

## STUDENT SENATE BILL 2022-1009

**TITLE:** Resign to Run Act

**AUTHOR(S):** Judiciary Chairman John Brinkman

**SPONSOR(S):**

CHAPTER 730 – THE ELECTION QUALIFICATION ACT (2000-141, 2001-111, 2001-112, 2001-141, 2002-144, 2004-127, 2005-137, 2006-113, 2006-124, 2006-129, 2007-141, 2008-111, 2009-107, Board of Trustees ruling, 2010-100, 2010-103, 2011-100, 2011-107, 2012-101, 2012-107, 2014-114, 2014-120, 2020-1024, 2020-1043)

- 730.1 This subsection, from 730.001 to 739.999, shall be known as “The Election Qualification Act”
- 731.1 Any one group who wishes to qualify as a candidate for Student Government office must comply with the provisions of the Student Government Election Code and must adhere to the policies and rules set forth by the Supervisor of Elections and the Elections Commission.
- 732.0 Candidates for President, Vice President, and Treasurer of the Student Body shall each meet the following qualifications:
- (a) Registered as a full-time student;
  - (b) Undergraduate students will retain a minimum overall 2.5 Overall Grade Point Average;
  - (c) Graduate students will retain a minimum 3.0 Overall Grade Point Average or at least the minimum Overall Grade Point Average required to remain in good standing with the graduate or professional program in which they are enrolled, and otherwise be in good academic standing;
  - (d) Free of conduct probation;
  - (e) Free from any delinquent financial obligations to the University, unless excused through the University’s appeal process, by 5:00 PM on the second Wednesday preceding the Spring and Fall General Elections;
  - (f) Successfully completed at least 3 semesters, excluding summers, at the University of Florida;
  - (g) Not have been removed from a Student Government office through impeachment.
- 732.1 In the event a candidate for President, Vice President, or Treasurer is scheduled to graduate during the term of office sought, they shall be allowed on the ballot as long as they fully meet all of the requirements of Section 732.0, S.B.S..
- 732.11 Candidates for President and Vice President shall run on a joint ticket and shall submit a single supporting petition as described in Section 732.12, S.B.S. in order to sustain their candidacy. Candidates for Treasurer shall also submit a supporting petition in order to sustain their candidacy.
- 732.12 A supporting petition shall bear in blue or black ink the names, student identification numbers, and signatures of currently registered University of Florida students totaling not less than 15% of the number of votes cast for the singular candidate who received the most votes in the last presidential election, excluding run-offs, or 500 signatures, whichever is less. The text of the supporting petition shall be to the effect that: "We the undersigned students at the University of Florida, do hereby approve the candidacy of for President of the Student Body and of for Vice President of the Student Body, as (candidates of the party) (independent candidates)." The petition for Treasurer candidates shall be to the effect that: "We the undersigned students at the University of Florida, do hereby approve the candidacy of for Treasurer of the Student Body and as (candidate of the party) (independent candidate)." The text of the

supporting petition shall accurately reflect the party affiliation of the candidates.

- 732.13 The supporting petition must be submitted to the Supervisor of Elections no later than 5:00 P.M. on the last day of qualifying or the Supervisor of Elections shall disqualify the candidates.
- 732.14 Candidates for President and Vice President are considered as one candidate under a joint candidacy.
- 732.141 A political party may replace a candidate for President or Vice President with another candidate if the replacement candidate qualifies for the position in question and has complied with the requirements and deadlines of 745.0.
- 732.15 Student Government Advising & Operations staff will verify that individuals who have signed a petition in accordance with Section 732.12, S.B.S. are currently registered University of Florida students.
- 732.151 Student Government Advising & Operations staff need only verify enough signatures to ensure that the petition has met the minimum threshold in Section 732.12, S.B.S..
- 732.2 Candidates for Student Senate shall meet the following qualifications:
- (a) Registered as a full-time student;
  - (b) Undergraduate students will retain a minimum overall 2.5 Overall Grade Point Average;
  - (c) Graduate students will retain a minimum 3.0 Overall Grade Point Average or at least the minimum Overall Grade Point Average required to remain in good standing with the graduate or professional program in which they are enrolled, and otherwise be in good academic standing;
  - (d) Free of conduct probation;
  - (e) Free from any delinquent financial obligations to the University, unless excused through the University's appeal process, by 5:00 PM on the second Wednesday preceding the Spring and Fall General Elections;
  - (f) Resident of their living area or enrolled in the college which they seek to represent;
  - (g) Not previously removed from any Student Government office through the impeachment process.
- 732.3 Candidates for Student Senate district seats must provide one of the following to qualify for the district they seek to represent:
- (a) Certified Mail delivered by postal service
  - (b) Alachua County voter registration card
  - (c) Original copy of lease
  - (d) Original copy of utility bill or cable bill prior to qualifying
  - (e) Original copy of promissory note or lease from fraternity or sorority house
  - (f) Original copy of homeowner's insurance
  - (g) Original copy of warranty deed
- 732.31 Candidates for the Student Senate District E seat that live outside of Alachua County must provide additional proof that they physically reside the majority of their time within the district they seek to represent at the time of qualification.
- 732.32 Candidates for Student Senate district seats must sign a statement attesting to the occupancy of their physical residence for the district they seek to represent.
- 732.4 All candidates for the offices of President, Vice President, and Treasurer of the Student Body shall upon qualifying with the Supervisor of Elections certify all of the following information:
- (a) Name;

