Appeal

Filed By: Torch Party

Against: Supervisor of Elections

Date Appeal was Heard: October 20, 2013

I. Waldick delivers the unanimous opinion of the Commission.

Mr. Hemny brings before this Commission an action contesting the results of the Fall 2013 SGA elections. Mr. Hemny did not appear before this Commission to argue his case due to his observance of religious practices. As is stated in this Commission’s opinion in Torch Party v. Supervisor of Elections (heard and decided October 20, 2013):

Although the SGA code does not have any code sections that sheds light on this issue, the FSU student code of conduct along with FSU’s business procedures do prohibit having university sponsored functions on university recognized holidays. If an election commissions’ meeting were to fall on the date of a university recognized holiday such as Christmas or any of the other enumerated holidays, the election commission’s meeting may be prohibited. The Torch party’s representative claims that the Sabbath is one of these university recognized holidays, when in fact it is not one the University recognizes or lists. Although we do sympathize with the Torch Party’s representative religious beliefs, the election commission unanimously holds it us appropriate and efficient to hold the meeting on Sunday whether or not the Torch party’s original representative decided to show up. Regardless, the meeting time was posted Friday which gave adequate time for a replacement counsel to be appointed in place of the Torch party’s religiously concerned representative.

This Commission proceeded to hear arguments from the Supervisor of Elections.

A preliminary issue for the Commission to decide was whether to hear the appeal as-is or to disjoin the issues located within the appeal. The Commission voted unanimously to hear the appeal as-is.

Mr. Hemny alleged two grounds for contesting the election in his appeal. First, he alleged that there is a discrepancy between the official ballot and the final election results as to the order that candidate names are listed. He alleged that the names may have been moved and this may have interfered with interpretations of votes.
As to this allegation contesting the election, the Supervisor provided proof that the service used by SGA to count votes in the elections is at fault for changing the order of candidate names. The Faculty Advisor showed the Commission that when the names are listed on the ballot, the service randomly chooses the order of the candidates so that no candidate will be more likely to win based solely on ballot location. When a report is run to obtain the election results, the service lists the names alphabetically by first name. This is due to the service used to keep track of votes and election results, and not due to the actions of any individual person. It is clear to the Commission that the location of names within the final election results was not manipulated in any way as to skew the results of the election.

Second, Mr. Hemny alleged that “. . . certain organizations require their pledges to bring people to the house to vote setting up defacto polling sites. . .” and requested that any votes obtained by this means be invalidated. Mr. Hemny did not allege with any specificity a reason for the Commission to challenge the validity of the final election results. He did not provide specific organizations nor any actual evidence of wrongdoing.

The Torch Party also requested in this appeal that the Attorney General launch an investigation into the latter issue raised. In order for this to happen, Mr. Hemny must request that the Supervisor of Elections speak with the Student Body President and recommend that the Attorney General investigate these matters. The Student Body President is the one that must order an investigation by the Attorney General.

For the foregoing reasons, the Commission holds that the final election results challenged by The Torch Party shall stand. The Torch Party's appeal is therefore overruled.