

# FGCU STUDENT GOVERNMENT ELECTION CODE

## TITLE VI: THE ELECTION CODE

### Chapter 600: Purpose of the Election Code

**600.1** This statute shall serve as the governing document for all Student Government elections. The Election Code shall derive its authority from and be superseded by the Constitution of the Florida Gulf Coast University Student Government.

### Chapter 601: Definition of Terms

**601.1 Ballot** - The printed or computerized voting form, which includes: names of candidates and Tickets, proposed constitutional amendments, initiatives, referenda, and propositions.

**601.2 Business Day** - Any day in which normal business operations are conducted.

**601.2 Campaigning** - Any intentional action in support of, or in opposition to, a candidate for an elected Student Government office. This includes, but not limited to the distribution of literature and posting of materials.

**601.2.1 Passive Campaigning** - Any wearing of Campaign/Marketing Materials, unless accompanied by the dissemination of campaign literature or the delivery of a campaign speech to solicit support for a candidate.

**601.2.2 Active Campaigning** - Any direct interaction between candidate and recipient. This includes video display, distribution of campaign materials, and any other verbal representation of the candidate.

**601.3 Campaign/Marketing Materials** - Any tangible item or electronic publication that publicizes a candidate or calls for a vote against a candidate.

**601.3.1** Campaign/Marketing Materials may include: t - shirts, buttons, flyers, candidate name tags, signs, banners, stickers, websites (this includes social networking sites), videos, paint on personal vehicles, platform cards, and food. The list of materials available for use as campaign materials for the upcoming campaign will be provided to candidates at the mandatory meeting.

**601.3.1.2** Any candidate who wishes to endorse themselves is permitted to use Campaign/Marketing Materials of their own.

**601.4 Campaign Period** - Begins at 12:01 a.m., five (5) business days before the polls open and ends on the last day of voting when the polls close.

**601.5 Candidacy Packet** - The potential candidate's application that must be completed and turned in to qualify for candidacy. The contents of the application may not be

altered after the deadline, but candidates shall have the ability to request changes to any promotional materials provided by the Elections Committee for the Student Body to see.

**601.6 Candidacy Qualification** - The filing of the Candidate's Packet and meeting the necessary requirements to seek an office.

**601.7 Candidate** - Any person who has qualified to have his or her name placed on the ballot for office in an SG election.

**601.8 Cease-and-Desist** - An order by the Supervisor of Elections to a candidate or campaign to stop certain specified campaign practices.

**601.9 Counselor** - Any one person (unrelated to the issue), chosen by the candidate, to assist him or her throughout the grievance hearing process. The counselor may be present but cannot directly participate in the proceedings.

**601.10 Disqualification** - When a candidate is removed from the ballot by the Student Body Supreme Court due to violations of the Election Code.

**601.11 Door-to-Door Campaigning** - Campaigning by means of going door - to - door in residential areas on or off campus and knocking or placing materials there.

**601.12 Election Cycle** - The time between the beginning of the filing period and the end of elections.

**601.13 Expenditure Cap** - The maximum amount of monetary resources contributed to a Senatorial Candidate or Ticket's campaign.

**601.14 Grievance** – Any alleged violation referred to the Supreme Court, to undergo a grievance hearing.

**601.15 Grievance Hearing** - An assembly of the Supreme Court to adjudicate the grievance of an Election Code violation.

**601.16 Notice** - A written communication by the Supervisor of Elections to any student to appear at a hearing. Notices shall be made at least four (4) hours before the beginning of the Grievance Hearing by way of email addressed to the candidate's Eagle Mail account.

**601.17 Poll Worker** - Any student assigned by the Supervisor of Elections to conduct and monitor the election at a polling station.

**601.18 Petitioner** - Any student who presents evidence and witnesses against the respondent during a Grievance Hearing.

**601.19 Respondent** - Any person, Senatorial Candidate or Ticket against whom a violation of the Election Code has been filed with the Supreme Court.

**601.20 School Day** - Any Monday through Friday on which University classes are being held.

**601.21 Sanctions** - Penalties imposed for Election Code violations.

**601.22 Senatorial Candidate** – Any Student who wishes to run as a representative for their College. Senatorial Candidates will run as an individual and will be elected by the students within their college.

**601.23 Ticket** – Comprised of a Presidential and Vice-Presidential Candidate. Tickets may not run with senatorial candidates and will be elected by all members of the student body.

