UNIVERSITY OF FLORIDA SUPREME COURT
Decided November 16, 2025

In re Interpretation of Student Body Statute 322.51's Constitutionality Under Article I, Section 4

GERKEN, J. delivers the opinion of the Court.

The Petitioners request that the Court interpret Student Body Statute 322.51 for the purpose of assessing whether it is constitutional under the Anti-Discrimination Clause, as set forth in Article I, Section 4 of the Student Body Constitution.

Jurisdiction and Standing

The Petitioners seek jurisdiction under Article V, Section 3(b)(1) of the Student Body Constitution, which provides that the Supreme Court "shall interpret any provision of the constitution or any law" upon the written petition of twenty members of the Studeny Body or the request of the Student Body President. Here, the Petitioners request an interpretation of Student Body Statute 322.51.

Statute 322.51 is clear on its face. It affords the Student Senate the ability to determine proper apportionment with the assistance of the Supervisor of Elections and the population data provided by the Registrar's Office. Petitioner requests that the Court declare Student Body Statute 322.51 unconstitutional under the Anti-Discrimination Clause in Article I, Section 4 of the Constitution. The relief requested is not within the scope of Section 3(b)(1).

Conclusion

THEREFORE, this Court holds it lacks jurisdiction to proceed further with this matter. Accordingly, the petition is DISMISSED.

It is so ordered.

TURNER, C.J., POTTHAST, J., MILLER, J., and DEL TORO, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT
Decided November 18, 2025

In re Arbitrary and Capricious Apportionment

DEL TORO, J. delivers the opinion of the Court.

This matter comes before the Court upon a petition filed under Article V, Section 3(b)(2) of the University of Florida Student Body Constitution ("UF Constitution"). Petitioner requests that the Court find the Senate Judiciary Committee's approval of SSB 2025-1209 to be arbitrary and capricious. This Court refuses to substitute its judgement for that of the Judiciary Committee when the Committee's judgement had a reasonable basis. This Court thus denies Petitioner's requests for relief.

I. JURISIDICTION

This Court has jurisdiction under Article V, Section 3(b)(2) of the UF Constitution, which provides the Supreme Court with authority to, "upon written petition of any member of the Student Body and for good cause shown, order any Student Government official or any officer of a student organization that receives Student Body funds to perform any lawful act or refrain or desist from an unlawful act." An individual requesting an order under this provision must have standing and demonstrate "(1) a concrete injury, (2) traceable to the petitioner, and (3) redressable by this Court."[1]

II. BACKGROUND

On November 9, 2025, the Senate Judiciary Committee reviewed and approved SSB 2025-1209, *Reapportionment Act Fall 2026*. In deliberating SSB 2025-1209, the Judiciary Committee discussed the dataset of zip codes provided by the Office of the University Registrar. After debate, Petitioner moved to fail SSB 2025-1209 on the criteria of Implication.[2] This motion failed. The Judiciary Committee then passed SSB 2025-1209 by majority vote.

III. ANALYSIS

This Court noted in *In re Application of the Five Criteria to a Proposed Authorization*, that "[i]n instances where pursuant to a statute or the Constitution the SG official must make a subjective determination on whether to act or not—the Court will review the action or inaction to determine whether this decision was 'arbitrary and capricious.'"

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[1] *In re "Ortiz Standing,"* 3 S.C. 52, 52 (Sep. 11, 2020).
[2] *See* UF SENATE RULES AND PROCEDURES, Rule VII, § D(a)(i)(2) (2025).

This Court has previously stated that "certain political and discretionary zones exist outside this Court's province."[3] In *In re Application of the Five Criteria to a Proposed Authorization*, the Court stated that a petitioner's request that the Court substitute its judgment for that of the Judiciary Committee is "ordinarily one such sphere of discretion because a committee comprised of members of the Senate that is subjected to annual elections is in a better position that evaluate what is best for the student body."[4] This is due to the longstanding principle of the separation of powers.

Here, the Court must determine whether the Judiciary Committee's approval of SSB 2025-1209 was arbitrary and capricious. The Court has helpfully defined what renders a decision "arbitrary and capricious"—when "the subjective action or inaction of a SG official has no reasonable basis, or if the official made a decision without reasonable grounds or adequate consideration of the circumstances."[5] The "arbitrary and capricious" standard is a notably deferential standard that respects the subjective determinations of SG officials and officers.

After reviewing the factual record, it cannot be said that the Judiciary Committee's approval of SSB 2025-1209 was arbitrary and capricious. The Judiciary Committee discussed the dataset provided by the Registrar at length, unanimously lamenting the apparent inaccuracies of the dataset. The Committee noted the implications of approving SSB 2025-1209 and discussed how it might be unfair and potentially misrepresentative to switch to a different model of apportionment. The Committee Chair discussed her attempt to secure other data and postulated that the apportionment set forth in SSB 2025-1209 would be the fairest way to ensure equal representation with the currently available data. The Court finds that this constitutes adequate considerations of the circumstances and that the Committee's decision to approve the bill had a reasonable basis predicated upon the available Registrar data. It is outside the realm of our authority to supplant our own analysis for that of the Judiciary Committee when there were reasonable grounds for the Committee's decision.

IV. CONCLUSION

THEREFORE, this Court finds that the Judiciary Committee's approval of SSB 2025-1209 was not arbitrary and capricious. Accordingly, the Petition is DENIED.
It is so ordered.

TURNER, C.J., POTTHAST, J., MILLER, J., and GERKEN, J. concurring.

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[3] *In re Application of the Five Criteria to a Proposed Authorization*, 3 S.C. 84, 85 (Oct. 26, 2022) (quoting *In re: "Petition Regarding Whether the UF Supreme Court Can Interpret Senate Rules and Procedures,"* 3 S.C. 19, 19 (Jan. 11, 2018)).
[4] *Id.*
[5] *Id.*

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided February 18, 2026

In re: Enforcement of Senate Rule IV, Section B(d)(i)

TURNER, C.J. delivers the opinion of the Court.

This petition requests that the Court issue an order directing the Student Senate to refrain from enforcing Rule IV, Section B(d)(i) of the Student Senate Rules and Procedures, which excludes current Student Senators from speaking during Public Comment. Petitioner asserts that the Rule violates Article I, Section 2(d) of the Student Body Constitution by denying a class of students the right to address Student Government officials at a regularly scheduled time and place.

I. Jurisdiction

This Court has jurisdiction under Article V, Section 3(b)(2) of the Student Body Constitution, which authorizes the Court, upon written petition and for good cause shown, to order any Student Government official to perform a lawful act or refrain from an unlawful act.

Petitioner, a student senator, has demonstrated a concrete injury. He personally registered to speak during Public Comment and was denied that opportunity pursuant to Rule IV, Section B(d)(i). The injury is traceable to the enforcement of the Rule, which by its terms excludes current Student Senators from speaking. The injury is redressable because this Court may order the Senate to refrain from enforcing an unconstitutional rule under Article V, Section 3(b)(2).

To the extent Petitioner seeks monetary damages, that request falls outside the jurisdiction conferred on this Court by Article V, Section 3(b)(2).

II. Analysis

Article I, Section 2(d) provides: “The right to address Student Government officials at regularly scheduled times and places.”

Rule IV, Section B(d)(i) provides: “All members of the Student Body, excluding current Student Senators, may speak during public comment.”

Public Comment is the regularly scheduled time and place designated by the Senate for students to address the Student Senate. By excluding current Student Senators, the Rule restricts Petitioner’s ability to speak at that time and place solely based on status.

Although Senators may speak during the Announcements section, that opportunity is at the discretion of the Senate President and occurs after votes on legislation. It does not satisfy the constitutional right to address Student Government officials at the designated Public Comment period.

The statute clearly restricts Petitioner’s ability to speak at a regularly scheduled time and place guaranteed by Article I, Section 2(d). The Constitution contains no authorization permitting the Senate to exclude a subset of students from exercising that right.

Accordingly, the clause, “excluding current Student Senators,” in Rule IV, Section B(d)(i) is unconstitutional and unenforceable.

