**Appeal**

Filed By: Tavaress Thomas and James Stage (Vitality Party)

Against: Supervisor of Elections

Date Violation was Heard: February 13, 2015

S. Loveless delivers the opinion of the Commission joined by C. Hayes and B. Alexander.

Two Vitality Party members submitted before this Commission an appeal of the Supervisor of Elections for reversing the decision to forward 33 appeals to the Elections Commission.

Following are the facts: The Supervisor of Elections confirmed to the Vitality Party that they would be presenting before the Commission, but later reversed her decision after the Commission could not meet. The Supervisor of Elections ruled that the violations did not constitute campaigning and should not be heard. The Vitality Party claims there is no authority in the Election Code for the Supervisor to do this, and that the Supervisor should have used her power under 703X to not enforce the violations at first review.

At issue in this decision is whether the Supervisor of Elections decision should be sustained or overturned? The statute at issue is 714.1J and whether the 33 filed violations against the Ignite party were campaigning or constituted a call to action. After reviewing the statements of the party and concluding that the Supervisor of Elections did not have the authority to reverse the decision after first review, the majority of the Commission found that they should hear the thirty-three violations on a case-by-case basis without dismissing them outright.

We hereby OVERTURN the decision of the Supervisor of Elections and the Commission will hear the thirty-three violations.