



COUNCIL BILL

STUDENT GOVERNMENT COUNCIL - MODESTO A. MAIDIQUE CAMPUS

Agenda Item: SB1819—A BILL TO CHANGE ELECTIONS PROCESS AND ELECTIONS BOARD RESPONSIBILITIES

Date: January 7, 2018

Committee: Rules, Legislation, and Judiciary

Authors: Senator Victoria Larson, Housing Senator

Sponsors: Senator Dustin Duncan, College of Arts, Science, and Education; Senator Samuel Hernandez, College of Business; Senator Dimitri Lampru, College of Business

A BILL TO CHANGE ELECTIONS PROCESS AND ELECTIONS BOARD RESPONOSBILITIES

Sections I Policy:

The proposal outlined in this Council Bill are in compliance with the authority granted in Article III, Section 5.A. of the Student Government Association Constitution;

Section II: Terms

The following terms are defined as to ensure the legality of this bill.

A. Campaigning

- (i) Defined as the marketing of a person, candidate, political party or group through promotional material, be it tangible or online, or through word of mouth, that encourages students to vote for that person, idea, candidate, political party or group
- (ii) This shall not include the announcement of candidacy through word of mouth, when such an announcement is University property and does not include a gathering of more than three students
 - (1) Candidates and Political Parties may begin campaigning, limited to social media, once candidate and political party have submitted their complete application packet.



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- (2) Candidates and Political Parties may begin campaigning, to include all forms of marketing such as on-campus posting and solicitation, once the Elections Board posts the complete list of approved Candidates and Political Parties as required per this Elections Code

- (iii) Tangible materials and human resources shall be considered campaigning

B. Candidate and/or Political Parties Packet

- (i) Drafted for distribution by the Elections Board, packets are to include no less than this Elections Code, a petition for candidacy / Party establishment form, a tentative timeline for the election cycle, the SGC Constitution and Statutes, the Student Code of Conduct, each respective campuses' Posting Policy, and Candidate and Party Campaign Finance Reports as required in Section 6.07 of this Elections Code

C. Campaign Period

- (i) Time period set by the Elections Board in which campaigning is able to occur
- (d) Campaign Volunteer
 - (i) Any individual who self-affiliates with a particular candidate or political party participating in an Election
 - (ii) Campaign volunteers includes those individuals campaigning on behalf of a candidate or political party
- (e) Days
 - (i) All references in the Elections Code to time shall be based on University Business Days.
- (f) Designee
 - (i) An official representative, designated by the Senior Vice President of Academic and Student Affairs, charged with assisting each respective Elections Board in the administration Elections.



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(g) Donation

- (i) Shall be defined as goods or services given to a candidate's or party's campaign by a business, corporation, individual, party and/or organization free of charge, and/or monetary funds donated to the campaign by an individual. At no point will monetary donations by parties, businesses, organizations, and corporations be allowed

(h) Election Cycle

- (i) The official opening of the application period wherein candidates may tender the required documents to stand for the General Election

(i) Final Campaign Finance Reports

- (i) Statement of expected and final campaign financial expenses and received donations on behalf of a particular candidate or party. Each report includes campaign expense form(s) as well as donations form(s) as needed. For specific regulations see Section 6.07 of this Elections Code

(j) Fundraising

- (i) The act of eliciting funds, donations, and/or goods for a candidate or Party through promotional material, be it on paper or online, and/or events

(k) Elections Announcement

- (i) The annual election announcement will be held in the Spring semester one (1) week following the close of voting

(l) Elections

- (i) The elections held in the Spring semester to elect SGC Officers and Senators as prescribed by the SGC Constitution. As per the SGC Constitution, the General Elections shall be held on the Tuesday and Wednesday of the 3rd week following Spring Break



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(m) Open Application Process

- (i) The process in which individuals apply for positions, not limited to a submission of an application, a qualification form, and the appropriate background checks
- (ii) The period in which positions are listed on the SGA websites for selection and confirmation by the SGA Senates

(n) Political Party

- (i) A group and/or collective of FIU students organized for the purpose of achieving electoral success in the General Election or for subsequent confirmations
 - (1) All policies, procedures, and regulations that are required of individual candidates shall be required of political parties
 - (2) The leadership of the Political Party shall be defined as the Party President, Campaign Manager, and Treasurer, respectively
 - (3) The formation of Political Parties shall be limited to MMC and shall hence be prohibited from forming at BBC

(o) Poll Workers

- (i) Individuals appointed by the Elections Board to assist in student voting during the Election. Poll workers must be registered FIU students but may not be SGC officials (including Interns) and shall not be affiliated with any candidate, party, nor a candidate for office. All poll workers shall remain neutral during the General Election and may not have been associated with a political party or candidate campaign during the Spring Semester of the General Election



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- (p) Referendum Election
 - (i) The submission of a proposal to a direct popular vote of the Student Body. A referendum petition must be signed by five percent (5%) of the Student Body and shall be submitted to the SGC President and Elections Commissioner no later than one (1) month before the Election is scheduled to be held. After a petition for a referendum is submitted, such referendum must be held at the next scheduled General or Runoff Election
 - (ii) Any petition that has been disallowed may ask for a review by the Judiciary Branch to confirm or overturn the previous status
 - (1) In no way may this review supersede the defined requirements by the SGA Constitution, SGA Statutes, and Elections Code
- (q) Recall Election
 - (i) Any student has the right to recall a Election, as stated in the Constitution
- (r) Run-off Elections
 - (i) Elections held two (2) weeks following the Elections in the event of a tie in a particular race. All candidates will be notified of the date within twenty-four (24) hours of the Elections Results announcement
- (s) Senate Vacancies Application Period
 - (i) An application period must be called by a two-thirds (2/3) vote of the SGC Senate. This period will be utilized to fill any senate vacancies until the next General Election as detailed in Section 6.09 of this Elections Code

