SUPREME COURT OF THE STUDENT BODY

In re: *Procedure of the Supreme Court of the Student Body for Hearing Motions for Recusal*
February 21, 2012

PER CURIAM

On this 21st day of February in the year 2012 the Supreme Court of the Student Body of the University of Florida met to fulfill the mandate of **Article V Section 3(a)** of the Student Body Constitution. Said section directs the Court to provide in its rules of practice and procedures the process for assigning qualified law students to temporary duty as substitutes, where recusals for cause would prohibit the Supreme Court from convening. Accordingly, the Supreme Court has drafted the "Procedure of the Supreme Court of the Student Body for Hearing Motions for Recusal" [attached as Addendum A].

Any person or political party who chooses to Petition the Supreme Court for the recusal of a Justice or Justices must comply with these procedures.

The Petitioner will file with the Supreme Court a Motion describing a request for recusal. If the Chief Justice determines that the Motion is not frivolous the Supreme Court will consent to hear the Motion. The Supreme Court will hear the Motion by following the procedure described in Addendum A and will email the Petitioners and Respondents a decision that will be published in the Supreme Court Reporter.

Addendum A

Procedure of the Supreme Court of the Student Body for Hearing Motions for Relief

The Supreme Court of the Student Body ["Supreme Court"] hereby establishes these procedures this 21st day of February, 2012.

1. **METHOD FOR FILING RECUSAL MOTION**: Any person or political party who chooses to file a Motion Requesting Recusal ["Recusal Motion"] pursuant **Article V Section 3(a)** of the University of Florida Student Body Constitution shall send an email to the Chief Justice of the Supreme Court and the Student Government Office Manager.

2. **REVIEW OF APPROVAL MOTION**: If the Chief Justice determines that the Recusal Motion is not frivolous, he shall schedule a hearing and post public notice of such hearing.

3. **FORM OF RECUSAL MOTION**:
    a. Recusal Motions shall be filed on 8 ½ x 11 inch paper.
    b. Recusal Motions shall not exceed 6 pages, typed, doubled spaced, Times New Roman, 12 point font, 1 inch margins.

c. Recusal Motions shall describe any potential conflicts of interest that may substantially impair the judgment or impartiality of a member or members of the Court.
d. Arguments should be clearly and concisely written.
e. Each individual argument should begin with the following phrase: "The Supreme Court of the Student Body should [grant or deny] Petitioner's Request for Recusal because [insert reasoning]."

4. STANDARD FOR RECUSAL:

a. Recusal of a member of the Supreme Court is necessary when circumstances indicate by clear and convincing evidence a current personal conflict of interests.

5. **PROCESS FOR RECUSAL MOTION HEARING:**

a. The Supreme Court may call any party or witness to answer in the Supreme Court's direct examination. The party or witness called by the Supreme Court will not talk while a Justice asks a question. The party or witness will immediately stop talking, even if in the middle of an answer, once a Justice begins to ask a question. Each party or witness will only answer the Justice's questions and will not be permitted to present argument. The scope of a party's or witness's answer to the Justice's examination will be limited to the scope of the Justice's question. The Supreme Court shall have unlimited time for direct examination of parties or witnesses.
b. After the Supreme Court has finished examining parties and witnesses, the Petitioner will have 5 minutes to present a closing argument. At this time, the Supreme Court will not ask questions.
c. The Supreme Court will deliberate amongst itself and decide whether to grant or deny the Petitioner's Recusal Motion. At the opening of the Supreme Court's deliberations the Chief Justice, or his or her designee, will make the following statement, or a substantially similar statement, to the parties, witnesses, and audience:

> *"The evidence and argument portion of this hearing is now closed. If you choose to stay during the Court's deliberations, you will have absolutely no speaking rights. Any person besides ourselves who chooses to speak will be immediately asked to leave by the Marshall."*

d. A decision on the Petitioner's Recusal Motion will be rendered by the Supreme Court when the Chief Justice, or his or her designee, e-mails a copy of the decision to be published in the Supreme Court Reporter to the Petitioner and Respondent.

