



EXECUTIVE BRANCH

ATTORNEY GENERAL OPINION

Jorge Altuna

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To: John Grouse

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
Collin Hoffner, Internal Assistant Chief Justice
Victoria Marie Villadarez, External Assistant Chief Justice
Anna Reed, External Legislative Assistant
Grace Rudie, Internal Legislative Assistant
Zachary Gaudio, Legislative, Judicial, and Rules Committee Chair
Owen Sherman, Conference, Registration, and Travel Committee Chair
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Samuel Rose, Operations Review & Sanctions Committee Chair
Nghie Chau, Elections and Appointments Committee Chair
Juan Varela, Government Affairs and Policy Committee Chair
Mila Teodorescu, Student Body Advocacy Committee Chair
Amarah Presley, Supervisor of Elections
Andrew Collazo Borges, Assistant Supervisor of Elections

From: Jorge Altuna, Attorney General and Judicial Advisor

Date: July 24, 2025

Subject: Opinion on the Rights of the Accused in Student Government Elections

Time: 7:35 PM EST

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:

For the reasons explained below, it is the opinion of this Office that the accused **cannot** secure a new hearing date on that basis alone. The authority to schedule election violation hearings lies with the Supervisor of Elections, with the concurrence of the Election Commission, and nothing in the statutes guarantees a postponement of a properly scheduled hearing due to the unavailability of these advisors. However, the Supervisor of Elections is **strongly** encouraged to schedule violation hearings at times when either the Judicial Advisor or the Attorney General can attend, in order to give full effect to the rights of the accused and ensure a fair process.



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II. Question Presented

This opinion is issued in response to a request from UCF student John Grouse. The question presented is whether, under Student Body Statute §606.21(C), which enumerates the rights of an accused candidate in a Student Government election violation hearing, an accused candidate may obtain a different hearing date if neither the Judicial Advisor nor the Attorney General is available to attend the originally scheduled hearing.

III. Background and Statutory Framework

The Student Body Statutes establish a detailed framework for Student Government election violation hearings. Title VI of the Student Body Statutes, the Election Statutes, sets forth the procedures and participants in these hearings. According to statutory language, when a violation affidavit is filed against a candidate/ticket, the Supervisor of Elections is required to schedule a violation hearing within the narrow timeframe of no sooner than three (3) academic days and no later than five (5) academic days after the affidavit's submission. The Supervisor must also promptly notify all Election Commission members of the hearing time, as well as inform the filer and the accused candidate of the scheduled date. By statute, the Supervisor has discretion to set the hearing date and time, "with the concurrence of a majority of the Election Commission". Therefore, the Election Commission as a body effectively controls its meeting schedule: the Supervisor proposes a meeting time and a consensus is reached through a majority of commissioners. All violation hearings, as meetings of the Election Commission, must also be publicly noticed in accordance with Florida's Sunshine Law requirements, so the timing of hearings cannot be adjusted informally at the last minute without proper procedure and notice.

Student Body Statute §606.21, titled "*Rights of the Accused*," outlines specific protections afforded to any candidate accused of an election violation. Among these is the right:

606.21C To have the assistance of a Judicial Advisor, or in the absence of a Judicial Advisor the Attorney General, as per Title IV.

Nevertheless, nowhere do the Student Body Statutes state that the presence of the Judicial Advisor or Attorney General is a prerequisite for the hearing to be convened. The right conferred by §606.21(C) is one of assistance, as it guarantees the accused the opportunity to receive advice and help from those officials, but it is not codified as a right to postpone or avoid a hearing if such assistance is unavailable.



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Moreover, common practice is that the Supervisor of Elections would attempt to choose a hearing time that key parties, including the accused candidate and the Judicial Advisor or the Attorney General, can attend. However, the statute's primary concern is that the hearing occurs within the mandated window and that the accused has an opportunity for assistance; it does not provide a mechanism for a unilateral change of the hearing date based on an advisor's availability.

Specifically, the wording "*to have the assistance of*" implies an opportunity and a resource for the student, not a condition precedent for the hearing. The accused is still awarded many other rights, such as to know the charges and evidence beforehand, to present evidence and witnesses, to refrain from self-incrimination, etc., and none of those rights automatically pause the hearing process under the written rules. Particularly, §606.21(H) explicitly guarantees the accused at least one academic day before the hearing to review evidence, implying that hearings will move forward after a brief preparation period. By analogy, the right to an advisor is also meant to be exercised during that same preparation period as well as at the hearing itself, but the statutes do not indicate that the absence of the advisor on the hearing day nullifies the proceeding. Had the Student Body Senators of previous sessions intended such a consequence, the statutes would say that "a hearing shall not be conducted without the Judicial Advisor or Attorney General present", however, **no such provision exists**.

The Election Statutes place clear responsibility on the Supervisor of Elections to arrange a hearing promptly and to notify the parties. The rationale for a timeline of 3–5 academic days is to ensure that alleged violations are adjudicated efficiently and promptly during the election cycle, so that any necessary remedies or sanctions can be implemented without any delay in the electoral process. Allowing individual parties to routinely delay hearings would be in conflict with this goal. The only flexibility in scheduling provided by the statutes is that the Supervisor must choose a date within that window and secure a majority concurrence of the Election Commission on the meeting time. Thus, once a hearing date is set in accordance with these rules, the default expectation is that the Election Commission will convene as scheduled.

The accused candidate, as a party to the case, and not a voting member of the Commission, does not hold veto power over the Commission's meeting time. The accused may certainly request a different time, for instance, if they learn their advisor cannot attend, they can petition the Supervisor and the Commission to consider an alternate date within the statutorily allowed window. But this remains a **request**, not a right guaranteed by statute. The decision ultimately lies with the Supervisor, who chairs the Commission, and the Commission members collectively.



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IV. Conclusion

For the foregoing reasons, it is the opinion of the Attorney General that an accused candidate may **not** unilaterally obtain a different date for an election violation hearing simply because the Judicial Advisor and Attorney General are unavailable to attend the scheduled hearing. Title VI of the Student Body Statutes places the power and responsibility of scheduling hearings in the hands of the Supervisor of Elections, with the consent of the Election Commission, and it imposes strict deadlines that must be met. While §606.21(C) guarantees the accused candidate's right to seek the assistance of a Judicial Advisor or the Attorney General, this provision does not grant a veto over the hearing schedule. An election violation hearing that has been duly noticed and convened with a quorum of the Election Commission remains valid and may proceed even if neither the Judicial Advisor nor the Attorney General can be present.

However, this conclusion should not be taken to diminish the importance of the accused's right to statutory assistance. The absence of the Judicial Advisor or Attorney General at a hearing is not ideal and could potentially disadvantage the accused candidate. Therefore, the Office of the Attorney General also **strongly** urges the Supervisor of Elections and the Election Commission to accommodate, whenever feasible, the schedules of the Judicial Advisor or Attorney General when arranging hearing times. The collective responsibility of the Election Commission is to ensure a fair adjudicative process, and that responsibility is best met when the accused has access to their statutorily-provided advisor at the hearing.

Issued with due consideration and in service to the Constitution,

Jorge Altuna
Attorney General & Judicial Advisor
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VIII. References

Robert, H. M., Honemann, D. H., Balch, T. J., Seabold, T. J., & Gerber, D. E. (2020). Robert's Rules of Order Newly Revised (12th ed.). PublicAffairs.

University of Central Florida. (2025). UCF Student Body Statutes (Title IV: The Executive Branch; Title VI: The Election Statutes). University of Central Florida Student Government. Retrieved from studentgovernment.ucf.edu