- (b) Occupancy of physical residence;
- (c) Candidate possesses all qualifications required to be a candidate for the office sought;
- (d) Candidate has been enrolled as a student at the University of Florida for at least three (3) semesters, excluding summers;
- (e) Candidate is not under disqualification from serving that office;
- (f) Whether the candidate is an independent candidate or is affiliated with a political party;
- (g) If candidate is affiliated with a political party, the name of the political party;
- (h) The name of the campaign manager or party president, if any;
- (i) The name of the campaign treasurer;
- (j) The candidate is aware of the provisions of the Student Government Election Code and agrees to be bound by them.

732.5 All Candidates for election under the Constitution and laws of the Student Body shall be members of the constituencies, classes, or residence areas from which they seek to represent, and qualified to vote in such constituencies, classes, or residence areas. A candidate's classification shall be determined by the records of the University Registrar's Office, or supported by a sworn affidavit of the candidate. If the Elections Commission discovers that a winning candidate was not qualified because of an error in the Registrar's records then the Elections Commission may, by majority vote, recommend the Supreme Court declare the office vacant. The office shall be filled by a majority vote of the Student Senate, unless the office is that of the Student Body President, Vice President, Treasurer, whereas the office shall be subject to general elections.

733.0 No candidate's name shall appear on the ballot when that candidate fails to qualify as a candidate with the Supervisor of Elections prior to the time of the closing of the qualifying period. The qualifying period ends at 5 P.M. on the third Tuesday preceding the spring and fall general elections. After this time a person may change their registration with a political party or change to independent status only if they are not included on the political party's list of candidates listed in Section 742.1, S.B.S.. In all cases, only those persons who are not listed on a political party slate as described in Section 742.1, S.B.S. may be reclassified as independent. Political parties may not fill originally vacant candidate slots from those candidates originally classified (before 5:00 PM on the second Wednesday preceding the Spring and Fall General Elections) as independent or non-slated candidates from a different political party.

733.01 In order for a candidate who originally qualifies as an independent candidate or who was reclassified by the Supervisor of Elections as an independent candidate under Section 713.4, S.B.S. to become a candidate of a political party, the candidate must change their qualifications in writing with the Supervisor of Elections or the Supervisor of Elections' designated Assistant Supervisor of Elections before the end of qualifying. Candidates who have not been slated by a political party may not change their classification to anything other than independent

733.1 All candidates shall qualify under the name with which they are registered at the University of Florida or under a reasonable variation of that name, subject to the approval of the Supervisor of Elections. No candidate may have an assumed name, or a nickname not derived from the name with which is on file at the University of Florida, appear on the ballot. Any attempt to qualify an assumed name is punishable as a violation of the Student Government Election Code.

733.11 In extenuating circumstances, an affidavit may be filed with the Supervisor of Elections if the qualifying name on the ballot does not align with a name on file with the University of Florida. Any affidavit filed with the Supervisor of Elections must be heard and approved by the Elections Commission by a majority vote at least fourteen (14) school days before the scheduled election. The decision of the Elections Commission may be appealed to the Supreme Court pursuant to Section 722.6, S.B.S..

733.12 Decisions made by the Supervisor of Elections under Section 733.1, S.B.S. may be appealed to the Elections Commission.

