

***THE FLORIDA STATE UNIVERSITY
STUDENT SUPREME COURT***

ADVISORY OPINION NO: FALL 2013-1

Requested by: Supervisor of Elections,
Tavaress Thomas

Published: October 8, 2013

J. CANNON delivers the opinion of the court.

Statute 703(X)

Election Code Statute 703(X) does not conflict with any other statutes within the Election Code and therefore does give the Supervisor of Elections the power to use his/her discretion to determine whether an alleged violation is to be forwarded to the Elections Commission. The Court has found that 703(X) is meant to be a preliminary step before 715.4(B). Once the Supervisor of Election has deemed the alleged violation to have merit, he will then proceed to notify the party, individual, or candidate about the violation(s) against them. If the individual, party, or candidate chooses to deny the alleged violation, it will then be heard by the Elections Commission.

Statute 710.2(G)

The Court has found the Supervisor of Election is allowed to schedule a make-up candidate seminar. The statute does not specifically preclude the Supervisor of Elections from holding a make-up seminar; however, it does seem to explicitly state those who fail to attend must provide proof of class conflict or illness. The Court interprets the text of the statutes to require the Supervisor of Elections to set up and hold at least two separate seminars, one of which the candidate is required to attend. Since the statute refers to the seminar as a singular event in a following sentence, the Court interprets the statute to only require the candidates and their specified party members to attend one of the scheduled

meetings. Proof of class conflict or illness is required for the additional session just as is required for the statutory mandated sessions. Proof is not required just to attend the additional session (i.e. proof that the candidate can not attend the Tuesday/Monday sessions).

The Court finds the language of the Election Code to allow for representatives to appear before the Elections Commission in place of party candidates if they are properly affiliated with the political party. The language of 702.2(F) and 715.4(B) states that a party shall present their case to the Election Commission but does not specify who from the party must represent the party. Statute 715.4(B) doesn't require anything more specific than the "parties." Accordingly, the Court interprets that to mean anyone properly associated with the party. Furthermore, the Court finds independent candidates shall not be represented by anyone else; they shall represent themselves for all matters before the Elections Commission.