Section III: Bill

THEREFORE, LET IT BE ENACTED that



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Article VI

Section 6.01 Authority

- (a) The elections rules for all general elections and senate vacancies, including referendum elections and Constitutional amendment questions, are set forth in this document
- (b) The Elections Code policies for campaigning on campus may not violate the Code of Student Conduct, University Posting Policy, or the posting policies for specific facilities
- (c) The Elections Code may be amended following the amendment process set forth in the SGC Statutes SGA Constitution
- (d) The provisions set forth by this Elections Code shall apply to SGC
- (e) Index
 - (i) Section 6.01- Authority
 - (ii) Section 6.02- Elections Board
 - (iii) Section 6.03- Definition
 - (iv) Section 6.04- Candidate Procedure and Qualifications
 - (v) Section 6.05- Political Parties
 - (vi) Section 6.06- Campaign and Election Guidelines
 - (vii) Section 6.07- Finance and Donation Guidelines
 - (viii) Section 6.08- Violations
 - (ix) Section 6.09- Senate Vacancies Guidelines

Section 6.02 Elections Board

- (a) Purpose



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ALUMNI COUNCIL GOVERNMENT COUNCIL (ALUMNI GOVERNMENT COUNCIL)

- (i) The respective Elections Board shall organize and execute all general elections, referendums, and senate vacancies at their respective campuses and each Election Board is thereby established for that purpose
- (b) Requirements
 - (i) The Elections Board of each campus will be subject to the requirements specified in the SGA Elections Code and to all other applicable provisions in the SGA Constitution and SGA Statutes
 - (ii) All members of any Elections Board shall maintain a 2.5 cumulative Grade Point Average to apply for and hold office and not be under any academic or disciplinary sanctions by the University
- (c) Selection
 - (i) The initial selection of an Elections Commissioner shall be by appointment by the SGC President of each campus following an open application process and must be confirmed by a simple majority vote of the SGC Senate, at a meeting where there is quorum. The Elections Commissioner shall appoint the following Elections Board chairs and must be confirmed by a simple majority vote of the SGC Senate, at a meeting where there is quorum
 - (1) The Deputy Elections Commissioner and the other members of the Elections Board shall be appointed by the SGC ~~presidents or shall be nominated by the chairs of the Elections Board~~ Elections Commissioner. They shall assist the Elections Commissioner in his/her duties, should the Commissioner be unable to fulfill them
 - (2) The Elections Commissioner and the remainder of the Elections Board shall be ~~nominated~~ appointed no later than the end of the Summer A semester as designated by the University calendar, and shall serve until the last day of the Spring semester or until they are



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discharged of their duties by the Elections Code, whichever comes first

- a) The previous clause 6.02(c)(i)(2) shall apply to any chair appointed to fill a vacancy on the Elections Commission

(d) Neutrality

- (i) All members of the Elections Board, including the Elections Commissioner and Deputy Elections Commissioner shall not be actively identified with any candidate, political party and/or campaign for an elected position in any SGA, nor shall they act in any partisan manner while they are serving as chairs of the Board. In addition, no chairs of the Commission may hold or be a candidate for an elected or other appointed SGA position at any campus, excluding SGC-Interns

- (1) In the event that a complaint is brought before the Board and the accused is an active member of the same student organization as a chair of the Board, the Board member must recuse him or herself from the complaint hearing

- (2) Interns shall not participate on the Elections Board

(e) Composition

- (i) The Elections Board shall consist of a minimum of five (5) and a maximum of seven (7) members, with one (1) of whom ~~shall be~~ being the Elections Commissioner and one (1) of whom ~~shall be~~ being the Deputy Elections Commissioner. The remaining Commissioners may be assigned the responsibility of marketing, regulations, and minutes of meetings but not limited to these responsibilities

- (ii) The Elections Commissioner's ~~annulment~~ emolument amount shall be subject to Article XI of the SGC Constitution



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- (a) The salary shall be determined by the ~~B~~-budget for each fiscal year and approved by a simple majority of the Senate

(f) Duties

(i) Elections Commissioner Duties

- (1) The Elections Commissioner shall serve as the Chairperson of the Board and shall faithfully execute those duties and responsibilities designated by law these Statutes, the University policies, regulations, and the law
- (2) The Elections Commissioner shall be available for ten (10) weekly office hours, five (5) of which must be in the SGA ~~o~~ Office itself during the start of the election cycle. All hours must be logged and accounted for with the respective campuses' Clerk
- (3) The Elections Commissioner shall attend all Executive Cabinet meetings of their respective SGA in order to discuss business and keep the SGA apprised of changes to and/or difficulties with the elections process
- (4) The Elections Commissioner shall present a report to the respective SGA Senates and Executive Branches following each Elections Commission meeting in the Spring and/or at the discretion of the respective Speaker of the Senate or SGA Presidents. In his/her absence, the Deputy Commissioner should present a report
 - (a) The Elections Board must meet at least once a month in the Fall semester and once a week during the election cycle
- (5) The meeting minutes and findings of the Elections Commissioner are subject to review by each Senate's Internal Affairs Committee



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- (6) The Elections Commissioner shall be responsible for instructing all election officials, Board members, and poll workers of the proper election procedures
- (7) The Elections Commissioner shall ensure that the application documents of all candidates are submitted to a Division of Student Affairs designee (hereafter “designee”) for eligibility review
 - (a) The designee shall certify to the Elections Board the names of those candidates who meet all academic and matriculation requirements for their chosen office as listed in the SGC Constitution and the respective SGC Statutes
 - (b) The Elections Commissioner and/or the designee shall then strike from the list of candidates the names of those persons who have failed to qualify for their intended office
 - (c) The Elections Commissioner and/or the designee will notify all registered candidates of their status in writing and with a copy of any certified documents
- (8) The Elections Commissioner shall be responsible for the preparation of the ballot, which shall be approved and finalized by a majority approval of the Elections Board no later than two (2) weeks prior to the actual date of the first day of the elections. All qualified candidates will be listed on the ballot in alphabetical order by last name and organized by candidate position. The ballot shall clearly indicate which office the candidates are seeking
 - (a) A preliminary ballot will be tested by the Senate two (2) meetings prior to the date of elections



