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Restrictions On Altering The Election Code And Calendar

- 1) Once the date of elections has been announced, any further amendments to the election code shall have specific restrictions.
 - a) During the five (5) week election period, amendments to the Election Code shall require approval by two-thirds (2/3) of the Student Council within the first and second weeks of the election period, and unanimous approval of the Student Council within the third and fourth weeks of the election period. No amendments to the election code shall go into effect during the fifth and final week of the election period.
- 2) An elections calendar shall be included in the announcement of the date of elections. The elections calendar shall include the beginning and end of the election period, all statutory deadlines internal to the election period, as well as all deadlines pertaining to final expense statements. The beginning of the election period shall be five (5) weeks from the date of elections.
- 3) Adjustment of statutory deadlines for submitting declarations of candidacy, ballot referenda, opinion questions, constitutional amendments, and mandatory candidate seminars during the current election period may be implemented by the Supervisor of Elections. An adjustment may only be implemented due to an electronic failure, natural disaster, or alteration of the elections code by the Student Council during the current election calendar, and only after receiving consultation from the SGAP Advisor, and given the adjustment remedies the situation prior to the date of elections and does not impede the date of elections. Any alteration to the elections calendar must be publicly noticed by the Supervisor of Elections.
- 4) Protection of Free Expression
 - a) Nothing in this Election Code shall be construed to restrict the right of any student to engage in political speech protected by the First Amendment of the United States Constitution and Article I, Section 4, of the Florida Constitution.
 - b) All provisions of this Code shall be interpreted narrowly to avoid infringing on constitutionally protected expression.

- c) Any restriction imposed under this code on the time, place, or manner of election-related speech must be content-neutral and narrowly tailored to serve a significant institutional interest, must leave open ample alternative channels for communication, and must be applied equally to campaign speech and all other categories of student expression as defined in Florida State University guidelines.
- d) No provision of this Code shall be enforced in a manner that discriminates against speech on the basis of its political content or the viewpoint of the speaker.

Definitions

The following words and phrases, when used in this title shall be defined as follows:

- 1) The governing entity of the Student Body shall be the Student Government Association of Panama, hereinafter referred to as SGAP.
- 2) Campaigning: The distribution of campaign materials, use of campaign materials, or the solicitation of support for or against a ballot item, political party, or candidate for an elected office of the Student Body.
 - a) Solicitation of support shall be defined as publishing the name, image, or likeness of any candidate or political party to expressly advocate in favor of the election or defeat of a candidate that cannot be interpreted as something other than campaigning.
 - b) Nothing in this Election Code shall be construed as to prohibit a candidate who has been formally approved for candidacy from stating what office the candidate is running for.
- 3) Electronic Communication: The transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, digital, radio, computer, cellular or wireless device.
- 4) Campaign Contribution: The gifting of money, materials, supplies, professional services, or any in-kind contribution to any campaign in any form.
- 5) Campaign Expenses: The fair market value of any goods or services paid for or received by the campaign for the purpose of advertising candidates, advertising political parties during campaigning, and/or calling for the action to vote. This shall include secondary costs for goods and services including, but not limited to setup or production fees, sales tax, or any other.
 - a) Discounted items that are available to all persons and political parties at the time of purchase shall be exempted from the fair market value criterion.
 - b) This section shall not be construed to apply to volunteers and other campaign workers of a purely voluntary, unpaid nature.
 - c) To question the “fair market value” of a good or service declared by a candidate or party, the questioning entity must obtain and submit an affidavit from the merchant in question disputing the candidate or party’s claim of fair market value, when such claim understates fair market value.
 - d) Cash expenditures: All monies spent for the purpose of campaigning.
- 6) Campaign Materials: Any material including but not limited to advertisements, electronic communication, videos, posters, placards, signs, signboards, stickers, leaflets, folders, handbills, fliers, campaign cards, QR codes, banners, clothing,

buttons, paint, chalk, University owned walls that may be painted on, handwritten announcements or circulars of any size and consistency which constitutes solicitation of support for or against a ballot item, or political party or candidate for an elected office of the Student Body. The material must be produced or utilized by a candidate or political party member.

