

Appeal

Filed By: Torch Party

Against: Supervisor of Elections

Date Appeal was Heard: October 2, 2012

L. Hebb delivers the opinion of the Commission joined by *S. Benvenisty* and *D. Ward*

Mr. Henmy has submitted before this Commission an appeal of the Supervisor of Elections' decision to not qualify the Torch Party for failure to submit everything required, specifically a proper logo.

Following are the facts: Mr. Henmy submitted to the Supervisor a copy of a "torch" logo that he wished to use in the Torch Parties campaign. The Supervisor saw that the logo was very similar in nature to a logo used by the Ignite Party and requested that Mr. Henmy alter the logo. Mr. Henmy did not alter the logo and did not meet with the Supervisor in person to discuss what needed to be altered. Following this action, or lack thereof, the Supervisor did not qualify Torch as a political party in the upcoming election.

Despite lengthy arguments on both sides over emails sent back and forth and who tried or did not try to meet with whom, it is clear that the issue here is whether the Torch Party's logo resembled the Ignite Party's logo in such a way that the Supervisor of elections was within his duties to refuse to allow its use and to not qualify the party until an altered logo was used.

It is clear to this Commission that Chapter 703 of the SGA Statutes gives the Supervisor of Elections a duty to enforce the elections code and to qualify candidates and parties subject to the Statutes. What we must rule on is whether the logo submitted by torch violated Chapter 710.4 Section (b)(4) of the SGA Statutes.

After reviewing the evidence presented, we find that the type of logo itself along with the colors used in the example presented to the Supervisor blatantly resembles the logo of the already existing Ignite party. Certainly, many versions of a similar shape (such as a torch) could potentially be used in any design without blatantly resembling another. However, the Supervisor raised a valid concern; though the torch designs are not identical, they are indeed quite similar. At issue along with the torch consideration was the color scheme applied to the Torch Party logo. While Mr. Henmy illustrated that "no colors were ever claimed" to be the official colors of the Torch Party, the logo he provided for official review to the Supervisor of Elections contained a red color scheme which, the Supervisor felt to be quite similar to the colors used in the Ignite Party's logo. While we admire the defense that SGA offices do not have a color copier the logo submitted by the Torch Party to the Supervisor was in color.

Of a graver concern to this Commission is the lack of communication that occurred in this matter on both the individuals of the Torch party and the officials of the Supervisor of Elections office. We believe that this issue could have been resolved if the parties had been more willing to meet and discuss the matter regarding each individual concern. We sincerely hope that in the future all parties will exhaust any easy remedies before utilizing the services of the Elections Commission.

In conclusion, we find that the facts presented before us show that the logo submitted to the Elections Supervisor blatantly resemble the logo of an existing party. Since the Torch Party failed to submit an additional logo that did not resemble that of another party their party application was incomplete. Therefore the Supervisor did not err by refusing to recognize the Torch Party as a party as it relates to the fall election.

We hereby **AFFIRM** the decision of the Supervisor of Elections.

J. Agnew and J. Cannon Dissent