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- (i) No changes shall be made to the ballot after it is tested by the senate unless the ballot does not work, an error occurred in the creation of the ballot, or a candidate is disqualified
 - (ii) The Senate shall be notified of any changes made to the ballot by the Speaker
- (9) The Elections Commissioner shall present a comprehensive report on the elections process to the Senate of their corresponding SGA no more than two (2) weeks after the end of the General Election
- (10) The Elections Board shall have the power to create regulations so long as there is no contradiction of the election code and SGC-MMC governing documents
 - (a) All regulations created by the Elections Board shall be voted on and passed by a 2/3 vote of the Elections Board before it becomes implemented
- (ii) Elections Board Duties
 - (1) Candidate Packets
 - (a) The Elections Board is responsible for preparing Candidate Packets for distribution, to include ~~no less than~~, but not limited to, this Elections Code, a petition for candidacy form, a tentative timeline for the election cycle, the SGC Constitution and Statutes, the Student Code of Conduct, each respective campuses' Posting Policy, and Candidate and Party Expense Report as required in Section 6.07 of this Elections Code. All rules and regulations must be stated in the packet.
 - (2) Campaign Regulations



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- (a) The Elections Board shall not regulate color schemes chosen by candidates
 - (b) The Elections Board shall regulate all social media and other online outlets chosen by candidates
 - (c) The Elections Board shall have the right to oversee all candidate events, including but not limited to, tabling, fundraising and other programming
 - (d) The Board will be required to ensure that every candidate's individual flyer includes a link to the elections website
 - (e) All campus location reservations shall be done through the Elections Board. All requests must be submitted no less than 5 business days before the event in question
 - (f) Publish candidate campaign regulations in a document to be called "Campaign regulations" subject to the approval of the Supreme Court
- (3) Candidates Information Sessions
- (a) The Elections Board will be responsible for hosting at least two (2) Candidate Information Sessions, of which in person attendance is mandatory for all candidates and political party leadership ~~the attendance of which is mandatory for all approved candidates and political parties~~ for the General Elections. The Board shall present the Elections Code and the nuances of the election process as well as to field any questions from Candidates and Political Parties. These ~~meetings~~ Information Sessions ~~shall be held in January, occur~~ following the deadline for registration and prior to the



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opening of the election cycle. All Candidates and Parties are responsible for the information presented at these meetings

(i) Candidates may be exempt from attending an in person information session if they are registered as a fully online student

(a) Registered online students unable to attend an information session must notify the Elections Board three (3) University Business Days before the date of the first information session

(b) The Elections Board will be responsible for sending online registered candidates a video presentation of the information that was given at the information session no later than two (2) University Business Days following the last Information Session.

(c) All online registered students who receive the presentation via email must respond to the email stating that they understand the information presented within two (2) University Business Days after the date that the email was sent by the Elections Board

(ii) Political party leadership shall be defined as the Party President, Campaign Manager, and Treasurer respectively



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(iii) The Elections Board shall host two (2) Candidate Information Sessions at two (2) different days and times

(4) Public Records

- (a) The Elections Board shall be responsible for publishing the official list of candidates on the SGA websites no later than seven (7) University Business Days before the first day of the elections
- (b) The Elections Board is responsible for posting all of a candidate's relevant information on their respective SGA websites including each Candidate's and Party's Platform, Resume, and Estimated Campaign Finance Report no later than seven (7) days University Business Days before the first day of the elections
- (c) Both the names and applications of registered candidates, as well as final candidate lists to include disqualified candidates and the reason for their disqualification shall be public record. Only matters of academic and/or financial privacy shall be precluded from this ~~clausal~~ requirement
- (d) ~~The official results including vote counts of the election shall be posted twenty-four (24) hours following the election announcement.~~

(5) Candidates' Debate

- (i) It shall be the responsibility of the Elections Board to coordinate and sponsor a townhall-style debate for the President, Vice President, and At- Large Senator candidates, impartially and without reservation. This debate shall take



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place no later than one (1) day prior to the first day of the elections. The debate shall be in moderator form, and all candidates will be made aware of the debate's location, time, and date at the candidates meeting. The moderator will be selected by the Elections Board

- (1) The moderator must have no association with and/or partisanship between any of the candidates participating ~~in~~ the debate and must not act in any partisan manner
- (2) ~~Chairs~~ Members of the Elections Board may nominate any student to be moderator
- (3) The moderator selection must be voted upon and approved by a simple majority of the Elections Board
- (ii) The Elections Board shall be able to coordinate and host a townhall-style debate for any other delegation being voted on in the next election
 - (1) The Elections Board shall have a simple majority vote to call for the debate
 - (2) Any student or candidate may petition the Elections Board to host a debate
 - (3) Each candidate whose position will be having a debate shall be notified five (5) University Business Days before the debate takes place
- (iii ~~ii~~) The debate will be monitored by Campus Life Advisors
- (g) Polling Locations
 - (i) The Elections Board shall make all necessary arrangements for at least two (2) polling locations at ~~the Modesto A.~~



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~~Madique-Campus~~ MMC with one (1) polling location at the Engineering and Computing Center and at least one (1) polling location at the Biscayne Bay Campus between the hours of 9:00AM and 7:00PM. These arrangements shall include providing for supplies, staffing a secure environment and any other items required for the proper, efficient, and legal completion of the ~~e~~Elections

- (1) One (1) of the polling locations must be in the Graham University Center at MMC and one (1) at the Wolfe University Center at BBC. If this location is unavailable at the time of voting, it will be left to the discretion of the Elections Board to select an alternate site
- (2) There will be a minimum of two (2) people working each election polling site at all times
- (ii) The location of the polls shall be announced at least one (1) week prior to the first day of ~~e~~Elections through posters and at least one (1) University-Wide email
- (iii) In the event that the online voting system fails, at least two (2) additional physical polling locations must be added in each campus and promoted through a University-Wide email within twelve (12) hours of the system failure
- (iv) There shall be no campaigning within fifty (50) feet of voting stations
- (h) Tabulation of Results
 - (i) The Elections Board, along with a designee of the Division of Student Affairs, shall be responsible for supervising the



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tabulation and certifying the results of any campus wide election or referendum. The Elections Board must certify both the digital votes as well as to manually count the paper ballots

(i) Complaints and Concerns

(i) It shall be the responsibility of the Elections Board to hear and act upon complaints and charges of violations of for the Elections Code in a speedy and public manner. For these complaints, the Elections Board will follow the procedure outlined in Article VI, Section 6.06(g).

(ii) All appeals made in regards to election code violation decisions shall be sent to the Supreme Court where a simple majority vote of the Supreme Court shall decide if a second hearing will occur.