THEREFORE, having determined that the language “excluding current Student Senators,” in Rule IV, Section B(d)(i) of the Student Senate Rules and Procedures conflicts with Article I, Section 2(d) of the Student Body Constitution, the Petition is GRANTED. The Student Government Senate is hereby ORDERED to refrain from enforcing Rule IV, Section B(d)(i). To the extent the Petition seeks monetary relief beyond this Court’s authority under Article V, Section 3(b)(2), such relief is DENIED.

It is so ordered.

MILLER, J., DEL TORO, J., GERKEN, J., AND KESSINGER, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided February 18, 2026

In re: Fall 2026 Election Unfairness

DEL TORO, J. delivers the opinion of the Court.

This petition challenges the Fall 2026 off-campus election map enacted by Student Senate Bill 2025-1209, alleging that the map violates Article I, Section 2(a) of the Student Body Constitution by materially preventing students from exercising their political will. While the Court recognizes the seriousness of Petitioner's concerns, we determine that Petitioner does not have standing to bring this claim before the Court and thus do not reach the merits of this matter. Accordingly, the petition is dismissed.

I. Jurisdiction

Petitioner brings this claim under Article V, Section 3(b)(2) of the Student Body Constitution, which authorizes this Court, upon written petition and for good cause shown, to order any Student Government official to perform a lawful act or refrain from an unlawful act. Under this Section, Petitioner must properly allege standing.

II. Standing Analysis

For a petitioner to have standing under Article V, Section 3(b)(2), "there must be (1) a concrete injury, (2) traceable to the petitioner, and (3) redressable by this court." *In re: "Ortiz Standing,"* 3 S.C. 52, 52 (Sep. 11, 2020). In this case, Petitioner has not demonstrated an injury in fact that is concrete and particularized. An injury is "concrete and particularized" when it is a specific harm to the petitioner before the court. Petitioner argues, quoting *In re: The Students Party v. Lewis*, rather broadly and abstractly, that students were "materially prevented from exercising their political will" by the Fall 2026 election map.[1]

In this case, Petitioner did not provide any facts that showed the Court a specific harm that Petitioner himself suffered, rather, he merely alleged a generalized grievance that all students' political will was affected from the features of the election map. The Court finds the Petitioner faces no concrete and particularized injury as alleged.

1. Yet, as the Court noted in *In re: Election Conflict*, 3 S.C. 72, 72 n.2 (Oct. 3, 2022), the finding of standing in *Lewis* and *Election Conflict* were due to "unique facts and circumstances" and a Court may review later whether an "allegation of an infringement upon a student's right to vote, alone, is truly a concrete injury capable of satisfying the Court's standing requirement." The facts of the instant case are not at all analogous to the circumstances at issue in *Lewis* and *Election Conflict*.

THEREFORE, having determined that Petitioner has failed to properly allege standing, Petitioner's case is DISMISSED.

It is so ordered.

MILLER, J., TURNER, C.J., GERKEN, J., and KESSINGER, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided February 19, 2026

Reconsideration of *In re Interpretation of Student Body Statute 322.51's Constitutionality Under Article I, Section 4*

MILLER, J. delivers the opinion of the Court.

Petitioners file this petition pursuant to Article V, Section 3(b)(2) of the University of Florida Student Body Constitution ("UF Constitution"). Petitioners first request the recusal of the justices of this Court. Petitioners then request a rehearing of the case *In re Interpretation of Student Body Statute 322.51's Constitutionality Under Article I, Section 4* to determine the constitutionality of Student Body Statute 322.51.

I. JURISDICTION

The unique procedural posture of this matter necessitates a discussion of the procedural history to establish the Court's jurisdiction.

At preliminary hearing on this matter, the Court noted a technical error in its prior opinion in *In re Interpretation of Student Body Statute 322.51's Constitutionality Under Article I, Section 4*, 4 S.C. __ (Nov. 16, 2025) [hereinafter *In re Interpretation*].[1] In light of this error, and in an effort to promote clarity and transparency for the petitioners and the student body, the Court agreed to grant oral argument to rehear *In re Interpretation*. This rehearing occurred on February 19, 2026.

Therefore, the Court proceeds under Article V, Section 3(b)(1) of the UF Constitution, which provides the Supreme Court with authority to "interpret any provision of the constitution or any law" upon written petition of twenty members of the Student Body or request of the Student Body President.[2] The jurisdictional requirements of Article V, Section 3(b)(1) are satisfied here.

II. ANALYSIS

As a preliminary matter, the request for the recusal of the justices of this Court under Student Body Statute 402.1 lacks any adequate grounds for disqualification and is **DENIED**.

In light of the Court's rehearing of this matter, the court's opinion in *In re Interpretation* is hereby **VACATED**.

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1. The technical error was the incorrect use of "DISMISSED" rather than "DENIED" in the Court's opinion in *In re Interpretation*.
2. While Petitioners bring this current action under Article V, Section 3(b)(2) of the UF Constitution, because the Court granted rehearing of the original matter at preliminary hearing, the Court now looks to Petitioner Hall's *original* petition filed on November 8, 2025. That petition was filed under Article V, Section 3(b)(1), and petitioner provided the necessary written petition of twenty members of the Student Body.

The text of Student Body Statute 322.51 reads: "The Student Senate shall determine the proper apportionment with assistance from the Supervisor of Elections and a printout of the student population according to zip codes and the colleges by classification from the Registrar's Office."

Petitioner asks the Court to find Student Body Statute 322.51 unconstitutional under the Anti-Discrimination Clause in Article I, Section 4 of the UF Constitution.

As the Court stated in its prior discussion on this matter, "Statute 322.51 is clear on its face. It affords the Student Senate the ability to determine proper apportionment with the assistance of the Supervisor of Elections and the population data provided by the Registrar's Office."[3]

The Court reiterates this prior interpretation. Student Body Statute 322.51 is facially neutral and merely provides the Student Senate with apportionment powers with the assistance of (1) the Supervisor of Elections and (2) student population information provided by the Registrar's Office. This Statute in no way discriminates on the basis of any of the classifications in Article I, Section 4 of the UF Constitution. Thus, on its face, Statute 322.51 is constitutional.

The Petitioner did not provide any evidence that Statute 322.51's apportionment scheme, as applied to him or any other particular individual, "discriminate[s] on the basis of race, creed, color, religion, age, disability, sex, sexual orientation, gender identity and expression, marital status, national origin, political opinions or affiliations, veteran status or any other classification as provided by law."[4] Petitioner argues that the Registrar's Office's failure to collect data on the "race, creed, color, religion, age," or other protected characteristics of the Student Body results in de facto discrimination. This argument is by its nature self-defeating. It is Petitioner's burden to demonstrate discrimination, not the Registrar's burden, absent requirement of law, to maintain data on every protected characteristic of each member of the Student Body. Such extraordinary data collection would in fact likely be an invasion of students' privacy. Thus, Statute 322.51 is also constitutional as applied in this context.

III. CONCLUSION

THEREFORE, the Court holds that Student Body Statute 322.51 is constitutional under Article I, Section 4 of the UF Constitution.

It is so ordered.

TURNER, C.J., DEL TORO, J., GERKEN, J., and KESSINGER, J. concurring.

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3. In re Interpretation of Student Body Statute 322.51's Constitutionality Under Article I, Section 4, 4 S.C. __ (Nov. 16, 2025).
4. UNIV. OF FLA. STUDENT BODY CONST. art. I, § 4.

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided February 19, 2026

In re: Validity of Article III's Minimum-Seat Requirements

GERKEN, J. delivers the opinion of the Court.

The Petitioner requests the Court to declare the minimum-seat mandates in Article III, Sections 2(a) and 2(b) of the UF Constitution null and void under Article IX, Section 4.

I. Jurisdiction

This Court has jurisdiction under Article V, Section 3(b)(1) of the UF Constitution, which provides the Supreme Court with authority to "interpret any provision of the constitution or any law" upon written petition of twenty members of the Student Body or request of the Student Body President. Petitioner has provided written petition of twenty members of the Student Body.

