

## Violation

Filed by: Supervisor of Elections

Against: Torch Party

Date Violation Heard: October 22, 2013

*A. Norat* delivers the unanimous decision of the Commission.

The Supervisor of Elections has filed this violation against the Torch Party for failure to get campaign materials approved by the Office of Elections before distributing them under Election Code § 714.1(A).

The Torch Party Campaign Manager and President Jack Henmy sent an email to hundreds of FSU students. This email was publicizing and calling for the action to vote for a Candidate (i.e., Mr. Henmy). The content of the email included a graphic as well as wording that include language such as "with your 'vote'" and the graphic included the word 'vote' on it.

The first issue was whether the emails sent out constituted campaign materials which were not approved; as defined in Election Code § 70 1.1(D):

"Campaign Materials: any material, including but not limited to posters, placards, signs, signboards, leaflets, folders, handbills, fliers, banners, tee shirts, buttons, paint, University owned walls that may be painted on, handwritten announcements or circulars of any size and consistency that publicize a candidate for an elected office of the student body, and calling the for the action to vote."

This list of campaign materials is not exhaustive, and clearly can encompass emails as a medium through which campaign material can be publicized or made widely available. The contents of the email sent out by Mr. Henmy, President/Chair of the Torch Party, did include – as evidenced by the Supervisors copy of those emails that had been forwarded to him – the publication of his name as a candidate and identifying himself as the Torch Party President/Chair, running for a Social Sciences seat, also including the words "With your vote" and the word Vote in the included graphic. Also under § 714.1(I) calling for the action to vote includes "publicizing name or likeness of any candidate; publicizing place, time, or manner of voting, or the use of the word "vote." It is apparent that this email does constitute campaign materials.

The next issue was whether the Torch party received approval to go ahead and distribute the said campaign materials. Under § 714.1(A) all campaign material must be approved within 24 hours of intended distribution. The email that was brought to the attention of the Supervisor of Elections was sent out on October 15th at 8:30 a.m., while seeking approval for the material distributed at 2:30 p.m. that same day.

Mr. Henmy contends that this material was approved beforehand, but even if it wasn't these were private emails although hundreds of students were Carbon Copied (cc) in the email, with several

bringing it to the attention of the Supervisor, who then noticed that apparently a student directory – which even he has no allowed use of – was used to send this mass email.

We the election commission decide that failure to receive approval of campaign materials within 24 hours of intended distribution – such as the email distributed by the Torch Party through Mr. Henmy as acting Chair/President – would constitute a violation of 714.1(A). In this case the emails distributed by Mr. Henmy as a Party President and Candidate of the Torch Party containing campaign materials that were not approved is a violation.

The Elections Commission unanimously **SUSTAINS** the violation against Mr. Henmy by the Supervisor of Elections; and as this is a Schedule I violation we also unanimously levy the \$100 penalty described by § 716.2(A)(1).