(iii) Candidates and students shall have a have a final chance to appeal any decision made by the Elections Board and Supreme Court in regards to elections code violations by appealing the case to administration.

(j) Vacancies

(i) A vacancy in the positions of Elections Board must be filled through appointment by the Elections Commissioner following an open application process and must be confirmed by a simple majority vote of the respective SGA Senate, at a meeting where there is quorum

(ii) If the position of Election Commissioner is vacant, the Deputy Commissioner shall act as interim Elections Commissioner until a new Commissioner is nominated by



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the respective SGA President and confirmed by a simple majority vote of the SGA Senate, at a meeting where there is quorum

Section 6.03 Definitions

(a) Campaigning

- (i) Defined as the marketing of a person, ~~idea~~, candidate, political party or group through promotional material, be it tangibly or online, or through word of mouth, that encourages students to vote for that person, idea, candidate, political party or group
- (ii) This shall not include the announcement of candidacy through word of mouth, ~~wherein~~ when such an announcement ~~is on~~ University property and does not include a ~~is not to publicly include~~ gathering of more than three students
- (3) Candidates and Political Parties may begin campaigning, limited to social media, once the ~~Elections Board has received their respective and complete applications packets~~ candidate and political party have submitted their complete application packet.
- (4) Candidates and Political Parties may begin campaigning, to include all forms of marketing such as on-campus posting and solicitation, once the Elections Board posts the complete list of approved Candidates and Political Parties as required per this Elections Code
- (iii) Tangible materials and human resources shall be considered campaigning

(b) Candidate and/or Political Parties Packet



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- (ii) Drafted for distribution by the Elections Board, packets are to include no less than this Elections Code, a petition for candidacy / Party establishment form, a tentative timeline for the election cycle, the SGC Constitution and Statutes, the Student Code of Conduct, each respective campuses' Posting Policy, and Candidate and Party Campaign Finance Reports as required in Section 6.07 of this Elections Code
- (c) Campaign Period
Time period set by the Elections Board in which campaigning is able to occur
- (d) Campaign Volunteer
 - (i) Any individual who self-affiliates with a particular candidate or political party participating in an ~~the~~ General Election
 - (ii) Campaign volunteers includes those individuals campaigning on behalf of a candidate or political party
- (e) Days
 - (ii) All references in the Elections Code to calendar time (e.g., "within two (2) days", e.g., "within forty eight (48) hours") shall be defined as business days to time shall be based on University Business Days.
- (f) Designee
 - (i) An official representative, designated by the Senior Vice President of Academic and Student Affairs, charged with assisting each respective Elections Board in the administration of the General eElections, ~~and in the handling of otherwise privacy protected candidate information as per University and Florida State guidelines~~
- (g) Donation



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- (i) Shall be defined as goods or services ~~rendered~~ given to a candidate's or party's campaign by a business, corporation, individual, party and/or organization free of charge, and/or monetary funds donated to the campaign by an individual. At no point will monetary donations by parties, businesses, organizations, and corporations be allowed
- (hg) Election Cycle
 - (ii) The official opening of the application period wherein candidates may tender the required documents to stand for the General Election
- (ih) ~~Estimated and~~ Final Campaign Finance Reports
 - (ii) Statement of expected and final campaign financial expenses and received donations on behalf of a particular candidate or ~~P~~party. Each report includes ~~C~~campaign ~~E~~xpense form(s) as well as ~~D~~donations form(s) as needed. For specific regulations see Section 6.07 of this Elections Code
- (ji) Fundraising
 - (i) The act of eliciting funds, donations, and/or goods for a candidate or Party through promotional material, be it on paper or online, and/or events
- (kj) Elections Announcement
 - (i) The annual election announcement will be held in the Spring semester one (1) week following the close of voting
- (lk) ~~General~~ Elections
 - (i) The ~~annual~~ elections ~~shall be~~ held in the Spring semester ~~in order~~ to elect SGC Officers and Senators as prescribed by the SGC Constitution. As per the SGC Constitution, the General Elections shall be held on the Tuesday and Wednesday of the 3rd week following Spring Break
- (ml) Open Application Process



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- (iii) The process in which individuals apply for positions, not limited to a submission of an application, a qualification form, and the appropriate background checks
- (iv) The period in which positions are listed on the SGA websites for selection and confirmation by the SGA Senates

(nm) Political Party

- (ii) A group and/or collective of FIU students ~~sharing similar beliefs and ideologies that are~~ organized for the purpose of achieving electoral success in the General Election or for subsequent confirmations
 - (1) All policies, procedures, and regulations that are required of individual candidates shall be required of political parties
 - (2) The leadership of the Political Party shall be defined as the Party President, Campaign Manager, and Treasurer, respectively
 - (3) The formation of Political Parties shall be limited to MMC and shall hence be prohibited from forming at BBC ~~during the General Election cycle~~

(on) Poll Workers

- (i) Individuals appointed by the Elections Board to assist in student voting during the ~~General~~ Election. Poll workers must be registered FIU students but may not be SGC officials (including Interns) and shall not be affiliated with any candidate, party, nor a candidate for office. All poll workers shall remain neutral during the General Election and may not have been associated with a political party or candidate campaign during the Spring Semester of the General Election

(pø) Referendum Election



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- (i) The submission of a proposal to a direct popular vote of the Student Body. A referendum petition must be signed by five percent (5%) of the Student Body of FIU and shall be submitted to the SGC President and Elections Commissioner no later than one (1) month before the ~~e~~Election is scheduled to be held. After a petition for a referendum is submitted, such referendum must be held at the next scheduled General or Runoff Election
- (ii) Any petition that has been disallowed may ask for a review by the Judiciary Branch to confirm or overturn the previous status
 - (1) In no way may this review supersede the defined requirements by the SGA Constitution, SGA Statutes, and Elections Code
- (qp) Recall Election
 - (i) Any student has the right to recall a ~~General~~ Election, as stated in the Constitution
- (rq) Run-off Elections
 - (i) Elections held two (2) weeks following the ~~General~~ Elections in the event of a tie in a particular race. All candidates will be notified of the date within twenty-four (24) hours of the Elections Results announcement
- (sf) Senate Vacancies Application Period
 - (i) An application period must be called by a two-thirds (2/3) vote of the SGC Senate. This period will be utilized to fill any senate vacancies until the next General Election as detailed in Section 6.09 of this Elections Code