- 733.2 No candidate shall qualify for more than one office. If a person qualifies for an additional office or change of party, the previous qualifying shall be deemed void.
- 733.3 Upon qualifying, each candidate shall sign a waiver allowing Student Government to ascertain that each elected person continues to fulfill the eligibility requirements for such office during their term of office.
- 733.4 Falsification of information certified as correct to the Supervisor of Elections required in Section 732.5, S.B.S. may result in disqualification. Each candidate shall determine that all information regarding their qualifications is correct prior to their qualifying for election.
- 733.41 Political parties are not liable or punishable for an individual candidate's intentional or grossly negligent falsification of information during the qualifying stages of the election if they did not encourage the individual's behavior. The Supervisor of Elections shall allot the political party 24 hours to replace a candidate who intentionally or with gross negligence falsified information during qualifying. The party must choose a replacement for the disqualified candidate from those candidates who have already qualified.
- 733.1 All candidates must sign the following statement upon qualifying: "I understand that failure to comply with any portion of the Student Government Election Code is subject to penalty."
- 733.2 If campaign material in violation of Student Government Election Code is observed for fifteen (15) minutes or greater, the Supervisor of Elections or one of the Assistant Supervisors of Elections shall attempt to contact the offending candidate, the president of the offending political party or their designee. If the Supervisor of Elections or an Assistant Supervisor of Elections is unable to make contact, the Supervisor of Elections or their designee, shall remove the offending material.
- 733.3 No candidate, group of candidates, political party personnel, staff member, faculty member, administrator, or any other University of Florida student or visitor may use the Office of Student Government's copy machines, computers or other materials in the Student Government offices at any time for any type of partisan political purpose or use in any type of election. The Supervisor of Elections, the Assistant Supervisors of Elections, and the Elections Commissioners may use the Office of Student Government's copy machines, computers or other materials in Student Government for any nonpartisan elections related purpose.
- 734.0 If a candidate who has qualified for office and has been placed on the ballot by the Supervisor of Elections wishes to withdraw from the election, the candidate may withdraw if the candidate informs the Supervisor of Elections in writing that the candidate no longer wishes to remain on the ballot no later than the second Wednesday immediately preceding the first day of the election by 5:00 P.M. If a political party slated a candidate, that political party may replace that withdrawn candidate with a candidate who has already been qualified as an independent, up until two hours prior to the finalization of the ballot as dictated by the Supervisor of Elections at the mandatory meeting described in Section 713.5, S.B.S..
- 735.0 Candidates may be excused from the mandatory candidate meeting listed in Section 713.5, S.B.S. by submitting a written excuse for their absence no later than noon on the day of the meeting, or by receiving special permission from the Supervisor of Elections and/or the Elections Commission. All candidates who do not attend and who have not been excused by the Supervisor of Elections or the Elections Commission shall be disqualified.
- 736.0 Any candidate stricken from the certified list may appeal to the Division of Student Affairs for issues of academic qualifications or the Elections Commission for issues of Student Government

qualifications if the person believes they are qualified for office. Any error corrected by the Division of Student Affairs or the Elections Commission must be certified to the Supervisor of Elections no later than 5:00 P.M. on the second Wednesday preceding the election or the candidate will not be eligible for office.

- 737.0 The Supervisor of Elections shall automatically reclassify any person originally qualifying as a party candidate who is not included on the list described in Section 742.0, S.B.S. as an independent candidate. In order for any candidate who was reclassified by the Supervisor of Elections to remain on the ballot as an independent candidate, that candidate shall notify the Supervisor of Elections, in writing, of their intent to remain an independent candidate. If an independent candidate does not notify the Supervisor of Elections of their intent to remain on the ballot within one (1) hour of the end of the meeting specified in 713.5, the Supervisor of Elections shall remove the candidate's name from the ballot. This section does not apply to candidates who originally qualified as independent candidates and did not qualify as a candidate of a party before the deadline as stated in Section 742.1, S.B.S..
- 738.0 Any student attempting a write-in campaign must email the Supervisor of Elections that they intend to seek office prior to the close of polls on the second day of elections in order to be eligible for office.
- 739.0 No person may qualify as a candidate for more than one elected student government office, whether legislative or executive, if the terms or any part thereof run concurrently with each other without resigning from the office they presently hold.
- 739.1 The written resignation must be submitted to the Supervisor of Elections no later than 5:00 P.M. on the last day of qualifying
- 739.2 The resignation must be effective immediately upon the validation of the election results for the general election in which the candidate in question is running.
- 739.3 The Supervisor of Elections will be required to verify prior to the mandatory meeting outlined in Section 713.5, S.B.S., that any candidate who was submitted by a party or qualified as an independent has complied with the provisions of Section 739.1, S.B.S..
- 739.4 Any candidate who the Supervisor of Elections has determined is not in compliance with Section 739.1, S.B.S. shall be immediately disqualified from the ballot.