

4-12-2019

## SB-19S-3388 Modernization of Title VI, The Elections Code

Student Government Association University of North Florida

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*SB-19S-3388: Modernization of Title VI, The Elections Code*

- 1   Whereas:     The Student Government of the University of North Florida was established to represent student  
2                   concerns in all University wide matters, and;
- 3   Whereas:     The Senate is the legislative body of the University of North Florida's Student Government given  
4                   the responsibility of carrying out such legislative acts that are necessary and proper for the Student  
5                   Body of the University of North Florida, and;
- 6   Whereas:     Legislation dealing with necessary and proper statutory revisions to the System of Statutes shall  
7                   be considered by the Senate, and;
- 8   Whereas:     It is necessary to maintain a system of checks and balances within the Student Government of the  
9                   University of North Florida, and;
- 10  Whereas:     The Elections Code (Title VI) and the Elections Policies and Procedures should promote said  
11                   checks and balances, and;
- 12  Whereas:     There is a need to correct this blockade by allowing the Elections Policies and Procedures to  
13                   follow a Senate Bill model, rather than a Joint Resolution model, and;
- 14  Whereas:     There is also a need to make the Office of Elections more autonomous as its own independent  
15                   office, and;
- 16  Whereas:     The Elections Commissioner should possess the authority to forward violations (in which they  
17                   find merit) to the Judicial Branch, and;
- 18  Whereas:     The Office of the Attorney General would still handle violations through prosecution with these  
19                   changes, and;
- 20  Whereas:     It is important to streamline the election violation process and remove unnecessary steps, and;
- 21  Therefore:    The following necessary and proper revisions to Title VI are being proposed:



*SB-19S-3388: Modernization of Title VI, The Elections Code*

**TITLE VI: THE ELECTION CODE**

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**Chapter 600: Introduction**

600.1 In accordance with Florida Statutes (Title XLVIII Chapter 1004.26), "Each student government shall be organized and maintained by students and shall be composed of at least a president, a student legislative body, and a student judiciary. The president and the student legislative body shall be elected by the student body; however, interim vacancies and the student judiciary may be filled in a manner other than election as prescribed by the internal procedures of the student government." Therefore, the University of North Florida Student Government will hold General, and/or Special, Elections occurring during the fall and spring semesters to elect a President, Vice President, and Student Senators.

600.2 The Student Government of the University of North Florida shall hold elections based on a system of declaration, where an individual student, who meets the constitutional requirements of candidacy may, with minimal barriers, avail in involve themselves to in the electoral process.

600.3 All students actively involved in the Student Government System of Elections agree to uphold the Election Code and by extent the Election Policies and Procedures.

600.4 The Government Oversight Committee shall be responsible for approving amendments to the Election Policies and Procedures through the legislative bill process.

600.5 Amendments to the Election Policies and Procedures shall be subject to ~~a special legislative process as follows~~ the following process:

- A. All amendments must be proposed by the Elections Commissioner and forwarded to the Government Oversight Committee.
- B. The aforementioned proposal must receive two-thirds (2/3) approval from the Government Oversight Committee, and then;
- C. Be sent to the Senate ~~President~~ in the form of a ~~Joint Resolution~~ Senate Bill ~~confirming legislative action and require a two-thirds (2/3) vote of Senate to pass, and then;~~
- D. Be forwarded to the President for executive action, as prescribed by law.

600.6 A statute of limitation shall exist forbidding the adoption of amendments to the Election Code and/or the Election Policies and Procedures within ten (10) weeks of the nearest upcoming election.

