

← Amplify v Legacy

IN THE STUDENT GOVERNMENT ASSOCIATION ELECTIONS COMMISSION FLORIDA STATE UNIVERSITY, LEON COUNTY, FLORIDA

AMPLIFY MOVEMENT

CASE NO.: SPRING 2020-2

v.

LEGACY PARTY

SUMMARY OF ALLEGATIONS

The Amplify Movement (hereinafter "Amplify") alleges that a member of the Legacy Party, allegedly identified as Connor Lynch, trespassed onto the Phi Mu house and tore down a banner that was painted by a sister in Phi Mu to support the candidacy of 3 sisters, and the Amplify movement. This alleged act would be in violation of SBS § 711.6 B1 (removing, obscuring, or damaging another candidate's or political party's campaign materials within a given space such as a bulletin board or general flyer area) and SBS § 711.6 C9 (vandalism or any unauthorized marking of university or private property for campaign purposes, other than poll booths or election related materials).

JURISDICTION

The Elections Commission has the power to investigate and make findings of fact regarding alleged violations of the Elections Code pursuant to Student Body Statutes 703.2(G) and 703.2(F-11). Chapter 700 of the SBS states "The Election Code will be enforced three (3) weeks prior to an election" and "Once the date for an election has been determined, according to 705.4 and 706.5, the election code used for that election cannot be changed."

OPINION

Per Curiam

In support of this allegation Amplify submitted security footage from the Phi Mu house that depicted a man moving on the property sometime after 4:11 a.m. Additionally, Amplify cited numerous statements from multiple persons, who supposedly knew Lynch personally, who identified Lynch as the person in the video evidence. They also included a "sworn" statement that included the same information. According to Amplify there was a pending police investigation being conducted by FSUPD and they were being relayed information about the investigation from members of Phi Mu.

In their defense Legacy offered statements on the contrary, that Lynch was not the person on the video. They submitted an email from Lynch's father, Dan Lynch, who is a police commander in Melbourne FL, that stated that it was not Lynch in the video. They submitted a printout of Lynch's Life 360 location on the night of the incident. And, they also submitted a public records request response from FSUPD that stated there was no suspect at this time in the investigation.

The burden of proof in any case before the Elections Commission is "clear and convincing evidence" per SBS § 711.4 K. Clear and convincing is defined as "highly and substantially more probable to be true than not." The evidence submitted by Amplify is not sufficient to meet that burden by itself. The evidence submitted on defense casts doubt. The Elections Commission is not convinced that the contention is highly probable.

HOLDING

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RIGHT TO APPEAL

Any decision made by the Elections Commission may be appealed to the Supreme Court no later than twenty--four (24) hours after said decision has been issued, sustained, dismissed or overturned at the Elections Commission meeting. No appeals of decisions made by the Elections Commission shall be accepted after this twenty--four (24) hour period.

Decided February 27th, 2020 in conference at the College of Law Advocacy Center in Leon County Florida. Decision electronically filed on February 27th, 2020 on the Elections webpage. Opinion electronically submitted on March 4, 2020.