Section 6.04 Candidate Procedures and Qualification Guidelines

- (a) Qualification



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- (i) Any candidate or political party that wishes to qualify for the General Election must comply with the provisions of this Elections Code and the Student Government Association governing documents
- (ii) In determining the eligibility of a candidate to run for and hold office in SGA, the cumulative Grade Point Average will be computed from courses attempted at FIU from the date of current acceptance. All candidates must have a minimum 2.5 cumulative grade point average and a 2.0 term grade point average from the most recent preceding semester to which elections are being held. ~~Transfer s~~Students and ~~graduate students~~ who have not completed any courses at FIU will have their Grade Point Average computed from the transcripts used to gain acceptance to FIU
 - (1) Only officially ~~admitted~~ enrolled students will be allowed to run for and hold office
- (iii) Candidates seeking office for a particular school/college must be accepted into the school/college they wish to represent or present a signed letter of eligibility from the appropriate Dean with his/her Petition of Candidacy. Candidates must have a minimum of 50 credit hours and maximum 59 credit hours in order to have a Dean petition for his/her candidacy
- (iv) It shall be the responsibility of the candidate to determine that all information regarding his/her eligibility to run and hold office is correct prior to qualifying for candidacy. This should include any information from the Registrar's Office, and any other University records, be clear of any debt to the university and petition documents
- (v) A student may be a candidate for only one (1) position at a time during any given election
- (vi) Presidential and Vice Presidential Qualifications



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- (1) Per Section 4 of the SGC-SGA Constitution, the President and Vice President of any campus must be at least a sophomore in good standing and have attended FIU for a minimum of one (1) year in order to run for office
 - (a) Candidates for President shall have held at least one SGA position in which they served for one (1) full ~~for at least two (2) Fall or Spring semesters or one hundred and fifty-four (154)~~ one hundred (100) consecutive University business days except in the case the President succeeds to office.
- (2) Individuals running for President and Vice President at MMC shall pair and be on one (1) ballot. A presidential candidate can only have one (1) Vice President on his/her ballot. In the same respect, a candidate for Vice President can only be on one (1) presidential ticket
 - (a) In order for the ticket to retain eligibility, ~~both~~ all candidates must individually meet all qualifications and submit individual Candidate Packets within the time prescribed in the Elections Code. To qualify as a ticket, each candidate must list their running mates in their applications in the appropriate section
- (3) Individuals running at BBC shall run for President and Vice-President separately. Each must meet the minimum qualifications to run for and hold office
 - (vii) The Elections Board may declare any candidate ineligible to run for and hold office with a simple majority vote of the Board's membership if a



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substantive error is found in the candidate's qualifications, and this error is found to be the direct responsibility of the candidate

- (viii) Any candidate or political party that has not been certified or whose petition has been disallowed may ask for a review by the Elections Board wherein a simple majority vote of the Board will confirm or overturn the previous finding

- (1) In no way may this review ignore the defined requirements by the SGA Constitution, SGA Statutes, and Elections Code

- (b) Procedure

- (i) Application

- (1) Applications for the General Election shall open on the first business day of February and last for three (3) weeks

- a) If, after the application period, there are seats for which there are no applicants, or for which no applicants qualify, the Elections Board will close the application to those seats until after the General Election concludes

- (2) A candidate may qualify to run for office under the name by which they are registered at FIU or a variation of that name, subject to Elections Board approval. A nickname may appear in quotation marks with the approved name of the candidate

- ~~a) No person shall appear on the ballot under an assumed name~~

- (3) Once a student has filed an application for a seat or office, s/he may not change to any other seat or office unless the original application is withdrawn and the application period is still open.

- (a) If during the campaign period, a presidential or vice presidential candidate on a ticket has not qualified, has been disqualified, or has withdrawn, the remaining candidate on



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the ticket has forty-eight (48) hours from the time the original candidate has not qualified, has been disqualified, or has withdrawn to appoint a qualified candidate to the now open vacancy. The aforementioned does not preclude the remaining candidate on a ticket from switching positions on the same ticket: a presidential or vice presidential candidate provided they meet the requirements and are qualified. The elections Commissioner must be advised of the change via email or personal delivery

- (a) — ~~If a candidate running for president on a ticket has not qualified, has been disqualified, or has withdrawn, and the position has no other applicants, the candidate running for Vice President on that ticket shall have the right to change their standing and run the President if the Vice Presidential candidate has qualified per the requirements of this Elections Code.~~
- (i) — ~~The new candidate running for President shall have 48 hours from the time the original Presidential candidate failed to maintain their candidacy to appoint a new Vice Presidential candidate and must do so in writing via email or personal delivery to the Elections Commissioner~~
- (ii) — ~~In the event that the Presidential candidate has not qualified or is disqualified two (2) weeks or less from the start of voting, both the Presidential and Vice Presidential candidates on the ticket will be declared~~



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~~disqualified but shall remain on the ballot pending any appeals to the Elections Board, Court, or Vice President of Student Affairs. If the disqualification stands, the President/Vice President ticket with the second most votes in the Election shall be declared the winner~~

(ii) Elections Documents

- (1) A candidate or Political Party must file all registration documents with the Elections Board on or before the deadline date and time designated by the Elections Board as predicated in this Elections Code
- (2) All candidates must complete and submit the following documents:
 - (a) Candidate Platform
 - (b) Authorization to Check Eligibility
 - (c) Declaration of Intent
 - (d) Agreement to Follow Elections Guidelines
 - (e) Estimated Campaign Finance Reports
 - (f) Final Campaign Financial Report
- (3) A Political Party must file all registration documents with the Elections Board on or before the deadline date and time designated by the Elections Board as predicated in this Elections Code
 - (a) Party Platform
 - (b) Declaration of Intent
 - (i) To include the following: Party Constitution and Bylaws, List of Party Leadership, List of Party Members
 - (d) Agreement to Follow Elections Guidelines



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- (e) Expected and Final Campaign Finance Reports
- (4) In order to withdraw a registration document, written documentation must be provided at least two (2) weeks prior to the actual date of the election to ensure that the candidate's name does not appear on the ballot