**Chapter 601: The Office of Elections**

601.1 There shall be an Office of Elections responsible for the production and maintenance of all



*SB-19S-3388: Modernization of Title VI, The Elections Code*

- 68 Student Government Elections.  
69  
70 601.2 The Office of Elections shall be an independent office of Student Government set apart from  
71 any one branch and free from any political pressures.  
72  
73 601.3 The purpose of this office shall be to conduct the unbiased service of upholding the democratic  
74 process through elections.  
75  
76  
77 601.4 The Office of Elections shall consist of the Elections Commissioner, who must:  
78  
79 A. Be appointed by the Student Government President, and;  
80  
81 B. Be subject to confirmation by the Government Oversight Committee and the Senate  
82 requiring a majority vote, and;  
83  
84 C. May serve a term of two (2) years and be subject to reconfirmation after the first year by  
85 majority vote of the Government Oversight Committee, and;  
86  
87 D. Have the power to form Ad-Hoc committees, and;  
88  
89 E. Be responsible for proposing changes to the Election Code, ~~and the Election Policies~~, and  
90 Procedures to the Government Oversight Committee, ~~when necessary~~, and; NVM  
91  
92 F. Update the Senate, and the Government Oversight Committee ~~upon request~~ in regards to  
93 matters concerning the Office of Elections, and;  
94  
95 G. Make public an election timeline, containing all important dates, deadlines, and statutes of  
96 limitation prior to the start of each semester as they pertain to the upcoming General  
97 Election, and;  
98  
99 ~~H. Forward all witnessed and reported~~ Upon finding merit, forward alleged violations of the  
100 Election Code and Election Policies and Procedures to the ~~Attorney General~~ Judicial Branch  
101 against the accused candidate(s), within the constraints of the Election Policies and  
102 Procedures, and;  
103 601.5 The Office of Elections shall consist of a Deputy Elections Commissioner, who must:  
104  
105 A. Be appointed by the Elections Commissioner, and;  
106  
107 B. Be subject to confirmation by the Government Oversight Committee and the Senate  
108 requiring a majority vote, and;  
109  
110 C. Serve a term of two (2) years and be subject to reconfirmation after the first year by majority  
vote of the Government Oversight Committee, and;

*SB-19S-3388: Modernization of Title VI, The Elections Code*

- 111  
112 D. Assume the duties of the Elections Commissioner in the event of their absence.  
113  
114 E. Assist the Elections Commissioner in overseeing the completion of initiatives related to  
115 elections.  
116  
117 601.6 The Office of Elections shall consist of other members (at the discretion of the Elections  
118 Commissioner) who may act as Elections Assistants, as defined in the Elections Policies and  
119 Procedures.  
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### Chapter 602: Elections Policies and Procedures

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125 602.1 Creation  
126  
127 A. There shall be Election Policies and Procedures formed to govern the production and  
128 maintenance of Student Government elections, and;  
129  
130 B. They shall be formatted in such a way that they may be easily distributed to, and understood  
131 by, the Student Body, and;  
132  
133 C. The Election Policies and Procedures shall serve as an extension of statute, bearing full  
134 authority, and;  
135  
136 D. The Election Policies and Procedures shall not appear in full within statute, and;  
137  
138 E. The Election Policies and Procedures shall be outlined within statute for the purposes of  
139 continuity and the establishment of principles held paramount to our elections process, and;  
140  
141 F. ~~All policies and procedures statutes and processes dictated in statute in the Election Code~~  
142 may not be superseded by the Elections Policies and Procedures.  
143  
144 602.2 Purpose  
145  
146 A. The Election Policies and Procedures shall serve as the binding guidelines for both the Office  
147 of Elections and all prospective candidates for election.  
148  
149 B. The Election Policies and Procedures shall dictate the manner and scope in which this  
150 government does apply restriction, resolution, and restitution in all election related matters.  
151  
152 602.3 Election Code of Ethics  
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154 A. There shall be an Election Code of Ethics that all students involved with the system of  
155 elections must agree to uphold.



*SB-19S-3388: Modernization of Title VI, The Elections Code*

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- B. The Election Code of Ethics shall exist as an accord established between all individuals participating in the system of election and the Student Government Association, and furthermore, the Student Body.
- C. An Election Code of Ethics shall be provided within the Election Policies and Procedures and shall include, but are not limited to, the following provisions:
1. No person shall misrepresent any material fact(s) through any campaign material(s) or action(s).
  2. No person shall misrepresent any campaign material(s) or action(s) as being the property or undertaking of any other candidate or political party organization.
  3. No person shall condone or authorize the destruction or theft of any candidate's or political party organization's campaign material(s).
  4. No person shall commit written, printed, or verbal defamation.
  5. Candidates and political party organizations are responsible for the actions of other individuals and/or organizations acting on their behalf at the direction of the candidate or political party organizations beyond a reasonable doubt.

602.4 Timeline

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- A. The Election Policies and Procedures shall maintain a section concerning election timelines. Such a section shall contain, at a minimum, the following applicable provisions:
1. All General Elections ~~are~~ to be held once during the fall semester and once during the spring semester, and shall be held between the eighth (8th) and the twelfth (12th) week of the semester.
  2. All General Elections shall last for at least two (2) business days held in succession from the hours of 9:00 AM to 6:00 PM, at a minimum.

602.5 Candidacy

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- A. The Election Policies and Procedures shall maintain a section concerning candidates.
- B. Such a section shall contain, at a minimum, the following applicable provisions:
1. Any student who meets the constitutional requirements for candidacy shall be able to declare ~~avail~~ themselves as a candidate for any election through the submission of a Candidate Declaration of Intent document.