**601.24 Violation** - Any act that is not in compliance with the rules set forth by the Election Code.

**601.25 Voter** - Any student enrolled at FGCU during the Elections Cycle.

**601.26 Treasurer Candidate** - Any student who wishes to run for the position of Treasurer. Treasurer Candidates will run as individuals and will be elected by all members of the student body.

## **Chapter 602: The Supervisor of Elections**

**602.1** The Supervisor of Elections shall:

**602.1.1** Be responsible to review the Election Code annually, draft amendments as needed, and adjust the apportionment numbers listed in Chapter 612 a minimum of 5 weeks prior to the beginning of the election cycle. These amendments shall be approved by the Judicial Branch to ensure that the document is legally sound.

**602.1.2** Appoint and oversee an Election Committee.

**602.1.3** Bring charges against candidates who are alleged to be in violation of the Election Code.

**602.1.4** Determine location of the polling places should they be necessary.

**602.1.5** Monitor all campaign activities which includes: campaign zoning, assisting candidates with campaign concerns.

**602.1.6** Schedule interest meetings, mandatory meetings, volunteer meetings, presidential/vice president debate and the election results announcement.

**602.1.7** Be responsible for the Candidacy Packet received from all potential candidates.

**602.1.8** Distribute all information concerning the elections cycle including the timeline, campaign rules and all deadlines.

**602.1.9** Verify the elections results.

**602.1.10** Announce publicly the election results once they are verified.

**602.1.11** Supervise any special elections as a result of actions by the Senate or Executive Branch, such as a vacancy or referendum.

**602.1.12** Work in conjunction with the Office of Student Involvement and Campus Reservations to reserve and assign campaign spaces.

**602.2** The Supervisor of Elections shall not:

**602.2.1** Hold any other position or office in SG during their time of service.

**602.2.2** Assist any candidate's campaign.

**602.3** The Supervisor of Elections has the authority to:

**602.3.1** Remove any campaign materials that are either outside the designated areas or within 100 feet of the polls; to rearrange campaign materials on bulletin boards, lawns, etc. to maximize space

**602.3.2** Order a Cease - and - Desist to any candidate/ticket where the Supervisor of Elections determines there is a preponderance of available evidence that there has been a violation of the Election Code.

**602.3.2.2** Campaign material is offensive to a candidate, a campaign, or the Student Body according to the Student Code of Conduct

**602.3.3** Withhold the Election results under specified circumstances.

**602.3.3.1** Admissible circumstances include but are not limited to: determining candidacy ineligibility, adjudicating a violation or grievance, and equipment malfunction.

**602.3.3.2** Supervisor of Elections must work in conjunction with the SG Advising Team to determine if there is basis to withhold results.

**602.4** The Supervisor of Elections is subject to impeachment for malfeasance, misfeasance, neglect of duty, or incompetence by the Senate through the impeachment process stated in the constitution.

### **Chapter 603: Election Committee**

**603.1** The Election Committee shall:

**603.1.1** Oversee all guidelines set forth in the Election Code.

**603.1.2** Have the authority to enforce Election Code rules and regulations.

**603.1.3** Document violations of the Election Code and bring them to the attention of the Supervisor of Elections.

**603.1.4** Assist the Supervisor of Elections with additional tasks as deemed necessary.

**603.1.5** Be composed of no less than three (3) members, but no more than seven (7) members with representation from at least 2 different colleges.

**603.1.5.1** Membership shall be determined by the Supervisor of Elections.

**603.2** The Election Committee shall:

**603.2.1** Not be required to be confirmed by a vote of Senate.

**603.2.2** Not hold any other position in Student Government.

**603.2.3** Not be running in the current SG Election.

**603.2.4** Not be on Academic or Disciplinary Probation

**603.2.4** Meet the requirements of Regulation FGCU - PR 4.005

## **Chapter 604: Election Qualification**

**604 .1** In order to be eligible, students seeking candidacy must:

**604.1.1** Meet the requirements of Regulation FGCU - PR 4.005; and

**604.1.2** Must run under the college in which they are registered if running for a Senatorial Position.

**604.2** Candidates must submit all required paperwork and information in the Candidacy Packet prior to the end of the filing period to be eligible to be on the ballot.

**604.3** Candidates for Student Body President or Student Body Vice-President must have a running mate.

**604.4** The Supervisor of Elections may disqualify a candidate who falsifies qualification information.

**604.5** The Supervisor of Elections and/or Student Government Advising Team shall notify individuals who do not qualify for candidacy.