II. Analysis

Petitioner argues that guaranteeing each college, independent school, and on-campus area government at least one seat in the Student Senate violates the "one person, one vote" principle recognized both by this Court and in federal law.

Article III provides that Senate seats shall be apportioned based on population "as nearly equal as practicable," while also guaranteeing that each on-campus area government, college, and independent school receives at least one Senate seat. The structure reflects a deliberate balance between population-based representation and ensuring that smaller campus constituencies retain a voice in Student Government.

Petitioners rely on *Reynolds v. Sims*, 377 U.S. 533 (1964), which required population-based apportionment in state legislatures. However, *Reynolds* addressed sovereign state governments and explicitly distinguished the federal model, where the United States Senate provides equal representation to states regardless of population. Student governments often adopt a similar structure to the United States Senate to ensure representation for distinct academic or residential communities.

Petitioner also cites Florida Statute § 1004.26 which requires that the student legislative body be elected by the student body. However, it does not mandate a particular representational structure. Likewise, *Students for Fair Representation v. Halle* does not invalidate the minimum-seat provisions. That case addressed the implementation of apportionment rather than the constitutional validity of the minimum-seat guarantees themselves.

The UF Constitution's minimum-seat guarantees represent a permissible structural choice that balances population equality with inclusive representation across the university community.

III. Conclusion

THEREFORE, for the foregoing reasons, the Petition to declare the minimum-seat requirements null and void is **DENIED**.

It is so ordered.

TURNER, C.J., MILLER, J., DEL TORO, J., and KESSINGER, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT
Heard and Decided March 30, 2026

In re: Appeal of Elections Complaint: Benefits Violation

KESSINGER, J. delivers the opinion of the Court.

This petition requests that the Court issue an order recusing Chief Justice Hagen Turner and Associate Justices Adeline Gerkin, Angelina Del Toro, and Stephanie Miller, and is an appeal requesting a remand and reconsideration of the decisions rendered by the Elections Commission on February 26, 2026.

I. Jurisdiction and Background

This Court has jurisdiction under Article V, Section 3(b)(3) of the Student Body Constitution, which states "[t]he Supreme Court shall hear appeals from tribunals established by law." More precisely, the Supreme Court has jurisdiction per Student Body Statute Section 729.0: " All final determinations of the Elections Commission may be appealed to the Supreme Court."

Petitioner, a student, has demonstrated that this is an appeal from a tribunal. He brought a complaint to the Elections Commission, and the Elections Commission heard the complaint on February 26, 2026. The Elections Commission dismissed the Petitioner's complaint by a unanimous vote and used the language "concrete evidence." Petitioner now requests that the complaint be remanded back to the Election Commission for proper consideration of the facts under the proper standard of review.

II. Analysis

The request for Chief Justice Hagen Turner and Associate Justices Adeline Gerkin, Angelina Del Toro, and Stephanie Miller to recuse themselves is **DENIED**.

As to the request for remand, this request is **GRANTED**. The complaint is **REVERSED** and **REMANDED** to the Elections Commission.

Student Body Statute 744.1 states, "A political party may be held liable for the actions of individuals or organizations supporting it. If a complainant can demonstrate by *clear and convincing evidence* that the candidate or political party solicited the individual, or organization to violate any provision of the Student Government Election Code in support of a candidate, the Elections Commission may hold the candidate or political party responsible." (emphasis added).

This Court makes no determination on the factual findings of the Elections Commission. If a clear and convincing violation has occurred, which is a higher burden than the preponderance of the evidence standard, then the Elections Commission should rule in favor of the Petitioner. If the burden has not been met, then the Elections Commission should rule against the Petitioner.

III. Conclusion

THEREFORE, the request for recusal of Chief Justice Hagen Turner and Associate Justices Adeline Gerkin, Angelina Del Toro, and Stephanie Miller is **DENIED**. The appeal is **REVERSED** and **REMANDED** to the Elections Commission to be reviewed under a clear and convincing standard.

It is so ordered.

TURNER, CJ., DEL TORO, J., GERKEN, J., and MILLER, J. concurring.

UNIVERSITY OF FLORIDA SUPREME COURT

In re: Jurisdiction and the Court's Interpretive Role

Decided March 30, 2026

GERKEN, J., with whom KESSINGER, J., and DEL TORO, J., join, delivers the opinion of the Court.

Petitioners present four requests for relief, each asking this Court to define an isolated constitutional term: "guaranteed," "lawful act," "order," and "any writ necessary" under Article V, Section 3(b)(1). Article V, Section 3(b)(1) authorizes the Court to interpret provisions of the Constitution, not to supply freestanding definitions for individual words untethered to any concrete interpretive question. Because none of the four requests ask this Court to interpret a constitutional provision, all four are dismissed for lack of jurisdiction.

IT IS SO ORDERED.

TURNER, J., with whom MILLER, J., joins, dissenting.

We dissent only as to the fourth request. Article V, Section 3(b)(1) is itself a discrete constitutional provision granting the Court's interpretive jurisdiction. Petitioners ask the Court to construe that provision's meaning and scope—that is, an interpretation of a constitutional provision, not a mere definition of a word. We would reach the merits of the fourth request.

It is so noted.

UNIVERSITY OF FLORIDA SUPREME COURT

Decided April 27, 2026

In re: Appeal of Elections Complaint: Benefits Violation II

TURNER, C.J. delivers the opinion of the Court.

Petitioner appeals the Elections Commission's April 3, 2026, dismissal of his amended complaint against the Vision Party and Sigma Kappa Sorority for an alleged violation of Student Body Statute § 761.3. Petitioner asks this Court to find that the Commission abused its discretion, that its findings of fact were clearly erroneous, and that the case should be reversed and remanded with a Court-issued subpoena directing both respondents to appear. We **AFFIRM** the dismissal by the Elections Commission and **DENY** the request for subpoenas.

I. Jurisdiction and Standard of Review

This Court has jurisdiction under Article V, Section 3(b)(3) of the Student Body Constitution and S.B.S. section 728.5. Section 728.52 governs our review: factual findings of the Commission are reviewed for clear error; mixed questions for substantial evidence; questions of law de novo. Petitioner expressly disclaims any de novo challenge, requesting review only under the clearly erroneous and abuse-of-discretion standards.

II. Analysis

As a preliminary matter, the request for the recusal of the justices of this Court under S.B.S. section 402.1 is **DENIED WITH PREJUDICE**.

A. The Commission did not abuse its discretion. Petitioner argues that the Commission abused its discretion by declining to ask questions during the evidentiary presentation and by deliberating briefly. Section 725.4(10) provides that Commissioners "*may* ask any questions of anyone at any point during the presentation of evidence." The verb is permissive. The Senate has used "shall" elsewhere when it has meant to impose a duty, and we will not read into the Code an obligation the Senate omitted. Nor does the Code prescribe any minimum length of deliberation.

This is the second hearing of the same complaint following our prior remand. The Commission accepted Petitioner's amended complaint, considered each evidentiary set, ruled on the recusal motions, applied the preponderance standard, and stated its reasoning on the record. That is not an abuse of discretion. Petitioner received the process the Code requires under Sections 724.2, 724.3, and 725.4. There was no abuse of discretion.

B. The Commission's findings were not clearly erroneous. Section 761.3 reaches conduct by a "candidate or representative of a political party." A sorority is neither a candidate nor a representative of a political party as contemplated by section 761.3.

Section 744.1 supplies the framework for the fact pattern Petitioner alleges. Where an outside organization's conduct supports a political party, the party may be held liable only on clear and convincing evidence that it "solicited the individual, or organization to violate any provision of the Student Government Election Code." Petitioner does not proceed under Section 744.1. He instead pleads Section 761.3 against Vision Party while resting his proof entirely on conduct by Greek organizations — an effort to attribute third-party acts to Vision Party while bypassing Section 744.1's heightened standard. We decline to read Section 761.3 to render Section 744.1 surplusage.