*SB-19S-3388: Modernization of Title VI, The Elections Code*

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2. Candidate Declarations of Intent documents shall include:
    - a. An agreement on the part of the candidate to abide by the Elections timeline published by the Elections Commissioner.
    - b. An agreement on the part of the candidate to abide by and uphold the Election Code of Ethics.
    - c. An agreement on the part of the candidate to submit a Candidate Financial Statement, as dictated under the Election Policies and Procedures.
    - d. An agreement on the part of the candidate to indicate his or her chosen Student Government political party affiliation, whereas “Independent” is an option.
    - e. An agreement on the part of the candidate to the SG Authorization and Release form to ~~allow~~ acknowledge verification of records.
    - f. An agreement on the part of the candidate to submit a conduct form to the Director of Student Government.
    - g. An agreement on the part of the candidate to attend one of the mandatory candidacy meetings.
  3. Candidacy may be withdrawn up to the time ~~in at~~ which the ballot may no longer be changed by presenting a written and signed Statement of Withdrawal to the Elections Commissioner.
- C. The following Student Government Positions must resign from their office once they declare candidacy or obtain a position of leadership within a political party during an election season due to a conflict of interest:
1. Elections Commissioner
  2. Deputy Elections Commissioner
  - ~~1. Election Assistants~~
  - ~~2.3. Attorney General~~
  - ~~3.4. Student Advocate~~



*SB-19S-3388: Modernization of Title VI, The Elections Code*

- 241                    4.5. Government Oversight ~~Chair~~Chairman  
242
- 243                    5.6. Supreme Court Justices  
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- 245                    D. Members of the Government Oversight Committee must be ~~removed~~transferred from the  
246                    committee to another by the Senate President once they declare candidacy or obtain a  
247                    position of leadership within a political party organization.  
248
- 249                    E. Party Chairs shall notify the Elections Commissioner of all individuals who have a position  
250                    of leadership within a political party organization.  
251
- 252                    F. A position of leadership in a political party organization shall be defined in the Elections  
253                    Policies and Procedures. The Elections Commissioner shall have the final authority in  
254                    identifying positions of leadership.  
255
- 256 602.6 Political Party Organizations  
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- 259                    A. The Election Policies and Procedures shall maintain a section concerning political party  
260                    organizations hereinafter referred to as PPOs.  
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- 263                    B. Such a section shall contain, at a minimum, the following applicable provisions:  
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- 265                    1. PPOs shall be registered with the Office of Elections.  
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- 268                    a. PPOs shall ~~need only need to~~ file a Party Declaration of Intent containing the  
269                    signatures of two (2) currently enrolled student members to become registered.  
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- 271                    b. PPOs shall, by registering with Student Government, agree to operate under  
272                    the laws of Student Government.  
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- 274                    2. PPOs shall select a chairperson.  
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- 277                    a. The two (2) currently enrolled student members must consent to place the name  
278                    of the party chairperson on the Party Declaration of Intent and verify it with  
279                    their signatures.  
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- 282                    3. PPOs shall be able to file joint campaign finance reports.  
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- 285                    a. Political party organizations shall designate at the time of formation whether or  
286                    not they intend to file a joint campaign finance report.  
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- 288                    4. There shall be reasonable naming restrictions for PPOs.





*SB-19S-3388: Modernization of Title VI, The Elections Code*

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5. The submission of a Declaration of Intent for a PPO shall render the party registered for a full year from the date of submission. Once an annual registration expires, a new Party Declaration of Intent must be ~~filed completed~~filed every year annually for four years.
  
  6. The active period of a PPO shall begin the semester of the first registration and end after the PPO has operated for a maximum of) four (4) years After the PPO has operated for a maximum of four (4) years, then the two (2) year retirement period shall begin immediately. The Elections Commissioner reserves the right to retire a PPO's name early should their registration lapse.
  
  7. The ~~r~~Retirement period shall be a ~~period~~duration of two (2) years in which the PPO shall be kept on record but shall not ~~be~~be used~~active~~. After the retirement period, the PPO may be eligible to be reinstated within the active period.
    - a. Retired PPO names are afforded the same naming protections as active PPOs.
- 602.7 Campaigning
- A. The Election Policies and Procedures shall maintain a section ~~in regard to~~concerning campaigning.
  - B. Such a section shall contain, at a minimum, the following applicable provisions:
    1. There shall be restrictions on campaign signage location and duration of placement.
    2. There shall be restrictions regarding the manner in which a person may campaign.
  - C. All campaign materials must be approved and on file with the Elections Commissioner.
    1. Campaign materials are defined as all publicly presented items that contribute to a candidate's campaign. Campaign materials include but are not limited to posters, signs, fliers, digital media, and food items.
  - D. Any conversation discussions regarding elections, with the exception of information that is subject to public record, are prohibited on the third floor of the Student Union East Building, except in the following offices:
    1. Office of Elections
    2. Professional Staff Offices
    3. Office of the Attorney General
    4. Judicial Offices

*SB-19S-3388: Modernization of Title VI, The Elections Code*

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333 602.8 The Ballot

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335 A. The Ballot shall serve as the vehicle for the democratic process, carrying the will of the  
336 Student Body on all Constitutional and statutorily granted affairs.