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END OF DOCUMENT

SUPREME COURT OF THE STUDENT BODY

In re: ***Students Party vs. Election Commission***

MICHEL, C.J. February 22, 2012

Pursuant to **Article V Section 3(a)** of the Student Body Constitution I hereby recuse myself from the matter of the *Students Party v. Elections Commission* to be heard on February 26, 2012. This recusal only relates to appeals specifically regarding the recommendation to disqualify the executive candidates for the Students Party in the Spring 2012 Student Government general election. Below is a brief explanation of my decision.

On February 21, 2012 the Elections Commission recommended that the executive candidates for the Students Party be disqualified from the College of Engineering ticket. Because my roommate is the presidential candidate for the Students Party, I believe my participation in this particular case would risk creating a grave appearance of impropriety. Accordingly, I appoint Justice Cecily Welsh, as the senior-most Associate Justice, to act as Chief Justice in my place until the Court reaches a final decision on this matter. If my absence from proceedings will prevent the Supreme Court from reaching a quorum, Justice Welsh shall be responsible for selecting a temporary Justice that satisfies the requirements of **Article V Section 3(d).**

Although I take this action proactively because of a potential conflict of interests that I have personally identified, it should not be assumed that members of this Court will be required in the future to recuse themselves in the absence of a formal Motion Requesting Recusal. As a general rule, students or political parties desiring the recusal of a Justice must follow the procedures for filing a Motion Requesting Recusal as described in the Supreme Court Reporter. If no such motion has been filed, the decision to hear a case or to abstain therefrom remains a matter of individual conscience for each member of the Court.

END OF DOCUMENT

SUPREME COURT OF THE STUDENT BODY

Advisory Opinion

MICHEL, C.J. **March 13, 2012**

The Supreme Court of the Student Body issues this Advisory Opinion to clarify and interpret the provisions of the Student Body Constitution regarding the eligibility of members of this Court.

BACKGROUND

On March 5, 2012, this Court was contacted by Mr. Octavio Mella, Chief Justice of the Supreme Court at Florida International University's Modesto Maidique Campus ["FIU Court"]. Mr. Mella informed us that although the FIU Court is composed of mostly undergraduate students, he intends to lobby the FIU Student Senate to require all justices be drawn from the law school. Knowing that the University of Florida's Supreme Court is composed solely of law students, he expressed his desire to emulate this system and asked to be provided with an opinion on the benefits of such a requirement. What follows is this Court's respectful suggestion to our sister institution.

THE LAW

Article V, Section 3(d) of the Student Body Constitution of the University of Florida states:

> No person shall be eligible to hold the office of Chief Justice or Associate Justice of the Supreme Court unless that person has successfully completed or is currently enrolled in a course in Evidence, has successfully completed first year writing requirements and attained a cumulative 2.50 law school grade point average.

Thus membership on the Court is clearly restricted to law students in their second or third year that have studied the Federal Rules of Evidence. Although the current language is clear and unambiguous, such has not always been the case. According to the Supreme Court Reporter, Vol. 1, the previous iteration of this Court was known as the Board of Masters and

was presided over by an elected Honor Court Chancellor. This arrangement permitted that the final arbiters of the Student Body Constitution were often undergraduates. Apparently dissatisfied with this state of affairs, the Student Body amended Article V specifically to remove the elected Honor Court Chancellor from ruling on Student Government controversies and established an independent Supreme Court in 2003. By restructuring the judicial branch of Student Government, the electorate clearly mandated that the Honor Court Chancellor (and thereby the undergraduate population of the university) have no jurisdiction over matters pertaining to Student Government and exercise jurisdiction solely over issues and controversies relating to academic and student dishonesty. ***See In Re: Spring 2008 Referendum and Initiative Questions***.

OPINION

The composition and eligibility of any student board or tribunal are determined by the constitution and by-laws of the relevant university. Student Body laws, whether statutory or constitutional, are highly context-specific in nature and can vary widely between institutions. It would be both impractical and undesirable to attempt to impose a uniform code on every Student Government Association within the State University System of Florida. However, certain advantages follow naturally from a formal legal education and their salutary effects upon the proper administration of justice can be universally verified.

A substantial component of the first year law school curriculum is dedicated to the cultivation of legal research and drafting skills. Reading statutory language and parsing constitutional terms can at times be daunting or even counter-intuitive for non-law students. Without the foundational skills taught in every accredited law school a student would be at a significant (and perhaps insuperable) disadvantage when asked to rule on questions of constitutionality.

