



In re:

1. "Were the duties of the Election Commission, as stated in the statutes, completed properly?"
2. "Are the Election Statutes clear enough for any candidate deciding to run to be able to understand the rules and regulations given that the option to run as a write-in is available to all students up until the last day of voting?"
3. "Was the Attorney General's response to questions from candidates done in a timely manner?"

Complainant: Shayla Macias

Respondent: Student Government Agents (Supervisor Dalal)

Case Number: 01

Justices hearing the case: Internal Assistant Chief Justice Hodges, External Assistant Chief Justice Kehr, Associate Justice Nyalapatla, Associate Justice Halabi, Associate Justice Jackson, Associate Justice Ramos, Associate Justice Silva, Associate Justice Evans, and Associate Justice Morgan

Contestment Filed: March 9, 2022

Argued: March 15, 2022

Decided: March 15, 2022

Statement of Facts:

01/10/2022: Candidate Application Packets Available

01/18/2022-02/21/2022: Scheduled Informational Sessions hosted by the Supervisor of Elections

01/24/2022-01/28/2022: Presidential Declaration of Candidacy (to have name explicitly written on ballot)

01/24/2022-03/02/2022: Presidential campaigning allowed

02/03/2022: "Coffee Talk" event attended by complainant that initiated interest in running for President

02/23/2022: Complainant's decision to be a write-in candidate

02/24/2022: First email to the Supervisor of Elections for information on candidacy and request of opinion by the Attorney General

02/25/2022: Official opinion on write-in candidacy delivered by the Attorney General and Informal Informational Session offered to complainant

02/28/22-03/02/2022: Election Voting

Discussion

With a vote count of 9-0-0, the Judicial Council has voted to uphold the Student Body Election. With regards to the initial questions brought forth by the complainant, we have addressed them below.

Were the duties of the Election Commission, as stated in the statutes, completed properly?

The Judicial Council believes that the Election Commission successfully fulfilled their duties as outlined per Title VI. As per 601.1A, it was brought to the Judicial Council's attention in today's hearing that Supervisor Dalal had not previously served a year on the Election Commission and may have improperly been put into office. However, this rule was overturned at the Senate Meeting held on July 29th, 2021 by a vote of 29-1-1 to approve Supervisor Dalal and a vote count of 27-1-2 to overturn the 1-year requirement.

601.2A notes that the Supervisor of Elections shall not act in any partisan manner in support of any candidate running within the election. It was suggested by the complainant based on hearsay from a student present at the Senate Open Forum on February 23rd that Supervisor Dalal was quoted as saying "[The current uncontested candidates] deserve to win because they've worked really hard." However, Supervisor Dalal responded noting that this was a misinterpretation of what he said, and that he was simply stating how despite the election being uncontested, the candidates were doing their due diligence to ensure that they were still meeting statutory requirements, and thus "working hard." The Judicial Branch does not see any piece of evidence outweighing another in regards to this claim, and therefore cannot make a decision based upon it.

The complainant also raised questions about 601.3C and whether their information should have been posted on the website. It is the opinion of the Judicial Council that because Title VI differentiates between traditional and write-in candidates in that write-in candidates do not appear on the ballot, it is not a requirement that their information be presented on the Student Government Website.

Several questions were also raised by the complainant regarding 601.4. The following outlines these complaints as well as the Judicial Council's response to each.

- 601.4A: The Supervisor of Elections acted in a partisan manner in favor of one of the candidates.
 - **Addressed in second paragraph regarding 601.2A**
- 601.4J: The Supervisor of Elections failed to hold 11 informational sessions as per statute.