Evidence sets 1 through 5 concern earlier election cycles and historical complaints and news articles; they cannot, on their own, establish a violation in the present cycle. Set 6 contains the only evidence drawn from this cycle, and on inspection it consists of six brief Alligator interview excerpts. Exhibits 6A and 6B contain the Independent Alligator staff's own observations about the affiliations and motivations of student voters. Exhibit 6C (McInerney) describes voting to attend an unnamed sorority's events; Exhibit 6D (Thompson) describes an unnamed sorority's internal points system; Exhibit 6E (Whittier) describes a sorority mandate to vote; Exhibit 6F (Mathews) describes Sigma Kappa's past practice of conditioning event access on voting and disclaims any current benefit. Each exhibit from set 6, at most, describes conduct by a Greek organization. None describes any "promise to any student or student organization any benefit not authorized by student body law in order to influence the votes" made by a "candidate or representative of a political party." S.B.S. § 761.3.

The Chair of the Elections Commission appropriately noted that Section 744.1 did not apply due to no proof of solicitation by a "candidate or political party." The Chair then stated that she did not think there was a preponderance of evidence supporting a violation of Section 761.3 on the allegations presented. Upon a review of the record, the Commission's finding that Petitioner failed to meet his burden was not clearly erroneous. On clear-error review, we do not reweigh the evidence; we ask whether the Commission's findings are supported. They are.

C. The Court declines to issue subpoenas. Section 727.0 provides that the Chief Justice "shall subpoena any student *on request of the Elections Commission*." Section 727.01 routes any party's request for Supreme Court subpoena through the Chair of the Commission, twenty-four hours in advance of the Elections Commission hearing. The Code makes the Commission the gatekeeper; this Court's role is responsive. No such request was issued from the Commission.

THEREFORE, having determined that the Elections Commission's findings were not clearly erroneous, the Petition is **DENIED**. The Commission's dismissal of the complaint is

AFFIRMED. The request that this Court issue subpoenas to Sigma Kappa Sorority and the Vision Party is **DENIED**.

It is so ordered.

MILLER, J., DEL TORO, J., GERKEN, J., AND KESSINGER, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT

Decided September 9, 2026

In re: Reconsideration of Rule 4.1's Restrictive Interpretation

KESSINGER, J., delivers the order of the Court.

THIS MATTER comes before the Court under Article V, Section 3(b)(2) of the Student Body Constitution requesting the Court to reconsider its decision to deny the Petitioner oral argument in *In re: Appeal of Elections Complaint: Benefits Violations II*. The Petitioner requests the Court to overturn the interpretation of Rule 4.1 Supreme Court Rules of Practice & Procedure. This Court dismisses the petition.

This Court, as the author of its own Rules of Practice & Procedure, has the ability to interpret its own rules. Rule 4.1 does not mandate that petitioners are entitled to oral argument, and this was articulated to the Petitioner in this case via email notification.

As stated by Justice Miller, "[t]his opinion along with the plain text of Rule 4.1, along with this Court's established practice over at least the past eight years, all determine definitely that petitioners are not afforded oral arguments as a matter of right." Moreover, it is the practice of many courts in this country not to grant oral argument and decide a case purely on the papers.

As this case was already definitively answered only a few months earlier, this case presents an issue that has already been addressed and therefore warrants dismissal under Rule 3.5 of the Supreme Court Rules of Practice and Procedure.

THEREFORE, this case is DISMISSED.

It is so ordered.

HAGEN, C.J., GERKEN, J., PONCE, J., STOCKEL, J. concurring.

UNIVERSITY OF FLORIDA SUPREME COURT

Decided September 9, 2026

In re: Petition Concerning Rule 7.4 Nonresponse, Recusal, Temporary Justices, and Rehearing

TURNER, C.J. delivers the order of the Court.

THIS MATTER comes before the Court upon a petition filed under Article V, Section 3(b)(2) of the Student Body Constitution, alleging that the Court violated Rule 7.4 of the Rules of Practice and Procedure by failing to respond within fourteen days to a petition submitted on April 29, 2026. Petitioner requests that the Court recuse its permanent Justices, appoint temporary Justices, hear the April 29 petition, and rehear *In re: Appeal of Elections Complaint: Benefits Violation II*. This Court dismisses the petition.

The Justices of this Court are students first, and they are at the University of Florida for their education. Because law students do not have classes over the summer, the Justices are not on campus to operate the Court during that time. This arrangement supports our mission as students and leaves summer break for Justices to experience the practice of law through clerkships, internships, and summer employment. The Court is not alone in this practice; many other parts of Student Government, including its agencies, shut down for the summer. Consistent with this longstanding practice, the Student Government website, which is not maintained by students, is updated each summer to reflect that the Court is closed.

Petitioner's April 29 petition was submitted as the spring semester concluded and the Court closed for the summer. A petition submitted while the Court is closed does not begin the Rule 7.4 response period until the Court resumes operation. No violation of Rule 7.4 occurred, and because every remaining request for relief depends on that alleged violation, those requests fail with it.

THEREFORE, this case is DISMISSED.

It is so ordered.

KESSINGER, J., GERKEN, J., PONCE, J., AND STOCKEL, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT

Decided September 23, 2026

In re: Fall 2026 Election Map

PONCE, J delivers the opinion of the Court.

THIS MATTER comes before the Court upon a petition filed under Article V, Section 3(b)(1) of the Constitution. This petition challenges a later enactment and raises questions under Article III, Section 2(a), and whether it satisfies Article I, Section 2(a) that we have not decided on the merits.

Twenty members of the Student Body ("Petitioners") ask this Court to interpret Article I, Sections 2(a) and 4, and Article III, Section 2(a) of the University of Florida Student Body Constitution ("Constitution") in determining the constitutionality of Student Body Statutes 322.21 and 322.31, as amended by Student Senate Bill 2025-1209. Those statutes assign thirty-eight Fall Senate seats to a single off-campus constituency. We hold that each challenge fails, and that the statues are constitutional.

I. Background

The single off-campus constituency began as a judicial remedy. In 2023, this Court held SSB 2022-1035 unconstitutional. *Halle*, 4 S.C. at 21–22. When the Senate did not enact a replacement, the Court adopted a map that gave one seat to each on-campus area and combined every off-campus district into one. *In re Fall 2023 Election Map*, 4 S.C. 23, 27 (Sept. 5, 2023). The Senate then adopted that model by legislation in SSB 2024-1525. This Court upheld that law under Article I, Section 4, *Fall 2024 Election Map Case*, 4 S.C. at 40–43, and under Article III, Section 2(a), *Stephens et al. v. University of Florida Student Government*, 4 S.C. 44, 45–46 (Sept. 30, 2024). In January 2025, the Court dismissed a renewed dilution claim that described the competing political alignments as "the System" and "the Indies." *In re Political Discrimination and Apportionment Case*, 4 S.C. 52, 52–54 (Jan. 27, 2025).

On November 9, 2025, the Senate Judiciary Committee approved SSB 2025-1209, which continues the single off-campus allocation and increases it to thirty-eight seats. The Committee relied on ZIP-code data from the Office of the University Registrar and "unanimously lament[ed] the apparent inaccuracies of the dataset." *In re Arbitrary and Capricious Apportionment* (Nov. 18, 2025). Petitioners filed this petition on August 31, 2026. They rely on exhibits first submitted in *Elections Complaint: Benefits Violation*, including court records, academic theses, a 2010 campaign-meeting transcript, and news reports. *See In re: Appeal of Elections Complaint: Benefits Violation II* (Apr. 27, 2026). One party has won every off-campus seat in each Fall election held under the single-constituency model.

II. Analysis

A. The request for recusal is denied.

Petitioners ask that Justice Ponce be disqualified under S.B.S. section 402.2. Justice Ponce declines to recuse. The request is DENIED.

B. The record does not establish a politically cohesive minority under Article I, Section 4.

Article I, Section 4 provides that Student Government "shall not discriminate on the basis of… political opinions or affiliations." That language may include political opinions and affiliations within Student Government itself. *Fall 2024 Election Map Case*, 4 S.C. at 40. A vote-dilution claim under that clause requires three showings: (1) a minority population "sufficiently large and geographically compact to constitute a majority in a single-member district"; (2) that the minority is "politically cohesive"; and (3) that the majority "votes sufficiently as a block to enable it…, usually to defeat the minority's preferred candidate." *Id.* (quoting *In re Senate Joint Resol. of Legis. Apportionment 1176*, 83 So. 3d 597, 622 (Fla. 2012)).