Section 6.05 Political Parties

- (a) Students at MMC will have the right to gather and support one or multiple candidates in the form of political parties as defined in Section 6.03
 - (i) Students at BBC shall be prohibited from forming such political parties for the purposes of the BBC General Election as defined in Section 6.03
- (b) All political parties must be registered with Elections Board and meet the qualifications set forth in this Elections Code
- (c) Candidates affiliated with a registered political party shall be able to have their party affiliation shown in the ballot for up to one (1) party
- (d) Parties shall be able to campaign for and support as many candidates as one less seat than the total amount available per delegation that includes two or more seats in the election. In the case that there is one seat, a party may campaign for and support the one candidate for that seat
 - (i) A delegation is considered to be comprised of seats (e.g., the Senator At-Large delegation is comprised of three seats)
- (e) Political parties will be responsible for reserving their tables and rooms and are held accountable for payments to the University at such rate as given. Political Parties are still required to inform the Elections Board of their solicitation efforts as per the Elections Code



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- (f) Political parties shall be subject to the same campaigning limitations and periods as established for candidates in general, making no new special rules or limitations
 - (i) This provision applies to monetary donations made to parties
- (g) There shall be no membership requirements for political parties with regards to a minimum number of officers or candidates. Students shall form these entities in compliance with the stipulations of the Elections Code
- (h) At the conclusion of the SGA Elections, the campaigning and financial components of Political Parties shall discontinue until they again register with the Elections Board for the next General Election cycle

Section 6.06 Campaign and Elections Guidelines

- (a) Posting Policy
 - (i) All posting regulations must be followed in accordance with the University Posting Policy
 - (ii) All candidates, political parties, and campaign volunteers must adhere to all posting policies and regulations as delineated by the Office of the Provost and A&S Fee-funded buildings at each campus
 - (v) Any campaign material, be it digital media, fliers, postings, solicitations, and the like, may not:
 - (1) advertise or promote alcohol consumption or drinking contests
 - (2) demean or humiliate another candidate, party, person, group student organization, or University department
 - (3) depict or express sexual or discriminatory messages or portrayals of individuals or groups based on race, religion, nationality, sex, sexual orientation, physical condition, disability, or mental state
- (b) Posting Guidelines



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(i) Poster/Flyer specifications

- (1) One (1) flyer is allowed per board (wall affixed) or per side (triangle-boards)
- (2) Only tacks must be used in order to affix all fliers or posters. Any type of staples, adhesives, glue, or tape are prohibited
- (3) Fliers may only advertise a candidate, party, or platform (i.e., to exclude disparaging commentaries towards other candidates)
- (4) Fliers must be posted on designated open bulletin boards only. Fliers may not be placed on the exterior or interior of buildings, trees, walls, sidewalks, vehicles, windows, stairwells, stairs, display cases/racks, vending machines, doors, classrooms, departmental and unauthorized bulletin board, railings, elevators, bathrooms, or art/sculptures

(c) Solicitation Guidelines

(i) Solicitation

- (1) This policy refers to any fliers, papers, or promotional materials disbursed to another individual for the purpose of advertisement or promotion of one's group, department, or University sponsored function/event. The phrase "promotional material" will be used as a general term to refer to all solicitation material
- (2) For the purpose of this document, disbursement refers to any form of passing or handing out information, fliers, cards, pamphlets, collaterals, promotional materials, etc. to another person or group for any purpose

(ii) Solicitation Locations

- (1) The disbursement of promotional material must be done in a location and fashion which does not impede the passage of



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automobile, cars, pedestrian, or bicycle traffic. The disbursement of promotional material must not interfere with or obstruct the orderly processes of the University or its academic mission

- (2) Any solicitation in the residence halls must have approval from the Director of Housing
- (3) Solicitation inside of the classroom or on vehicles is strictly prohibited
- (d) Solicitation Regulations
 - (i) Promotional material may only be handed to another person. Placing fliers on campus grounds or on property on campus (i.e. vehicles, walls, and classrooms) is prohibited
 - (ii) Promotional material may only advertise candidates or platforms
 - (iii) Promotional material may not be placed in classrooms, on building roofs, or over campus roads or sidewalks in such a manner to impede the passage automobile, cart, foot, or bicycle traffic
- (e) Social and Digital Media
 - (i) The Elections Board shall have complete oversight regarding the use, distribution, and general campaigning via social and digital media during the election cycle
 - (1) Candidates and Political Parties are required to provide their social and digital media contacts to the Elections Board during the application process and/or as they become active throughout the campaign cycle
 - (ii) This oversight shall apply to all Candidates and Political Parties that begin the application / registration process for the General Election
 - (iii) As per the Elections Code, all Candidates and Political Parties are required to adhere to the University Student Code of Conduct in



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their social and digital media interactions. This is also to include the campaign volunteers affiliated with a Candidate or Party

(f) Voting Procedures

- (i) Each student desiring to vote shall present to the poll workers his/her current valid FIU Panther ID student identification card
- (ii) Registered students will also be given the opportunity to vote online by accessing the appropriate election website
- (iii) In order to vote, students must enter their student identification number in the computer in order to access the electronic ballot
- (iv) Students' identification cards will be electronically scanned before proceeding to vote
- (v) Students shall be eligible to vote only for candidates representing the campus where they are currently enrolled in a majority of their classes.
 - (1) Fully online students may vote at the campus at which their college is housed
 - (a) The following colleges shall be considered as based in the Modesto A. Maidique Campus:
 - (i) College of Architecture and the Arts
 - (ii) College of Arts and Sciences
 - (iii) College of Business Administration
 - (iv) College of Education
 - (v) College of Engineering and Computing
 - (vi) College of Law
 - (vii) Herbert Wertheim College of Medicine
 - (viii) Nicole Wertheim College of Nursing and Health Sciences



