



2019 – 2020 STUDENT GOVERNMENT ASSOCIATION STUDENT GOVERNMENT COUNCIL - MMC MAJORITY OPINION OF THE SUPREME COURT NOTICE: The following document represents the majority decision of the Supreme Court of the Student Government Association of Florida International University's Modesto A. Maidique Campus and constitutes a binding decision on all parties concerned within this decision.

STUDENT SUPREME COURT OF FLORIDA INTERNATIONAL UNIVERSITY – MMC
FILED REVIEW – S.C.001 (Spring 2020) **Decided 2 April, 2020** Majority Decision issued 6
April, 2020

Chief Justice DE LA OSA, N. delivers the decision of the Court, in which Associate Justices PEREZ, J., RODRIGUEZ, K., ROSARIO, M., and REAL, M. join.

Petitioner Alexandra Valdes, V. the ROAR party has brought this writ on April 1, 2020 at 5:37 P.M. in review of the Florida International University Student Government council Modesto A. Maidique Campus Statutes and Constitution.

ISSUES:

1. Candidates Rose Ingraham, Molly Schantz, and Angel Algarin created a GoFUNDMe Campaign for their election on December 24th, 2019 for the ROAR! Party.
2. Roar party made the GoFundMe account without having an approved political party, an approved presidential and vice presidential ticket, or an approved candidacy.
3. Applications were not opened by the time the account was created. In addition, when the account received its first donation on January 11, 2020 it was before applications had closed, thus the candidacy and political party could not have been approved.

4. The ROAR! party, Rose Ingraham, Molly Shantz, and Angel Algarin, Sophone Rosier were campaigning before the official February 17th deadline opened creating an unfair and inequitable election for the Student Body and fellow running candidates.

FACTS

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1. According to the Elections Code, Section 6.03(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.”
2. According to the Elections Code, Section 6.03(a) Campaigning(ii)(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.”
3. According to the Elections Code, Section 6.04(a) Qualification (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”

4. According to the Elections Code, Section 6.04(a) Qualification (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”
5. According to the Elections Code, Section 6.05 Political Parties (b) “All political parties must be registered with Elections Board and meet the qualifications set forth in this Elections Code”
6. According to the Elections Code, Section 6.05 Political Parties (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”

DECISION:

Chief Justice N. De La Osa for a multiple court verdict,

The Supreme Court of Florida International University's Student Government Association at the MMC Campus will have

jurisdiction over the SGA-MMC Constitution, Statutes, Elections Code and all other governing documents and the upholding of each. Such being the case, and in order to fully discuss the issues in question, the Court must first recognize the SGA-MMC Constitution as the supreme law, as is stated within the Constitution's Authority and Sovereignty. Additionally, it¹ must also be noted that the same is also made clear on the first page of the governing Statutes.²

In consideration of the facts, the court under the jurisdiction of the Constitution and MMC-Statutes has the authority over cases that violate the constitution and/or violate any constitutions or laws within the sovereignty of SGA. The individual verdict's will read as follows:

The verdict is as follows: with a vote of ¾ this court finds **Candidate Rose Ingraham** guilty based on the facts and evidence submitted to the court. Therefore, Candidate Rose Ingraham will be disqualified from this election.

The verdict is as follows: with a vote of ¾ this court finds **Candidate Molly Schantz** guilty based on the facts and evidence submitted to the court. Therefore, Candidate Molly Schantz will be disqualified from this election.

The verdict is as follows: with a vote of ¾ this court finds **Candidate Angel Algarin** guilty based on the facts and evidence submitted to the court. Therefore, Candidate

Angel Algarin will be disqualified from this election.

After careful deliberation and consideration of the facts of the case, the court came to its conclusion based on its identification of violations of the Elections Code. The evidence presented by all parties – including the accused – indicated that the aforementioned members of the ROAR! Party acted in contrast to the FIU Election timeline and procedures. Specifically, campaigning tools were created on December 24, 2019, months before it would be allowed to begin campaigning on February 17, 2020. This a violation of Elections Code, Section 6.05 Political Parties (f). The court further finds that there is no necessity to punish the entire ROAR party as the court feels it was the responsibility and actions of the leadership which created the GoFundMe page. These leaders communicated directly with the elections commissioner via email. In these conversations, the candidates were notified by the elections commissioner to hold off on the creation of this GoFundMe account on December 29, 2019 until further notice was given by the advisor for liability reasons.

In addition, the elections commissioner also notified candidate Algarin via email on December 29, 2019 to not begin the collection of monies nor making of the GoFundMe prior to party applications being available. Party applications according to meeting minutes and statements given by the elections commissioner confirm applications opened January 6, 2020 take note that the

funding page was created prior to this date. It is the courts duty to protect the student body's right to a fair and equitable election. Based on the dates of violations and the supporting evidence, the court has deemed that the effects on elections as a result of these actions is severe and has created an unfair elections environment warranting the above decision.

¹Authority (III) – “In conformance with the aforementioned laws and codes, this constitution is the supreme law of SGA.”

²” Through the authority of the SGA Constitution, the Student Government Council – Modesto A. Maidique Campus hereby establishes its statutory policies and procedures.”