

## Violation

Filed By: Office of Elections

Against: Impact Party

Date Violation was Heard: March 20, 2014

*L. Hebb* delivers a dissenting opinion joined by *I. Waldick*,

This decision encompasses two alleged violations that were heard together by the commission in regards to a flyer that was printed up. While we join with the majority on one of these violations we dissent on the other.

The first violation alleged was that Impact had violated Statute §715.7H which makes it unlawful to use the SGA logo on campaign materials. Here we agree with the majority that a violation did not occur. As this commission has ruled in the past a campaign material must be distributed or be seen by persons outside of the candidate or party in order for a violation to have occurred in regards to what it says or what logos are on it. In this case the flyer was never printed or distributed by the party so there was no violation even though the SGA logo was prominently displayed.

The second violation alleged was that Impact had violated §715.7I of the student body statutes, which makes using student government equipment or resources for the endorsement or support of a political party a violation. Here we disagree with the majority opinion and find that a **VIOLATION DID OCCUR**. The Impact Party used SGA computers, offices, and personnel to create a flyer publishing their campaign event. Despite the fact that SGA did not print the flyer, it was still created by SGA and emailed to Impact for their use. Regardless of Impact's decision to cancel the event and not use the flyer it was still created using SGA resources and at the disposal of Impact thus constituting a violation.

The Impact member who ordered these flyers from the SGA print office was not a candidate for office, obviously did not know the SGA election code, and may not have even known that Impact Party was a political party. While we sympathize, we do not join with the majority in excusing the actions of these "rogue" party members who unknowingly violate campaign rules. We believe it is the duty of the party to ensure all of its members are apprised of the election code before asking them to carry out campaign tasks, be it printing flyers or delivering gift baskets. If a party fails in this duty then it should be held responsible for the actions carried out by its members in its name.

We would hereby **AFFIRM** the violation of the Supervisor of Elections.