

**IN THE FLORIDA STATE UNIVERSITY
SUPREME COURT**

THE TORCH PARTY

Appellant,

v.

ELECTION COMMISSION

Appellee

Published: October 22, 2012

SUMMARY

The Court examined this case on appeal. The Appellant, the Torch Party, questioned whether the Election Commission erred by failing to find a violation by the Ignite Party under Student Body Statutes §§715.7(D), (H), (I), and (J.)

We hold the Elections Commission did not err. Hence, the decision is affirmed.

BACKGROUND

As stated by the Elections Commission, the facts of this case are the following:

A complaint was brought before the Elections Commission by the Torch Party alleging that prior to the start of “active campaign week,” a handbill was created by Florida State University’s Student Government Association to publicize “SGA Mini Week” to the student body. The purpose of the handbills were to inform the student body about the resources available to them within the student government. Therefore, the names of the PAC Chair, Joery Francois, as well as the RTAC Chair, Adam Rosenthal, were listed on the handbill – both of whom were candidates for the Student Senate at the time and members of the Ignite Party. SGA mini week was created independently from any Ignite Party event and the event was not publicized as an event of the Ignite Party. The handbill did not mention the upcoming

election. When active campaign week commenced, however, it coincided with the SGA Mini Week.

On October 2, 2012 a SGA sponsored mixer was held. Most of the attendees were Ignite Party members and candidates. The Ignite Party encouraged many of its candidates and party members to attend. In addition, Ignite Party members running for election allegedly advertised the SGA week with links to their personal pages to advertise their candidacy.

The Student Body Statutes in question:

§ 715.7(D) Campaigning prior to one week before the Election.

§ 715.7(H) Using the SGA logo on campaign items

§ 715.7(I) states that “utilizing any Student Government equipment, resources or for endorsement or support for or against any candidate, platform, party, or ballot item,” is a Schedule-2 Violation.

§ 715.7(J) Any attempt, other than tampering with election machinery, to perpetrate a fraudulent election. This shall include but is not limited to providing false information regarding filing or elections procedures, voting more than once, or attempting to vote with another person’s student identification card

STANDARD OF REVIEW

“Absent an abuse of discretion, fraud, lack of notice, or lack of an opportunity to be heard, this Court reviews only the record and questions of fact under an abuse of discretion standard while questions of law are examined de novo.” Impact Party v. Elections Commission, No. 97-111 (FSUUSC 1997) and Wood & James v. Elections Commission, No. 99-01 (FSUUSCC 1999). Pursuant to the aforementioned cases, this Court will review the matters of law presented for abuse of discretion.

OPINION

BELL, J., writes per curiam

To determine whether the Elections Commission erred below, the Court considers four issues: the SGA Mixer, SGA Week, the Handbills and the Facebook Profile Picture.

1. Issue 1: SGA Week

The Torch Party contends that Ignite Party officers set the Election Day so that the campaign week would fall on the same week as the SGA mini week. In turn, the Ignite Party could use this opportunity to, while advertising for SGA events, publicize its candidates who were running for election via the handbills, Facebook, and mixer, in violation of §701.1(A) and (J).

The Court is unsympathetic to this argument because the sworn affidavits provided by the Elections Commission indicate that at the time SGA week was scheduled no objection was raised. So the relief requested shall not be granted.

2. Issue 2: SGA Mixer

The Torch Party also contends that the Ignite Party violated §§ 715.7(D.) (I) and (J) of the Student Body Statutes at the SGA Mixer. According to the Torch Party, even though the mixer was called an SGA Mixer, it was known around campus as a candidate mixer for the Ignite Party. The Appellant further contends that the Torch Party witnessed an Ignite Party officer invite another student to the mixer and that the Ignite Party officer did not refer to the mixer as an “SGA Mixer”, but as the “Ignite Party Mixer”. The Court, however, was not persuaded by this argument. The Court unanimously reasoned that the Ignite party simply capitalized on the event and the Torch Party had the opportunity to do the same. All parties were invited to the event and were put on notice.

3. Issue 3: Handbills

The Torch Party contends that the week of October 1, 2012 two-hundred handbills on the Programming Allocations Committee and two-hundred handbills on the Resource and Travel Allocation Committee were printed. The bills were to be handed out at a Registered Student Organization Workshop that was to be held on October 4, 2012. The handbills contained the SGA logo and were printed using SGA funds. The handbills had printed on them the names and contact information of two Ignite Party officers who were running for re-election in the Fall 2012 elections. The Torch party contends this is in violation of §701.1(H) and (J).

The Court also finds this argument unpersuasive because there is nothing on the handbill that implicates the Ignite Party or the Election in general. The handbill and the two people just happen to be running for a position at the same time. The handbill was independent of the member’s positions with the Ignite Party. It is maintained that the placement of the two names on the handbill was *solely* to inform the student body who they should consult if seeking resources from their respective committees.

4. Issue 4: Facebook Profile Picture

The issue was not addressed as it is a separate violation by the Elections Commission; therefore, the Court declined to address this issue.

CONCLUSION

For the aforementioned reasons, the FSU Student Supreme Court affirms the decision of the Election Commission.

It is so ordered this 22nd day of October 2012 in Tallahassee, Florida.

***Justice Steele did not participate in this decision*