- 7) **Candidate:** Any student seeking to be elected as an officer of the Student Government Association of Panama who has submitted a written Declaration of Candidacy.
- 8) **Declaration of Candidacy:** Legal statement of intent to run for elected office with the Supervisor of Elections. Submission of candidacy declaration (by email or in writing) shall count as filing to run as a candidate in an election.
 - a) **Independent Candidate:** Any candidate who is not running with a political party.
 - b) **Official Ballot:** The ballot released by the Supervisor of Elections on which an individual casts their vote.
- 9) **Political Party:** Any number of persons affiliated with an entity properly registered with the Supervisor of Elections, working together to establish, promote, or gain acceptance for some kind of government cause, opinion, etc., which they hold in common.
 - a) To be affiliated with a political party a student must be a leader of the political party, or a candidate running with a political party.
- 10) **Electorate:** The entire registered student body at FSU Republic of Panama. All students registered for classes during the election may vote for candidates for campus-wide elected offices, as well as for Constitutional Amendments and Referenda.
- 11) **General Election:** Elections held for the purpose of determining the candidate who shall assume office. There shall be one per year, in the fall semester.
- 12) **Special Election:** Any election held at any time other than a General Election for any purpose.
- 13) **Certificate of Election:** A document certifying that a candidate has been duly elected.
- 14) **Unofficial Election Results:** Election results that have not officially been verified by the Supervisor of Elections as outlined by the Student Body Election Code.
- 15) **Official Election Results:** All votes of an election that have been verified by the Supervisor of Elections.
- 16) **Final Election Results:** The election results after all final expense statements have been approved and there are not outstanding appeals and/or alleged violations.
 - a) **Election Cycle:** When Title VII goes into effect for an election. The Election Cycle begins when Candidacy Declaration opens and ends the first Friday following an election.
- 17) **Advertisement:** Notice or announcement in a public medium promoting a candidate of a political party in which a monetary transaction is made or considered a campaign material.
 - a) Non-candidate or non-dues paying political party members' posts shall not be considered advertisements.
- 18) **False or Malicious Charges:** Allegations that knowingly, or with knowledge of their falsity mislead, or attempt to mislead a student regarding alleged violations of the Student Body Election Code, filed for the purpose of harassing, intimidating, or gaining an unfair competitive advantage over the accused party. A complaint filed in good faith

based on a reasonable interpretation of the facts and the Election Code does not constitute a false or malicious charge, even if the complaint is ultimately not sustained.

19) Fair Market Value: The retail (non-discounted) value of a single item, including applicable taxes.

- a) Discounted items that are available to all persons and parties at the time of purchase shall be exempted from fair market value criterion.

The Supervisor of Elections

- 1) The Director of Student affairs is the acting Supervisor of Elections at the FSU Republic of Panama campus.
- 2) Duties and Powers of the Supervisor of Elections: The Supervisor of Elections shall perform the following duties:
 - a) Ensure that SGAP political parties follow the Student Body election code.
 - b) Ensure that all candidates meet the qualifications of the office they are running for within three academic days following the filing deadline.
 - c) Create and implement marketing strategies to improve voter turnout for all SGAP elections.
 - i) At least four (4) weeks prior to the Elections, the Supervisor of Elections shall advertise the available seats up for election.
 - d) Enforce the Election Code.
 - e) Notify all candidates via e-mail within twenty-four (24) hours of the decision to hold a Special Election. At this time, the Supervisor of Elections will inform the candidates of the date, time, and circumstances of the election.
 - f) Publish all offices up for election at least one (1) week prior to the filing deadline.
 - i) Ensure the publication of the election date, time, and appropriate procedures for voting on the SGAP fliers.
 - ii) Ensure the publication of the official ballot, referenda, and constitutional amendments one (1) week following the candidacy filing deadline.
 - iii) Ensure the publication of the official elections results no later than forty-eight (48) hours after the close of polls.
 - iv) Ensure the publication of the dates and times of the deadlines for the declaration of candidacy for an elected office one (1) week prior to the opening of candidacy declaration.
 - g) Enforce all campaign rules.
 - h) Host one Election Forum during the election period. The Election Forum shall involve all Student Body President, Vice President, and Treasurer candidates. Any other forums may be held at the discretion of the Supervisor of Elections. The forum must take place during the campaign period excluding voting days.
 - i) The Supervisor shall notify all candidates for office of the event details including the time, date, and venue, no less than five (5) school days prior to the event, as well as request their attendance and participation at the event.
 - ii) The Supervisor shall advertise the event to the student body no less than five (5) school days prior to the event. The debate advertisement must include the date, time, and place of the debate.

- iii) The Supervisor shall allot a portion of time for questions directed to the candidates. All questions asked at any forum held under this section shall originate from students; the Supervisor of Elections shall not author, draft, or contribute questions for use at any forum. This procedure applies to any other forum held at the discretion of the Supervisor.
 - (1) The general audience question portion shall consist of no fewer than three (3) questions asked live by students in attendance at the given forum.
 - (2) For all live audience questions, students in attendance shall be recognized by the Supervisor in the order they indicate a desire to speak.
 - (3) No candidate or candidate representative shall have the right to approve, reject, or be consulted on any question before it is asked.
- iv) The Supervisor shall maintain decorum among candidates and the public at events hosted by the Elections office. Anyone who fails to maintain decorum may be asked to leave by the Supervisor.
- i) Declare candidates or voting blocks of any election to be elected by acclamation if an election is uncontested upon the deadline of declaration of candidacy, pending the resolution of any candidacy controversies to be resolved by the Supervisor of Elections, or other pertinent authority.
- j) Invalidate illegally cast ballots.
 - i) The Supervisor of Elections shall not hold the capability to change legally cast votes.
- k) Maintain, as public record, the final result and ballots of all elections.
- l) Declare results valid and certify elections.
- m) Notify candidates or political parties who are charged with alleged violations at least twenty-four (24) hours in advance of the meeting by phone or email.
- n) Receive and review complaints which allege violations of the Elections Code.
- o) Upon receipt of a complaint alleging a violation of the Elections Code, notify the accused of the alleged violation within twenty-four (24) hours of receipt of the violation. The Supervisor of Elections shall have the authority to dismiss alleged violations which have insufficient evidence, lack clarity, cite the improper respondent, or do not cite the proper statute. If the Supervisor of Elections dismisses a violation, the Supervisor of Elections shall notify the petitioner(s) and respondent(s) of the complaint's dismissal within twenty-four (24) hours of the receipt of the initial complaint and provide the reasoning of dismissal. If the petitioner(s) resubmit the same violation within twenty-four (24) hours of the dismissal or there is no dismissal, the Supervisor of Elections shall forward the complaint to the Rector.
- p) Upon the receipt of a complaint, the Supervisor of Elections will schedule a hearing to take place within five (5) business days. The Rules of Procedure for Elections hearings for appeals or alleged violations shall be the following:
 - 1. The Supervisor of Elections shall notify all concerned entities involved at least 24 hours prior to a scheduled hearing.
 - 2. If a conflict of schedule exists, the affected candidate or party has until five (5) hours prior to the hearing to notify the Supervisor of