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- (ix) Robert Stempel College of Public Health and Social Work
- (2) Fully online lower division students may vote only once for candidates representing their choice of campus
- (vi) Students with equal course loads on different campuses may vote only once for candidates representing their choice of campus
- (vii) All eligible students waiting to vote at the time the polls close shall be permitted to vote after having been given an access marker of some sort
- (viii) No voting records or ballots shall be destroyed until the time for contesting an election has expired, all complaints are resolved until the time for contesting an election has expired, all complaints are resolved, and the elections are certified by the Elections Board
- (ix) Campaigning by candidates or campaign volunteers will not be permitted within a fifty (50) feet radius of a polling location
- (x) Each student is eligible to vote for the positions of SGA President, Vice President and all Senators At-Large for their corresponding campuses' SGA, only if they are eligible to vote. Each student may also vote for position(s) in each of the following SGC Senate categories: Lower Division, a specific school/college, Honors College Senators, Housing Senators, and University Graduate School Senators, in accordance with the students' enrollment status in each of these categories
- (xi) In the event that the online voting system fails, a University-Wide e-mail must be sent out within twelve (12) hours of the system failure, notifying students of the paper ballot voting procedures and physical polling locations. The voting period must then be extended for an additional twenty-four (24) voting hours starting at the time that the e-mail is sent
- (xii) Tabulation Discrepancy



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- (1) If the number of ballots cast differs from the number of voters registered as having voted on the voting lists, the Elections Board shall investigate the discrepancy and determine appropriate action in a speedy and public manner
 - (2) If the number of voters cast in any sections of the elections exceed the number of persons logged in to vote by two and one half percent (2.5%) or more, those sections of the election shall be declared invalid only if the discrepancy would affect the outcome
- (g) Procedures for Appeals and Contesting Elections
- (i) Any University student, including chairs of the Elections Board, shall have the right to challenge an election or bring a complaint before the Elections Board alleging a violation of the Election Code, as well as the eligibility of candidates
 - (1) The complaint must be made in writing to the Elections Commissioner no later than ~~forty-eight (48) hours~~ two (2) University Business Days after the conclusion of voting and shall include:
 - (a) The name(s) of the individual(s) against whom the complaint is being brought about
 - (b) The specific section(s) of the Elections Code which are alleged to have been violated
 - (c) The specific nature of the alleged violation(s)
 - (d) The name(s) and signature(s) of the person(s) bringing forth the complaint
 - (2) Upon receipt of a complaint, the Elections Board shall make a determination as to whether a hearing is necessary based upon



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whether there has been probable cause shown that a violation has occurred

- (a) Both the complainant and defendants must receive written notice of the time and location from the Elections Commissioner no less than twenty- four (24) hours before a hearing is conducted
- (3) The complainants may withdraw the complaint prior to the Elections Board taking final action; however, the Elections Board may proceed with its investigation of the complaint regardless of such a withdrawal
- (4) The Elections Board, upon finding a candidate guilty of committing an election violation, will decide the just penalty for the violation
 - (a) Penalties for the violations are defined by Section 6.08 of this Elections Code
- (5) Any appeals for violation penalties will be sent to the Supreme Court for a second hearing
- (6) Candidates and students may have a final chance at appealing any decision made by the Elections Board and Supreme Court by filing another appeal with administration
- ~~(5) Any appeals for violation penalties rendered by the Elections Board must be referred to the SGA Advisor/Campus Life Director~~
- ~~(6) If voting has concluded, the Elections Board and the Court will convene in tandem to review any outstanding complaints or appeals~~
- (7) All pending grievances regarding elections must be resolved prior to the results of the General/Special Election being announced

Section 6.07 Campaign Finances and Donation Guidelines



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- (a) Individual candidates shall file an Estimated Campaign Finance Report and a Final Campaign Finance Report, both of which include the expense and donation forms found in the Candidate Packet. The Estimated Campaign Finance Report is part of, and shall be submitted with, the registration application and is due at that time. The Final Expense Form must be completed, signed, and submitted to the Elections Commissioner no later than 6:00PM on the last day of the General Election. Expenses and donations must be reported at actual cost or value to the candidate. Receipts must be provided with the Final Campaign Finance Report
 - (i) If documents are not fully and accurately submitted, the candidate is subject to a campaign violation including, but not limited to, disqualification per Section 6.08 of this Elections Code
- (b) Political Parties shall file both an Estimated Campaign Finance Report and a Final Campaign Finance Report. The Estimated Campaign Finance Report is part of, and shall be submitted with, the registration application by the Party Treasurer and is due at that time. The Final Campaign Finance Report must be completed, signed, and submitted to the Elections Commissioner no later than 6:00PM on the last day of the General Election. Expenses and donations must be reported at actual cost or value to the Party. Receipts must be provided with the Final Campaign Finance Report
 - (i) If documents are not fully and accurately submitted, the Party is subject to a campaign violation including, but not limited to, the disqualification of Party Member Candidates per Section 6.08 of this Elections Code
 - (ii) Any campaign expense (to include donations) made by the Party is considered to be to the benefit of the candidate or candidates that are affiliated with the Party. Any campaign expense and/or donation will



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therefore count against the total allotted campaign expense limit of both the Party and the Candidate or Candidates that the contribution benefits

- (1) The value of any expense or donation that finances campaign materials, promotions, or solicitation by a Party must be divided equally among that party's candidates with that divided total to count against each candidate's allowed campaign expense (e.g., if the Party purchases a \$1000 in t-shirts, the cost of the t-shirts will count against each candidate of the party equally)

(d) MMC Allowed Campaign Expenses

- | | | |
|-------|-----------------------------|------------|
| (i) | President & Vice President: | \$4,500.00 |
| (ii) | At Large: | \$1,000.00 |
| (iii) | Lower Division: | \$1,000.00 |
| (iv) | All other Senators: | \$600.00 |
| (v) | Political Parties: | \$2,500.00 |

(e) BBC Allowed Campaign Expenses

- | | | |
|-------|---------------------|------------|
| (i) | President | \$1,250.00 |
| (ii) | Vice President: | \$1,250.00 |
| (iii) | At Large: | \$1,000.00 |
| (iv) | Lower Division: | \$1,000.00 |
| (v) | All other Senators: | \$600.00 |

- (f) All donations must be reported in a Donation form, with all paperwork and proof regarding donations included in a Donation form

- (i) Each Donation form is an individual sheet that itemizes an individual donated item, campaign material, or solicitation. Attached to the Donation



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form must be invoices of the donated items and/or services, receipts, and contact information by which the Elections Board can verify the donations

