Florida Gulf Coast University Board of Trustees
January 19, 2010

SUBJECT: Student Government Election Code

PROPOSED BOARD ACTION

Approve Student Government Election Code.

BACKGROUND INFORMATION

Student Governments of institutions in the State University System of Florida are responsible for holding an election each year to select Executive and Legislative branches for their organization. The Student Government elections at FGCU are held in the Spring Semester of each year.

This Election Code was developed by FGCU Student Government and originally passed by the Student Senate on December 1, 2009 to define procedures to stand for office, campaign and address violations of this document. Subsequent to their action, the document was submitted to Office of the General Counsel for review. The review determined that SG does not have authority to fine individuals for violations as outlined in the original language and as a result, the SG President vetoed the Election Code bill.

Student leaders from all three branches of Student Government met with university staff to review recommended revisions of the document to bring it into compliance. The attached document reflects the changes agreed upon by the student leadership of SG with the assurance that it will be approved by the Student Senate on January 12, 2010 per the SG constitution. The Board of Trustees must approve this policy prior to it becoming effective.
Supporting Documentation Included: (1) Florida State Statute 1004.26 University student governments; (2) Board of Governors Regulation 1.001 University Boards of Trustees Powers and Duties, and (3) Title VI: The Election Code

**Prepared by:** Vice President for Student Affairs Mike Rollo

**Legal Review by:** General Counsel Vee Leonard (12/9/09)

**Submitted by:** Vice President for Student Affairs Mike Rollo
1004.26 University student governments.--

(1) A student government is created on the main campus of each state university. In addition, each university board of trustees may establish a student government on any branch campus or center. Each student government is a part of the university at which it is established.

(2) Each student government shall be organized and maintained by students and shall be composed of at least a student body president, a student legislative body, and a student judiciary. The student body president and the student legislative body shall be elected by the student body; however, interim vacancies and the student judiciary may be filled in a manner other than election as prescribed by the internal procedures of the student government.

(3) Each student government shall adopt internal procedures governing:

(a) The operation and administration of the student government.

(b) The execution of all other duties as prescribed to the student government by law.

(4)(a) The qualifications, elections, and returns, the appointments, and the suspension, removal, and discipline of officers of the student government shall be determined by the student government as prescribed by its internal procedures.

(b) Any elected or appointed officer of the student government may be removed from office by the majority vote of students participating in a referendum held under this paragraph. Each student government shall adopt internal procedures by which students may petition for a referendum to remove from office an elected or appointed officer of the student government. The grounds for removal of a student government officer by petition must be expressly contained in the petition and are limited to the following: malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. The referendum must be held no later than 60 days after the filing of the petition.

(c) Each student government shall adopt internal procedures providing for the suspension and removal of an elected or appointed student government officer following the conviction of that officer of a felony.

History.--s. 3, ch. 2002-188; s. 43, ch. 2004-41.
1.001 University Board of Trustees Powers and Duties

(1) Pursuant to Article IX, section 7(c), Florida Constitution, the Board of Governors shall establish the powers and duties of the board of trustees as set forth herein and as may be established in Board of Governors’ regulations. This regulation supersedes the delegation of authority to the boards of trustees contained in the Board of Governors’ Resolution dated January 7, 2003. The intent of this regulation is to delegate powers and duties to the university boards of trustees so that the university boards have all of the powers and duties necessary and appropriate for the direction, operation, management, and accountability of each state university.

(2) Composition of Boards; Membership and Organization.
(a) Each university shall be administered by a board of trustees, consisting of thirteen members dedicated to the purposes of the State University System. Each university board of trustees includes six members appointed by the Governor and five members appointed by the Board of Governors, all of whom must be confirmed by the Senate. All trustees are required to attend a Board of Governors orientation session, preferably prior to service on the university board. The chair of the faculty senate, or the equivalent, and the president of Student Government, or the equivalent, are also members. Board of trustee members shall serve staggered terms of five years and may be reappointed for subsequent terms, except for the faculty and student representatives who shall serve for the duration of the term of their respective elected offices. All members are public officers subject to the requirements of the Florida Code of Ethics.