337

338 B. The Election Policies and Procedures shall maintain a section concerning ballots.

339

340 C. Such a section shall contain, at a minimum, the following applicable provisions:

341

342 1. Each ballot produced for a Student Government election shall be created and  
343 formatted by the Office of Elections.

344

345 2. The final version of each ballot must be made public by the Elections  
346 Commissioner five (5) business days preceding the nearest upcoming election.

347

348 3. Absentee ballots shall be made available by the Office of Elections.

349

350 4. All proper Constitutional Referenda and Plebiscites shall be placed on the ballot.

351

352 5. Candidates' names shall be placed on the ballots in a randomized manner.

353

354 6. Unopposed candidates shall be declared the winner by acclamation. No election for  
355 the respective seat shall be held.

356

357 7. There shall be no select all option on the ballot. Instead, voters must only have the  
358 ability to select candidates one at a time.

359

360 8. There shall be a presentation of all candidates' platforms to be available  
361 to the individual voter upon viewing of the ballot. Such platforms shall be regulated  
362 by the Election Policies and Procedures.

363

364 9. No changes shall be made to an election ballot within two (2) business days of the  
365 election.

366

367 10. Further format regulations may be established by the Elections Policies and  
368 Procedures if they do not conflict with those statutorily mandated.

369

370 602.9 Polls

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372 A. The Election Policies and Procedures shall maintain a section concerning the polls.

373

374 B. Such a section shall contain, at a minimum, the following applicable provisions:

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376 1. There shall be at least two (2) polling stations provided by Student



*SB-19S-3388: Modernization of Title VI, The Elections Code*

377 ~~Government~~Office of Elections made available to the Student Body during an  
378 election.

379  
380 2. A protected polling region shall exist surrounding all ~~Student Government~~Office of  
381 Elections polling stations not to be less than fifty (50) feet in radius from the  
382 polling station and not to exceed seventy-five (75) feet in radius from the polling  
383 station within which all applicable Election Policies and Procedures shall be strictly  
384 monitored and enforced.

385  
386 3. There shall be poll workers who meet the requirements dictated within the Election  
387 Policies and Procedures who are selected and overseen by the Elections  
388 Commissioner.  
389

### 390 Chapter 603: Enforcement

#### 391 603.1 Disqualification 392

393  
394 A. Upon receipt of all Candidate Declarations of Intent, the Elections Commissioner shall have  
395 five (5) business days to review them. On the third (3) business day following the candidate  
396 submission deadline the Elections Commissioner shall issue all notifications of disqualification  
397 to candidates that have failed to meet the constitutional requirements for candidacy.  
398

399 B. The Elections Commissioner shall contact all candidates who are disqualified and make known  
400 all candidates who do qualify.

401  
402 C. Candidates will be disqualified and no longer eligible to run in the election cycle if they do not  
403 participate in a Mandatory Candidacy Meeting.  
404

#### 405 603.2 Violations of the Elections Code 406

407 A. All ~~complaints~~alleged-alleging violations of the Election Code and or the Election Policies and  
408 Procedures shall be handled as a unique version of -Judicial Complaints, in which the Elections  
409 Commissioner forwards potential violations for which they find merit to the Judicial Branch,  
410 rather than the Attorney General.  
411

412 B. Violations of this Statute shall be designated as either a Major or Minor Offense.  
413

414 C. Major Offenses are any offense that aim to cause a major effect on the outcome of an election  
415 such as, but not limited to:

416  
417 1. Tampering with election machinery;  
418

419 2. Casting multiple ballots;  
420

*SB-19S-3388: Modernization of Title VI, The Elections Code*

- 421 3. Falsification of facts or information;  
422  
423 4. Intentionally causing another candidate to incur violations;  
424  
425 5. Involvement with an effort to falsify the election in any way;  
426  
427 6. Material violation of the Code of Ethics agreement;  
428  
429 7. ~~Accruing five minor violations~~ violations; and,  
430  
431 8. Any other offense deemed inappropriate by the Supreme Court to the level that said  
432 individual acts in a way unbecoming of his/her desired office (i.e. conviction of a felony,  
433 discrimination etc.)  
434  
435 D. Minor offenses shall include but not be limited to:  
436  
437 1. Any violation of the campaign guidelines document;  
438  
439 2. Failure to submit a Candidate Expense Statement by the deadline. Each day late shall be  
440 considered a single offense; and  
441  
442 3. Spending an excess of the campaign finance limit. Each percentage over the limit shall be  
443 considered a single offense.  
444