The situation is complicated by the fact that the role of the FIU Court appears to be even more expansive than our own. According to the FIU Student Government Association website the Court is charged with "negating all existing Student Government Statutes, Appropriations, Laws, Joint Resolutions, Executive Orders, and/or Senatorial policies that conflict with any federal, state, local laws and/or ordinances and/or University regulations."[1] Such an impressively broad mandate could best be

[1] http://sga.fiu.edu/index.php/judicial-2/ (Last accessed 3/7/12)

fulfilled by law students trained to read and interpret statutes.

Additionally, the FIU Court explicitly has jurisdiction over conflicts between student groups, a power that resides with the University of Florida administration rather than with this student Court. The latter requirement may lean in favor of including undergraduates on the FIU Court, especially since they likely compose the majority of the membership of the various student groups over which that court has jurisdiction. Our situation is distinct. As described above, the UF Student Body created a separate tribunal (reorganized in 2009 as the Honor Code Administration) to deal with questions of academic dishonesty among students. Any other matters not specifically addressing questions of Student Body law are referred to the Division of Student Affairs, an administrative entity.

After a weighing of the various factors involved, it is the opinion of this student Court that the provisions of the Student Body Constitution restricting membership to qualified law students are necessary and beneficial to the student body as a whole. While respecting the independent judgment of our fellow student leaders, we urge the Senate of Florida International University's Student Government Association to give serious consideration to Mr. Mella's proposal.

WELSH, J., HOUSTON, J., MASON, J., and BUCKHALTER, J. concur.

END OF DOCUMENT

SUPREME COURT OF THE STUDENT BODY

In Re: Appeal of the Elections Commission's Formal Recommendation of Disqualification
Heard and Decided February 26, 2012

During a hearing dated February 21, 2012 the Elections Commission formally recommended the disqualification of Students Party's candidates from the College of Engineering ticket.

We have jurisdiction to hear appeals of Election Commission decisions pursuant to **Article V, Section 3(b) of the Student Body Constitution.**

The Election Commission's determination that the Students Party violated **Section 764.0 of the Election Campaign Act** was not supported by substantial evidence. ***See*** **Section 729.1 of the Student Body Statutes.** Pursuant to this Court's power, granted by **Section 723.1 of the Student Body Statutes**, we decline to formally disqualify candidates affiliated with the Students Party from the College of Engineering ticket.

It is so ordered.

WELSH, Acting CJ., BUCKHALTER, J., MASON, J., and ROTH, Acting J. concur. MICHEL, CJ., and HOUSTON, J., took no part in this decision.

END OF DOCUMENT

SUPREME COURT OF THE STUDENT BODY

In re: Election Cycle

MICHEL, C.J. April 27, 2012

On April 13, 2012, Graduate Senator David Bradshaw petitioned this Court for an opinion regarding the meaning and constitutionality of Student Body Statute 761.1. He presented the Clerk of the Court with a brief outlining his position and the signatures of twenty University of Florida students supporting his petition.

This matter is properly before the Court. We have jurisdiction pursuant to Article V Section 3(b)(1)(A). Below is the unanimous opinion of the Court.

I. BACKGROUND AND PROCEDURAL HISTORY

Petitioner argues that § **761.1** is worded such that it appears to be a statement of fact rather than a rule which must be followed, and as such it is unclear. He further asserts that, read in conjunction with the definition of "campaigning" provided in § **700.4(d)**, it appears that § **761.1** is simply stating that, as a matter of fact, intentional actions in favor of particular candidates and political parties begin on the day of the informational meeting at the start of the election cycle. He concludes that if the sole purpose of § **761.1** is to observe a fact, it has no statutory effect and is thus redundant. He therefore requests a clarification on whether § **761.1** is a mere statement of fact or a prohibition against campaigning outside of an election cycle.

II. GOVERNING LAW

UF student government laws are governed by, and subordinate to, the laws and constitution of the State of Florida and the Florida Administrative Code. ***Article I, Section 2.*** Therefore, any law passed by UF Student Government, whether by formal Senate act, or student initiative, must comply with the mandates established by the State of Florida.