The terms "System" and "Indies." Petitioners ask us to clarify or limit *Political Discrimination* because it described "the System" and "the Indies" as the petitioner's "own personal terms of art." 4 S.C. at 52. We decline to do so. Addressing political opponents as the "system" or "the indies" is counterintuitive because it attempts to place other names for the majority and anti-majoritarian beliefs and disregards legitimate party affiliation. This is especially true when most students would not self-identify with either category. We cannot force people into buckets identified by the Petitioners.

Political Discrimination did not turn on who coined the terms. It turned on the absence of a politically cohesive population, and it observed that the parties in question "never referred to themselves collectively at all." *Id.* The record does not show that those parties ever acted as a collective group. A name that others apply to a group describes it. It does not prove that the group holds a shared political opinion or affiliation.

Political cohesion. Most of Petitioners' evidence concerns the alleged majority. The court records, the 2010 transcript, and the news reports address how one alignment recruit's candidates and turns out voters. That evidence bears on the third showing. It says little about whether the students Petitioners call Indies are cohesive, which is the second.

On that question, the record shows a succession of separate parties, each formed at a different time by different students. Students who found a new party rather than join an existing one have chosen to be distinct. What these parties share, on this record, is opposition to the prevailing alignment. We have already held that "an anti-majoritarian sentiment, while arguably consistent, is not representative of any 'politically cohesive' group," because voters may oppose a majority "for wildly different reasons." *Fall 2024 Election Map Case*, 4 S.C. at 41. Describing that opposition as independence from the System gives it a name, not a common position.

At oral argument, Petitioners said that the Indies share support for election reforms and opposition to corruption. We rejected shared positions on election administration as proof of cohesion in *Political Discrimination*, 4 S.C. at 52–53. Opposition does not distinguish one group of candidates from another, especially when there is no shared platform or unity. These parties are separate for a reason even if they support the same principles.

The proposed test. Petitioners ask us to hold that a political affiliation may be shown through "recurring organizational association, electoral coordination, coalition behavior, common candidate support, and other objective evidence of political relationship," and that an "independent" designation does not foreclose such an affiliation. We decline. The test would require this Court to decide, cycle by cycle, which parties and organizations belong to which coalition. That inquiry "would render 'political opinion' entirely unmeasurable and ambiguous and could likely yield arbitrary results." *Fall 2024 Election Map Case*, 4 S.C. at 41.

We hold that this record does not establish the affiliation Petitioners claim, and that the multi-factor test they propose is not one this Court can administer.

Fall 2024 Election Map Case did not treat party labels as dispositive. It held that the petitioner had not proven a cohesive minority. The same is true on this record. The Article I, Section 4 claim fails.

C. Petitioners have not shown that the off-campus allocation violates Article III, Section 2(a).

Article III, Section 2(a) requires the Senate to "apportion senate seats on the basis of population as nearly equal as practicable," with a minimum of one seat for each on-campus area government. It does not require multiple off-campus districts. *Stephens*, 4 S.C. at 45. The Senate has discretion over the form of the off-campus allocation, subject to the population requirement. *Id.*

The scope of *Arbitrary and Capricious Apportionment*. Petitioners ask us to clarify that our November 2025 decision did not resolve this question. We agree. That case asked whether the Judiciary Committee's approval of SSB 2025-1209 had a reasonable basis. *In re Arbitrary and Capricious Apportionment* (Nov. 18, 2025). It did not decide whether the resulting law satisfies Article III, Section 2(a). We therefore reach the Article III question.

The merits. Petitioners argue that the Registrar data are inaccurate and that a law built on them lacks a demonstrable population basis. The argument fails for two reasons.

First, Petitioners show that the data are imperfect, not that the map is unequal. In *Halle*, the parties agreed that the challenged allocation failed to reflect the share of students living in one district. 4 S.C. at 21–22. Here, Petitioners do not say how many students live on or off campus, what allocation the Constitution requires, or how thirty-eight off-campus seats departs from it. We cannot declare a statute unconstitutional on the assumption and speculation that better data could possibly produce a different map.

Second, the Constitution measures the Senate's duty by what is "practicable." The Committee discussed the dataset's flaws at length, sought other data, and postulated that SSB 2025-1209 was the fairest allocation the available data allowed. *Arbitrary and Capricious Apportionment* (Nov. 18, 2025). Petitioners identify no better dataset that exists today.

The duty to apportion by population belongs to the Senate each year, and it includes obtaining data reliable enough to carry it out. We expect the Judiciary Committee to continue those efforts. On this record, however, no violation of Article III, Section 2(a) has been shown. The Article III claim fails.

D. The single off-campus allocation does not materially prevent students from exercising their political will.

Article I, Section 2(a) guarantees every student "the right to vote in Student Government elections." This Court has held that "implicit in the right to vote in a Student Government election is the right to vote in a *fair* Student Government election," and that a challenge based on electoral unfairness is "an independent right of action." *Students Party v. Lewis*, 1 S.C. 85, 86–87 (Oct. 10, 2011). The standard of review is: "Were students materially prevented from exercising their political will?" *Id.* at 88. Allegations of unfairness "are evaluated in terms of the broader electoral context." *Id.* We did not reach that question in *Fall 2026 Election Unfairness* (Fed 18, 2026). We reach it now.

The statute places no barrier between a student and the ballot. Every off-campus student may vote for all thirty-eight off-campus seats, may choose candidates from any party, and has that vote counted equally with every other. *Lewis* gave two examples of material unfairness: requiring a student to pre-register before entering the voting booth and establishing an insufficient number of voting locations. 1 S.C. at 88. Both are obstacles to casting a vote. Nothing comparable is alleged here.

Petitioners concede that an ordinary electoral loss is not unfair. Their claim is that a single thirty-eight-seat constituency lets a narrow majority take every seat, as one party has in three consecutive Fall elections. That result follows from how students vote, not from anything the statute compels. A student remains free to split a ballot, and a student whose candidates lose has still exercised her political will. The Constitution supplies no number of seats at which an at-large constituency becomes unfair, and the choice among district forms belongs to the Senate. *Stephens*, 4 S.C. at 45.

The Article I, Section 2(a) claim fails. Because no constitutional violation has been shown, no further relief is warranted.

III. Conclusion

THEREFORE, the Court rules on each of Petitioners' requests for relief as follows:

1. The request to hold that the questions presented are properly before the Court and are not barred by Rule 3.5 is GRANTED.
2. The request to clarify or limit *In re Political Discrimination and Apportionment Case* to the extent it described "the System" and "the Indies" as the petitioner's personal terminology is DENIED.
3. The request to interpret Article I, Section 4 so that a political affiliation may be shown through recurring organizational association, electoral coordination, coalition behavior, and common candidate support is DENIED.
4. The request to hold that a formal "independent" designation does not categorically foreclose political affiliation is DENIED.
5. The request to clarify or limit *In re Fall 2024 Election Map Case* to the extent it treats changing party labels as dispositive of political cohesion is DENIED.
6. The request to declare Student Body Statutes 322.21 and 322.31 unconstitutional under Article I, Section 4 is DENIED.
7. The request to declare the off-campus apportionment unconstitutional under Article III, Section 2(a) is DENIED.
8. The request to clarify that *In re Arbitrary and Capricious Apportionment* decided only whether the Judiciary Committee had a reasonable basis, and did not decide whether SSB 2025-1209 satisfies Article III, Section 2(a), is GRANTED.
9. The request to declare the single thirty-eight-seat off-campus structure unconstitutional under Article I, Section 2(a) is DENIED.
10. The request for other interpretive and declaratory relief is DENIED.

The request for the recusal of Justice Ponce is DENIED. Student Body Statutes 322.21 and 322.31, as amended by SSB 2025-1209, are constitutional under Article I, Sections 2(a) and 4, and Article III, Section 2(a) of the Constitution.