- (ii) Each Donation form shall include the name, signature, and amount of donation for the case of individual monetary contributions
- (iii) Donations made to a party must be reported by both the candidate(s) and the party, with donations counting against both the party and the candidate(s) allowed campaign expenses
- (g) Donation Limitations
 - (i) Donation limits shall be half of the allotted campaign expenses for each category
- (h) No SGA, Student Activities and Services Fees, or campus organizations' funds may be used for candidates' campaigns
- (i) Any personal expenses, not exceeding the maximum expenditure amount, may be used as additional funds beyond the donations expenditure limit
 - (i) Fundraising by individual candidates will be allowed beginning the day immediately after the deadline to submit registration documents to the Elections Commissioner. Election Commissioner must be notified of fundraising events with at least one (1) week of anticipation, and can be held until the last day of campaigning

Section 6.08 Violations

- (a) With regards to the General Election, any candidate and/or party found in violation of this Elections Code, the governing documents of the FIU-SGC, the FIU Student Code of Conduct, or University policy shall be subject to penalty by a majority vote of the Elections Board. The Board may approve one or more of the following penalties as per the following violation tiers:



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(i) Tier One: defined as Minor Offenses, which include but are not limited to improper disposal of campaign materials, actively campaigning in classroom settings, failure to follow the university posting policy

(1) Tier One penalties include:

- (a) Private censure by a majority of the Elections Board
- (b) Public censure, as reported by the Elections Commissioner during his/her report to the Senate and Cabinet
- (c) Digital/social media limitation, including de-activation or temporary removal of digital/social media for a period not to last more than one day

(ii) Tier Two: defined as Mid-Level Offenses, which include but are not limited to repeated Tier One violations, repeated Posting Policy violations, tardiness in the submission of Estimated Campaign Finance Reports, violations committed by Campaign Volunteers (when evidence of Candidate or Party involvement is not clear), early campaigning and/or violating the campaigning timeline restrictions, and failure to report a campaign event

(1) Tier Two penalties include:

- (a) Finance limitations, whereby the Elections Board reduces the allowed campaign expense total of the violator
 - (i) Finance limitations are not to exceed half of the allowed campaign expense limit
- (b) Campaign limitations, whereby the Elections Board bars a Candidate or Party from campaigning for a period of time not to exceed 2 days
 - (i) Campaign limitations include all digital/social media, campaign materials (i.e., t-shirts, posters,



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flyers), and solicitations as per the definition of Campaigning in this Elections Code

- (ii) Campaign limitation shall be the recommended penalty for the Elections Board in the event that a Candidate or Party has already met their allowed campaign expense limit or such a financial limitation is not deemed appropriate by the Board

- (iii) Tier Three: defined as Disqualifying Offenses, included but not limited to failure to attend meeting session as mandated by this Elections Code, exceeding allowed campaign spending or donation limits, misrepresentation or forgery of any required election paperwork, attempted or successful fraud in the voting process, campaigning in clearly marked restricted areas during voting hours, destruction or defamation of personal/private/University property, mechanical amplification within five hundred (500) feet of voting stations, threat or use of verbal or physical abuse against any FIU student/employee/volunteer/designee/administrator, use of SGA staff/services/funds to campaign, disparaging another candidate or Party via any form of communication, having been impeached and removed from a Student Government Office less than one semester prior to the date of the elections

- (b) ~~At the discretion of the Elections Board, repeated violations of a particular tier by a candidate, Party, or campaign volunteer may lead to additional penalties as stipulated above.~~ The Elections Board shall have discretion of changing violation tiers based on date of violation, severity of violation, and the amount of violations presented

- (i) In the case that a violation tier is changed, the Elections Board shall take a vote and the change shall be confirmed by a 2/3 vote of the Elections Board



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- (c) In the case of verbal abuse, clear evidence must be presented either by a third party or parties or in material form that corroborates the violation in question
- (e) At the discretion of the Elections Board's finding, candidates are responsible for the actions of any Political Party to which they are affiliated. In turn, Political Parties are responsible for the actions of those candidates for which they campaign and/or represent on the ballot
 - (i) A Political Party may be penalized for any and all violations for which a candidate is accountable. The Elections Board may follow the same tier system for any subsequent penalties levied against a Party

Section 6.09 – Senate Vacancies Guidelines

- (a) The application period for the Senate Vacancies shall be open for two (2) weeks. The application period shall take place upon being called by a two thirds (2/3) vote of the SGC-MMC Senate
 - (i) The application period for BBC shall take place during the Summer semester
 - (ii) If after the two (2) week application process there are no applicants, then a rolling application process will be opened, whereby the next applicant will be considered at the next regular meeting of the Senate at which there is a quorum
 - (iii) If a candidate fails to be approved by the Senate, then a rolling application process will be opened, whereby the next applicant will be considered at the next regular meeting of the Senate at which there is a quorum
- (b) If a vacancy occurs less than one (1) month prior to a scheduled General Election, that vacancy will be included in that upcoming election and no substitutes shall be appointed.



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Section IV: Enforcement

This Bill shall be presented to the Student Body and all relevant committees on behalf of the Student Body by the SGA;

Section V: Enactment

This Bill and all its contents shall be the official law of the SGC-MMC upon passage by the concurrence of the majority of the SGC-MMC Senate and approval of the FIU-MMC Student Body President.


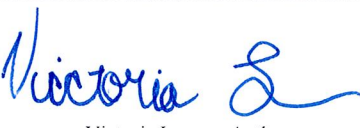


Section VI: Implementation

Upon the enactment of this Bill, this shall be the official law of the SGC-MMC and shall make any prior legislation that conflicts with this legislation hereby null and void; upon the passage and approval of this bill the contents of it shall be incorporated into the SGC-MMC Statutes and those provisions of the SGC-MMC Statutes which contradict this special act shall be made null and void.



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SB 1819		
FIU-MMC STUDENT GOVERNMENT COUNCIL		
IN FAVOR OF <u>22</u>	AGAINST <u>0</u>	ABSTENTIONS <u>0</u>
AMENDMENTS:		
DATE <u>1/7/19</u>	<u>PASS</u>	FAIL
 Brandon Aquino, Speaker of the Senate		
 Victoria Larson, Author	Dustin Duncan, Sponsor	 Victoria Larson, RLJC Chair
PRESIDENTIAL RULING	<u>ENACT</u>	VETO
 Sabrina Rosell, President		