445 603.3 Penalties

- 446  
447 A. Refer to Judicial Hearing Guidelines  
448 B. The confirmation by the Judicial Branch of one major violation against a candidate and/or PPO  
449 shall constitute immediate disqualification of a candidate and/or PPO.  
450 C. Accumulating five minor violations equates to one major violation, and subsequent immediate  
451 disqualification.  
452

453 603.4 Invalidation

- 454  
455 A. Any Activity and Service Fee paying student may file a special Judicial Complaint with the intent  
456 to invalidate an election within two (2) business days of the conclusion of said election.  
457  
458 B. The Elections Commissioner and the Attorney General shall have a reasonable amount of time  
459 following the conclusion of each election to forward and file, respectively, elections-related  
460 Judicial Complaints, not to exceed five (5) business days.  
461  
462 C. A special Judicial Complaint is subject to special provisions outlined in the Judicial Policies and  
463 Procedures.  
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*SB-19S-3388: Modernization of Title VI, The Elections Code*

- 465 603.5 Special Election  
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467  
468 A. In the event of the invalidation of an election, the Elections Commissioner must call a special  
469 election within three weeks or before the end of the semester, whichever comes first.  
470  
471 B. If invalidation occurs more than three weeks before the Tuesday of regularly scheduled elections,  
472 the special election may adopt the schedule of the general election.  
473  
474 C. A special election shall adhere to all guidelines set forth by Title VI and the Elections Policies  
475 and Procedures, excluding only scheduling guidelines that would become irrelevant in the event  
476 of a special election.  
477  
478 D. The same ballot must be used for this election; exceptions are limited to candidates who wish  
479 to or are required to be removed from the ballot and any plebiscite the Senate chooses to add  
480 to the ballot.  
481  
482 1. These plebiscites are still subject to the Election Policies and Procedures.  
483  
484 603.6 Statute of Limitations  
485  
486 A. No election may be invalidated once it has been validated.  
487  
488 603.7 Assumption of Office  
489  
490 A. Election Results  
491  
492 1. Election results shall be released by the Office of Elections in accordance with the Election  
493 Policies and Procedures.  
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495  
496 2. The Elections Commissioner shall prepare elections results in accordance with the Election  
497 Policies and Procedures and present them in the form of a Senate Bill to the Senate on second  
498 (2<sup>nd</sup>) read with the sponsorship of the Government Oversight Committee Chairperson.  
499  
500 3. In the event that the election goes uncontested, a Bill of Acclamation shall be created thus  
501 confirming the candidates for acclamation into the Senate.  
502  
503 4. All election result bills must be forwarded to the Senate no later than ten (10) business  
504 days following the close of the election if all pending elections related Judicial Complaints  
505 have been resolved.  
506  
507 5. The Senate must vote to validate the election by majority approval of the bill.  
508  
509 6. If the Senate validates the election, all newly elected candidates shall be installed.  
510  
510 B. Installation



*SB-19S-3388: Modernization of Title VI, The Elections Code*

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1. All Senatorial candidates shall be installed at the first Senate meeting following the validation of the election or confirmation of acclamation of candidates into the Senate.
  2. Presidents and Vice Presidents-elect shall be sworn in as dictated by Article V.
- Therefore: Let it be enacted that the aforementioned amendments to Title VI be made effective immediately.

519

### Legislative Action

### Executive Action

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521

Author: Attorney General Choi  
 Sponsor: Chairman Healy  
 Committee: Government Oversight Committee  
 Committee Action: 6-0-0  
 Date of Committee Action: 4/9/2019  
 Senate Action: 28-0-0  
 Date of Action: 4/12/2019

Let it be known that SB-19S-3388 is hereby  
 APPROVED / VETOED  
 on this 16<sup>th</sup> day of April, 2019

Signed, [Redacted Signature]  
*John Aloszka, Student Body President*

Signed and Delivered to the Student Body President  
 on this 15<sup>th</sup> day of April, 2019.

Signed and Delivered to the Senate Secretary

Place Time Stamp Here

Place Time Stamp Here

Signed: [Redacted Signature]  
*Thomas Pluchon, Student Senate President*