It is so ordered.

KESSINGER, J., and GERKEN, J., concurring.

TURNER, C.J., and STOCKEL, J., concurring in part and dissenting in part.

We join the Court's opinion except as to Petitioners' second request for relief. The majority accepts that others use "the System" and "the Indies," so *Political Discrimination*'s description of those terms as the petitioner's "own personal terms of art" is inaccurate. We would GRANT the second request and, to that extent, respectfully dissent.

UNIVERSITY OF FLORIDA SUPREME COURT

Heard and Decided September 23, 2026

In re: Article V Review of Original Requirements and Authority

STOCKEL, J. delivers the opinion of the Court.

Petitioners ask this Court to declare Rules 3.3.3, 3.3.3.1, 3.3.4, 3.3.5, and 3.4 of the Supreme Court Rules of Practice and Procedure ("Rules") unconstitutional. They also ask the Court to overrule *In the Matter of Apportionment*, 4 S.C. 57 (2025), to the extent it requires a petitioner under Article V, Section 3(b)(2) to show standing. Petitioners argue that because the Student Body Constitution has no counterpart to the "Cases" and "Controversies" clause of Article III of the United States Constitution, this Court may not condition relief on standing, mootness, or ripeness, nor reserve discretion to dismiss. We disagree. The Constitution requires "good cause shown," and leaves that phrase for this Court to define, and directs the Court to adopt its own rules of practice and procedure. Each request for relief is DENIED.

I. Jurisdiction

This Court has jurisdiction under Article V, Section 3(b)(1)(a) of the Student Body Constitution ("Constitution"), which provides that "[t]he Supreme Court shall interpret any provision of the constitution or any law upon written petition of twenty members of the Student Body." Petitioners submitted the required petition, and no injury is required under Section 3(b)(1). *In re: "Ortiz Standing,"* 3 S.C. 52 (2020). The petition asks the Court to interpret specific provisions, Article V, Sections 2(b) and 3(b)(2), against specific Rules, as *In re: Fall 2024 Election Map*, 4 S.C. 37 (2024), requires. That the Rules are the Court's own does not shield them from review: a rule adopted under a constitutional grant must operate within it. *See In re: "Petition Regarding Whether the UF Supreme Court Can Interpret Senate Rules and Procedures,"* 3 S.C. 19, 20 (2018).

II. Background

Since *Ortiz Standing*, this Court has required a petitioner seeking an order under Article V, Section 3(b)(2) to show "(1) a concrete injury, (2) traceable to the petitioner, and (3) redressable by this court." 3 S.C. at 52. The Court has also dismissed Section 3(b)(2) petitions as moot or unripe, and in *In the Matter of Apportionment* it dismissed a petition raising only "generalized grievances," citing *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). 4 S.C. at 57. The Rules now codify these doctrines. Rules 3.3.3 and 3.3.3.1 require standing as stated in *Lujan*. Rules 3.3.4 and 3.3.5 bar moot and unripe petitions, citing *DeFunis v. Odegaard*, 416 U.S. 312 (1974), and *Abbott Laboratories v. Gardner*, 387 U.S. 136 (1967). Rule 3.4 permits the Court, "at its sole and absolute discretion," to dismiss a case "by email notification to the petitioner, or on preliminary or official hearing." Petitioners filed their petition on August 31, 2026, and presented oral argument on September 23, 2026.

III. Analysis

A. Rules 3.3.3 and 3.3.3.1 give content to "good cause shown." Article V, Section 3(b)(2) provides that the Court "shall, upon written petition of any member of the Student Body and for good cause shown, order any Student Government official . . . to perform any lawful act or refrain or desist from an unlawful act." Petitioners rely on the word "shall." We agree that "shall" ordinarily imposes a duty where "may" does not. *In re: Appeal of Elections Complaint: Benefits Violation II*, 5 S.C. __ (2026). But the duty here is conditional. It arises only upon a written petition *and* good cause shown, and it is this Court that determines whether good cause has been shown. Petitioners conceded as much at oral argument.

The Constitution does not define good cause, and this Court has always supplied its content. In *In re: Application of the Five Criteria to a Proposed Authorization*, the Court adopted the arbitrary-and-capricious standard, a doctrine found nowhere in Article V, to "articulate to future petitioners what is required to show 'good cause.'" 3 S.C. 84, 85 (2022). Petitioners embrace that framework. Standing serves the same function. Section 3(b)(2) authorizes an order directing an official to act or refrain. A petitioner with no concrete injury has no cause to seek that order. An injury not traceable to the petitioner supplies no reason to direct that official. And an order that cannot redress the injury accomplishes nothing. *See Ortiz Standing*, 3 S.C. at 52.

Article V, Section 2(b) separately directs that "[t]he Supreme Court shall adopt its own internal rules of practice and procedure for itself." Rules stating what a petitioner must show to obtain relief are rules of practice and procedure. Petitioners' reliance on *In re: "700 Codes"*, 3 S.C. 36 (2020), is misplaced. There, the Court held that because the Constitution "is silent as to the requirements for running for a position," the Senate was "free to regulate" that subject "by constitutional means." *Id.* The same reasoning applies here: the Constitution is silent on how good cause is shown, and it commits procedure to this Court. We agree a rule could exceed that authority. A filing fee, as Petitioners suggested at oral argument, would replace good cause rather than define it. The challenged Rules do not.

Nor does the federal origin of these doctrines invalidate them. *ASARCO Inc. v. Kadish* holds that state courts "are not bound by the limitations of a case or controversy or other federal rules of justiciability." 490 U.S. 605, 617 (1989). A court that is not bound remains free to adopt such rules, and Petitioners acknowledged at oral argument that Florida's courts have done so without an express cases-or-controversies clause. This Court routinely adopts federal doctrine as persuasive authority. *See Ortiz Standing*, 3 S.C. at 53 (adopting the stare decisis factors of *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)). Once adopted through the Rules, such a doctrine rests on Article V, not Article III. A settled, publicly documented framework also serves petitioners better than an undefined, case-by-case inquiry. A student who cannot yet satisfy standing may refile, *see In the Matter of Apportionment*, 4 S.C. at 57 (dismissing without prejudice), or may seek an interpretation under Section 3(b)(1), which requires no injury.

B. Rules 3.3.4 and 3.3.5 rest on the same text. There is nothing to order an official to "refrain or desist" from once a controversy has ended. *In re: R&A Committee*, 4 S.C. 29 (2023). Nor is there anything yet to restrain before the official has acted, *In re: "MERWITZER,"* 3 S.C. 39 (2020). Petitioners agreed at oral argument that where the Court can make no order, there is no

good cause. Mootness and ripeness are therefore implicit in good cause, not unconstitutional additions to the requirements.

C. Rule 3.4 is a valid rule of procedure. Rule 3.4 permits the Court to "dismiss a case with or without prejudice by email notification to the petitioner, or on preliminary or official hearing." A petition dismissed for want of standing, mootness, or ripeness has not shown good cause, so its dismissal does not disregard Section 3(b)(2). Where two provisions can be read in harmony, they shall be. *In re: Election Conflict*, 3 S.C. 72, 73 (2022). Striking standing, mootness, and ripeness, would leave petitioners with "good cause" alone and no notice of what a petition requires. This Court's decisions applying those doctrines tell petitioners what they must show. *See, e.g., Ortiz Standing, 3 S.C. at 52; In the Matter of Apportionment, 4 S.C. at 57.* Without them, the Court would decide good cause case-by-case, with no settled standard to guide it. The current standing doctrine promotes judicial efficiency and gives petitioners notice of what the Court requires. No disposition is challenged here, and we hold only that Rule 3.4 is not unconstitutional on its face.

