

Violation

Filed by: Supervisor of Elections

Against: Ignite Party

Date Violation Heard: November 18, 2013

S. Loveless delivers the unanimous decision of the Commission.

The Supervisor of Elections has filed this violation against the Ignite Party for failure to pay fines for a Schedule I Violation by Friday, November 15, 2013.

The original violation for missing financial statements (under §714.4(B) and §715.6(A)(9)) was e-mailed from the Supervisor of Elections to the Ignite Party on Wednesday November 13, 2013 at 4:39 p.m. The Ignite Party wrote the Supervisor of Elections back accepting the violation at roughly 7:40 p.m. that same night. The Ignite Party was under the impression that they had until Monday to pay the violation fine, but this is not the case.

The Ignite Party's main argument was that Friday, November 15, 2013 was a holiday due to Homecoming and the fact that classes were ending at 1:10 p.m. that day and thus that the fine did not have to be paid until Monday. The Supervisor of Elections states that he was in the office on this Friday until 5:00 p.m. accepting payments. In addition, the Ignite Party states that they spoke with the Supervisor of Elections multiple times between Wednesday and Friday about the violation and were not under the impression that the fine was due by Friday.

The fine was paid on Monday, November 18, 2013 at around 1:00 p.m. The Ignite Party cites §702.2(F)(16) which states that the "Election Commission shall have the power to rule if a 'good faith effort' was rendered by the specified party and adjust the ruling as necessary." The payment process for violations is not new; the Ignite Party has received violations in the past and paid them in a timely manner. Additionally, due to the high volume of violations we have received this semester, the Election Commission does not think it is wise to invoke this duty for this instance. We are fearful that this statute would come into play in every violation that is brought forth in the future.

§716.1.B of the Election Code states that "fines must be paid within two business days of the appropriate body's decision. If the member or party does not pay the fines within the allotted time then he/she or the party shall be disqualified for candidacy." Due to this statute we are bound to rule that the Ignite Party did not pay the fine within two business days and thus the candidate would be disqualified. We hope the Supreme Court will be able to interpret this language to clarify what constitutes as two business days and if the Ignite Party did in fact make a good faith effort.

The Elections Commission unanimously (5-0) **SUSTAINS** that the facts occurred did constitute as a Schedule 1 Violation and if proven they did not make the payment in a timely manner it constitutes as a violation per §716.1(B) and against the Ignite Party by the Supervisor of Elections.