

Violation

Filed By: Edward Town, Independent Candidate

Against: Vitality Party

Date Violation was Heard: March 3, 2015

B. Alexander delivers the 4-1 opinion of the Commission and is joined by *B. Alexander, C. Hayes, N. Meloon, and J. LoBianco.*

Edward Town submitted before this Commission a violation of §714.1(A) of the Election Code. The relevant statutes: “All campaign materials must be approved by the Supervisor of Elections or his/her deputy 24 hours prior to distribution of use.” Evidence was presented that the sign was approved around 10 a.m. on February 18, 2015, and the violation report was filed at 8:41 a.m. on February 19, 2015, demonstrating the required 24-hour provision was not followed.

Mr. Town argued that the Vitality Party did not wait the required 24 hours before posting the sign. The Supervisor of Elections office argued while the 24-hour waiting period was not strictly followed, the Vitality Party made a good faith effort to comply with the statute by waiting until the following morning to post the sign.

Given the plain language of the statute, the Commission finds that the Vitality Party clearly did not wait the required 24-hour period before posting the sign. While they may have shown a good faith effort in complying, the Commission feels the statute had to be construed strictly. The Commission believes that other candidates and parties have complied with the 24-hour waiting period and ruling that this action was not a violation would have unfairly disadvantaged other statute-abiding individuals.

The Supervisor of Elections also argued that the 24-hour time period may be excessive, and the Commission agreed that this might be a portion of the Elections Code that needs to be revisited and revised in the future. Requiring a 24-hour period in between approval and posting seems excessive given the short span of the elections week and in today’s technology-driven society.

We hereby find that this is a **VIOLATION** of the Elections Code.