

STUDENT SENATE BILL 2023-1061

TITLE: Accountability Law For Regulating Election Disruption and Oppression (ALFREDO) Act

AUTHOR(S): Judiciary Chair Jonathan C. Stephens, Senate Parliamentarian Alfredo Ortiz

SPONSOR(S): Judiciary Vice Chair Joaquin Marcelino, Ad-Hoc Committee on Government Oversight and Reform

CHAPTER 740 – THE POLITICAL PARTIES ACT (2000-141, 2001-112, 2001-141, 2002-144, 2004-116, 2005-137, 2006-113, 2006-129, 2007-120, 2008-142, 2009-105, Board of Trustees ruling, 2010-100, 2010-102, 2011-100, 2011-107, 2012-101, 2014-121, 2020-1024, 2020-1043, 2021-109)

747.1 No candidate, party, or party affiliate may directly or indirectly use threats or any tactic of coercion or intimidation to interfere or attempt to interfere with an election. Failure to comply with this section shall result in referral to the Elections Commission.

747.11 For the purpose of this subsection:

a) “Interfere” means to abridge or solicit to abridge a student’s ability to participate in an election or freely exercise their right to vote.

b) “Threats” are any communications made with the intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against their will.

c) “Intimidation” is any behavior which may reasonably cause someone to fear injury, harm, or social ostracization.

d) “Coercion” is any undue influence or an unlawful action that intends to force or prevent a person from exercising their rights freely.

e) A “Party Affiliate” is an individual who is serving on the executive board, staff, ambassador team or serves in any capacity to directly affect the logistics, programming, or tangible activities of the political campaign that they are representing.

747.2 No candidate, party, or party affiliate may intentionally and wrongfully harm or attempt

to wrongfully harm any candidate by the performance or omission of any act. Failure to comply with this section shall result in referral to the Elections Commission.

747.21 For the purpose of this subsection and 747.11(c), a student shall have suffered “Harm” when the conditions of S.B.S. 101.3(5) have been met.

747.3 Prior to the validation of election results, and in the event of referral for disqualification under 747.1, 747.2, or 747.3, the Supreme Court may disqualify the offending candidate or political party. The standard of review of the Supreme Court shall comply with 728.52.

747.4 Whether or not this section has been violated shall be decided on the basis of a preponderance of the evidence.

747.5 LEGISLATIVE INTENT: The legislative intent of this section shall be to prohibit threats, coercion, and intimidation throughout the election period, and it shall not be construed to limit the right to freedom of speech under the First Amendment of the United States Constitution.

748.1 All registered political parties must provide the Supervisor of Elections an accurate record of “party affiliates” in order to ensure transparency on each political party’s activities, to be submitted each Monday by 5:00 P.M. starting after the mandatory meeting referenced in Section 713.5 S.B.S. until the Monday following the election.

748.11 Failure of a political party to provide the accurate record of “party affiliates” to the Supervisor of Election by the due date and time shall be subject to penalty pursuant to Section 728.2, S.B.S.

748.12 Failure of a political party to add all related members considered “party affiliates” under 747.11 (e), S.B.S. to the accurate record of “party affiliates” shall be subject to penalty of \$5.00 USD fine to be referred to the political party or independent candidate, as applicable.

Proviso: This legislation shall become effective for the Fall 2024 elections.