D. *In the Matter of Apportionment* is not overruled. Applying the factors adopted in *Ortiz Standing*, 3 S.C. at 53, we find no reason to depart from precedent. No later decision has undermined the standing requirement; this Court has applied it consistently since 2020. *See, e.g.*, *Election Conflict*, 3 S.C. at 72; *Fall 2024 Election Unfairness*, 4 S.C. 47, 48 (2024). Petitioners, Student Government officials, and this Court have relied on it for six years, and Petitioners identify no factual change. Above all, the requirement remains workable. *Watch Party v. Supervisor of Elections* overruled precedent that "allow[ed] for ambiguity." 4 S.C. 49, 50 (2024). Replacing a defined test with an undefined one would create exactly that ambiguity.

IV. Conclusion

THEREFORE, the Court holds that Rules 3.3.3, 3.3.3.1, 3.3.4, 3.3.5, and 3.4 are a valid exercise of its authority under Article V, Sections 2(b) and 3(b)(2). Petitioners' requests to declare those Rules unconstitutional, to overrule *In the Matter of Apportionment*, and to hold that Section 3(b)(2) petitions are not governed by standing, mootness, and ripeness are DENIED. The request for further relief is DENIED.

It is so ordered.

TUNER, CJ., PONCE, J., KESSINGER, J., and GERKEN, J. concurring.

UNIVERSITY OF FLORIDA SUPREME COURT

Heard and Decided September 23, 2026

In re: Political Chilling Effect and Newspaper Distribution

GERKEN, J. delivers the opinion of the Court.

Petitioners request that this Court order the Supervisor of Elections to refrain from enforcing Student Body Statute § 761.3 under the interpretation expressed in the Supervisor's September 2, 2026, email. Petitioners further request that this Court direct the Elections Commission to dismiss with prejudice any complaint arising from that interpretation that lacks sufficient evidentiary support. Although this Court recognizes Petitioners' concerns regarding their ability to participate in Student Government elections, Petitioners have failed to establish good cause warranting the requested relief.

I. Jurisdiction

This Court has jurisdiction under Article V, Section 3(b)(2) of the University of Florida Student Body Constitution ("Constitution"), providing that "[t]he Supreme Court shall, upon written petition of any member of the Student Body and for good cause shown, order any Student Government official or any officer of a student organization that receives Student Body funds to perform any lawful act or refrain or desist from an unlawful act." As this Court stated in *In re*: "Ortiz Standing," "[f]or a petitioner to have standing under Article V Section 3(b)(2), there must be (1) a concrete injury, (2) traceable to the petitioner, and [be] (3) redressable by this court."

II. Background

On September 2, 2026, Petitioners, members of the UF Hope Party, distributed copies of the *Iguana* newspaper and made additional copies available at their campaign table. Several individuals passing by the table accepted copies of the newspaper. One individual subsequently posted an Instagram story showing their receipt of the newspaper from Petitioners. Petitioners registered the Instagram story as campaign material and reposted it to their account. In response, the Supervisor of Elections notified Petitioners that the post appeared to violate Student Body Statute § 761.3, which prohibits the distribution of unauthorized benefits.

III. Analysis

Article V, Section 3(b)(2) of the Student Body Constitution authorizes this Court, upon written petition and good cause shown, to order Student Government officials to perform lawful acts or refrain from unlawful acts. In *In re: Application of the Five Criteria to a Proposed Authorization*, this Court established that discretionary governmental decisions are reviewed under an arbitrary-and-capricious standard. Under this standard, the Court considers whether the challenged action lacked a reasonable basis or adequate consideration of the circumstances.

Here, Petitioners have not established that the Supervisor of Elections acted arbitrarily or capriciously. Student Body Statute § 761.3 prohibits candidates and political party

representatives from providing unauthorized benefits to influence votes. Although Petitioners contend that the *Iguana* newspaper was freely available and unrelated to Student Government elections, its distribution from their campaign table and subsequent appearance in proposed campaign material provided a reasonable basis for the Supervisor to raise concerns regarding a potential violation.

Importantly, the Supervisor expressly acknowledged that the Elections Commission, not the Supervisor, determines whether an Election Code violation occurred. The Supervisor's communication was advisory, neither imposing a penalty nor expressly prohibiting Petitioners' conduct. Accordingly, Petitioners have not demonstrated that the Supervisor's actions were arbitrary or capricious.

Petitioners further argue that the warning created an unconstitutional chilling effect on their participation in Student Government. Although this Court recognized in *In re: "Chilling Effect"* that a chilling effect may establish standing, it does not necessarily establish unlawful governmental action. Petitioners' subsequent decision to cease distributing newspapers, while potentially influenced by the warning, does not alone demonstrate unlawful interference with their rights.

Finally, Petitioners request that this Court direct the Elections Commission to dismiss with prejudice future complaints arising from the Supervisor's interpretation of § 761.3. Because no such complaint has been adjudicated, granting this relief would prematurely interfere with the Commission's authority to determine Election Code violations.

IV. Conclusion

THEREFORE, this Court finds that Petitioners have failed to establish good cause warranting relief under Article V, Section 3(b)(2) of the Student Body Constitution. Accordingly, Petitioners' requested relief is DENIED.

It is so ordered.

TURNER, C.J., KESSINGER, J., PONCE, J., AND STOCKEL, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT

Heard and Decided October 7, 2026

In re: Innovation Academy Voting

TURNER, C.J. delivers the opinion of the Court.

Petitioner Katie Gray ("Petitioner"), an Innovation Academy student, petitions this Court after she was turned away from the polls during the Fall 2026 general election because she was not enrolled in classes at the University of Florida. Petitioner requests that the Court (i) direct the Supervisor of Elections and the Elections Commission to review her eligibility, (ii) permit her to vote before the close of polls, and (iii) order the preservation and production of records relating to her attempted vote. Because the polls closed on September 30, 2026, the Court denies these requests as moot. The petition does, however, expose a gap in Student Body law: no provision clearly defines who is a "student" for purposes of voting in Student Government elections. It is not the role of this Court to write that definition. That role belongs to the Student Senate, and the Court orders the Senate to fulfill it.

I. Jurisdiction

This Court has jurisdiction under Article V, Section 3(b)(2) of the University of Florida Student Body Constitution ("Constitution"), providing that "[t]he Supreme Court shall, upon written petition of any member of the Student Body and for good cause shown, order any Student Government official or any officer of a student organization that receives Student Body funds to perform any lawful act or refrain or desist from an unlawful act." This provision reaches collective Student Government bodies, including the Student Senate. In re: "Senate Meetings," 3 S.C. 44–45 (Apr. 15, 2020).

As this Court stated in In re: "Ortiz Standing," 3 S.C. 52, 52 (Sept. 11, 2020), "[f]or a petitioner to have standing under Article V Section 3(b)(2), there must be (1) a concrete injury, (2) traceable to the petitioner, and [be] (3) redressable by this court." Petitioner meets this standard. Unlike the generalized grievances this Court has rejected, Petitioner personally appeared at an official polling location, presented her University identification, and was denied a ballot. That injury is particular to her and traceable to the election process that controlled her access to a ballot.

II. Background

Petitioner is a Computer Science student in the University's Innovation Academy, which operates on a spring-summer academic calendar. Innovation Academy students typically do not take University of Florida classes during the fall semester. Petitioner is currently taking transient classes at Santa Fe College and states that she remains eligible to reenroll at the University without seeking readmission.

On September 29, 2026, at approximately 4:30 P.M., Petitioner went to the Reitz Union Print Lab polling location to vote in the Fall 2026 general election. After she presented her University identification, she was told her name did not appear on the voter rolls. She was asked whether she was a student and whether she was taking classes at the University. When she explained that she was not taking University classes because of her Innovation Academy status, she was told she could not vote. Petitioner has submitted a sworn affidavit attesting to these facts.

III. Analysis

A. The Requested Election-Day Relief Is No Longer Available

Polling locations for the Fall 2026 general election closed at 8:30 P.M. on September 30, 2026. See Student Body Statute 716.2. The Court cannot order election officials to review Petitioner's eligibility in time to cast a ballot, or to permit her to vote, in an election that has concluded. Petitioner's requests for election-day relief are therefore moot, as are her related requests for records directed at resolving her eligibility on September 29.

B. Defining "Student" Is a Legislative Task

The Constitution guarantees students "[t]he right to vote in Student Government elections." Article I, Section 2(a). It provides that "[e]very student is a member of the Student Body," Article II, Section 1, and that the Student Body comprises the electorate, Article VI, Section 1. Each link in that chain depends on the word "student," yet the Constitution never defines it.

The Student Body Statutes do not fill the gap. Student Body Statute 700.4(n) defines an "elector" as "any student in the current term at the University of Florida, as outlined in Article II Section 1 of the Student Body Constitution." That definition is circular: it refers back to the same undefined constitutional term. Nor does the phrase "in the current term" answer whether a student on a non-traditional calendar, who is admitted but not enrolled during the fall, is a student "in the current term." Student Body Statute 771 makes University Registrar records conclusive for determining elector eligibility, but Registrar records reflect a student's enrollment status. They do not reflect a choice by the Student Body about who belongs in its electorate.

Petitioner urges the Court to adopt the definition of "Student" in University of Florida Regulation 4.040, relying on In re: Enforcement of Senate Rule IV, Section B(d)(i) 5 S.C. (Feb. 18, 2026). The Court declines to do so. That case concerned the right to address Student Government officials under Article I, Section 2(d); it did not purport to fix the boundaries of the voting electorate. And Regulation 4.040, by its own terms, defines "Student" solely for purposes of that Regulation.

More fundamentally, it is not the job of this Court to define who may vote. As this Court has stated, "the Court is not a legislative body, and as such, need not step into the shoes of the

legislator." Students for Fair Representation v. Halle, 4 S.C. 21 (2023). Deciding who comprises the electorate requires policy judgments about enrollment requirements, students on non-traditional academic calendars, online and part-time students, and what data election officials can reliably verify at the polls. Those judgments belong to the elected Senators who answer to the Student Body.

C. A Definition Is Nonetheless Plainly Required

Although the Court will not write the definition, it is obvious that one must exist. The right to vote is among the most fundamental rights the Constitution guarantees, and students are "entitled, constitutionally, to a fair election." In re: The Students Party v. Lewis, 1 S.C. 107, 109–14 (Oct. 10, 2011). Students cannot meaningfully exercise that right if they cannot know, before they arrive at the polls, whether they are eligible to vote. Poll workers cannot fairly administer an election if eligibility turns on questions asked at a check-in table rather than on a rule set in advance.

Petitioner's experience illustrates the problem. Whether or not she was an eligible elector, neither she, nor the poll workers, nor this Court had a clear rule to apply. This Court has previously ordered the Student Senate to perform its constitutional duties where its inaction threatened students' voting rights. *See* Students for Fair Representation v. Halle, 4 S.C. 21 (2023). The same course is warranted here. The Court expresses no view on what the definition should be; it holds only that the Senate must provide one.

IV. Conclusion

THEREFORE, this Court (i) DENIES Petitioner's requests for relief as moot, (ii) DECLINES to adopt a definition of "student" for purposes of voting in Student Government elections, and (iii) ORDERS the Student Senate to define and codify in the Student Body Statutes the meaning of "student" for purposes of voting in Student Government elections, expressly addressing students who are admitted to the University but not enrolled in classes during a particular term, in time to govern the Spring 2027 general election.

It is so ordered.

GERKEN, J., KESSINGER, J., PONCE, J., AND STOCKEL, J., concurring.

UNIVERSITY OF FLORIDA SUPREME COURT

Heard and Decided October 14, 2026

In re: Hope Party v. Supervisor of Elections

KESSINGER, J., delivers the opinion of the Court.

Petitioners request that this Court reconsider a previous Elections Commission decision alleging a variety of issues. This Court consolidated the Petitioners issues into three distinct issues. (1) The Petitioners request that the Court decide whether presumed "institutional knowledge" can satisfy the Supervisor of Elections' statutory distribution obligation during the qualifying process under Student Body Statute 713.1. (2) The Petitioners ask the Court to remand a portion of the case back to the Elections Commission to decide the factual issue of whether the Supervisor of Elections was previously affiliated with Vision Party. (3) The Petitioners ask the Court to review the Elections Commissions factual determination to determine whether to hold the Supervisor of Elections and Vision Party liable for solicitation under Student Body Statute 744.1.

I. Jurisdiction

This Court has jurisdiction under Article V, Section 3(b)(3). The Petitioner is seeking an appeal of a decision from the Elections Commission. This is a tribunal from which the Petitioners can appeal, and as such the Petitioners have established standing and jurisdiction for this claim.

II. Standards of Review

Student Body Statute 728.52 prescribes the appropriate standards of review on appeal. Questions of law are reviewed de novo, questions of fact are reviewed for clear error, and mixed questions of law and fact are reviewed under substantial evidence. Issue 1 is a question of law and is reviewed de novo. Issues 2 and 3 are both findings of fact, which this Court reviews for clear error.

III. Factual Background

Hope Party is a newly formed political party, which is participating in its first election cycle. The Petitioner is a member of Hope Party. The Petitioner observed Vision Party tabling in the Student Engagement Portal during the slating process. The Petitioner inquired with the Vision Party representatives about the ability to reserve this space for slating. It was then that the Petitioner learned such tabling and reservation of space was available. The Supervisor of Elections did not mention the availability of tabling and slating space during meetings held during the qualifying process. When the Petitioner inquired with the Supervisor of Elections, the Petitioner was informed of the availability of the space.

This sparked a complaint to the Elections Commission alleging a violation of Student Body Statute 713.1, 728.0, and 744.1. During the Elections Commission hearing, the Supervisor of Elections was present to testify to the circumstances of this case. The Supervisor of Elections expressed that it was her understanding that Hope Party had "institutional knowledge" concerning how to reserve tables. The Supervisor of Elections operated under the assumption that Hope Party already knew about the availability of such space.

The Elections Commission considered evidence concerning the Supervisor of Elections political affiliation but never made an official vote on this issue. The Commission also considered evidence regarding whether Vision Party solicited the Supervisor of Elections to violate her duty under Student Body Statute 744.1. The Commission voted and decided that no violation of 744.1 occurred. Also, the Commission determined the Supervisor of Elections did not violate 713.1. Thus, the Petitioners appealed these decisions.

IV. Issue 1: Institutional Knowledge

This Court holds that "institutional knowledge" does not satisfy the duty of the Supervisor of Elections under Student Body Statute 713.1. This statute prescribes an affirmative duty to the Supervisor of Elections to take steps to inform the political parties involved in the qualifying process. The Supervisor of Elections cannot circumvent this duty by assuming these actors know of information that may have been provided in a different election cycle. This is to create a level playing field for every party, whether they are a repeat actor in elections or not. Even if institutional knowledge could apply to satisfy the statutory duty, Hope Party was participating in its first election and would not have access to such institutional knowledge. To enforce fairness in the qualifying process, the Supervisor of Elections cannot rely on an assumption of institutional knowledge to avoid the affirmative statutory duty under 713.1.

V. Issue 2: Supervisor of Elections Political Affiliation

The Elections Commission failed to make a decision on the merits of the issue of whether the Supervisor of Elections was affiliated with Vision Party. The record from the Commission does not reflect that the Elections Commission put this issue to a vote. Thus, this Court holds that this issue must be remanded to the Elections Commission to make an official decision.

VI. Issue 3: Party Liability under 744.1

The Elections Commission made the appropriate factual determination that the Supervisor of Elections and Vision Party were not liable for solicitation under 744.1. The Elections Commission heard the evidence from the Petitioner, heard testimony from two witnesses, analyzed exhibits brought before the Commission, and deliberated before administering its decision. The Elections Commission properly heard the evidence and evaluated the facts. This does not constitute clear error. Thus, this Court affirms the Elections Commission decision as to the party liability under 744.1.

VII. Conclusion

THEREFORE, this Court holds: (1) that relying on institutional knowledge is not sufficient to satisfy the affirmative duty under 713.1; (2) the question of party affiliation should be remanded back to the Elections Commission to properly vote on the issue; and (3) the factual determinations regarding party liability under 744.1 did not constitute clear error.

It is so ordered.

TURNER, C.J., GERKEN, J., PONCE, J., STOCKEL, J., concurring.