**604.6** All candidates must attend a mandatory meeting.

**604.7** Individuals wishing to contest the qualification ruling of the Supervisor of Elections have forty - eight (48) hours from the time they are notified to request a hearing. The Supervisor of Elections will notify the candidate in writing.

## **Chapter 605: Campaigning**

**605.1** Campaigning, both active and passive, begins five (5) business days before election begins at 12:01am and ends when the polls close on the last day of elections.

**605.2** All campaign materials must be posted in compliance with the SG Signage Policy and the university signage policy.

**605.3** No active campaigning or fundraising may take place at any location that serves alcohol, unless recommended by the Supervisor of Elections and then authorized in writing by the Vice President of Student Success and Enrollment Management (or designee).

**605.4** No active campaigning shall be allowed within 100 feet of the polls. The poll workers will prominently mark the 100 - foot line.

**605.5** No active campaigning shall be performed within any Student Government or Campus Life office spaces.

**605.6** No active campaigning shall be performed in academic buildings and classrooms.

**605.7** No candidate may actively or passively campaign during any SG meeting.

**605.8** No SG entities, including committees, subcommittees, branches, or any other entity within SG, may collectively endorse an individual candidate or ticket. Individual SG Officials may endorse a candidate or ticket.

**605.9** No active campaigning or signage allowed off - campus. Notwithstanding, wearing shirts, stickers, or buttons, and decorating a personal vehicle with campaign materials.

**605.10** Candidates wishing to be removed from the ballot must inform the Supervisor of Elections in writing 24 hours prior to the first day of voting.

**605.11** At all times, no Candidate or Ticket may provide the use of electronic device(s) (computers, phones, etc.), for the use of another student to vote. Candidates and Tickets may only direct students to the voting polls and to the QR codes provided by the Elections Committee.

**605.12** Campaigning must not disrupt normal operations of the University.

**605.13** Active campaigning is not allowed in any residential building. Door to Door campaigning is strictly prohibited. Active campaigning is allowed in outdoor residential areas.

**605.14** Distribution of campaign materials must adhere to the guidelines set forth by the Elections Committee. These guidelines will be distributed at the mandatory candidate meeting scheduled at the discretion of the Supervisor of Elections.

**605.15** Under no circumstances will additional parties (RSO's, vendors, sponsors, etc.) be allowed to table within 50 feet of any Candidate or Ticket. Details will be given at the Mandatory meeting regarding how close additional parties, such as (but not limited to) those described above may be.

**605.16** Active or passive campaigning in group messages facilitated by a campus office or department is only permitted with prior approval by the departments Director or designee.

## **Chapter 606: Campaign Expenditures**

### **606.1 Expenditure Cap**

**606.1.1** This expenditure cap is to be the maximum amount of monetary resources contributed to a Senatorial Candidate, Treasurer Candidate or Ticket's campaign.

**606.1.2** The expenditure cap for a Ticket is \$500.00.

**606.1.3** The expenditure cap for a Senatorial Candidate is \$250.00.

**606.1.4** The expenditure cap for a Treasurer Candidate is \$250.00

## 606.2 Preliminary Budget and Financial Statement



**606.2.1** Each candidate or ticket must submit a budget representing all expenditures. A ticket must submit a combined budget for both the Presidential and Vice-Presidential Candidates.

**606.2.2** Preliminary budget must consist of a reasonable estimate of purchases to occur for the benefit of the candidate or ticket.

**606.2.2.1** Preliminary budget must be submitted by the date communicated at the mandatory meeting.

**606.2.3** Financial statement must consist of an exact line-itemized description of any and all purchases by the candidate or ticket, including place of purchase and cost of purchase.

**606.2.3.1** All contributions, monetary or otherwise, must be accurately reported and must include the name of the donor, the contribution type, and the value of the contribution.

**602.3.2** Receipts of all purchases must be included.

**606.2.3.3** The financial statement shall be submitted by the Friday prior to the start of campaigning. Candidates & Tickets may have time sensitive materials pre-approved by the Supervisor of Elections.

**606.2.4** All candidates who chose not to use monetary resources for campaigning must submit a signed document stating the same.

**606.2.5** The failure to submit an accurate preliminary budget and complete financial statement within the designated timeframe will result in sanctions including a possible disqualification from the election process.

**606.2.5.1** The Supervisor of Elections will notify the candidate or candidates of the sanctions prior to the conclusion of voting.

