

## **Appeal 53, 54 55**

Filed By: Edward Town (Independent Candidate)

Against: Supervisor of Elections

Date Violation was Heard: March 3, 2015

*J. LoBianco* delivers the opinion of the Commission joined by *S. Loveless, B. Alexander, N Meloon.*

Edward Town submitted before this Commission an appeal of the Supervisor of Elections for rejecting an alleged violation of Elections Code Posting Statute 715.6(A)(9) regarding what must be included on any posted signage.

Following are the facts: The Supervisor of Elections ruled that the Vitality Party did not violate Elections Code, Statute 715.6(A)(9) when they posted signs around campus which included, in addition to their name and logo, a link to the Student Government website, sga.fsu.edu. Edward Town, Independent Candidate, maintained that a link to the Student Government website does not meet the statutory requirement for posting, which specifies that all signs posted by political parties must be in conformance with University Posting Policy, which can be found at [http://posting.fsu.edu/documents/posting\\_regulation.pdf](http://posting.fsu.edu/documents/posting_regulation.pdf).

At issue in this decision is whether the Supervisor of Elections decision should be sustained or overturned, which turns on the Commission's interpretation of the relevant posting regulation, General Provision B.: All material must be clear and legible, bear the name of the sponsoring FSU entity, and provide event and current contact information. Mr. Edward Town asserts that the "sponsoring entity" is the Vitality Party, and as such, the signage must display Vitality Party contact information. The Office of the Supervisor of Elections asserts that a link to the Student Government website is sufficient. The reasoning behind this, besides a weak assertion of History and Tradition, is that if the posted material is in violation of anything besides Elections Code (if it runs afoul of the maintenance department, if an administrator sees it and is upset by its placement or content), it is the Office of the Supervisor of Elections that must answer for the posted material. Jason Miller, Deputy Supervisor of Elections, arguing for Student Government, brought a recent example of issues that arose from political parties chalking. The FSU maintenance department felt that the campaign chalking had been overdone, and insisted that it be removed with all haste. The maintenance department does not care about the election, or who did the actual chalking, it just wanted to chalk removed immediately. The fact that this statute is controlled by the University-wide posting regulations is telling. Campaign Material, while campaign-specific, has the ability to anger more than those involved in the campaign. When that happens, the responsibility falls to the Office of the Supervisor of Elections. While the at-fault political party may be hit with a nominal fine, the Supervisor's office must field the angry calls from deans, administrators, and maintenance workers. Student Government is the intermediary between those aggrieved, and the parties at fault. If a sign including contact information for a political party ran afoul of University posting policy, and the political party was contacted by the

maintenance department, the political party representatives may not know whether the directive from maintenance was controlling, and would likely wait for a command from the Office of the Supervisor of Elections before action was taken. The Elections Commission agrees with Mr. Edward Town that, after a strict reading of the statute, a reasonable interpretation could certainly be a requirement for a political party to include its specific contact information on the signage; however a link to the Student Government website will certainly get the aggrieved party in touch with an individual that can remedy the situation.

Other Commissioners have suggested that an alternate reading of the University's Posting Policy General Provision B would suggest that the "event" referenced in the text would be the actual campaign, and that the "sponsoring entity" would be Student Government-thus fulfilling the statutory requirement. In this particular instance there is nothing wrong with that interpretation. However this Commissioner can imagine instances where a link to the Student Government website may not be sufficient, in which case the more expedient course of action would be more direct contact information to the offending organization.

After reviewing the statements of the party and concluding that the Supervisor of Elections did have the authority to reject the alleged violation, and rightly did so, the majority of the Commission found that the decision of the Supervisor of Elections would be upheld.

We hereby **SUSTAIN** the decision of the Supervisor of Elections and the Commission.

*Commissioner John Andrew LoBianco III*