The relevant codes in the instant case are § **761.1**, which simply states that campaigning begins on the first day of the

active election cycle, and § **700.4(d),** which defines campaigning as "any intentional action in support of, or in opposition to, a candidate or political party for an elective student body office, including, but not limited to the distribution of literature and posting of materials." Additionally, the election cycle is defined as the time from the beginning of the informational meeting held by the Supervisor of Elections pursuant to § **713.0** until validation of the election by the Student Senate. § **700.4(j).**

Senator Bradshaw also brought to the Court's attention a relevant section of the Student Organization Handbook, which states that all Student Government Political Parties (SGPP) are de-registered with Student Activities and Involvement one week following the completion of elections. ***("Types of Organization" category 7, p. 3).*** This provision, not cited in any previous Court opinions, further specifies that each SGPP is registered for approximately six weeks each semester, a fact which sharply distinguishes them from the vast majority of student organizations which must renew registration on a yearly basis.

III. ELECTION CYCLE ANALYSIS

The Court shares Senator Bradshaw's frustration with the confusing and often contradictory language of the election codes. Given the paucity of information available regarding legislative intent, we decline to accept any characterization of § **761.1** as a demand that campaigning must only begin on the first day of the active election cycle. There is simply no indication anywhere within the 700 codes that the intention of this statute was to ensure that no campaigning activities can take place on behalf of any candidate or political party outside of the designated election cycle. To hold otherwise would be to impose strict liability on virtually every student remotely involved in a campaign and would certainly exercise a chilling effect on participation in Student Government.

Petitioner asks whether candidates could be disqualified only if they were proven to have directly engaged in "campaigning" as defined by § **700.4(d),** or be found guilty by association if it were proven that someone campaigned on their behalf. This Court has addressed the question, albeit briefly, in *In Re Sagar Sane*. Any formal recommendation to disqualify a candidate or party must be made by the Election Commission and supported by substantial evidence. §§ **728.2(d), 729.1.** As described in the matter of *Sane*, the Court will engage in a case-specific inquiry to determine whether the candidate or party willfully disobeyed the statutes themselves or encouraged others to do so. This approach will prevent individual

candidates or parties from being punished for actions taken by political opponents who masquerade as supporters while deliberately violating election codes – a particularly cynical and egregious abuse of the judicial process. However, students disregard the rulings of the Elections Commission at their peril, as this Court must affirm all findings of fact that are not clearly erroneous. § **729.1.** Such a standard is grim indeed for those found to have intentionally violated statutes.

Petitioner also asks in what capacity a student organization might be permitted to exist outside of an election cycle in order to further the mission of a particular SGPP. As noted above, the Elections Commission does not exist year-round but rather is called into existence twice a year to monitor the activities of those involved in a political campaign during the statutorily-defined election cycle. The situation is complicated by the definition of SGPP provided in the Student Organization Handbook. We find that, although a particular SGPP does not formally exist until the beginning of an election cycle, the Elections Commission can hold parties and candidates accountable for the actions of their supporters taken outside of the election cycle.

Petitioner additionally argues that if the intention of **§ 761.1** is to place a restriction on campaign activities, the statute would constitute a violation of the right to unabridged free speech guaranteed by the First Amendment to the United States Constitution. He argues that under such an interpretation students could be barred from running for office within Student Government because they have been publicly endorsed for that office, either by themselves or others, outside of a designated election cycle. He characterizes this hypothetical interpretation as "a far-reaching assault on the right to free expression," one which is "so vague that it could be interpreted as forbidding the public expression of almost any opinion about the merits of candidates and parties for office within Student Government."

While admiring Senator Bradshaw's passionate advocacy on behalf of his colleagues and constituents, we note that this Court does not have the express authority to interpret provisions of the United States Constitution. Our jurisdiction pertains exclusively to student body laws and the actions of Student Government officials whose power derives from the Student Body Constitution. Emphatically, if students feel their civil rights have been violated they should seek redress from an appropriate court of law, not a student tribunal.