## **Chapter 607: Student Government Campaign Signage Policy**

**607.1** The following posted locations are designated areas that candidates may place campaign signs:

**607.1.1** Student Services Plaza – banners only.

**607.2** Candidates will be given written instructions at the initial candidates' meeting outlining the signage policy.

**607.3** Signage Rules and Regulations

**607.3.1** All candidates must follow FGCU solicitation policy.

**607.3.2** No posting on FGCU housing buildings, or any other residential housing on or off campus, or on non - personal automobiles.

**607.3.3** No taping or hanging flyers on any of FGCU campus facilities.

**607.3.4** No taping on glass or painted surfaces.

**607.3.5** No stapling materials on trees. No hanging signs from trees.

**607.3.6** All candidates are responsible for the litter that may be caused by their own campaign material.

**607.3.7** Signage may only be placed on FGCU property.

**607.3.8** Signage may not be posted before the beginning of campaigning.

**607.3.9** If campaign/marketing materials are not removed within forty - eight (48) hours of the results announcement, the issue will be referred to the Dean of Students' Office for a resolution.

**607.4** Each Senatorial candidate and Treasurer Candidate is allowed one banner. Each Ticket is allowed up totwo banners.

**607.4.1**The maximum size of a permitted banner is 10x3 feet.

**607.5** No unattended free-standing signs are allowed.

## **Chapter 608: Election Code of Ethics**

**608.1** This Election Code shall apply to all candidates for Student Government office and campaign staff members. Students must also abide by the Student Code of Conduct. No candidate or campaign staff member shall:

**608.1.1** Knowingly misrepresent any material as fact during the campaign.

**608.1.2** Misrepresent any campaign material as being the material of another candidate.

**608.1.3** Authorize, condone, or engage in the destruction or theft of another candidate's campaign material.

**608.1.4** Campaign before the Election Cycle begins.

**608.1.5** Terminate, threaten to terminate, deny, or threaten to deny membership to another candidate or campaign in any other campus organization without proper supporting evidence from that organization.

**608.1.6** Provide a reward in cash or in-kind to any student as compensation for voting or endorsing a campaign. In kind is anything outside of the defined campaign/marketing materials.

**608.1.7** Engage in election fraud or knowingly allow others to engage in election fraud.

**608.1.8** Violate the University Signage Policy.

**608.1.9** Coerce any candidate to withdraw from an election.

**608.1.10** No student running for Student Government office (Senator, Treasurer, President, Vice-President) or campaigning on behalf of a Student Government office may use any University or Student Government owned items as part of their campaign (golf cart, tents, supplies, etc.) with the exception of reserved tables and chairs at assigned campaigning spaces.

## **Chapter 609: Election Code Violations and Grievance Hearings**

**609.1** Any member of the Student Body has the right to bring a complaint of an alleged Election Code violation before the Student Body Supreme Court.

**609.2** The Petitioner shall present an initial allegation. The Supervisor of Elections will determine whether there is probable cause exists to support the allegation.

**609.3** The Supervisor of Elections may dismiss any complaint that is of the following:

**609.3.1** Presented for any frivolous or improper purpose to harass a Candidate or Ticket.

**609.3.2** The allegations and other factual contentions in the complaint are without evidentiary support or would not constitute a violation.

**609.4** The Procedure for Violations:

**609.4.1** The petitioner shall submit their alleged violation via official FGCU student email to the Supervisor of Elections.

**609.4.2** From the beginning of the Elections Cycle the Supervisor of Elections has forty- eight (48) hours to respond to and give proper sanction to an alleged violation and during voting they have twenty - four (24) hours to respond and give proper sanction.

**609.4.3** The Supervisor of Elections will adjudicate the alleged violation with a ruling and decide if there is a need for sanctions.

**609.4.4** The Supervisor of Elections may refer the alleged violation to the Student Body Supreme Court for a Grievance Hearing.

**609.5** The Procedure for Grievance Hearings

**609.5.1** The Supervisor of Elections will notify the Petitioner and Respondent of the need to appear at a specified date and time for a Grievance Hearing in accordance with their class schedule only. Notice is to include a brief summary of the alleged violation, including time, date and location.

**609.5.2** At the hearing the Chief Justice will explain the Grievance proceedings to the participants.

**609.5.3** Both the Petitioner and the Respondent may retain an advisor.

**609.5.4** The Petitioner and Respondent shall each be granted three (3) minutes for

an opening statement.

**609.5.6** Student Body Supreme Court members may ask questions of anyone at any point during the presentation of evidence.

**609.5.7** The Petitioner shall be granted an opportunity to present the complaint. The Petitioner may call witnesses and present testimony and other evidence. The Chief Justice of the Student Body Supreme Court may impose a reasonable time limit in his or her sole discretion.

