



# EXECUTIVE BRANCH

## ATTORNEY GENERAL OPINION

*Jorge Altuna*

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**To:** Brodie Taylor, Student Body Senate Advisor  
**CC:** Luci Blanco, Student Body President  
Jarib Benitez, Student Body Vice President  
Kirsten Courts, Speaker of the Senate  
Jason Hameed, Senate President Pro Tempore  
Bella Pazera, Chief Justice  
Grace Rudie, Internal Legislative Assistant  
Anna Reed, External Legislative Assistant  
Ryan Kaufman, Deputy Pro Tempore of Legislative Affairs  
James Kapinos, Deputy Pro Tempore of Senate Relations  
Bobby Escobar, Elections & Appointments Committee Chair  
Zachary Gaudio, Legislative, Judicial, and Rules Committee Chair

**Date:** June 16, 2025

**Time:** 3:30 PM EST

**From:** Jorge Altuna, Attorney General and Judicial Advisor

**Subject:** Opinion on Overriding the Supervisor of Elections Experience Prerequisite (Title VI, §601.1)

### I. Foreword

I, Jorge Altuna, the Student Government Attorney General, in accordance with the Student Body Constitution, Statutes, and Senate Rules, hereby issue the following opinion.

The question presented is whether the Student Body Senate must overturn the statutory prerequisite (requiring prior Election Commission service for a Supervisor of Elections) before an elected Supervisor of Elections who lacks that experience may take office, or whether the override vote can occur after the individual has been elected to the position.

For the reasons explained below, it is the opinion of this Office that the prior service requirement in Title VI applies before the elected Supervisor takes office. If a candidate who has not served at least one election period on the Election Commission is elected as Supervisor, **a two-thirds (2/3) Senate override must be obtained before that candidate is administered the oath of office and assumes any duties.** Failing that, the Senate at its next meeting must vote to overturn the requirement prior to the candidate exercising the powers of the office. Any other sequence would conflict with the clear statutory mandate and could expose the office and Student Government to procedural risks.



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## II. Question Presented

Must the Student Senate act to waive the Title VI, Chapter 601.1 experience prerequisite for a Supervisor of Elections before an elected Supervisor who lacks the required Election Commission service is sworn in and assumes office, or may the Senate override this requirement retroactively (after the individual's election)?

## III. Background and Statutory Framework

The UCF Student Body Statutes (Title VI: The Election Statutes) establish an Election Commission and set qualifications for its officers. In particular, Title VI, §601.1(A) provides that “The Supervisor of Elections will have served as an Election Commissioner at UCF for a minimum of one election period.” It further states, “The Senate may overturn this prerequisite by a 2/3 vote.”. In other words, under current statute, the Supervisor of Elections is required to have prior experience on the Election Commission, unless the Student Senate affirmatively votes with a two-thirds supermajority to waive that requirement. This prerequisite was designed to ensure that the Supervisor of Elections, who oversees student government elections, has at least one cycle of Election Commission experience.

On April 17th, 2025, the 56th Student Senate passed Internal Bill 56-64, amending Title VI to change the selection of the Supervisor of Elections from a presidential appointment, with Senate confirmation, to an internal election by the members of the Election Commission. Under the revised statute, “The Supervisor of Elections and an Assistant Supervisor of Elections shall be elected, from within the Commission, by a majority vote to serve a term which ends the last week of Summer A.”. The Election Commission’s first meeting each year is convened by a Senate-designated committee chair, who calls for nominations and conducts the election of the Supervisor from among the Commission’s members. The newly elected Supervisor then immediately oversees the election of an Assistant Supervisor.

This procedural change, making the Supervisor an internally elected position rather than a presidential appointee, has created uncertainty as to when and how the Senate’s power to overturn the experience prerequisite should be exercised. Previously, when the Student Body President appointed the Supervisor of Elections, the nominee’s qualifications (including any lack of prior Commission service) would be scrutinized during the Senate confirmation process.



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### IV. Analysis of Opinion

By its plain language, the statute's requirement that the Supervisor of Elections "will have served as an Election Commissioner...for a minimum of one election period" is a qualification and requirement to holding the office. The phrasing "will have served...for a minimum of one election period" indicates that *prior* experience is mandatory.

Evidently, the legislative intent of the Senators of the 56th Student Body Senate indicates that the individual **must already have** at least one full election cycle of service on the Election Commission, unless this condition is explicitly waived by the Senate. In statutory terms, this is an eligibility qualification for the office of Supervisor of Elections. An individual who has not satisfied this prerequisite at the time of selection is **ineligible** to assume the office absent a proper waiver.

Importantly, the statute does not merely state a preference or guideline; it uses imperative language ("*will have served...*") to define who *may* hold the office, certifying that this is a binding requirement. The inclusion of a specific override mechanism ("*The Senate may overturn this prerequisite by a 2/3 vote*") confirms that the drafters contemplated *no other exception*; only an affirmative supermajority vote of the Senate can allow a person lacking the requisite experience to become Supervisor. In summary, the default rule is that **no student may statutorily hold the office of Supervisor of Elections without prior Election Commission service**, unless the Senate, in its legislative judgment, exercises its authority to grant an exception in that particular case.

Given that the experience prerequisite is an eligibility condition, it follows that any needed override must occur *before* the candidate without the qualification takes office, or essentially, before they formally assume the powers and responsibilities of Supervisor of Elections. The purpose of the Senate override is to permit an otherwise "unqualified" individual to hold the position statutorily. It would be logically inconsistent and procedurally unsound to allow an ineligible person to occupy the office first and only later seek retroactive validation from the Senate. Therefore, it is the opinion of the Office of the Attorney General that the **proper sequence** is: (1) the Election Commission selects a Supervisor; (2) if that person has not served at least one prior election period on the Commission, the Student Senate must promptly vote to overturn the prerequisite by a two-thirds majority; and (3) only after obtaining this legislative waiver should the candidate be sworn in (take the oath of office) and begin to exercise the duties of Supervisor.