Elections. Candidates shall provide the Supervisor of Elections with documentation regarding the scheduling conflict and any excuse granted shall be in accordance with University Policy. If no such excuse is provided to the Supervisor of Elections, the alleged violation shall move to default judgment. If such an excuse is provided, a second hearing pertaining to the particular violation shall be scheduled to directly accommodate the candidate and occur no later than one (1) week from the original hearing.

3. Once convened the Supervisor of Elections shall then read aloud each appeal or alleged violation that will be heard during the meeting.
 4. The Supervisor shall hear each appeal or alleged violation in the order that it was received.
 5. The Supervisor is authorized to dismiss any violations determined to be frivolous or defective. This clause shall not prohibit any dismissed cases from being further appealed to the Rector.
 6. Beginning with the entity who alleged an Elections Code violation, the Supervisor shall hear each entity's opening oral arguments for a maximum of five (5) minutes. During this time, the entity accused of a violation may plead guilt as a substitute for an opening oral argument. The Supervisor may move to closing arguments if a guilty plea is entered.
 7. Once opening oral arguments are concluded, the Supervisor shall direct each concerned entity, beginning with the entity who alleged a violation of the Elections Code, to present their cases in chief by way of oral arguments not exceeding ten (10) minutes.
 8. After the first three (3) minutes of an entity's case in chief have expired, the Supervisor is entitled to ask questions of the entity making oral arguments. Questioning shall not penalize any entity's respective time limit.
 9. Following the presentation of each entity's case in chief, each shall be entitled to a five (5) minute closing, beginning with the entity who alleged an Elections Code violation.
 10. After closing arguments have commenced, the Supervisor shall adjourn to deliberate for no more than one (1) hour per violation to determine if the alleged violation shall be sustained, and the respondent found responsible for violating the Elections Code.
 11. The Supervisor shall immediately notify all relevant entities of the case's disposition.
- q) Investigate, note, and make findings of fact of violations of the Election Code.
- r) The Supervisor of Elections must rule on a matter before it can be appealed to the Rector. Under no circumstances may the Supervisor of Elections defer ruling on a matter to a higher body without rendering a decision.

- s) Any decision made by the Supervisor of Elections may be appealed by a concerned entity of the hearing to the Rector no later than thirty-six (36) hours after said decision. No appeals of decisions made by the Supervisor of Elections shall be accepted after this thirty-six (36) hour period.

Qualifying For Office

- 1) Qualifications:
 - a) All candidates must qualify for office as defined by the Student Body Constitution.
- 2) Declaration of Candidacy:
 - a) All candidates for election to SGAP must submit a declaration of candidacy. No student may declare candidacy for more than one office at a time. Submission of a declaration of candidacy form shall indicate an understanding and acceptance of all filing procedures, campaign restrictions, and the elections code and ethics code.
 - b) A political party may remove affiliation with any candidate for any reason until twenty-four (24) hours prior to the starting time of any scheduled election.
 - c) A candidate may withdraw their candidacy or remove their party affiliation until twenty-four (24) hours prior to the starting time of any scheduled election.
 - d) If the Supervisor of Elections finds that any candidate does not qualify for office, the Supervisor of Elections shall remove the candidate from the ballot and notify the candidate within twenty-four (24) hours.
- 3) Political Parties:
 - a) Any group of students may organize as a student political party and nominate candidates.
 - b) The Supervisor of Elections shall officially recognize a political party no later than one (1) day prior to the filing deadline of an election when the party does all of the following:
 - i) Files with the Supervisor of Elections an up-to-date list of Officers.
 - ii) Nominates at least one candidate for office per year.
 - iii) Files a party name, acronym, or logo that does not duplicate or blatantly resemble the name, acronym, or logo of any other existing FSU campus political party, nor utilizes the copyrighted image or symbol not authorized for use by the individual using the image or symbol, or any individual without their consent.
Party names may not contain the following:
 - (1) Obscene material as defined by Florida Statute §847.001.
 - (2) Content otherwise prohibited by the FSU RSO Handbook.
 - iv) The acceptance of names shall be at the discretion of the Supervisor of Elections, who shall inform the individual(s) who filed for the political party with the discarded name within forty-eight (48) hours of receiving the filing. If a political party would like to appeal the decision of the Supervisor of Elections, they may file an appeal within three (3) business days of being informed of the decision.
 - v) Has not been disqualified in a past election within the previous four (4) years due to violations of the Election Code.

- 4) **Ballot Provisions:** All constitutional amendments must be submitted to the Supervisor of Elections with all petitions signed from the sponsor of the proposed ballot provision by the filing deadline for an election. Should the ballot provision achieve all requirements, it shall go on the ballot for the next election. The sponsor of a petition may withdraw a petition for a ballot provision, or individual petitioners may withdraw their signature for a ballot provision. The Supervisor of Elections shall post online all provisions (both wording and statements of intent/understanding), their source, and the number of remaining signatures needed (at least 50), if applicable. The Supervisor of Elections shall have the discretion to choose whether or not a petition follows the following guidelines. If the Supervisor ascertains that a petition is not valid, they must inform the sponsor of the petition within three (3) business days of receipt of the petition, with an explanation why. The following rules on petitions shall be enforced:
- a) All ballot provision petition forms must include identification information for the student in the form of: Full Name, FSU ID, date signed, and signature.
 - i) An E-Signature shall suffice, and may be constituted by an additional text-box for a name on an online form.
 - b) Petitions must follow the below provisions:
 - i) For constitutional amendments, the following wording must appear: “This is a petition to add an amendment to the Student Body Constitution to the FSU Student Body Election ballot. It shall become a legally binding part of the Constitution upon ratification by two-thirds (2/3) vote of the Student Body.”
 - c) All petition forms must have the full text of the proposed provision and must begin their official ballot text with the statement “I, the undersigned, as a legally registered FSU student, aware that submitting false and/or duplicate information is a punishable offense, do hereby petition the Student Body Supervisor of Elections to add the following ballot provision to the Student Body election ballot.”

Election Procedures

- 1) **Elections:**
- a) All candidates in a general election shall declare their candidacy with the Supervisor of Elections no later than 5 p.m. on the Thursday prior to election week.
 - b) Elections shall take place on the first week of October during Fall semester. The Supervisor of Elections shall announce the date of election day no later than the third Wednesday of the semester.
 - i) The Supervisor of Elections shall notify the Student Body of the date and calendar of the election, no later than twenty-four (24) hours after deciding the date of the election.
 - ii) Once the date of the election is determined, the Supervisor of Elections shall send the elections calendar to the Student Body no later than twenty-four (24) hours after deciding the date of any election.
 - c) Nothing in this section shall be construed to prohibit any student from engaging in political speech, including the solicitation of support for or against any candidate, political party, or ballot item, at any time.

- 2) Special Elections: Any Special Election shall follow the same procedure for the General Election of the semester in which the Special Election falls in. The Senate shall provide the funds for conducting a special election by a majority vote. The date and timeline of any Special election shall be determined at the discretion of the Supervisor of Elections within a three (3) week period.
 - a) The Supervisor of Elections shall call a Special Election for any race in which one or multiple of the following have occurred:
 - i) The winning candidates are disqualified in an election.
 - ii) A campus political party is disqualified in an election.
 - iii) The results for a group of candidates and/or an entire election are declared invalid by the Supervisor of Elections.
 - iv) In the event of a tie between two or more groups of candidates/political parties.
- 3) Referendum Elections: The Supervisor of Elections may conduct constitutional amendment and referenda elections. The admission of referenda shall be placed on the ballot in accordance with Article V of the SGAP Constitution.
 - a) The official ballot for a referendum or proposed constitutional amendment shall give a brief statement regarding the proposed changes prepared by the author. Voters shall be given the opportunity to vote "YES" or "NO" for the proposed changes.
- 4) Recall Elections: The Supervisor of Elections shall conduct recall elections in accordance with Article VI of the Student Body Constitution.
- 5) The official ballot shall state the name of the office of the official in question, and two hundred (200) words or less, the reasons for demanding recall of the officer(s) as set forth in the recall petition(s), and in no more than two hundred (200) words of the officer's defense. The ballot must include the statement: "Shall the following officers retain their seats." Voters shall vote "YES" or "NO" on the recall. A sample ballot shall be available at each polling site in accordance with Article VI of the Constitution.
 - a) If a two-thirds (2/3) vote of the students voting elect to recall the official, the official's term of office shall cease upon certification of the election results by the Supervisor of Elections. The vacancy created shall be filled as provided by the Student Body Constitution and may not be filled by the recalled officer.
 - b) The Supervisor of Elections shall publish the election date and time of the recall election on the SGAP website one (1) week prior to the recall election.

Campaigning Rules And Campaign Materials

- 1) Regulation of Campaign Material and Other Activities:
 - a) Any posting or placement of campaign materials must be consistent with applicable University regulations. For more information, please visit <https://announcements.fsu.edu/about/posting-guidelines> and [4-OP-B-9 University Policy for Posting, Promotions, Advertising, Chalking, and the Distribution of Materials on FSU Campuses](#).
 - b) Campaigning in university academic buildings is subject to the same content-neutral time, place, and manner restrictions that apply to all other forms of student expression in those buildings, including applicable noise, posting, and space-

reservation policies administered by the university. Campaigning in university residence hall common areas, including lobbies, community rooms, and shared social spaces, is subject to the same rules that govern all other forms of solicitation and student expression in those spaces, and is not permitted during posted quiet hours. Unsolicited door-to-door canvassing of individual residence hall rooms is prohibited during posted quiet hours. No restriction on campaigning in resident halls shall be applied in a manner that grants access to any university entity, student organization, or governing body while denying equivalent access to candidates or political parties.

- c) Campaign communications sent through the university email system are subject to the same acceptable-use policies that govern all other student use of university email, including any university policies prohibiting mass unsolicited electronic communications. Acceptable-use policies that govern student use of university email can be found at <https://policies.vpfa.fsu.edu/policies-and-procedures/technology/electronic-mail-policy>. No student shall be prohibited from sending campaign-related communications to individual recipients or to recipients who have opted to receive such communications solely because the content of the communication constitutes campaigning.
- d) Campaigning inside university-owned libraries is subject to the same noise and conduct policies that apply to all other activities in those facilities, which may be found at <https://www.lib.fsu.edu/about/community-standards> or its successor website. Campaigning in university dining halls is permitted and is subject to the same content-neutral space reservation, tabling, and posting policies that apply to all other student organizations and activities in those facilities.
- e) Students shall not be prohibited from wearing properly registered campaign clothing materials.
- f) Campaigning is strictly prohibited during the week of elections.

Campaigning Finances

- 1) Campaign Expenses:
 - a) The Supervisor of Elections shall rule on all questions of value regarding campaign expense.
 - b) Total campaign expenses shall not exceed \$500 for all candidates of a party in any one general or special election. Party expenses shall be attributed to each candidate of the party.
 - c) All expenditures of any candidate shall be paid using their own funds.
 - d) Candidates shall not receive campaign contributions of any kind.
- 2) Final Expense Statements:
 - a) Final Expense Statements shall be submitted to the Supervisor of Elections no later than 12:00 p.m. on the Friday following any election.
 - b) If a candidate or political party spends no money on campaigning, a sworn statement to that effect, made available by the Supervisor of Elections, shall be accepted as an official final expense statement. This documentation must be submitted in the same manner as a traditional final expense statement.

- c) Failure to submit a complete Final Expense Statement by 12 p.m. on the Friday following the elections, will be considered incomplete. Failure to submit a verifiably complete final expense statement by 12 p.m. the Friday following the election will constitute a violation of the code.
 - i) Upon notice of a final expense statement being incomplete, the political party or candidates have until 4 p.m. the following Tuesday to rectify the final expense statement. The Supervisor of Elections must inform political parties or independent candidates within twenty-four (24) hours of receiving an intended rectified final expense statement on whether the statement is complete or incomplete. Failure to rectify a verifiably incomplete financial statement by 4 p.m. the following Tuesday will constitute a violation.
 - ii) Alleged violations may be filed by the Supervisor of Elections after the forty-eight (48) hour deadline applicable to regular violations. Failure to rectify a verifiably incomplete or procedurally compliant but substantively unlawful financial statement by 5 p.m. the following Tuesday will constitute a violation.
- 3) Campaign Treasuries:
 - a) All political parties and candidate groups shall have a designated treasurer if money is spent on their campaign.

Violations And Penalties

- 1) Scope and Prosecution of Alleged Violations:
 - a) All candidates and political party members are bound by and may be prosecuted under this Code.
 - b) Conviction of any person for a violation under this Code shall not preclude subsequent prosecution or violation of the Student Conduct Code.
- 2) Enforcement:
 - a) The Supervisor of Elections shall enforce the Election Code.
- 3) Standing:
 - a) Students or political parties who show actual injury shall have standing to contest the results of any election on grounds within or outside the scope of the Election Code until forty-eight (48) hours following the close of the polls.
- 4) Reporting Procedures:
 - a) All alleged violations shall be brought to the Supervisor of Elections in accordance with the Student Body Election Code, and must include:
 - i) The name of the party or individual alleging the violation;
 - ii) The name of the party or individual who allegedly violated the Elections Code;
 - iii) The specific statute(s) in the Elections Code which was allegedly violated;
 - iv) Any and all evidence to support the claim of an alleged violation; and
 - v) A short and plain statement describing the occurrence of the alleged violation.
 - b) When an alleged violation is filed against individual candidates or a political party, the Supervisor of Elections shall notify the recipient(s) and listed witnesses of the alleged violation within twenty-four (24) hours after receiving the alleged violation.
 - c) All students will have the option to present their case directly to the Supervisor of Elections.

- d) The Supervisor of Elections shall have the power to receive and review alleged violations. The time, place, and manner of such violations shall be recorded and submitted to the Supervisor of Elections.
- e) All alleged violations and appeals must be presented to the Supervisor of Elections electronically by the end of two (2) business days from their discovery.
 - i) Any complaint that lists an alleged violation after two (2) business days from its original discovery shall be dismissed by the Supervisor of Elections.
- f) The final deadline for all alleged violations and appeals to be filed by an individual or political party for a particular election is forty-eight (48) hours following the close of polls from an election, unless it alleges a failure to submit a complete or rectified final expense statement.
 - i) If an alleged violation is submitted less than twenty-four (24) hours before the deadline to submit alleged violations, the Supervisor of Elections shall be allowed to notify individuals of an alleged violation after the close of the filing deadline.
 - ii) The final deadline for an alleged violation and appeal to be filed by an individual or political party alleging a failure to submit a complete or rectified final expense statement is the Wednesday following an election by 5 p.m.
- g) Burden of Proof
 - i) The burden of proving an alleged violation of the Student Body Election Code shall rest at all times with the petitioner.
 - ii) The applicable standard of proof for all alleged Election Code violations shall be a "preponderance of the evidence," meaning that the existence of a fact is more likely true than not true.
 - iii) Procedural Protections for Findings
 - (1) A finding of responsibility for any violation shall be determined by the Supervisor of Elections.
 - (2) Any disqualification imposed on the basis of a violation shall be subject to automatic review by the Rector, regardless of whether the respondent files an appeal.
 - iv) Failure to satisfy the applicable burden shall result in dismissal of the alleged violation with prejudice for the current election cycle.
- 5) Implementation of Violations:
 - a) Each occurrence, event, or time that violates the Election Code shall constitute an alleged Election violation that must be heard by the Supervisor of Elections. Violations do not count against a candidate or political party until ruled upon by the Supervisor.
 - i) In the event that a party found to be responsible by the Supervisor of Elections appeals to the Rector, the violation will not be counted until the Rector issues their ruling.
 - b) Disqualification shall occur according to the following provisions:
 - i) Party Disqualification:
 - (1) A political party that has either been found guilty of a violation during a single election cycle shall be disqualified. A candidate or individual that has either

been found guilty of a violation during a single election cycle shall be disqualified.

- (2) In the case that a political party is disqualified, all candidates running in that election with that party shall become disqualified. Any disqualified candidate shall be barred from running for an elected office or being a member of a political party following their disqualification.
- (3) The disqualified political party is barred from participating in future elections.
- (4) All party members shall be barred from participating in student government elections as members of political parties or running for office following their disqualification.
- ii) Winning Candidate Disqualification:
 - (1) If a candidate who won an election is then disqualified, the Supervisor of Elections shall call a Special Election for the office won by the disqualified candidate.
- iii) Individual Disqualification:
 - (1) In the event of an individual disqualification, the candidate or individual is barred from running in an election or participating in any political party following their disqualification.
- iv) Special Election After Disqualification:
 - (1) If there is a special election following disqualification of a candidate or political party, the following rules will be obeyed:
 - (a) Inability to use the political party's name or logo on campaign materials and during campaigning.
 - (b) Inability to use the party funds.
 - (c) A disqualified political party cannot endorse a candidate or candidates.
- c) When an Election violation is alleged against a party as opposed to an individual, naming the party as the respondent, it must meet one or more of the following standards:
 - i) The violation is perpetrated by any person acting as an officer of a party.
 - ii) The violation involved the collaboration of more than one member of the same party.
 - iii) The violation is in a series of violations which constitute a systematic attempt by a party to violate the Elections Code.
 - iv) The violation is part of a clear pattern of violations perpetrated by individuals internal to a party which represent systemic ignorance of the Elections Code.
- 6) Violations of the Code:
 - a) No violations will contest or come into contradiction with Electoral Code policies.
 - b) If a candidate or political party is accused of any election violation and does not challenge the validity of the allegation, they may be eligible for a reduced punishment in exchange for an admission of guilt to the Supervisor of Elections.
 - i) This section shall not apply if an individual, candidate, or political party is accused of a violation.

- ii) After admitting guilt to the Supervisor of Elections, a respondent or petitioner cannot appeal the alleged violation to the Rector.
 - iii) The Supervisor of Elections shall move to approve reduced punishments by acclimation unless the Rector objects.
 - iv) An individual candidate or political party may have up to three (3) punishments reduced per election cycle.
- c) Schedule one (1) Violations of this Code shall be assigned as follows:
 - i) Removing, obscuring, or damaging another candidate's or political party's campaign materials within a given space such as a bulletin board or general flyer area.
 - ii) Engaging in any violations of University posting guidelines.
 - iii) Using campaign materials which fail to comply with University regulations, building regulations, or fail to comply with such regulations in academic classrooms.
 - iv) Posting campaign materials in a manner that violates applicable university posting policies, including but not limited to policies administered by Facilities or University Housing.
 - v) Failing to remove campaign materials within thirty-six (36) hours of the closing of the polls, and campaign materials from previous election cycles that have failed to be removed.
 - vi) Submitting an incomplete Final Expense Statement.
 - (1) If an allegation of an incomplete final expense statement is made, the recipient shall have until the Tuesday following the election by 4 p.m. Eastern Time to correct any issues with the document. If all issues are not corrected by the following Tuesday at 4 p.m. Eastern Time this violation will turn into a Schedule 4 Violation.
- d) Schedule two (2) Violations of this Code shall be assigned as follows:
 - i) Bringing false or malicious charges against another candidate, political party, or political member.
 - ii) Posting, utilizing, or distributing, either electronically or physically, campaign material containing a provably false statement of fact concerning an identified person, made with knowledge of its falsity or with reckless disregard for whether it was true or false, that causes demonstrable reputational harm. Statements of opinion, political rhetoric, satire, parody, hyperbole, and commentary on candidates' public records and policy positions do not constitute violations of this section.
 - (1) This shall apply to political party's executive board members and candidates in the current semester.
 - iii) Defacing or damaging official election materials created and distributed by the Supervisor or Elections.
 - iv) Deliberately fabricating or manipulating evidence, communications, or circumstances with the specific intent to cause another party or candidate to be charged with or found responsible for a violation of this Code that the party or candidate would not otherwise have committed.

- v) Using the past and/or present SGAP logo on campaign items.
- vi) Utilizing any Student Government owned equipment for express endorsement or support for or against any candidate, platform, political party, or ballot item.
- vii) Campaigning physically or electronically using the funds or official institutional resources, platforms, or authority of SGAP.
- e) Schedule three (3) Violations of this Code shall be assigned as follows:
 - i) Campaigning during the week of elections.
 - ii) Vandalism or any unauthorized marking of university or private property for campaign purposes.
 - iii) Falsely representing oneself on behalf of the Supervisor of Elections.
 - iv) Failing to appear at any elections hearing if listed as a petitioner without giving prior notice to the Supervisor of Elections, five (5) hours prior to the Elections hearing, of inability to appear
- f) Schedule four (4) Violations of this Code shall be assigned as follows:
 - i) Submitting a fraudulent final expense statement. This includes parties or individuals failing to submit a complete final expense statement by the Tuesday following the election at 5 p.m.
 - (1) This is an allegation that can only be made by the Supervisor of Elections.
 - ii) Providing another individual or group with or receiving personal login information (FSU ID and password) in which they use to cast votes for another person. These votes shall be considered fraudulent.
 - iii) Any attempt to perpetrate a fraudulent election. This shall include, but is not limited to, providing false information regarding filing or elections procedures, voting more than once, or attempting to vote with another person's student identification (FSU ID).
 - iv) Offering money, gift cards, or other forms of payment in exchange for votes in any election.
 - v) Offering goods or services in exchange for votes, not including campaign materials as specified in the Election Code.
- 7) Tabulation of Election Violations:
 - a) Violations shall be adjudicated by the appropriate body as they arise as much as reasonable efficiency will allow, but a decision to expel or disqualify a candidate from the ballot shall not be executed until after the final closing of the polls during a general election.
- 8) Penalty Point System:
 - a) Penalty Points shall be assigned with each violation. The Supervisor of Elections shall hold the discretion to reduce penalties in full accordance when no reduction applies.
 - i) A political party that has either been found guilty of a schedule 4 violation or has accumulated five (5) or more penalty points during a single election cycle shall be disqualified by the Supervisor of Elections.
 - ii) A candidate or individual that has either been found guilty of a schedule 4 violation or has accumulated 5 (5) or more penalty points during a single election cycle shall be disqualified by the Supervisor of Elections.

9) Schedule One (1) Violation Penalties:

- a) The following penalties shall be levied against those who have been found responsible for committing a Schedule One (1) violation:
 - i) For the first instance of finding a Schedule One (1) Violation pursuant to the Elections Code, a one (1) point penalty shall be levied against an individual or political party.
 - ii) For the second and any additional findings of a Schedule One (1) Violation, two (2) points penalty shall be levied against an individual or political party.

10) Schedule Two (2) Violation Penalties:

- a) The following penalties shall be levied against those who have been found responsible for committing a Schedule Two (2) violation:
 - i) For the first instance of finding a Schedule Two (2) Violation, a two (2) point penalty shall be levied against an individual or political party.
 - ii) For the second and any additional findings of a Schedule Two (2) Violation, a three (3) point penalty shall be levied against an individual or political party.

11) Schedule Three (3) Violation Penalties:

- a) For all instances of finding a Schedule Three (3) Violation, a three (3) point penalty shall be levied against an individual or political party.

12) Schedule Four (4) Violation Penalties:

- a) Any person or political party found responsible for a Schedule Four (4) Violation shall be disqualified.

13) Additional Prosecution:

- a) Conviction of any person for violations under this Code shall not preclude subsequent persecution of that person for violation of the Student Conduct Code.

The Official Ballot

1) Ballot Form:

- a) An electronic ballot shall be defined as the official format chosen by the Supervisor of Elections that shall include instructions, candidates and other information pertinent to elections.
- b) The official ballot contains the list of all offices to be elected, referendum questions, and constitutional amendments.
 - i) No colors shall be used to designate or accentuate any choices on the official ballot, including, but not limited to candidates for office, political party affiliation or lack thereof, referendum questions, and constitutional amendments.
- c) Candidates shall be listed by seat in alphabetical order of their last names and the name shall be printed in the same form as requested at the time of filing. Each candidate's first and last name shall appear on the ballot, and the name must be the same as it appears on the candidate's my FSU account.
 - i) Candidates can request to have a different preferred first name on the ballot and can request to change their name up until twenty-four (24) hours before the election.

- ii) For the election of the Student Body President, Vice President, and Treasurer, the names of these candidates within the same party (if applicable) must appear on the ballot as one voting bloc.
 - d) For elections to office, the ballot of a general or special election shall only contain the names of candidate who:
 - i) Submits a Declaration of Candidacy with the Supervisor or Elections.
 - ii) Are qualified to hold the office they seek.
 - e) Candidates omitted from the ballot may petition to be reinstated by the Supervisor of Elections and may be reinstated following a hearing no later than (3) business days prior to any election.
 - f) Party designation for candidates of recognized political parties who run in an election shall be placed on the official ballot.
 - g) The ballot may not be changed or altered within the twenty-four (24) hours preceding any election.
- 2) Statement of Intent:
- a) All ballot questions proposing constitutional amendments and referenda shall display a “Statement of Intent” to be placed above the amendment or referenda text.
 - i) The Statement of Intent shall be no longer than one hundred (100) words.
 - ii) The Statement of Intent shall be written by the primary sponsor of the produced constitutional amendment and/or the sponsor’s designee.
 - b) The provisions apply to the petition process as enumerated in Article V of the Student Body Constitution.
 - c) The provisions shall not apply to any proposed constitutional amendment pending the ballot at the time of its enactment.
- 3) Counting of Ballots and Vote Tabulation:
- a) The method of counting shall be done electronically.
 - b) The Supervisor of Elections shall announce the complete "unofficial" results between 9 a.m. and 5 p.m. on the Friday following election, upon completion of tabulation.

Polls

- 1) Voting Process:
- a) Voting shall take place in the Admissions Office on election week during the first week of October, which shall be held on Monday-Thursday from 10 a.m.–4 p.m.
 - b) In the event of any electronic failures or delays—whether as a single occurrence or the cumulative effect of multiple disruptions—that exceed two (2) hours in total during the designated voting period, the following provisions shall apply:
 - i) The Supervisor of Elections shall extend the election time from 10 a.m. to 4 p.m. on an additional day (the next available business day).
 - ii) Notification of the extension shall be issued to the student body no later than 9:00 p.m. of the final day of the election period.
 - iii) Election results shall be announced no later than 5 p.m. Eastern Time on Friday, marking the official end of the election period.

- iv) The Supervisor of Elections shall inform the Student Body of the cause and nature of the failure or delay. This memorandum must be published within six (6) hours of the occurrence of the disruption.
- 2) Recall Elections:
 - a) Polls shall be open in the event of a recall election of the following officials:
 - i) Student Body President
 - ii) Student Body Vice President
 - iii) Student Body Treasurer
- 3) Hours:
 - a) Polls shall be open from 10:00 a.m. to 4:00 p.m. each day of the election.
 - b) The results of the election shall be announced by the Supervisor of Elections prior to 5:00 p.m. on the day after elections.
 - i) The method of announcement shall be up to the Supervisor of Elections' discretion.
 - ii) Results of the election shall be announced within twenty-four (24) hours of in person election results.
 - c) The Supervisor of Elections may extend poll hours for a period not to exceed 6 (6) hours.
 - i) The Supervisor of Elections shall notify all parties, candidates, and individuals of the extension.
- 4) Polling Rules:
 - a) When voting on the electronic poll, the student shall use their FSU email and sign their name.

Conditions For Victory

- 1) Votes Required for Victory:
 - a) All elected offices will be won by whoever attains a majority of the vote.
 - b) In the event of a tie between candidates, the Supervisor of Elections shall call a Special Election to determine the winner.
- 2) Victory by Acclamation:
 - a) In the event of candidates or voting blocs running unopposed in any election at the deadline of declaration of candidacy, the candidates or voting blocs shall be declared the winner of the election.

Assuming Office

- 1) Announcement:
 - a) After the results have been verified by the Supervisor of Elections, the Supervisor of Elections shall release the final election results.
 - b) All results and announcements of the unofficial and/or final election results may be challenged to the Supervisor of Elections.
- 2) Certification of Election:
 - a) No Certificate of Election shall be issued to a candidate whose election is being contested.

- b) No candidates shall be installed, given the oath of office or take elective office unless a Certificate of Election has been authorized for that candidate by the Supervisor of Elections. This shall not apply to those candidates appointed to fill vacancies in accordance with the Student Body Constitution.
 - c) Certificates of Election shall be given to a candidate when the Supervisor of Elections certifies the election, provided that the conditions for the Final Election Results are met. Should certification conditions not be met by the deadline, certification shall occur within twenty-four (24) hours of conditions being met.
- 3) Installation:
- a) The Supervisor of Elections shall install and orient duly elected candidates.
 - b) Newly elected officers shall assume office immediately upon installation by the Supervisor of Elections.
 - c) Unless there are enough election violations filed to disqualify a candidate or political party, the date and time of Inauguration for the Fall Elections shall not be impacted by election violations or appeals.