Additionally, we are doubtful that candidates have a First Amendment right to make deliberate misrepresentations about their political opponents whenever the mood strikes them. As

noted admirably by Justice Campbell, "Student Government will not work unless everyone plays by the rules. Unlike the real world, Student Government has few enforcement mechanisms for violation of an order. In voluntarily participating in Student Government, individuals and parties are also volunteering to play by the rules." ***See In Re J. Clayton Brett v. The Pants Party.*** The provisions of the 700 codes must be conscientiously followed, where applicable, both during the election cycle and outside it.

IV. CONCLUSION

We hold that the current descriptive language of **§ 761.1** does not prohibit students from engaging in campaign-like activities outside of the election cycle defined in **§ 700.4(j).** We further hold that the Elections Commission, when formally constituted, may consider actions taken at any time in support of a particular candidate or SGPP in determining a penalty under **§ 728.2.**

IT IS SO ORDERED.

MICHEL, C.J., WELSH, J., HOUSTON, J., MASON, J., and BUCKHALTER, J., concur.

END OF DOCUMENT

SUPREME COURT OF THE STUDENT BODY

In Re: Newspaper Racks Referendum
Heard and Decided August 30, 2012

MICHEL, C.J. delivered the opinion of the Court.

BACKGROUND

On August 28 Senator David Bradshaw presented this Court with a proposed referendum to be included on the ballot for the Fall 2012 Student Government election. The election code requires the Supreme Court to review and amend the language of any initiative or referendum to ensure that it effectively conveys its legislative intent. **§ 790.4.** Once again, the scope of our analysis is limited to the technical accuracy of the referendum and does not address the merits of the underlying petition itself.

DISCUSSION

The original text of the proposed referendum was:

Starting spring 2013 the University of Florida plans to require student-run publications sold on its campus to pay an annual fee, use only university-owned distribution racks, and sign an annual licensing agreement. The administration claims this decision has been made for reasons of safety, security, sustainability and aesthetics. Students involved in the affected publications believe that the decision could threaten their editorial independence and reduce their readership. Do you believe that the university should proceed with this decision?

At the hearing, members of the Court identified several assertions as either non-factual or potentially misleading. In particular, it was brought to our attention that the university administration no longer intends to charge a fee to use the on-campus distribution racks. With Petitioner's approval, the Court altered the language to the following:

Starting spring 2013 the University of Florida plans to require publications distributed on its campus to use mainly university-owned distribution racks and sign an annual licensing agreement. The administration's stated justification for this decision relates to reasons of safety, security, sustainability and aesthetics. Students involved in one affected publication believe that

the decision could threaten its editorial independence and reduce its readership. Do you believe that the university should proceed with this decision?

The Court approved the revised language with the following proviso.

CONSTITUTIONAL EFFECT

As previously noted in *In Re Student Union Referendum*, this decision represents a preliminary approval only. At the time of the hearing Petitioner had not yet collected the necessary signatures required per **§ 773.1** and we cannot direct the Supervisor of Elections to include the referendum on the ballot until he does so. We simply offer guidance in formulating constitutionally acceptable language today as a matter of professional courtesy and in the spirit of collegiality. We also recognize that gathering approximately 500 signatures represents a significant effort on the part of the petitioners, particularly since the filing deadline falls on the first day after Labor Day Weekend.

HOLDING

This Court finds that the revised language of the proposed referendum satisfies the requirements of **§ 790.4.** We cannot at this time certify that Petitioner has complied with **§§ 773.1** and **790.2.** We therefore defer any further action until such a time as Petitioner is in compliance with the relevant statutes.

MASON, J., HACKER, J., ANDRADE, J., HALPERIN, J., and DIMATTEO, J. concur.
SULLIVAN, J. did not participate in this decision.

END OF DOCUMENT

THE STUDENTS PARTY, APPELLENT VS. THE SWAMP PARTY, APELLEE

Heard and Decided: October 15, 2012
Opinion Published: October 22, 2012

HACKER, J., delivered the opinion of the court:

This matter is properly before the court based on power derived from the University of Florida Study Body Constitution (*hereinafter* the "Constitution") to hear appeals from "tribunals established by law." *Student Body Const. Art. V Sec. 3(b)(3).*

I. Facts and Procedural History

The Fall 2012 elections took place on October 2nd and 3rd, 2012. On October 1, 2012, the Election Commission issued a cease and desist order to The Students Party ordering them to remove campaign material left "unattended" on doors at an off-campus apartment complex. Br. for Appellant at 1-2. The Election Commission found the Students Party had violated The Election Campaign Act (*hereinafter the "ECA")* because supporters of the party distributed campaign material via a method not specifically authorized by the ECA. Br. for Appellant at 2.

