

With the Student Body President now having given 24-hour notice to the Executive Board for a meeting overturn two Supreme Court decisions and these two decisions being overturned by an E-board that does not have appellate jurisdiction since the removal of an SGA official was unable to apply within this opinion, the Court would like to provide comments on better clarifying its procedure and decisions.

When the Writ of Judicial Review on Removal was submitted by Attorney General Stangl, the justices were unable to discern how to rule as there was not enough evidence to dismiss the writ. The evidence brought accused a serious violation, violating the Elections Code to which the Supreme Court also has jurisdiction as it is within the FIU SGA Statutes, where the justices voted to do a hearing so that we may receive evidence from the accused in the procedure outlined in our documents especially section 5006 since this came in the form of a writ of removal.

However, based on the hearing where there were two separate trials to equitably represent Salup-Cid (represented by our Student Advocate) and Toussaint (represented herself), both defenses were unable to provide alibis to the evidence presented before them. Salup-Cid was unable to negate that he had seen the posters on the pillar prior. Toussaint was unable to negate that YDSA did indeed help their campaign, when Elections Board minutes and other evidence suggests otherwise even if they are not the most detailed minutes unfortunately, and that the craft event was intended for other purposes as the caption on the post still says, “Join us for a fun time making tabling displays and SGA campaign materials, or just let your creativity flow!” Whether the SGA part of the caption was covered by the function “more” in Instagram captions, as seen in evidence from Toussaint, holds little significance as Toussaint reposted this post on her Instagram story. Reposting a post without reading its full caption is a negligent action that was revealed during the hearing. Overall, both candidates clearly violated the Elections Code even though both candidates won their seats with two campaign bans for extended periods of time.

Once again, this hearing was done in order to receive all evidence possible so that the Court could make an informed decision. Salup-Cid provided two pieces of evidence along with his defense presented by Cameron Demery. Toussaint had 15 figures of evidence. The Court deeply sympathizes with the defendants on the obstacles they have endured this semester in and out of campaigning for SGA Senate. However, the Court must uphold our governing documents and the evidence from Attorney General Stangl’s writ was still standing and had yet to be disproven thus constituting a violation under our documents. This triggers the following provisions from the Constitution:

#### 6.04 Exclusive Jurisdiction

6.04.1 The Supreme Court shall have exclusive jurisdiction over cases or conflicts dealing with:

6.04.1.1 Violations of this constitution or statutes within the sovereignty of SGA.

#### 6.05 Powers of the Supreme Court

6.05.1 The Supreme Court shall;

6.05.1.3 Hear cases that fall under its jurisdiction

In response to the argument that this SHOULD have been a Writ of Appeal from the Elections Board, there is context from the Court as well as additional laws to support how the procedure of the Court is still valid. For the information of the public, a Writ of Appeal was done for a previous Elections Board meeting that also involved Salup-Cid and Toussaint. This was actually initiated by Toussaint where the opinion “Elections ‘Memo’ Appeal” utilized evidence she brought to the Court in a closed-door meeting where she was permitted to present to the Judicial Branch. This evidence had the same Instagram post without the caption found in the evidence from Attorney General Stangl’s writ thus causing suspicion to the Court amidst the hearing when the Writ of Judicial Review on Removal included that same post about the craft night now with a full caption.

To address the Elections Board and its role in this, the Court has reviewed possible laws that apply to this circumstance:

#### SGAC

5.03.7 The Elections Board shall;

5.03.7.4 Be in charge of running free and fair general and special elections, as well as making the results available to the public

5.03.7.5 Ensure that all provisions of the Elections Code are executed

10.02.3 The Elections Board shall enforce the Elections Code and ensure that all its provisions are executed.

#### SGAS

6001.5.2 The Elections Board shall be responsible for the execution of the elections code and shall make no regulation, decree or statement in contradiction with the code

6001.2.11 Either party may appeal to the Supreme Court within twenty-four hours of notification of the decision made by the Elections Board (EMPHASIS ON MAY)

