Filed against: The Ignite party  
Filed by: The vitality Party  
Date Filed: Feb, 2, 2015  
Violation of statute 715.7D  
Hearing: Feb 12, 2015

Vice Chair Colin Hayes writing the 4-1 opinion of the majority, Britton Alexander, Nathan Meloon, John Lobianco, and Shelby Loveless.

Finding of facts: 
The Vitality party submitted this violation of Statute 715.7D to the Supervisor of Elections and then appealed their decision of not prosecuting to the Elections Commission. We decided to hear the appeal. After looking at the proof submitted to the Commission. The Commission found that the video in question was posted to Ignites’ facebook page before the weeklong designated campaigning period as designated in the statutes. It was posted on January 14, and campaigning for this semester officially is allowed starting February 18. The video itself is a few members of the ignite party who are wearing ignite party shirts, dancing at market-Wednesday with some music in the background. No one speaks anything in the video and it only lasts about a minute or two. The caption of the video on facebook states “Our president and vice president candidates Andrew Wilson and Laurence Thompson having fun at #waybakcmarketwednesday! #GetIgnited”

Interpretation of Statutes:  
Most of these cases deal with the interpretation of three statutes; 715.7D which prohibits campaigning prior to one week before elections, 701.1 A which defines campaigning, and 714.1 which defines “calling the action to vote.” The majority of the members of the commission in all the cases we heard tonight decided that an action that is “calling the action to vote” is one that contains the name of a candidate or just the party name along with some of the other actions listed in 714.1. More specifically if a publication has a name of a candidate and something else be it a verb such as “support” or “vote” or anything else that tries to garner support for the candidate than that would be considered “calling the action to vote.” If they were calling the action to vote than they would be “campaigning” in violation of statute 715.7D.

However I respectfully dissent with the others on the commission that “calling the action to vote” is this narrowly applied. A clear reading of the statute lists “or” in the definition of “calling the action to vote” This “or” meaning if a candidate or party does just one of the actions listed in 715.7D that means they are “campaigning.” Just because the sentence of the statute itself is clunky and not entirely grammatically correct still does not remove that “or” in the sentence and it seems clear to me that just doing one of the activities listed in 715.7D is “campaigning” and it seems absurd to me to reach any other conclusion from the clear reading of the statute. Others have voiced opinions that the statute can not be interpreted and in fact are trying to justify not interpreting this statute in this way
mainly because it would making enforcing this statute problematic because many things that Political Parties on campus do would in fact be violations of 715.7D. However violations can be avoided when a party publicizes their candidates by simply getting a waiver from the Supervisor of Elections. It seems to me the majority here has departed from the clear word of the statute to come to a result that would be more palpable for equity’s sake.

Application of Statute
The Elections Commission found that this was a violation of 715.7D because the video was posted before the statutorily allowed period since it was posted on January 14. Also this video counts as “campaigning” because it “calls the action to vote.” The majority reasoned that since this video posts pictures of the candidates and lists their names along with the buzzword #GetIgnited this counts as “calling the action to vote.” The buzzword #GetIgnited is trying to solicit support for the Ignite party and the two candidates. By a 4-1 vote the Election Commission found this to be a violation of section 715.7D on appeal.