The following day, on October 2, 2012, the Election Commission issued a similar cease and desist order, but this time against The Swamp Party. Br. for Appellant at 2. In this case, supporters of the Swamp Party had placed lawn signs at various locations around campus. Br. for Appellant at 2.

The Students Party further claims the Swamp Party failed to remove the lawn signs within a reasonable amount of time. Br. for Appellant at 2. The Students Party filed another claim with the Election Commission. Br. for Appellant at 2. At this hearing, the Election Commission determined that the lawn signs were not contemplated in the definition of Campaign Material. Br. for Appellant at 3.

The Students Party petitioned this Court to declare the lawn signs to be Campaign Materials, those signs in violation of the ECA, and all Swamp Party senators from the ballot as disqualified. Specifically, the Students Party claims the Swamp Party violated §§ 762.5, 762.6, 762.8. The lawn signs are campaign materials under the Student Government Election Codes (*hereinafter* the "Codes"), that the placement of the lawn signs

does not violate § 762.5, and that §§ 762.5 and 762.8 are unconstitutionally vague.

II. Appearance of Amicus Curiae on behalf of Executive Branch

Over the objection of appellant, this Court accepted both a brief and an oral argument from the Student Body President's Solicitor General. The appellant objected to the Solicitor General's appearance on the grounds that he lacked requisite standing.

First, the Constitution expressly grants the Student Body President the right to "Appoint . . . other officials not provided for by the student body law . . . ." *Student Body Const. Art. IV Sec. 4(G).* Next, the Constitution vests the execution of the "Student Body Law" in the Student Body President. *Student Body Const. Art. IV Sec. 4(B).*

Given the above grants in the Constitution, this Court will allow a Solicitor General, appointed by the Student Body President, to appear as special amicus curiae in any case where the enforcement or execution of Student Body Law is questioned.

III. Discussion of Campaign Material

The Codes define Campaign Material as "any print or electronic material used for the purpose of supporting a candidate or political party for an elective Student Body office . . . ." Student Gov't. Elec. Code § 700.4(f). The Codes further describe Campaign Materials as "includ[ing], but not be limited to, fliers, banners, posters, placards, electronic mail and clothing." Student Gov't. Elec. Code § 700.4(f).

It is almost impossible to conclude that the legislature did not intend for any object, either physical or digital, that is "used for the purpose of supporting a candidate or political party for an elective Student Body office . . ." to be included in the definition of campaign material. Student Gov't. Elec. Code § 700.4(f). As such, we recognize campaign material as literally interpreted from the definition in the Codes.

Any object, either physical or digital, which supports or opposes a candidate or a political party for any elected position within the University of Florida Student Government falls within the definition of Campaign Material as defined in

the Codes. Therefore, both the handbills left on the doors by the Students Party and the lawn signs placed on- and off-campus by the Swamp Party are properly considered Campaign Material under the Codes.

IV. Discussion of the Election Campaign Act

As a preliminary matter, we dispose of the Appellant's claim that the Swamp Party violated the section of the ECA that prohibits "attach[ing] campaign material to any road surface or walkway on University property." Student Gov't. Elec. Code § 762.5. The photographs of the lawn signs presented to the court indicated that all the signs were physically inserted into the grass. The evidence presented does not indicate that any lawn signs were attached to a road surface or to a walkway.

A road surface is a "a level horizontal surface covered with paving material." *Road Surface Definition,* THE FREE DICTIONARY, http://www.thefreedictionary.com/road+surface (last visited October 17, 2012). A walkway is "a passage or path for walking." *Walkway Definition,* THE FREE DICTIONARY, http://www.thefreedictionary.com/walkway (last visited October 17, 2012). Based on the photographic evidence, all signs were physically inserted into the grass. The grass is neither covered with paving material nor can it be considered a passage or path for walking when the grass in question is immediately adjacent to a road surface. The Swamp Party was not in violation of § 762.5.

