Violation 48
Filed by: Alexandra Barth with the Ignite Party
Against: Vitality Party
Date Violation was Heard: February 24, 2015

Violation 56
Filed by: Alexandra Barth with the Ignite Party
Against: Vitality Party
Date Violation was Heard: February 24, 2015

B. Alexander delivers the opinion of the Commission joined by XXX

Violation 1
Ms. Barth has submitted before this Commission an alleged Schedule 2
Violation of Student Body Statutes 715.7D, Campaigning prior to one week before
the election, against the Vitality Party.

The following are the facts of the alleged violation: On January 15, 2015, the
Vitality Party posted a picture of three candidates. Accompanying the Facebook
picture, the caption stated “We are excited to represent these amazing individuals
for the Spring ’15 elections,” listed three candidates and the positions they sought,
and ended with “#VitalizeYourVoice.”

Violation 2
Ms. Barth has submitted before this Commission an alleged Schedule 2
Violation of Student Body Statutes 715.7D, Campaigning prior to one week before
the election, against the Vitality Party.

The following are the facts of the alleged violation: On February 17, 2015, the
Vitality Party used sponsored ads for its Facebook page, indicating the party
purchased social media advertising outside of active campaign week. The posts
included Vitality Party’s name, candidate likenesses, and “#VitalizeYourVoice.” The
Ignite Party claims this was actively purchasing and promoting material to
disseminate the likeness of candidates outside of campaign week.

Opinion:
At issue in these decision is whether the materials posted by the party fall
under the definition of campaigning as defined by section 701.1A of the Student
Body Elections Code, “the distribution or use of campaign materials, the publicizing
or solicitation of support for or against a ballot item, political party, or candidate for
an elected office or the Student body, and calling for the action to vote or support.”
Under section 714.1J, “calling the action to vote” is defined as “publicizing the name

of likeness of any candidate, publicizing the place, time or manner of voting, or the use of the word ‘vote’"¹. While filed as separate cases, the Ignite Party alleges these posts would both violate Section 715.7D – “Campaigning prior to one week before the Election.”

The Commission decided to allow the parties to waive their arguments and put the violations to a vote because the majority of the Commission was unclear on whether the recent Supreme Court decision applied to individuals or both individuals and parties. The Supreme Court Advisory Opinion issued on February 23, 2015, states that both “everyone is free from liability” and that future claims regarding “the failure of individuals (emphasis added by this Commission)” would be extinguished.

Additionally, some members of the Commission were unsure if, given footnote 2 of the Advisory Opinion, all future violations filed under 715.7(D) and 715.6(A)(9) are barred or only violations filed against individuals are barred.

Given Commission members’ individual interpretations of the statutes and advisory opinion, the Commission found Violation 48 was not a violation in a 4-2 vote. The Commission found Violation 56 was not a violation in a 4-2 vote.

¹ As previously stated by this Commission, the statute as written includes a scrivener’s error. Language reading “name of likeness” should be “name or likeness.” The Commission concluded the error did not change the interpretation or plain language of the statute.