(b) Each board of trustees shall select its chair and vice chair from the appointed members. Each chair shall serve for two years and may be reselected for one additional consecutive two-year term. Any exception to this term of office must be approved by a two-thirds vote of the board of trustees. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Board of Governors or the Governor, as applicable, in writing whenever a board member has three consecutive unexcused absences from regular board meetings in any fiscal year, which may be grounds for removal.

(c) The university president shall serve as the chief executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting
the agenda for meetings of the board of trustees in consultation with
the chair.

(d) Members of the boards of trustees shall receive no compensation but
may be reimbursed for travel and per diem expenses as provided in
s. 112.061, Florida Statutes.

(e) Each board of trustees shall establish the powers and duties of the
university president.

(f) Each board of trustees shall be a public body corporate with all the
powers of a body corporate, including the power to adopt a corporate
seal, to contract and be contracted with, to sue and be sued, to plead
and be impleaded in all courts of law and equity, and to give and
receive donations. In all suits against the board of trustees, service of
process shall be made on the chair of the board of trustees or on a
university designee.

(g) Each board of trustees shall be primarily acting as an instrumentality
of the state pursuant to s. 768.28, Florida Statutes, for purposes of
sovereign immunity.

(h) Each board of trustees is subject to the public records and open
meetings requirements set forth in Article I, section 24 of the Florida
Constitution and laws implementing that section.

(3) University Administration and Oversight.

(a) Each board of trustees shall be responsible for the administration of its
university in a manner that is dedicated to, and consistent with the
university’s mission which shall be otherwise consistent with the
mission and purposes of the State University System as defined by the
Board of Governors.

(b) Each board of trustees may establish committees of the board to
address matters including, but not limited to, academic and student
affairs, strategic planning, finance, audit, property acquisition and
construction, personnel, and budgets.

(c) Each board of trustees shall adopt a strategic plan in alignment with
the Board of Governors’ systemwide strategic plan and regulations,
and the university’s mission. University strategic plans shall be
submitted to the Board of Governors for approval.

(d) Each board of trustees shall prepare a multi-year workplan/report for
the Board of Governors that outlines its university’s top priorities,
strategic directions, and specific actions and financial plans for
achieving those priorities, as well as performance expectations and
outcomes on institutional and systemwide goals. The workplan/
report shall reflect the university’s distinctive mission and focus on
core institutional strengths within the context of State University System goals and regional and statewide needs.

(e) Each board of trustees shall have a policy addressing conflicts of interest for its members.

(f) Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university, and shall require that all data and reporting requirements of the Board of Governors are met.

(g) Each board of trustees may promulgate regulations and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(h) Each board of trustees is authorized to secure comprehensive general liability insurance.

(i) Each board of trustees may provide for payment of the cost of civil actions against officers, employees, or agents of its board.

(j) Each board of trustees is authorized to promulgate university regulations in accordance with the Regulation Development Procedure adopted by the Board of Governors.

(k) Each board of trustees may govern traffic on the grounds of the university and in other areas in accordance with law and any mutual aid agreements entered into with other law enforcement agencies.

(l) Each board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for university personnel, students, and campus visitors.

(m) Each board of trustees is authorized to create divisions of sponsored research and establish policies regulating the administration and operation of the divisions of sponsored research.

(4) Academic Programs and Student Affairs.

(a) Each board of trustees shall adopt university regulations or policies, as appropriate, in areas including, but not limited to:
   1. authorization and discontinuance of degree programs;
   2. articulation and access;
   3. admission and enrollment of students;
   4. minimum academic performance standards for the award of a degree;
   5. student financial assistance;
   6. student activities and organizations;
   7. student records and reports;
   8. antihazing, related penalties, and program for enforcement;
   9. reasonable accommodation of religious observances; and
10. uniform student code of conduct and related penalties. Such regulations or policies shall be consistent with any applicable Board of Governors’ regulations.

(b) Each board of trustees shall establish a committee to periodically review and evaluate the student judicial system. At least one-half of the members of the committee shall be students appointed by the student body president.

(c) Each board of trustees shall approve the internal procedures of student government organizations.