Next, we declare the statutes surrounding the appellant's remaining two claims unconstitutionally vague. This Court has a history of declaring statutes unconstitutionally vague when the best interest of the Student Body cannot otherwise be served. *See In Re J. Clayton Brett v. The Pants Party*, 1 Supreme Ct. R. 17 (2007). The Constitution expressly grants the power to review Student Body Law to the Supreme Court. *Student Body Const. Art. V Sec. 1.*

The ECA permits "[c]andidates and representatives of political parties" to distribute campaign materials via one of the following methods: 1) hand-to-hand delivery; 2) placement in residence hall message boxes; 3) email; or 4) bulk or standard mail. Student Gov't. Elec. Code § 762.6. The ECA also mandates "Candidates must leave campaign material that the candidate carries upside down or reversed when unattended." Student Gov't. Elec. Code § 762.8. We note that this provision, as

written, only applies to Candidates and not to representatives of political parties as other provisions of the ECA expressly do.

Other code provisions permit Candidates to "hang cloth, plastic, or paper banners in areas designated by the University and the Supervisor of Elections," to "distribute or place campaign material on any mode of transportation" with permission of the owner, to place posters in specific areas, and to post material off-campus as long as the posting complies with laws and regulations applicable to Alachua County elections. Student Gov't. Elec. Code §§ 762.2, 762.3, 762.51, 762.65.

We note that it is impossible to enforce §§ 762.6 and 762.8 in light of the statutes just referenced *supra*. For example, one is entitled to hang a banner or post a poster in a designated area, but once either of those are "unattended," the Candidate would need to reverse it so it could not be seen. In another example, a banner cannot be distributed via one of the methods outlined in § 762.6. As such, both § 762.6 and § 762.8 are unconstitutionally vague and the two decisions of the Election Commission previously referred, *supra*, are hereby vacated.

V. CONCLUSION

We therefore hold the following:

1. Pursuant to the powers granted to the Executive Branch by the Constitution, the Student Body President may appoint a Solicitor General to appear as special amicus curiae in any case where the enforcement or execution of Student Body Law is questioned;
2. lawn signs are considered Campaign Material under § 700.4(f) of the Codes;
3. lawn signs physically inserted into the grass adjacent to a road surface or walkway are not prohibited by § 762.5;
4. ECA §§ 762.6 and 762.8 are unconstitutionally vague; and
5. the decisions of the Election Commission based on § 762.6 from October 1, 2012 and October 2, 2012 are hereby VACATED.

IT IS SO ORDERED.

MICHEL C.J., and ANDRADE, HALPERIN, AND SULLIVAN, J.J., joined. DIMATTEO and MASON J.J., took no part in the consideration of decision of the case.

END OF DOCUMENT.

SUPREME COURT OF THE STUDENT BODY
In Re: Student Union Referendum II
Heard and Decided October 22, 2012

MICHEL, C.J. delivered the opinion of the Court:

This cause arose from a request for a declaratory judgment pursuant to Article V Sections 3(b)(2) and (4). Petitioner asserts that the referendum to rename the student union which appeared on the ballot in the Fall 2012 Student Government general election was deficient because it lacked an explicit statement of legislative intent. He further requests that this Court order the Supervisor of Elections to conduct a re-vote on the referendum only. This matter is properly before the Court.

Petitioner relies heavily on § 790.4 of the Student Body Statutes, which states: "The Supreme Court shall review and amend the initiative or referendum to ensure that it *effectively conveys its legislative intent* and fulfills all of the requirements of 773.1" (emphasis added). He asserts that a question without relevant history and contextualizing information cannot "effectively" convey its purpose. We disagree. While providing background information is permissible, and often advisable, it is not essential to determining constitutionality. In the instant case, the purpose of the referendum was to determine whether the Student Body was in favor of renaming the student union after Virgil Hawkins. While members of this Court have disagreed over how much information to permit on the ballot in particular situations, all agree that in the context of a referendum the Constitution does not mandate anything more than a simple "yes" or "no" question. We hold that this essential requirement was satisfied in the instant case and therefore the referendum was properly included on the ballot.

The complaint is **DISMISSED.**

END OF DOCUMENT.