

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.

600.1.1 The Election Code shall derive its authority from and be superseded by the Constitution of the Florida Gulf Coast University Student Government.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 their party affiliation, proposed constitutional amendments, initiatives, referenda, and propositions.

601.2 Campaigning - Any intentional action in support of, or in opposition to, a candidate for an elected Student Body 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, a campaign t-shirt, a button, an emblem or similar paraphernalia, 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 party

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 are strictly limited to: party t-shirts, buttons, party flyers, candidate nametags, party signs, banners, stickers, party websites (this includes social networking sites), videos, paint on personal vehicles and platform cards.

601.3.1.1 An independent 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., seven (7) 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. This may not be altered after the deadline.

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 a 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, pending review by the Student Body Supreme Court.

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 polling.

601.13 Expenditure Cap - The maximum amount of monetary resources contributes to a candidate or political party's campaign

601.14 Grievance - Any extensive violation referred to the Student Body Supreme Court, to undergo a grievance hearing.

601.15 Grievance Hearing - An assembly of the Student Body Supreme Court to adjudicate the merits of an Election Code violation.

601.16 Independent - Any Treasurer or Senator candidate running separate of any political party.

601.17 Notice - Any written contact by the Supervisor of Elections to any student to appear at a hearing. Notices shall be made at least twelve (12) hours before the beginning of the Grievance Hearing by way of email addressed to the candidate's Eagle Mail account. A voicemail message is not considered a Notice.

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

601.19 Petitioner – Any student who presents evidence and call witnesses against the respondent during a Grievance Hearing.

601.20 Political Party- Candidates running under the same party ticket cooperatively campaigning for electoral offices.

601.20.1 A Political Party may be the President and Vice President candidate alone, or combined with senator and/or treasurer candidates.

601.21 Respondent - Any person or persons against whom a violation of the Election Code has been filed with the Student Body Supreme Court.

601.22 School Day – Any Monday through Friday on which University classes are being held.

601.23 Sanctions - penalties imposed for Election Code violations.

601.24 Violation - Any act that disregards the rules set forth by the Election Code.

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

Chapter 602: The Supervisor of Elections

602.1 The Supervisor of Elections shall:

602.1.1 Be responsible to review the Election Code annually and draft amendments as needed.

602.1.2 Appoint and oversee an Election Rules Committee.

602.1.3 Bring charges against candidates who appear in violation of the Election Code.

602.1.4 Determine the location of the polling.

602.1.5 Monitor all campaign activities which includes: campaign zoning, assist candidates with campaign concerns, see that the Election Code and Signage Policy is upheld.

602.1.6 Schedule interest meetings, mandatory meetings, volunteer meeting, presidential debate and the election results announcement.

602.1.7 Be responsible for receiving the Candidacy Packet of all potential candidates.

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

602.1.9 Certify the elections

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 Dean of Students Office 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 campaign where the Supervisor of Elections feels there is a preponderance of available evidence that:

602.3.2.1 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.

602.3.3 Withhold the Election results under admissible 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 a 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 Rules Committee

603.1 The Election Rules 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 comprised of no less than three (3) members, but no more than five (5) members.

603.1.5.1 Membership shall be determined by the Supervisor of Elections.

603.2 The Election Rules Committee shall not:

603.2.1 Be required to be confirmed by a vote of Senate.

603.2.2 Hold any other position in Student Government.

603.2.2.1 Members must resign/disaffiliate from other Student Government positions no less than eight (8) weeks before the beginning of the Election Cycle.

603.2.3 Be running in the current SG Elections.

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;

604.1.2 Students running for Senate seats must run under the college in which they are registered

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 to sustain their candidacy past the filing period.

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

604.5 The Supervisor of Elections shall notify individuals who do not qualify for candidacy and present the reason for ineligibility.

604.6 All candidates must attend the 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 seven (7) days before polling begins at 12:01am and ends when the polls close on the last day of polling.

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 Affairs (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 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, branch or any other entity within SG, may collectively endorse an individual candidate or party. Individual SG Officials may endorse a candidate or party.

605.9 No active campaigning or signage allowed off-campus. Wearing shirts, stickers, buttons, and car paint on your personal vehicle is permissible.

605.10 Candidates wishing to be removed from the ballot must inform the Supervisor of Elections in writing prior to the end of the filing period.

605.11 At all times, during campaigning and during voting, no member of a running party may allow the use of their own personal electronic device (s) (computers, phones, etc.), for the use of another student to vote.

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 candidate or political party's campaign.

606.1.2 The expenditure cap for a political party consisting of President, Vice President, Treasurer and Senator Candidates is \$3,000.00.

606.1.3 The expenditure cap for a political party consisting of only President and Vice President Candidates is \$1,400.00.

606.1.4 The expenditure cap for Treasurer Candidate running independent of a political party is \$700.00.

606.1.5 The expenditure cap for Senator Candidate running independent of a political party is \$350.00.

606.2 Preliminary Budget and Financial Statement

606.2.1 Each candidate or political party must submit a budget representing all expenditures. A political party must submit a combined budget on behalf of all members listed under the party ticket.

606.2.2 Preliminary budget must consist of a reasonable estimate of purchases to occur for the benefit of the candidate within the political party.

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 political party, 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 must be submitted by the Friday prior to the start of polling.

606.2.4 All candidates who chose not to use monetary resources for campaigning must submit written document corroborating this.

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

606.2.5.1 The Supervisor of Elections will notify the candidate or candidates of the sanctions within reasonable time frame.

Chapter 607: Student Government Campaign Signage Policy

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

607.1.1 Student Service Plaza (banners).

607.1.2 Supervisor of Elections may permit the use of campaign signs if found in accordance with the FGCU Solicitation Policy 4.007.

