

**IN THE FLORIDA STATE
UNIVERSITY SUPREME COURT**

IGNITE PARTY, Appellant

v.

SUPERVISOR OF ELECTIONS, Appellee

Published: March 6, 2015

SUMMARY

The Court examined this case on appeal. The Appellant, Ignite Party, has asked this court to remand this case to the Elections Commission for further analysis.

We remand for further findings by the Elections Commission.

BACKGROUND

Unfortunately the record is so slim it would be impossible to state the background without speculation, which this court refuses to do. There were a multitude of allegations which could not be substantiated without further findings of fact from the lower court.

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. Schmidt delivers the opinion of the Court joined by CJ. Rozanski, J. Hebb and J. Gibbs.

This case involves allegations of voter fraud, inability to vote, log-in error, and error on the ballot as well as allegations of engagement in the creation and/or spread of libelous, defamatory, and false material. Unfortunately, we were unable to rule on these issues today due to the insufficient record before us. For that reason the Elections Commission leaves us no choice but to remand for further findings and evidence. The opinion issued by the Elections Commission is more than lacking, leading to deprivation of the parties' procedural due process rights.

This court recommends a two-step burden shifting analysis when ruling on election-day voter issues. First, the plaintiff must prove with sufficient evidence that at least some students were deprived of their right to vote on election day. Once the plaintiff shows voters were deprived of their right, the defense must prove with clear and convincing evidence that in no way would the results change had those students been able to exercise their right. There must also be some certainty that this is not an isolated or systemic problem.

In addition to our decision to remand this case for further findings, we issue writs of mandamus to the Supervisor of Elections and corresponding SGA officials to produce documentation and e-mail evidence that were used in this proceeding and the lower proceeding as evidence. We order that these documents and evidence be turned over to both parties, the Elections Commission, and this Court.

We also issue an injunction under our authority granted in Student Body Statute 203.6 to the Elections Commission, its Secretary, and acting Chairman Hayes to produce concise, full, and detailed minutes pursuant to Florida Sunshine Laws.

CONCLUSION

We REMAND to the Elections Commission for further findings and order the Elections Commission to create a full record of its future proceedings and its findings of fact.