(d) Each board of trustees shall require that institutional control and oversight of its intercollegiate athletics program is in compliance with the rules and regulations of the National Collegiate Athletic Association. The university president is responsible for the administration of all aspects of the intercollegiate athletics program.

5. Personnel.

(a) Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure, and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. To the extent allowed by law, university employees shall continue to be able to participate in the state group insurance programs and the state retirement systems.

(b) Each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.

(c) Each board of trustees shall select its university president subject to ratification of the candidate by the Board of Governors. A presidential search committee shall be appointed to make recommendations to the full board of trustees. The board of trustees shall select a candidate for ratification by the Board of Governors. Prior to ratification, the board of trustees shall submit a written description of the selection process and criteria, and the qualifications of the selected candidate to the Board of Governors for its consideration in ratifying the candidate. The
candidate selected by the board of trustees shall be required to appear before the Board of Governors at the meeting where ratification of the candidate will be considered. Such meeting will be held as soon as practicable to ensure a timely transition.

(d) In the event that a board of trustees selects an interim president, such selection is subject to ratification of the candidate by the Board of Governors. If it is determined by the board of trustees to be in the best interests of the university, the interim president selected by the board may be delegated full authority to serve as the interim president during the period prior to ratification by the Board of Governors. Continued service as interim president requires ratification by the Board of Governors, and the candidate selected by the board of trustees shall be required to appear before the Board of Governors at the meeting where ratification will be considered. Such meeting will be held as soon as practicable to ensure a timely transition.

(e) Each board of trustees shall develop guidelines for the annual evaluation of the president.

(f) Each board of trustees shall conduct an annual evaluation of the president. The chair of the board of trustees shall request input from the Chair of the Board of Governors, who may involve the Chancellor, during the annual evaluation process pertaining to responsiveness to the Board of Governors’ strategic goals and priorities, and compliance with systemwide regulations.

(6) Financial Management.

(a) Each board of trustees shall be responsible for the financial management of its university and shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with the guidelines established by the Board of Governors.

(b) Each board of trustees shall establish tuition and fees in accordance with regulations established by the Board of Governors.

(c) Each board of trustees shall establish waivers for tuition and fees pursuant to regulations established by the Board of Governors.

(d) Each board of trustees shall engage in sound debt management practices for the issuance of debt by the university and its direct support organizations, and shall comply with the guidelines established by the Board of Governors in connection with the authorization, issuance and sale of university and direct support organization debt.
(e) Each board of trustees shall account for expenditures of all state, local, federal, and other funds in accordance with guidelines or regulations established by the Board of Governors, and as provided by state or federal law.

(f) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(g) Each board of trustees shall establish policies and procedures for the performance of annual internal audits of university finances and operations. All reports generated from such audits must be submitted to the Board of Governors after review and acceptance by the board of trustees, or its designee.

(h) Each board of trustees and each direct support organization shall submit annual financial statements to the Board of Governors.

(7) Property and Purchasing.

(a) Each board of trustees and university direct support organization must obtain prior approval from the Board of Governors before entering into a binding contractual obligation to improve real property that will result in the board or the direct support organization seeking a commitment of state funds for the development, construction, operation, or maintenance of an educational or research facility.

(b) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same, and approve and execute contracts for purchase, sale, lease, license, or acquisition of commodities, goods, equipment, and contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price.

(c) With respect to state-funded real property acquisitions, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

1. The board of trustees may secure appraisals and surveys in accordance with the policies and procedures of the Board of Trustees of the Internal Improvement Trust Fund. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the
Division of State Lands in the Department of Environmental Protection.

2. The board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.

3. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired thereafter with state funds shall vest in the Board of Trustees of the Internal Improvement Trust Fund. With respect to all other real property acquired by a university, such property shall be titled in the name of the university board of trustees, or as the trustees of the university may deem appropriate.

(d) Each board of trustees shall submit to the Board of Governors, for approval, plans for all new campuses and instructional centers.

(e) Each board of trustees shall administer a program for the maintenance and construction of facilities.

(f) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013, Florida Statutes.

(g) Each board of trustees shall be responsible for the use, maintenance, protection, and control of, and the imposition of charges for, university-owned or university-controlled buildings and grounds, property and equipment, name trademarks and other proprietary marks, and the financial and other resources of the university.