607.2 Candidates will be given written instructions at the initial candidates' meeting.

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 is restricted to only being placed on FGCU property.

607.3.8 Signage will not be posted before the advertised Election Cycle.

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 for a resolution.

607.3.10 Campaign banners must comply with the FGCU solicitation policy and candidates may not exceed the allotment or maximum size.

607.1.10.1 Each independent Senator candidate is allowed one banner. Each independent Treasurer candidate is allowed up to two banners. Each political party consisting of President and Vice-President Candidates is allowed up to three banners. Political party consisting of the President, Vice-President, Treasurer and/or Senator candidates are permitted up to four banners.

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

607.3.11 Campaigning must not disrupt normal operations of the University.

607.3.12 FGCU Policy No. 4.007, states that unattended free-standing signs are not 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 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 kind to any student as compensation for voting or endorsing a campaign. Or 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 Engage in door-to-door campaigning.

Chapter 609: Election Code Violations and Grievance Hearings

609.1 Any member of the Student Body has the right to bring an Election Code violation before the Election Rules Committee and Student Body Supreme Court.

609.2 The Petitioner shall present an initial finding and probable cause of a violation will be determined.

609.3 The Election Rules Committee or Student Body Supreme Court may dismiss without prejudice any complaint that is of the following:

609.3.1 Presented for any frivolous or improper purpose to harass candidate or campaign.

609.3.2 The allegations and other factual contentions in the complaint are without evidentiary support or a violation does not exist.

609.4 The Election Rules Committee procedure for Violations:

609.4.1 The petitioner shall submit their violation via official FGCU 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 a violation and during voting they have twenty-four (24) hours to respond.

609.4.3 The Election Rules Committee will adjudicate the violation with a ruling and decide if there is a need for sanctions.

609.4.4 The Elections Rules Committee may refer the violation to the Student Body Supreme Court to undergo a Grievance Hearing.

609.5 The procedure for Grievance Hearings shall be the following: The Student Body Supreme Court 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.

609.5.2 At the hearing the Chief Justice will explain the proceedings to the involved members of the Grievance.

609.5.3 Both the Petitioner and the Respondent may retain a counselor.

609.5.4 The Petitioner shall be granted three (3) minutes for an opening statement. More time may be granted by the Chief Justice of the Student Body Supreme Court.

609.5.5 The Respondent shall be granted equal time to present 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 five (5) minutes to present the complaint. During the presentation, the Petitioner may call witnesses and present testimony and other evidence. More time may be granted by the Chief Justice of the Student Body Supreme Court.

609.5.8 The Respondent shall be granted equal time to rebut the allegations of the Petitioner. During the refutation, the Respondent may call witnesses and present testimony and other evidence. More time may be granted by the Chief Justice of the Student Body Supreme Court.

609.5.9 The Petitioner shall be granted three (3) minutes for the closing statement. More time may be granted by the Chief Justice of the Student Body Supreme Court.

609.5.10 The Respondent shall be granted equal time for the closing statement. More time may be granted by the Chief Justice of the Student Body Supreme Court.

609.5.11 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 After deliberations, the Student Body Supreme Court will vote on whether there was a violation. If the Student Body Supreme Court finds a violation, the Petitioner, then the Respondent, will be allotted three (3) minutes for statements on the appropriate penalty.

609.5.13 After the penalty statements, the Student Body Supreme Court will publicly deliberate and vote on the appropriate sanction without input or vote by the Petitioner or Respondent.

609.5.14 In all adjudications of guilt during a Grievance Hearing, the burden of proof shall rest with the Petitioner.

609.5.15 The Petitioner may withdraw a complaint at any time before the other Student Body Supreme Court members -make a ruling.

609.5.16 The Student Body Supreme Court may dismiss a complaint during a hearing by a majority vote if any of the following apply:

609.5.16.1 The Petitioner is unable to demonstrate probable cause of a violation.

609.5.16.2 The Petitioner has not established by a preponderance of evidence that there was a violation of the Election Code section specified.

609.5.16.3 If the Petitioner fails to attend the Grievance Hearing.

609.5.17 If the Student Body Supreme Court has convincing evidence that the Respondent is refusing to appear at the Grievance Hearing after proper notice, the Student Body Supreme Court may conduct the Grievance Hearing without the Respondent present.

609.5.18 After determining that a violation has occurred, the Student Body Supreme Court shall impose a sanction by majority vote.

609.5.19 All votes for determining guilt or innocence 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 any or all of the following penalties:

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 Any candidate that has a campaign staff member who does not comply with the Election Code will; be held accountable for the campaign staff member's actions, and may be required to remove them 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 preempt the remedies available 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 from the Supervisor of Elections. Candidates have forty eight (48) hours from the issue of the order or one (1) hour from the closing of the polls to appeal the Cease-and-Desist order by requesting a Grievance Hearing. 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 of the close of polling on the final day of the election, violations filed after this point shall not be considered for adjudication.

Chapter 610: Voting Procedure

610.1 All votes must be submitted online via EagleLink. All students who wish to vote must go to the website <https://collegiatelink.net/> and log in to vote using their preassigned Eagle username and password, which is the same used for Canvas and Eagle Mail.

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

610.3 No Poll Worker shall be a candidate or a campaign staff member, nor can a poll worker endorse a campaign within 100 feet of the poll.

610.4 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.

610.5 General Elections shall be held on three consecutive days.

610.6 During the last three days of campaigning in which voting occurs, the use of personal electronic devices (phones, computers, etc.) used by any member of a running party to endorse students to vote is prohibited.

610.7 After an election has occurred if a candidate feels that the vote totals are fraudulent or erroneous, the candidate may file a petition with the Chief Justice of the Student Body Supreme Court. This must be done within forty-eight (48) hours of the official announcement of the election results.