6010.1 The Elections Board may sanction a candidate or party through the hearing process...

9002.7 The Elections Commissioner shall be required to:

9002.7.3 Fulfill all duties and responsibilities established in the order to which they are appointed

9002.7.5 Fulfill all requirements set forth in the Elections Code

9002.8 Elections Board Members shall be required to:

9002.8.1 Fulfill all duties and responsibilities established in the order to which they are appointed

9002.8.5 Fulfill all requirements set forth in the Elections Code

(SGAS) § 6001.2.11 states that either party MAY appeal to the Supreme Court. As this party did not, they instead brought evidence to the attention of the Attorney General so that he may file a writ up to his discretion. The reason why all these laws have been stated regarding the Elections Board is that every law either states “shall” or “may” which have various implications based on legal writing and its context:

(Black Law’s Dictionary)  
SHALL Definition & Legal Meaning

Definition & Citations:

As used in statutes and similar instruments, this word is generally imperative or mandatory; but it may be construed as merely permissive or directory, (as equivalent to “may,”) to carry out the legislative intention and In cases where no right or benefit to any one depends on its being taken in the imperative sense, and where no public or private right is impaired by its interpretation in the other sense. Also, as against the government, “shall” is to be construed as “may,,” unless a contrary intention is manifest. See *Wheeler v. Chicago*, 24 111. 105, 76 Am. Dec. 736; *People v. Chicago Sanitary Dist.*, 184 111. 597, 56 N. E. 9.”.;;: *Madison v. Daley* (C. C.) 58 Fed. 753; *Cairo & F. R. Co. v. Ilecht*, 95 U. S. 170, 24 L. Ed. 423. SHAM PLEA. See PLEA. SHARE 1082 SHERIFF

This definition mentions how “shall” is meant to imply a sense of duty but can be difficult to discern whether it is different to “may” which provides a possibility instead of an order. These laws and these definitions show how the Elections Board is not the only body that can disqualify candidates as there is no express language that states this power is exclusive to the Elections Board.

To the Executive Board, the Supreme Court of FIU SGA highly advises that each member read these opinions (as they are nearly identical, main differences being the accused and the evidence of their specific violations) so that each member remains informed when considering overturning this decision as it was not a removal of office but a disqualification granted by our exclusive jurisdiction of violations of SGA documents and the power of the Supreme Court to hear cases that fall under this jurisdiction as seen in (SGAC) § 6.04.1.1 and § 6.05.1.3.

Finally, the Court would like to quote what Attorney General Stangl sent via email in response to the Student Body President whose email was sent to the Judicial Branch and cc’ed our SGA Advisors as well as the Interim Vice President for Student Affairs in regard to the Executive Board meeting yesterday 5/2 that will now be held on 5/4 to respect (SGAC) § 8.03.8:

[It is argued] that the E-board is granted appellate jurisdiction as a result of a writ of removal. As you can see with the court’s decision, the court addressed and resolved the writ of removal by stating that a removal on the basis of malfeasance would not stand.

However, the court maintains exclusive jurisdiction over any violations against the Constitution or Statutes. Given that this writ brought this before the court, the court decided that a Tier-1 violation was in order and administered their decision rightfully.

The E-board does not have appellate jurisdiction over candidate disqualifications.

Along with this, please provide evidence of a 24-hour notification to every member of the executive board. [It is] noted that the appeal only had been submitted Thursday, May 2nd. This would indicate that you failed to conduct an Executive Board meeting within the bounds of SGAC 8.03.8. This requires 24-hour notification of the boards members to conduct business and be in order.

This concludes our comment, and we once again urge the Executive Board members to read the opinions to respect the work of the Court and to provide an informed vote on 5/5. With the vote remaining the same, we understand that the interpretation of this procedure starting as a writ of removal can be seen as the E-board having appellate jurisdiction. However, we stand with our decision as we found proper laws and interpretation to uphold that a violation occurred and that consequences follow after violations.