(h) With respect to any funds or real or personal property designated by will, deed, agreement, or court appointment to be held in trust for the benefit of the university, or its students, faculty members, officers, or employees, or otherwise, or for any educational purpose, a university board of trustees is authorized to act as trustee with full legal capacity as trustee to administer such trust property and, in such event, the title thereto shall vest in the board of trustees as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and duties including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for or appropriate to the
administration of such trust or to accomplish the purposes of any such trust. Nothing herein shall be construed to authorize a board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered.

(i) Each board of trustees shall prepare and adopt a campus master plan pursuant to section 1013.30, Florida Statutes.

(j) Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to section 1013.30, Florida Statutes.

(k) Each board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities and parking fines.

(l) Each board of trustees shall promulgate regulations that establish basic criteria related to the procurement of commodities and contractual services.

(m) Each board of trustees shall be responsible for the fire safety and sanitation of public educational and ancillary plants.

(8) Miscellaneous Powers and Duties.

(a) Each board of trustees is authorized to form such corporate entities as are necessary to establish and maintain faculty practice plans for the collection, distribution, and regulation of fees generated by faculty members engaged in the provision of healthcare services to patients as an integral part of their academic activities and employment as faculty. Each such faculty practice plan must be adopted by the board of trustees in accordance with regulations of the Board of Governors and approved by the Board of Governors.

(b) Each board of trustees is authorized to establish direct support organizations and university health services support organizations and certify them to use university property, facilities, and services.

(c) Each board of trustees may establish educational research centers for child development.

(d) Each board of trustees is authorized to protect, develop, and transfer the work products of university personnel and other university agents and contractors, which authority shall include but not be limited to licensing, assigning, selling, leasing, or otherwise allowing the use of or conveying such work products and securing and enforcing patents, copyrights, and trademarks on such products. Each board of trustees shall have policies and procedures concerning the work products of
university personnel that facilitate technology development and transfer for the public benefit. Such policies must include, without limitation, provisions that take into account the contributions of university personnel in the development of work products and that require any proceeds from such work products be used to support the research and sponsored training programs of the university.

(e) Each board of trustees is responsible for compliance with all applicable laws, rules, regulations, and requirements.

(f) Each board of trustees shall perform such other duties as provided by the Board of Governors, or as each board of trustees may determine are necessary or appropriate for the administration of the university so long as the trustees comply with any applicable laws and Board of Governors’ regulations and policies.

Authority: Section 7(c), Art. IX, Fla. Const.; History: Resolution 1-07-03, New 3-26-09.
Title: Title VI: The Election Code

Date Introduced: November 24, 2009

Purpose: This purpose of this legislation is to establish the Election Code as Title VI of the System of Statutes. Title VI includes; Definition of Terms, the Supervisor of Elections, Election Qualification, Campaigning, Rules and Regulations, Election Code of Ethics, and Violations and Grievance Hearings.

Scope: See attached

Author(s): Casey Gallatin (Senator), Jennifer Joyce (Senator), Alex Coogan (Senator), Ciara Winslow (Senator), Ashley Seeley (Senator), Peter Lechler (Senator)

Sponsor(s): Casey Gallatin (Senator), Jennifer Joyce (Senator), Alex Coogan (Senator), Ciara Winslow (Senator), Ashley Seeley (Senator), Peter Lechler (Senator)

Vote: Yes______ No_______ Abstain ____

____________________________________________________________________________

Caroline Decaire, Senate President

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Isaac Roman, Student Body President

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Michele Yovanovich, Dean of Students (Designee for President Bradshaw)
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 Body elections.

600.2 The Election Code of the Student Body shall derive its authority from and in no manner conflict with the Constitution of the Florida Gulf Coast University Student Government.

Chapter 601 Definition of Terms

601.1 Appellant — The Supervisor of Elections who has been authorized by the Supervisor to present evidence and call witnesses against the Respondent during a Grievance Hearing.

601.2 Ballot — The printed or computerized voting form, which includes names of candidates, proposed constitutional amendments, initiatives, referenda, and propositions.

601.3 Campaign/Marketing Materials — Any tangible or intangible item 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, and platform cards.