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This interpretation is supported by broader principles in our Student Government statutes. For example, Title X of the Student Body Statutes (Installation and Eligibility Requirements) provides that all candidates for Student Government office must meet minimum eligibility standards and outlines an **appeals** process for those who do not meet them. Crucially, Title X mandates that any necessary appeal of a qualification **must be resolved before the person is installed through the Oath of Office**. Specifically, potential appointees who don't satisfy a requirement are required to file their appeal "*prior to being appointed*." If the appeal is not granted, the individual simply cannot assume the position. By analogy, the Senate's override of the experience prerequisite is functionally similar to granting an eligibility appeal.

The recent shift to an internally elected Supervisor of Elections does not eliminate or postpone the need for Senate oversight of qualifications. Although the Supervisor is now chosen by a majority vote of the Election Commission members rather than by presidential appointment, the statutory prerequisite remains in force and the Senate retains its gatekeeping function concerning waiving that requirement. Notably, nothing in the amended Title VI indicates that the prerequisite was intended to be enforced only at the time of appointment under the old system. The 56th Senate, in amending the selection process, left intact the language of §601.1(A) regarding the prior service prerequisite and the Senate's power to overturn it. This demonstrates a clear legislative intent to **continue requiring prior experience for the Supervisor** unless the Senate explicitly decides otherwise. The absence of a formal "confirmation hearing" for an internally elected Supervisor means that the Senate must exercise its override authority through other procedural means, but the fundamental timing, *before the individual takes office*, remains the same to uphold the statute.

Practically, this means that once the Election Commission elects a new Supervisor of Elections, the Elections & Appointments Committee (or the designated Senate committee overseeing the Election Commission) should immediately verify whether the Supervisor-elect meets the one-election-period experience criterion. If not, the committee and Senate leadership should place a measure on the agenda, to approve an override of the prerequisite at the earliest possible Senate meeting (**before** the individual is sworn in). Only after a successful two-thirds vote in favor of overturning the requirement should the oath of office be administered. From a statutory standpoint, it is also important to note that the Election Commission itself has no authority to waive or ignore the experience prerequisite. The statute explicitly vests the override power in the Student Senate alone (by a supermajority vote). Therefore, the Commission's internal election of a Supervisor who lacks the prerequisite cannot be viewed as implicitly nullifying the requirement. The Commission cannot "elect around" the statute. This separation of powers must be respected to maintain the integrity of the Student Body Statutes.



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For the foregoing reasons, it is the opinion of the Attorney General that the Student Senate **must exercise** its authority to overturn the Supervisor of Elections experience requirement before an elected Supervisor who lacks the requisite Election Commission service takes the oath of office and assumes the position. In the absence of a prior two-thirds Senate override, a candidate who has not “served as an Election Commissioner...for a minimum of one election period” is not eligible to hold the office of Supervisor of Elections. If a Supervisor-elect does not meet this criterion and the Senate fails to waive the prerequisite in advance, that individual cannot lawfully assume the duties of the office. Should the Senate subsequently decide to overturn the requirement at a later meeting, the individual may only then be sworn in and begin serving. Deviating from this procedure would violate Title VI and could render the appointment invalid.

### V. Recommendations for Statutory Compliance

To avoid the ambiguities and risks discussed, the following procedures are recommended going forward:

A) The Elections & Appointments Committee Chair (or whatever designated Senate committee Chair oversees election matters) should proactively prepare for the Election Commission’s first meeting and the possibility that a non-experienced member might be elected Supervisor. This could include reminding the Commission of the requirement ahead of time and coordinating with Senate leadership to have an override vote motion ready if needed. By anticipating the issue, the Senate can minimize any delay between the Supervisor’s election and the required override vote.

B) In the event a candidate lacking the prerequisite is elected as Supervisor of Elections, that individual should **not** take the oath of office or begin acting in the role until the Senate has considered and passed the override. The Commission’s meeting minutes should reflect that the election is “pending Senate override of Title VI, 601.1(A) prerequisite.” If timing is such that the Senate meeting is a few days away, the Commission can designate an Acting Chair (for example, the Senate-designated committee chair or the outgoing Supervisor, if available) to handle any interim needs.





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C) The Student Senate should treat the override vote with urgency. The Student Senate may also consider clarifying Title VI, §601.1 through legislation to codify the timing explicitly. For example, an amendment could add a sentence such as, “Any override of this prerequisite must occur prior to the Supervisor of Elections assuming office.” While the statute as written is interpreted to that effect, making it explicit would remove any doubt for future Commissions and Senates. Alternatively, the Senate could amend the process to require that the Commission’s election of a Supervisor is automatically subject to Senate confirmation (solely for the purpose of vetting qualifications), though this reintroduces a confirmation step that the 56th Senate sought to eliminate. In any case, clarifying the law in writing would be beneficial.

By implementing these recommendations, the Student Body Senate will be able to proactively maintain open lines of communication with the Election Commission to handle any qualification issues transparently and expeditiously. Doing so not only upholds the Statutes but also preserves trust in the process by showing that even internal appointments are handled with legislative oversight and advice and consent.

Issued with due consideration and in service to the Constitution,

*Jorge Altuna*

**Jorge Altuna**  
Attorney General & Judicial Advisor  
University of Central Florida Student Government