



SUPREME COURT OF THE STUDENT BODY



In re: Proposed Referendum Addressing Investing by the University of Florida

Heard and Decided September 12, 2014

Opinion Published September 26, 2014

MCDONALD, C.J.

This action comes before the Court as a petition to propose a referendum question in accordance with Section 790.2, Student Body Statutes. Section 790.2 requires that all such petitions must be accompanied by the "signatures of not less than 1% of the Student Body enrolled at the time of the submission." Under Section 790.4, the role of the Court is to "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." "Failure to meet the requirements of Student Body Statutes 773.1 may result in particular signatures or the entire petition being disqualified by the Supreme Court." § 790.5, Student Body Stat. (2014). We begin our review by ensuring that the signatures accompanying the referendum meet the requirements of 773.1 and that the total number of signatures meeting these requirements is not less than 1% of the Student Body enrolled at the time of the submission.

At the time the petition was submitted to this Court, the total number of students enrolled at the University of Florida was 49,555; therefore, the petition must be accompanied by not less than 496 signatures. The petition in this case included 24 pages of signatures containing a total of 579 signatures. These signatures were submitted to the University of Florida Student Government administrative staff for review based on the following criteria:

1. The student ID# listed corresponds to the student name listed.
2. The student ID# listed is valid.
3. The student ID# listed is for a current University of Florida student (enrolled in at least 1 credit hour).
4. The student signed the petition.

After eliminating any signatures that did not comply with these criteria, the Student Government administrative staff found that 510 signatures met the criteria listed above. When the Court met on September 12, 2014 to review the petition, we accepted the findings of the Student Government administrative staff and further reviewed the signatures based on the additional criteria listed in Section 773.1.

Section 773.1(e) requires that “[e]ach page containing signatures shall have the proposed initiative statement of intent or referendum question stated in full at the top of the page.” During the Court’s review of the signatures, it was discovered that the referendum question listed at the top of one of the pages of signatures was materially different from the proposed referendum question.¹ This page contained a total of 21 valid signatures that had not been eliminated by the Student Government administrative staff’s review. Eliminating these signatures would drop the total number of valid signatures below the required 496 signatures—from 510 to 489.

At oral argument, the petitioner asked this Court to apply a “flexible and permissive” standard first announced by this Court in Students Party v. Lewis, 1 U.F.S.C. 85, 90 (Nov. 6, 2011). The petitioner argued that in light of this standard the Court should either accept the petition and signatures as is or grant an extension to allow additional signatures to be collected. However, the situation in Lewis to which this Court applied a “flexible and permissive” standard is distinguishable from the present case. In Lewis, the Court was reviewing whether the language of an initiative properly conveyed the drafter’s intent. 1 U.F.S.C. at 90. The Student Body Statutes give limited guidance to the Court in this area and merely provide that the Court “shall review and amend the initiative or referendum to ensure that it effectively conveys its legislative intent.” § 790.4, Student Body Stat. (2014). Therefore, a “flexible and permissive” standard is appropriate in this area because the Statute contemplates such flexibility in the Court’s review. When the Court is reviewing signatures, however, the Statutes (specifically, sections 790.4, 790.5, and 773.1) are less permissive, providing a clear set of guidelines that must be followed. In re: “Certification of the proposed referendum addressing President Machen’s stance on alcohol at UF”, 1 U.F.S.C. 7, 8 (Feb. 2, 2006). Therefore, the appropriate standard in this area is one of strict adherence to the Statutes.

Because this Court must strictly adhere to the Student Body Statutes when reviewing signatures accompanying a referendum or initiative, the page of signatures where the

¹ The proposed referendum question read as follows: “Should the University of Florida stop investing in companies that are involved in human rights abuses and that support occupations illegal under international law?” However, the referendum question was listed at the top of one of the pages of signatures as: “Do you support the University of Florida divesting from companies involved in human rights violation?”

referendum question listed materially differs from the proposed referendum question must be eliminated as not complying with Section 773.1. With these signatures eliminated, the petitioners have failed to obtain the required number of signatures under Section 790.2. Accordingly, their petition is hereby **DENIED**.

It is so ordered.

GRIFFIN, J., LANCOS, J., MALLOY, J., PULIGNANO, J., and THACKER, J. concur.

SCHEIN, J., dissents.

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