   601.3.1.1 A candidate not affiliated with a party, or a candidate who wishes to endorse themselves is permitted to use Campaign/Marketing Materials of their own.

601.4 Campaign Period — is from the third Monday in March at 12:01am through when the polls close on the last day of polling.

601.5 Campaigning — Any intentional action in support of, or in opposition to, a candidate for an elected Student Body office, including, but not limited to; distribution of literature, posting of materials.

   601.5.1 Passive Campaigning — any indirect 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.

601.54.2 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.

601.65 Candidacy Packet – The forms given to the potential candidates during the required Candidate Orientation meeting. The Candidacy Packet must be completed and turned in by the end of the sign-up period in order to qualify for candidacy. The Candidacy Packet will also contain the forms necessary to run a campaign and a copy of the Election Code.

601.76 Candidate – Any person who has qualified to have his or her name placed on the ballot for office in a Student Government election.

601.87 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.

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

601.109 Door-to-Door Campaigning – refers to campaigning by means of knocking on doors in the Residence Halls.

601.110 Election Cycle – means the time between the beginning of the qualifying period meeting and the end of polling.

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

601.132 Legal Counselor – no more than two students retained by either the Appellant/Petitioner or the Respondent. In regards to the Appellant/Petitioner, the legal counsel may represent the party who brought the complaint before the Student Body Supreme Court.

601.143 Notice – Any written or oral contact by the Student Body Supreme
Court 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. Answering machine messages are not considered a Notice.

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

**601.165 Qualify** – The filing of the Candidate’s Packet and meeting the necessary requirements to seek an office.

**601.166 Petitioner** – The Supervisor of Elections, or designee who has been authorized by the Supervisor to present evidence and call witnesses against the Respondent during a Grievance Hearing.

**601.17 Political Party** - Political Party - means an organization of students which nominates a candidate or candidates for election to any elected Student Government office and whose candidates meet the election qualifications.

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

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

**601.1920 Voter** – Any student at Florida Gulf Coast University

**601.201 SG** - Refers to Student Government

**Chapter 602 The Supervisor of Elections**

602.1 The Supervisor of Elections shall:

**602.1.1** Bring charges against candidates who appear in violation of the Election Code

**602.1.2** Determine the locations of the polling stations

**602.1.3** Monitor all campaign activities
602.1.4 Schedule debates

602.1.5 Certify the elections

602.1.6 Supervise any special elections as a result of actions by the Senate or Executive Branch such as a vacancy or referendum

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

602.1.8 Distribute all information concerning the Election Code including campaign rules, deadlines, and other information

602.1.9 Announce publicly the election results as they become available and are verified

602.1.10 Create an Election Timeline and make public all deadlines associated with the Election Cycle

602.2 The Supervisor of Elections shall not

602.2.1 Hold any other position or office in the Student Government 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 designate 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 Chair 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
The Supervisor of Elections is subject to impeachment for malfeasance, misfeasance, neglect of duty, or incompetence by the Senate by the impeachment process stated in the constitution.

Chapter 603 Election Qualification

603.1 In order to be eligible, students seeking candidacy must:

603.1.1 Be in good academic and disciplinary standing

603.1.2 Be registered as a degree seeking student

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

603.3 Candidates for Student Body President and Student Body Vice-President must have a running mate to sustain their candidacy past the sign up period.

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

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

603.6 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.

Chapter 604 Campaigning

604.1 Campaigning, both active and passive begins the third Monday in March at 12:01am and ends when the polls close on the last day of polling.

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

604.3 Candidates are responsible for removing all campaign materials, which have been displayed, within forty-eight (48) hours of the conclusion of the election.
604.43 No active campaigning or fundraising may take place at any location that serves alcohol, unless authorized in writing by the Vice President of Student Affairs (or designee) and the Supervisor of Elections.

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

604.56 No active campaigning shall be performed within any SG office spaces.

604.67 No candidate may actively or passively campaign during any Student Government meeting.

604.78 No Student Government Body, including, committees, subcommittee’s, branch or any other entity within student government, may collectively endorse an individual candidate. Individual Student Government Officials may endorse a candidate formally.

604.89 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 from the Supervisor of Elections to request the Grievance Hearing. The Cease-and-Desist order will remain in effect unless removed during a Grievance Hearing.

604.91 Candidates wishing to be removed from the ballot must inform the Supervisor of Elections prior to the end of the sign-up period.

Chapter 605 Student Government Campaign Signage Policy

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

605.1.1 Student Service Plaza (Banner)

605.1.2 No other campaign signs may be used, according to FGCU Policy No. 4.007(15), relating to postings and solicitations on campus, the FGCU Policy Manual: Postings and Solicitation on Campus 4.007 #15
605.2 Candidates will be given a map and explicit instructions at the initial candidates’ meeting.

605.3 Rules and Regulations

605.3.1 All candidates must follow FGCU solicitation policy

605.3.2 No posting on automobiles, FGCU housing apartments, or any other FGCU housing buildings or dorms

605.3.3 No taping or hanging flyers on any of FGCU campus facilities

605.3.4 No taping on glass or painted surfaces

605.3.5 No stapling materials on trees. No hanging signs from trees.

605.3.6 Candidates may ask to be granted permission for housing staff to place campaign material in mailboxes.

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

605.3.8 No signage on Ben Hill Griffin Parkway or along the North Access Road other than the designated areas. No signage on Miromar Lake fence or property.

605.3.8.1 Signage is restricted to only being placed on FGCU property.

605.3.8.2 No active campaigning or signage allowed off-campus. Shirts, stickers, buttons, and car paint on your own personal vehicles are permissible.

605.3.9 Signage will not be posted before the advertised Election Cycle. Any signage in violation of this, the Supervisor of Elections reserves the right to charge a minimum fee of fifty dollars ($50.00) per day per sign.

605.3.9.1 The Supervisor of Elections reserves the right to charge each individual candidate (independent) or party a minimum of fifty dollars ($50.00) per day per sign.
605.3.9.2 At the discretion of the Supervisor of Elections, if campaign material is linked directly to a party, he or she will be responsible for all fines received.

605.3.10 All candidates are responsible for the removal of campaign signs forty-eight (48) hours after the last day of the Election Cycle.

605.3.11 If the candidate’s signs are still posted after the forty-eight (48) hour grace period, the Supervisor of Elections reserves the right to withhold election results until all campaign/marketing materials have been removed, charge each candidate a minimum of fifty dollars ($50.00) per day per sign.

605.3.11.1 The Supervisor of Elections reserves the right to charge each individual candidate (independent) or party a minimum of fifty dollars ($50.00) per day per sign.

605.3.11.2 At the discretion of the Supervisor of Elections, if campaign material is linked directly to a party, he or she will be responsible for all fines received.

605.3.12 Each candidate team for President and Vice-President is allowed three banners on campus of a maximum size 6x4 feet. Each Senate candidate is allowed one banner on campus of a maximum size 6x4 feet. If candidates are running with a student political party, the President, Vice-President, and Senate candidates are limited to four banners of a maximum size 6x4 feet. Placement of these banners must comply with FGCU solicitation policy.

605.3.13 Campaigning must not disrupt normal operations of the University.

605.3.14 Unattended free-standing signs are not allowed.

605.3.14.1 This is in accordance with the FGCU Policy Manual: Postings and Solicitation on Campus 4.007(15) FGCU Policy No. 4.007(15), relating to postings and solicitations on campus.

Chapter 606 Election Code of Ethics

606.1 This Election Code of Conduct shall apply to all candidates for a Student Government office and campaign staff members. No candidate or campaign
staff member shall:

606.1.1 Misrepresent any material as fact during the campaign;

606.1.2 Misrepresent any campaign material as being the material of another candidate;

606.1.3 Authorize, condone, or engage in the destruction or theft of another candidate’s campaign material;

606.1.4 Accuse or threaten to accuse another candidate or campaign of any crime or offense without presenting proper evidence to the Supervisor of Elections;

606.1.5 Slander, threaten to slander, libel, or threaten to libel the reputation of another candidate or campaign;

606.1.6 Verbally or physically threaten another candidate or campaign;

606.1.7 Campaign before the Election Cycle begins;

606.1.8 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;

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

606.1.10 Engage in election fraud or knowingly allow others to engage in election fraud;

606.1.11 Violate the SG Signage Policy;

606.1.12 Engage in door-to-door campaigning;

606.2 Any candidate who perjures himself or herself during a Grievance Hearing will be subject to disqualification.

Chapter 607 Election Code Violations and Grievance Hearings
607.1 Any member of the Student Body has the right to bring a Grievance or Election Code Violation before the Student Body Supreme Court.

607.1.1 It is not limited to candidates running for elected office.

607.2 The Supervisor of Elections must provide an Appellant Petitioner to conduct an investigation of any proposed violation. The Appellant Petitioner shall present an initial finding to the Student Body Supreme Court to determine whether probable cause exists to believe a violation has occurred or whether the complaint should be dismissed with prejudice.

607.3 The Student Body Supreme Court may dismiss with prejudice any complaint that is any of the following:

607.3.1 Presented or maintained for any frivolous or improper purpose such as to harass candidate or campaign;

607.3.2 The allegations and other factual contentions in the complaint are without a scintilla of evidentiary report.

607.4 The procedure for Grievance Hearings shall be the following:

607.4.1 The Appellant 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.

607.4.2 The Respondent shall be granted equal time to present an opening statement.

607.4.3 The Appellant Petitioner shall be granted five (5) minutes to present the complaint. During the presentation, the Appellant 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.

607.4.4 The Respondent shall be granted equal time to rebut the allegations of the Appellant 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.
607.4.5 The Appellant 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.

607.4.6 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.

607.4.7 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.

607.4.8 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 Appellant Petitioner, then the Respondent, will be allotted three (3) minutes for statements on the appropriate penalty.

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

607.5 Both the Appellant Petitioner and the Respondent may retain legal counsel.

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

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

607.8 The Appellant Petitioner may withdraw a complaint at any time before the other Student Body Supreme Court members impose a punishment.

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

607.9.1 The Appellant Petitioner is unable to demonstrate probable cause of a violation;
607.9.2 The facts alleged in the complaint, if true, do not violate the section of the Election Code specified by the complaint.

607.9.3 The Appellant/Petitioner has not established by a preponderance of the evidence that there was a violation of the Election Code.

607.9.4 If the Appellant/Petitioner fails to attend the Grievance Hearing.

607.10 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.

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

607.12 All votes for determining guilt or innocence of a Respondent and imposing punishments shall be roll call votes, which shall be duly recorded.

607.13 Any candidate or campaign staff member who does not comply with the Election Code shall be subject to any or all of the following penalties:

607.13.1 Warning;

607.13.2 Public reprimand

607.13.3 Removal from campaign (for campaign staff members);

607.13.4 Disqualification

607.13.5 Fines in accordance with the signage policy

607.13.5.1 All monies collected from aforementioned fines shall be deposited into the Student Government cash account.

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

607.15 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.

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

Chapter 608 Voting Procedure

608.1 All Voters must present a picture ID and be on the list of FGCU enrolled students provided by the Registrar’s Office.

608.2 Each member of the Student Body shall be allowed only one vote per office, referendum, or amendment.

608.3 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.

608.4 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.

608.5 It is the duty of the Poll Workers to ensure that each voter is qualified to vote.

608.6 General Elections shall be held on three consecutive days.

608.7 If after an election has occurred and 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 within forty-eight (48) hours of the official announcement of the election results.

Chapter 609 Election Rules Committee

609.1 The Election Rules Committee shall:

609.1.1 Oversee all guidelines set forth in the Election Code;

609.1.2 Have the authority to enforce Election Code rules and regulations;
609.1.3 Document **sighted** violations of the Election Code and bring them to the attention of the Supervisor of Elections;

609.1.4 Assist the Supervisor of Elections with additional tasks as deemed necessary;

609.1.5 Be comprised of no less than three (3) members, but no more than five (5) members;

609.1.5.1 Membership shall be determined by the Supervisor of Elections

609.2 The Election Rules Committee shall not:

609.2.1 Be confirmed by a vote of Senate;

609.2.2. Be affiliated in any way with Student Government

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