**609.5.8** The Respondent shall be granted an opportunity to rebut the allegations contained in the Grievance. The Respondent may call witnesses and present testimony and other evidence. The Chief Justice of the Student Body Supreme Court may impose a reasonable time limit in his or her sole discretion.

**609.5.9** The Petitioner and Respondent shall each be granted three (3) minutes for closing statements. More time may be granted by the Chief Justice of the Student Body Supreme Court in his or her sole discretion

**609.5.10** After the closing statement, Student Body Supreme Court will enter deliberations. The deliberations will be open to the public and for the record. Only Student Body Supreme Court members will be allowed to speak during deliberations.

**609.5.12** In a Grievance Hearing, the burden of proof shall rest with the Petitioner. The standard of evidence to support the allegation shall be the preponderance of evidence.

**609.5.13** The Petitioner may withdraw a complaint at any time prior to the beginning of deliberation.

**609.5.14** If the Petitioner or the Respondent refuses to appear at the Grievance Hearing after proper notice, the Student Body Supreme Court may conduct the Grievance Hearing without that party present.

**609.5.15** After a majority of the Supreme Court has found that a violation has occurred, the Supreme Court shall impose a sanction by majority vote.

**609.5.16** All votes for determining responsible or not responsible of a Respondent and imposing sanctions shall be roll call votes, which shall be duly recorded.

**609.6** Any candidate who does not comply with the Election Code shall be subject to the following sanctions:

**609.6.1** Verbal Warning

**609.6.2** Written Warning

**609.6.3** Campaign restrictions including but not limited to, loss of campaign time.

#### **609.6.4 Disqualification**

**609.7** The candidate that has a campaign staff member who does not comply with the Election Code will be held accountable for that campaign staff member's actions and may be required to remove the non-complying campaign staff member from the campaign.

**609.8** Any candidate or campaign staff member who violates the Student Code of Conduct may be referred to the Office of the Dean of Students.

**609.9** The provisions of the Election Code do not change under state and federal law. However, upholding the Election Code is the exclusive mandate of the Student Body Supreme Court.

**609.10** Candidates may request a Grievance Hearing to contest a Cease - and - Desist order issued by the Supervisor of Elections to the Supreme Court. All appeals must be filed no later than one hour prior to the closing of elections. The Cease - and - Desist order will remain in effect unless removed during a Grievance Hearing.

**609.11** All violations must be filed within one hour after the close of polling on the final day of the election, violations filed after this point shall not be considered for adjudication.

#### **Chapter 610: Ballot Format**

**610.1** Ticket, Senatorial Candidate, and Treasurer Candidate names will be randomized on the ballot for each election.

**610.2** Instant-Runoff voting will be the method employed during the creation of the ballot.

#### **Chapter 611: Voting Procedure**

**611.1** All votes must be submitted online via Eagle Link. All students who wish to vote must go to the website [getinvolved.fgcu.edu](http://getinvolved.fgcu.edu) and log in to vote using their preassigned Eagle username and password, which is the same used for Canvas and Eagle Mail.

**611.2** Each member of the Student Body shall be allowed to submit one SG election ballot

**611.3** No Poll Worker shall be a candidate or directly affiliated with a Candidate or Ticket, nor can a poll worker endorse a campaign within 100 feet of the poll.

**611.4** Students may only vote for Senatorial Representatives within their college but all students shall be given the opportunity to vote for the Presidential & Vice-Presidential Tickets and Treasurer Candidates.

**611.5** Poll Workers may assist any student with disabilities. A student with vision or physical impairments may request a poll worker to read and mark his or her ballot online.

**611.6** After an election has occurred if a candidate has evidence which would indicate that the vote totals are fraudulent or erroneous, the candidate may file a petition with the Chief Justice of the Student Body Supreme Court. The petition must be filed no later than forty-eight (48) hours after the official announcement of the election results.

**611.7** In the event of a tie, an additional run-off election will take place to break the tie between candidates. Should this additional run-off election lead to a tie, the tie will be broken by the Elected Senate during their first official meeting on or after April 1<sup>st</sup>.

## **Chapter 612: Senate Apportionment**

**612.1** Apportionment is established or reaffirmed annual by the Student Body Senate. Apportionment is currently defined as:

- a.** College of Arts and Sciences (17)
- b.** Lutgert College of Business (12)
- c.** College of Health and Human Services (7)
- d.** College of Education (2)
- f.** College of Engineering (3)
- g.** Undeclared (1)
- h.** Graduate Studies (3)

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