- According to the “Relevant Informational Sessions” evidence folder submitted by Supervisor Dalal, these sessions were held in accordance with Title VI on:
 - January 18th at 5pm in the SG Office
 - January 19th at 3pm virtually
 - January 20th at 9am in the Student Union
 - January 24th at 5pm virtually
 - January 26th at 10am in the SG Conference Room
 - January 27th at 5:30pm in the SG Conference Room
 - January 28th at 1pm virtually or in the SG Conference Room
 - February 14th at 4pm virtually
 - February 16th at 9am in the SG Conference Room
 - February 18th at 12pm virtually or in the SG Conference Room
 - February 21st at 9:30am in the SG Conference Room
- 601.4J: The complainant was not given the opportunity to attend one of these informational sessions.
 - **These informational sessions were public to all students, and Supervisor Dalal stated in the hearing that a zoom meeting option was offered to the complainant as well.**
- 601.4K: The Supervisor of Elections did not distribute marketing materials to all campus media prior to the end of declaration of candidacy.
 - **The Supervisor of Elections noted that there were marketing materials distributed only to Instagram and to the Student Government Website prior to the conclusion of declaration of formal candidacy. However, due to attendance of January informational sessions by multiple tickets and the high traffic on the Student Government Instagram Page and Student Government Website, it is the opinion of the Judicial Council that this evidence alone is not enough to impede one’s ability to run for president and thus invalidate the Student Body Presidential Election.**
- 601.4M: The Supervisor of Elections did not distribute posters to classroom buildings as well as post on all campus media information regarding the election during the end of the semester prior to the election.
 - **The Supervisor of Elections failed to do this in accordance with statute. However, during the fall semester, many students are not yet thinking about the elections. Being that informational sessions were held the first week of spring classes and application packets were made available right away on January 11th, the Judicial Council believes that this evidence is not enough to have impeded one’s ability to run for president and thus invalidate the Student Body Presidential Election.**
- 601.4R: The Supervisor of Elections failed to advertise the election 3 weeks prior to the conclusion of the Fall semester.

- See explanation for 601.4M

Are the Election Statutes clear enough for any candidate deciding to run to be able to understand the rules and regulations, given that the option to run as a write-in is available to all students up until the last day of voting?

Ambiguity in statutes is something out of the immediate control of the Election Commission. Regardless of said ambiguity, the Council believes that the Election Commission operated the Student Body Election under the current Title VI to the best of their ability. Information regarding write-in candidates is displayed in Title VI section 604.7. According to the emails provided in evidence by Attorney General Soto, any questions the complainant had about the Election Statutes were able to be answered by Attorney General Soto. In reference to the opinion written by AG Soto, he answers the complainant's inquiry regarding the rules that need to be followed by write-in candidates stating that, "write-in candidates must then adhere to the rules and regulations of Title VI outlined for traditional candidates." This opinion was written in a timely manner, having been written only one business day following the complainant's initial inquiry.

The Judicial Council finds that the Election Statutes are clear enough for candidates to adequately understand the rules and regulations. However, in cases where candidates may find ambiguity in the Election Statutes, they may refer to Attorney General Soto or the Student Government Advisor Brodie Taylor for clarification. Additionally, if a student disagrees with the election process and would like to make a suggestion for change or improvement, this can be done by filing for legislation with the Student Body Senate. The complainant also requested that a formal procedure be created for when there is a violation made by the Election Commission and that it be stated in the Election Statutes. However, Title VII section 701.1 of the UCF Student Government Constitution fulfills that request by stating that "Any student at the University of Central Florida may file an affidavit for impeachment against any Student Government Agent." As far as other recommendations and concerns made by the complainant go in regards to Title VI and election oversight, these are currently being discussed internally by the Elections and Appointments Committee and the Election Commission.

Was the Attorney General's response to questions from candidates done in a timely manner?

Contact was initiated with the Attorney General regarding four inquiries into Title VI on Thursday 2/24/22, and the Attorney General responded to two of the inquiries on Friday 2/25/22. The other two questions were answered one business day later on Monday 2/28/22. These dates are verified by the email chains that were provided by both the complainant and the Attorney General in the evidence docket. The Judicial Council believes that this was an appropriate time frame for a response, as the Attorney General responded to all questions within two business days of the initial contact.

Essentially, the complainant believes that the response time from the Attorney General impeded their ability to campaign effectively. As the complainant stated in today's hearing, the

decision to run for Student Body President was made on Wednesday 2/23/22, and official inquiries into the Presidency began on Thursday 2/24/22. The complainant also stated that their initial interest in running for Student Body President began after the “Coffee Talks” event held on 2/3/22. The Judicial Council believes that it is the responsibility of the write-in candidate to ask whatever pertinent questions they may have regarding the election in a timely manner. Being that the candidate decided to run the week before voting began, the Council believes that the blame therefore should not fall on the Attorney General.