in a political party organization shall be defined in the Elections
143 Policies and Procedures. The Elections Commissioner shall have the final authority in
144 identifying positions of leadership.

145
146 602.7 Campaigning

- 147
148 A. The Election Policies and Procedures shall maintain a section concerning campaigning.
149 B. Such a section shall contain, at a minimum, the following applicable provisions:
150 1. There shall be restrictions on campaign signage location and duration of placement.
151 2. There shall be restrictions regarding the manner in which a person may campaign.
152 C. All campaign materials, with the exception of individual PPO members' personal social media
153 posts, must be approved and on file with the Elections Commissioner.
154 1. Campaign materials are defined as all publicly presented items that contribute to a candidate's
155 campaign. Campaign materials include but are not limited to posters, signs, fliers, digital
156 media, and food items.
157 D. Any conversation regarding a person's candidacy, PPOs, or platforms is prohibited on the
158 third floor of the Student Union East building, except in the following offices
159 1. Office of Elections
160 2. Professional Staff Offices
161 3. Office of the Attorney General
162 4. Judicial Offices
163 E. Any member of Student Government is prohibited from participating in conversation
164 regarding a person's candidacy, PPOs, or platforms while clocking hours or officially
165 representing Student Government, unless their position requires such conversation. These
166 positions include those working in the Office of Elections, the Attorney General, the
167 Senate President Pro Tempore, and members of the Judicial Branch.
168 1. Exceptions are permissible under the supervision of representatives from the above
169 listed offices, or Professional Staff members.
170 2. PPOs and candidates are permitted to cite previous or current experience in Student
171 Government at any point during their campaign(s).

172
173 602.9 Polls

- 174
175 A. The Election Policies and Procedures shall maintain a section concerning the polls.



SB-20F-3535

176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220

- B. Such a section shall contain, at a minimum, the following applicable provisions:
 - 1. There shall be at least two (2) polling stations provided by Office of Elections made available to the Student Body during an election.
 - 2. A protected polling region shall exist surrounding all Office of Elections polling stations not to be less than (50) feet in radius from the polling station and not to exceed seventy-five (75) feet in radius from the polling station within which all applicable Election Policies and Procedures shall be strictly monitored and enforced.
 - i. The exact designation for an election's protected polling region must be determined by the Office of Elections and published four (4) weeks prior to the nearest upcoming election.
 - 3. There shall be poll workers who meet the requirements dictated within the Election Policies and Procedures who are selected and overseen by the Elections Commissioner.

603.2 Violations of the Elections Code

- A. All alleged violations of the Election Code and or the Election Policies and Procedures shall be handled as a Judicial Complaint, in which the Attorney General forwards potential violations for which they find merit to the Judicial Branch.
- B. Violations of this Statute shall be designated as either a Major or Minor Offense.
- C. Violations regarding actions executed by any individual, including members of PPOs, that is not condoned by or at the direction of the PPO's leadership must be filed against the individual, not the PPO.
 - 1. Violations regarding actions committed by non candidates at the direction of a n individual candidate and not PPO leadership must be filed against said candidate, rather than the PPO.
- D. Major Offenses are any offense that aim to cause a major effect on the outcome of an election such as, but not limited to
 - 1. Tampering with election machinery;
 - 2. Casting multiple ballots;
 - 3. Falsification of facts or information;
 - 4. Intentionally causing another candidate to incur violations;
 - 5. Involvement with an effort to falsify the election in any way;
 - 6. Material violation of the Code of Ethics agreement; and
 - 7. Accumulating five minor violations; and,
 - 8. Any other offense deemed inappropriate by the Supreme Court to the level that said individual acts in a way unbecoming of his/her desired office (i.e. conviction of a felony, discrimination etc.)
- E. Minor offenses shall include but not be limited to:
 - 1. Any violation of the campaign guidelines document;
 - 2. Failure to submit a Candidate Expense Statement by the deadline. Each day late shall be considered a single offense; and
 - 3. Spending an excess of the campaign finance limit. Each percentage over the limit shall be considered a single offense.

603.4 Invalidation



Student Government
University of North Florida

SENATE LEGISLATION

SB-20F-3535

- 221 A. Any Activity and Service Fee paying student may file a special Judicial Complaint with the intent
- 222 to invalidate an election within two (2) business days of the conclusion of said election.
- 223 B. The Attorney General shall have a reasonable amount of time following the conclusion of each
- 224 election to forward election violations to the Judicial Branch, not to exceed five (5) business days.
- 225 C. A special Judicial Complaint is subject to special provisions outlined in the Judicial Policies and
- 226 Procedures.

227
228
229 **Therefore: Let it be enacted that the following changes to Title VI of the Constitution of the Student**
230 **Government of the University of North Florida be made effective Immediately .**
231
232

Legislative Action

Author: President Ally Schneider and Attorney General
Carlin Washington

Sponsor: Senator George Faklis

Committee: R&C Committee

Committee Action: 0-0

Date of Committee Action: 11-20-20

Senate Action: 18-0-0

Date of Action: 11-20-20

Signed and Delivered to the Student Body President
on this 23 day of Nov, 20.

Rachel Saunders, Student Senate President

Place Time Stamp Here:

Executive Action

Let it be known that SB-20F-3535 is hereby

APPROVED / VETOED / LINE-ITEM VETOED

on this 24 day of Nov, 2020

Signed,

Ally Schneider, Student Body President

Signed and Delivered to the Senate Secretary

Place Time Stamp Here: