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**University of Central Florida
Forty-Ninth Student Body Senate
Bill 49-38**

[Updates to Title VI: The Election Statutes Violations]

.01 **WHEREAS**, Statutes require constant updates and revision to best serve the Student Body;
.02 **WHEREAS**, The current election procedure for violations in Title VI Chapter 605 categorize all
.03 violations as being equal;
.04 **WHEREAS**, The election statutes of Florida State University, Florida Atlantic University, and
.05 University of South Florida categorize election violations into different schedules based on the level of
.06 offense;
.07 **WHEREAS**, This bill would split all violations into two different categories, assigned as either minor
.08 or major;
.09 **WHEREAS**, This would implement a more transparent and fair election violation procedure which
.10 would benefit all members of the Student Government Association and the Student Body;

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.12 **THEREFORE, BE IT ENACTED**, by the Forty-Ninth Student Senate of the University of Central
.13 Florida that Title VI be amended as follows:

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.15 **Chapter 605 Violations**
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.17 605.1 All candidates/tickets must be aware of any possible liability for violating the rules and
.18 regulations that govern the general, runoff, and referendum elections. These rules and regulations include,
.19 but are not limited to, the UCF Golden Rule, the Constitution of the Student Body of the University of
.20 Central Florida, the Student Body Statutes, and main and regional campus policies, including building
.21 policies.
.22

.23 **Minor violations shall be assigned as follows:**

- .24 **A. Misrepresenting any material fact in campaign material or while campaigning in any form.**
- .25 **B. Altering their legal name provided by the University when placing such on the ballot.**
- .26 **C. Distributing campaign materials in the residence halls by sliding said material under the**
.27 **door.**
- .28 **D. Distributing campaign material in the residence halls before 11:00 a.m. or after 9:00 p.m.**
- .29 **E. Distributing campaign materials within: University designated computer labs, libraries,**
.30 **bookstores, classrooms, inside the Student Union Building including the gated patio area,**
.31 **inside the Recreation and Wellness Center Building, and within the fifteen (15) foot**
.32 **boundary surrounding the Election Tent.**
- .33 **F. Campaigning on the Student Union stage during an election period.**
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- .36 **G. Distributing or displaying campaign material on or in a building without first securing the**
- .37 **written permission of said building's manager and submitting such permission to the**
- .38 **Election Commission prior to the distribution of said material.**
- .39 **H. Distributing apparel before the commencement of Active Campaigning or after the**
- .40 **statutorily defined Election Time begins.**
- .41 **I. Distributing any apparel or campaign material not approved by the Election Commission.**
- .42 **J. Active campaigning before the specifically designated time for Active Campaigning.**
- .43 **K. Failing to remove all campaign materials from the campus by 4:00 p.m. of the next school**
- .44 **day following the general or runoff election.**
- .45 **L. Using Student Government Property or Activity and Service Fee Funds, valued at five (5) US**
- .46 **dollars or greater to benefit that candidate/ticket's campaign.**
- .47 **M. Coercing or otherwise inducing another student while said student is in the process of filling**
- .48 **out a ballot by any physical or electronic means.**

.51 605.2 ~~Candidates/tickets must remove all campaign materials from the campus by 4:00 p.m. of the next~~

.52 ~~school day following the general or runoff election.~~

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.55 **Major violations shall be assigned as follows:**

- .56 **A. Knowingly providing false information before the Election Commission.**
- .57 **B. Misrepresenting any campaign material as being the material of any candidate/ticket other**
- .58 **than themselves.**
- .59 **C. Condoning or authorizing the removal, vandalism, destruction, or theft of campaign material**
- .60 **of another candidate.**
- .61 **D. Committing slander or libel against another candidate/ticket.**
- .62 **E. Committing or attempting a bribe.**
- .63 **F. Committing or attempting to commit extortion or blackmail.**
- .64 **G. Devising a name which would associate themselves with another candidate that would**
- .65 **reasonably lead the voter to conclude that the candidate is not who they purport to be, but is**
- .66 **in fact another candidate.**
- .67 **H. Distributing items that are not for the sole purpose of education during Active Campaigning.**
 - .68 **1. Educational items are including but not limited to brochures, pamphlets, stickers,**
 - .69 **and palm cards.**
- .70 **I. Providing food, drinks, or prizes to influence the action of another to vote, not vote, or vote**
- .71 **for or against a particular candidate/ticket. This rule applies both on and off university**
- .72 **controlled property.**
 - .73 **1. The Election Commission is the only election-related entity exempt from this rule.**
- .74 **J. Attempting to perpetrate a fraudulent election. This shall include but is not limited to**
- .75 **tampering with election machinery and voting software, voting more than once, or**
- .76 **attempting to vote with another person's student identification card.**
- .77 **K. Threatening or acting violently against any member of a campaign ticket.**
- .78 **L. Bringing false or malicious charges against another candidate/ticket.**
- .79 **M. Defacing or damaging poll sites or University election related material.**
- .80 **N. Using the past and/or present SGA logo on campaign items.**
- .81 **O. Establishing a voting station by computer or otherwise, in an establishment licensed to sell**
- .82 **alcoholic beverages.**

.83 605.3 **Any violation charges that are not explicitly listed herein as being categorized as minor or**

.84 **major will be deliberated upon during Election Commission Violation Hearing Procedure to**

.85 **determine the appropriate sanction.**

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- .87 **A. This type of non-categorized violation may include but is not limited to any action that**
- .88 **would violate the rules and regulations of the UCF Golden Rule, the Constitution of the Student**

- .89 **Body of the University of Central Florida, the Student Body Statutes, and main and regional campus**
.90 **policies including building policies that is not already categorized as minor or major.**
.91
- .92 **605.4 All candidates/tickets must be aware of any possible liability for violating the rules and**
.93 **regulations that govern the general, runoff, and referendum elections.**
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- .95 **605.5 All candidates/tickets must be aware that they are liable for actions in violation of any**
.96 **provisions of the Golden Rule, Student Body Constitution, or Student Body Statutes by an induced**
.97 **or condoned person because of authorization, assistance, or advisement from said candidate/ticket.**
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- .99 **605.6** Any student, faculty, or staff member at the University of Central Florida may file a violation
.100 against any candidate/ticket during the Fall or Spring elections.
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- .102 **605.7** Violation charges shall be filed by the individual in affidavit form, which shall include:
.103 A. A description of events that took place which constitute a possible violation.
.104 B. The name of the accused candidate/ticket. Only one candidate/ticket can be charged per each
.105 affidavit.
.106 C. The filer's name and contact information, which can be used by the Election Commission to stay in
.107 contact with the person who filed the violation. This contact information shall only be used to
.108 ensure the individual is informed throughout the violation process.
.109 D. Notarization.
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- .111 **605.8** Should the violation affidavit fail to provide the required information per Title VI, the affidavit
.112 shall be considered null and void and shall not be recognized by the Election Commission.
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- .114 **605.9** No violation charge shall be filed after 5:00 p.m. on the next school day after the election results
.115 are announced for the election to which the violation charge directly pertains. If the 5:00 p.m. deadline is
.116 not met, the process as set forth for a recall or contestment must be followed.
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- .118 **605.10** The filer of the violation affidavit shall submit said affidavit to the Senate Secretary. The Senate
.119 Secretary shall time stamp the affidavit and forward all materials to the Supervisor of Elections.
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- .121 **605.11** Should a filer wish to withdraw the affidavit, the filer must request to do so in writing to the
.122 Supervisor of Elections. The individual may not file a new affidavit regarding the same possible violation
.123 any earlier than 24 hours following the withdrawal of the initial affidavit. The affidavit may not be
.124 withdrawn once the Supervisor of Elections calls for a hearing to discuss the violation charges.
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- .126 **605.12** The Supervisor of Elections shall schedule a violation hearing, to be held within seven (7) school
.127 days but no earlier than six (6) school days from when the affidavit was submitted:
.128 A. The Supervisor of Elections shall set the hearing date and contact all members of the Election
.129 Commission by 5:00 p.m. on the following school day of when the affidavit was submitted, to notify
.130 them of the date and time of the violation hearing.
.131 B. The Supervisor of Elections shall contact the filer of the affidavit and the accused candidate/ticket,
.132 by 5:00 p.m. on the following school day of when the affidavit was submitted, to notify them of the
.133 date and time of the violation hearing. At this time, the Supervisor of Elections shall also inform
.134 them of the process for submitting any and all materials that the filer and the candidate/ticket would
.135 like examined during the violation hearing.
.136 C. The Supervisor of Elections shall distribute a copy of the affidavit to the accused candidate/ticket by
.137 5:00 p.m. on the following school day of when the affidavit was submitted.
.138 D. The Supervisor of Elections shall contact the Student Government Advisor to notify said advisor of
.139 the date and time of the violation hearing.
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.142 **605.13** It is the responsibility of the filer and the accused candidate/ticket to procure and submit to the
.143 Supervisor of Election all materials, including additional evidence and a complete list of witnesses they wish
.144 to have examined by the Election Commission.

- .145 A. The Supervisor of Elections shall allow at least a one (1) school day from when the accused candidate
.146 and filer were notified of the scheduled hearing for the accused candidate and filer to compile all
.147 materials, including additional evidence and a complete list of witnesses they wish to have examined,
.148 along with a statement that summarizes what each witness shall be testifying about.
- .149 B. All materials shall be submitted by 5:00 p.m. at least two (2) school days prior to the scheduled
.150 hearing. Any materials not submitted by this time shall not be considered at the violation hearing.
- .151 C. After all materials have been submitted to the Supervisor of Elections, the Supervisor of Elections
.152 shall hold copies of all materials for each Election Commissioner to review, at least one (1) school
.153 day prior to the violation hearing.
- .154 D. The Supervisor of Elections shall submit a memo containing all information that will be examined
.155 during the violation hearing to both the affidavit filer and accused candidate/ticket, at least one (1)
.156 school day prior to the violation hearing. The memo will inform both individuals of the process by
.157 which to review the submitted evidence.
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.159 **605.14** Rights of the Accused:

.160 Any candidate/ticket accused of a violation at any time during the election period is awarded the following
.161 rights:

- .162 A. To be informed of all policies, procedures, and decisions made by the Election Commission or
.163 Judicial Council, concerning the violation hearing.
- .164 B. To know the offenses and adverse witnesses and to review all evidence prior to the violation
.165 hearing.
- .166 C. To have the assistance of a Judicial Advisor as per Title IV.
- .167 D. To refrain from self-incrimination and to not be called upon as a witness in said individual's own
.168 hearing.
- .169 E. To submit any tangible evidence and/or submit witnesses to be questioned during the violation
.170 hearing.
- .171 F. To resign from candidacy at any time during the Election period, thus concluding all actions of the
.172 violation hearing.
- .173 G. To cross-examine all witnesses that testify in the violation hearing. No evidence submitted by a
.174 witness may be considered at the Violation Hearing if the witness does not appear at the violation
.175 hearing for cross-examination by the accused candidate/ticket.
- .176 H. To have at least one (1) school day prior to the violation hearing to review the evidence for the
.177 violation hearing.
- .178 I. To ask for statutory interpretation by the Attorney General at any time.
- .179 J. To appeal the ruling of the Election Commission to the Judicial Council as outlined in Title VI.
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.181 **605.15** Upon just cause and in a written, signed, and notarized request to the Supervisor of Elections
.182 delivered before an election violation hearing, the accuser, accused, or any Election Commissioner shall
.183 have the right to request the recusal of any member of the Election Commission from any election
.184 violation hearing. The Election Commission shall investigate the request and, upon finding merit, may or
.185 may not deem that particular Election Commissioner recused from the hearing, by a majority vote.
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.187 **605.16** Election Commission Violation Hearing Procedure:

.188 The violation hearing shall be conducted in the following order:

- .189 A. Introduction of Violation Hearing: The Supervisor of Elections shall call the meeting to order and
.190 call for the Election Commission members who are in attendance at the violation hearing.
- .191 B. Statement of the Filer: The individual that filed the violation charge may make a statement to the
.192 Election Commission regarding the violation and all evidence that the filer has submitted, as well as
.193 introduce the witnesses that will testify on behalf of the filer.
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- .195 C. Statement of the Accused Candidate/ticket: The accused may make a statement to the Election
.196 Commission regarding the violation and all evidence that the candidate/ticket has submitted, as well
.197 as introduce the witnesses that will testify on behalf of the accused candidate/ticket.
- .198 D. Questioning of the Filer: The Election Commission may question the individual who filed the
.199 violation charge.
- .200 E. Questioning of the Accused: The Election Commission may question the accused candidate/ticket.
- .201 F. Questioning of the Filer's Witnesses and Evidence:
- .202 1. The Supervisor of Elections shall call up each witness separately. Only witnesses listed in
.203 the materials submitted by the filer prior to the violation hearing will be called.
 - .204 2. The witness may be questioned by the filer of the violation. The witness may refrain from
.205 answering any question.
 - .206 3. After the filer is finished questioning, the accused candidate/ticket may question the witness.
.207 The witness may refrain from answering any question.
 - .208 4. After the accused candidate/ticket is finished questioning, the Election Commission may
.209 question the witness. The witness may refrain from answering any question.
 - .210 5. This procedure will continue until all witnesses submitted by the filer have been questioned.
 - .211 6. The filer may then present tangible evidence during the violation hearing. The accused
.212 candidate/ticket may question the filer about the evidence presented. The filer may refrain
.213 from answering any question.
 - .214 7. The Election Commission may then question the filer about the tangible evidence presented.
.215 The filer may refrain from answering any question.
- .216 G. Question of Accused Candidate/Ticket's Witnesses and Evidence:
- .217 1. The Supervisor of Elections shall call up each witness separately. Only witnesses listed in
.218 the materials submitted by the accused prior to the violation hearing will be called.
 - .219 2. The witness may be questioned by the accused candidate/ticket. The witness may refrain
.220 from answering any question.
 - .221 3. After the accused candidate/ticket is finished questioning, the filer may question the witness.
.222 The witness may refrain from answering any question.
 - .223 4. After the filer is finished questioning, the Election Commission may question the witness.
.224 The witness may refrain from answering any questions.
 - .225 5. This procedure will continue until all witnesses submitted by the accused candidate/ticket
.226 have been questioned.
 - .227 6. The accused candidate/ticket may then present tangible evidence during the violation hearing.
.228 The filer may question the accused candidate/ticket about the evidence presented. The
.229 accused may refrain from answering any question.
 - .230 7. The Election Commission may then question the accused candidate/ticket about the tangible
.231 evidence presented. The accused may refrain from answering any question.
- .232 H. Final Questioning: The Election Commission may ask questions about all information that was
.233 presented.
- .234 I. Closing Statement of the Filer: The filer may make a closing statement to the Election Commission.
- .235 J. Closing Statement of the Accused Candidate/ticket: The accused candidate/ticket may make a
.236 closing statement to the Election Commission.
- .237 K. Election Commission Deliberation: The Election Commission shall deliberate to determine if a
.238 violation occurred and, if so, determine the appropriate sanction and inform the individual who filed
.239 the violation and the accused candidate/ticket of the decision.
- .240
- .241 **605.17** Quorum for a violation hearing shall be met with five (5) members of the Election Commission,
.242 one (1) of which shall be the Supervisor of Election or the Assistant Supervisor of Election, who shall act
.243 as chair.
- .244
- .245 **605.18** The Election Commission shall use only the information presented at the violation hearing to
.246 determine if a violation occurred and issue the appropriate sanction to the accused candidate/ticket.
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.248 **605.19** During deliberation, the Election Commission shall determine, by majority vote, whether the
.249 accused candidate/ticket violated the rules and regulations of the election.

.250 A. If the Election Commission determines that an accused candidate/ticket did not commit a violation,
.251 the hearing shall be concluded with no sanction issued to the accused candidate/ticket.

.252 B. If the Election Commission determines that a violation of election rules and regulations has occurred,
.253 it will then determine the appropriate sanction.
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.255 **605.20** If the Election Commission determines that a violation of election rules and regulations occurred,
.256 the Election Commission shall issue a sanction to the candidate/ticket that is found in violation.

.257 A. ~~The Election Commission, by a two-thirds vote, shall determine whether the sanction shall be to~~
.258 ~~disqualify the candidate/ticket from the election.~~ **If a candidate/ticket is found in violation of the**
.259 **rules and regulations for either more than three (3) minor violations or more than zero (0)**
.260 **major violations during an election, the Election Commission may, by a two-thirds vote,**
.261 **determine whether the sanction shall be to disqualify the candidate/ticket from the election.**

.262 B. ~~Should the Election Commission vote to disqualify the candidate/ticket from the election, the~~
.263 ~~candidate/ticket shall be considered disqualified from the election.~~ **Should the Election**
.264 **Commission vote not to disqualify the candidate/ticket from the election, the Election**
.265 **Commission shall determine an appropriate alternate sanction by majority vote. Upon the**
.266 **determination of an appropriate sanction by majority vote of the election commission, the**
.267 **Supervisor of Elections shall issue a statement on the committee's decision and will keep record**
.268 **of the candidate/ticket's sanction.**


.269 C. ~~Should the Election Commission vote not to disqualify the candidate/ticket from the election, the~~
.270 ~~Election Commission shall determine the appropriate sanction. Upon the Election Commission, by~~
.271 ~~majority vote, determining the appropriate sanction, the Supervisor of Elections shall issue a~~
.272 ~~statement on the committee's decision and will keep record of the candidate/ticket's sanction.~~
.273 **Should the Election Commission vote to disqualify the candidate/ticket from the election, the**
.274 **candidate/ticket shall be considered disqualified from the election.**

.275 D. ~~If a candidate/ticket is found in violation of the rules and regulations more than two (2) times during~~
.276 ~~an election, the Election Commission shall deem the candidate/ticket disqualified from the election.~~
.277 **Should the Election Commission determine, by a 2/3 vote, that a minor violation resulted in a**
.278 **severe advantage or disadvantage to a candidate/ticket, the Election Commission, by a 2/3 vote,**
.279 **shall determine whether the sanction shall be to disqualify the candidate/ticket from the**
.280 **election.**
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.282 **605.21** The Election Commission shall notify all parties involved, in writing, one (1) school day following
.283 the conclusion of the violation hearing.
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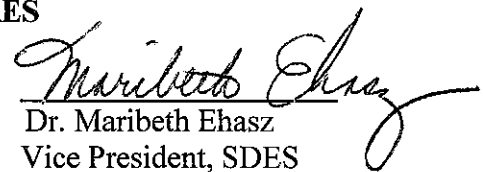
.285 **605.22** Should a candidate/ticket be found in violation or receive a sanction from the Election
.286 Commission, the candidate/ticket may appeal the decision to the Judicial Council, as outlined by the
.287 appeals process in Title VI.
.288

AUTHORIZING SIGNATURES



Christopher Clemente
Student Body President

1-27-2017
Date



Dr. Maribeth Ehasz
Vice President, SDES

1-27-17
Date