

**IN THE FLORIDA STATE
UNIVERSITY SUPREME COURT**

IGNITE PARTY, Appellant

v.

VITALITY PARTY, Appellee

Published: February 17, 2015

SUMMARY

The Court examined this case on appeal. The Appellant, Ignite Party, has asked this court to find that the Elections Commission erred in finding that they violated Student Body Statute 715.7d in three separate instances.

We hold that the Elections Commission ruled correctly in two of these instances and incorrectly in one instance. Hence, their decisions are affirmed in part and overturned in part.

BACKGROUND

The facts are as follows:

First Violation:

A video was placed on Ignite's publicly displayed Facebook page over one month before the start of campaign week. The video showed Ignite party members wearing Ignite party shirts and the caption states "Our president and vice-president candidates Andrew Wilson and Laurence Thompson having fun at #waybackmarketwednesday! #GetIgnited".

Second Violation:

On January 12, 2015, the Ignite Party posted a picture on their Facebook page showing Andrew Wilson, Laurence Thompson, and Jennifer Lucas holding red balloons, which spelled out "2015." Accompanying the picture was the following caption: "Your Spring 2015 Executive Branch Ticket! Meet our newest candidates: Andrew Wilson (Student Body President), Laurence Thompson (Student Body Vice President), and Jennifer Lucas (Student Body Treasurer). #GetIgnitedFSU."

Third Violation:

The Ignite Party posted a video on Facebook in which past Ignite student leaders talked about Ignites Executive ticket and how they know them. At the end of the video Mr. Rosenthal, a former Ignite member, stated something to the effect of "Bring out your friends to get ignited".

STANDARD OF REVIEW

As the Court is being asked to review a question of Law in this case the standard of review used will be de novo.

OPINION

J. Hebb delivers the opinion of the Court joined by J. Schmidt and J. Gibbs. CJ. Rozanski Concurr in part with the opinion but not the reasoning.

These cases involve allegations that violated §715.7D in three instances by campaigning outside of the allowable campaign period. In cases involving early campaigning this Court first looks to the definition of campaigning under §701.1A. All of these violations

were claimed to be “calling forth the action to vote or support”, which is considered campaigning according to the statute. The Court next looks to the definition of “calling forth the action to vote” which is defined in §714.1J as “publicizing the name or likeness of any candidate, publicizing the place, time, or manner of voting, or the use of the word “vote.”” This court interprets the statute to mean that either publicizing the name or likeness of any candidate, OR publicizing the place time or manner of voting, OR the use of the word “vote” Is considered to be calling forth the action to vote. If any of those three prongs of the statute are met then the action is calling the action to vote and thus campaigning and disallowed outside of the one week campaign period. We will note however that a candidate is still allowed to state their name and the office they are running for after they have filed for candidacy according to §715.4L.

We will now apply this rule to the first violation. The facts show that in this instance a party was publicizing the name of two candidates over one month prior to the start of campaigning. Since this was publicizing the name and likeness of candidates this is calling the action to vote and thus campaigning. Hence we AFFIRM the decision of the elections commission.

In the second violation Ignite party published on its' facebook page the image of candidates as well as their names and the offices they were running for. It also published the year of the election. Since this was publicizing the name and likeness of candidates this is calling the action to

vote and thus campaigning. Hence we AFFIRM the decision of the elections commission.

In the third violation the Ignite party posted a video of former party members talking about candidates. Since there is nothing in the record stating that the names of the candidates were used or their likeness or any other item that could be considered calling the action to vote we cannot find a violation occurred. As such we must OVERRULE the Election Commission's decision. However, this court has grave doubts about the completeness of the record as it is hard to believe people talked about the candidates without using their names.

CONCLUSION

This Court finds that Ignite party violated §715.7D in two instances and thus AFFIRMS the decision of the elections commission in the first two instances. In the third instance we OVERRULE the decision of the elections commission and find that Ignite did not violate §715.7D.