

**IN THE FLORIDA STATE  
UNIVERSITY SUPREME COURT**

IGNITE PARTY, Appellant

v.

VITALITY PARTY, Appellee

Published: March 4, 2015

**SUMMARY**

The Court examined this case on appeal. The Appellant, the Ignite Party, has asked this court to find that the Elections Commission erred in finding that the Vitality party did not violate Student Body Statute § 715.7L when a candidate posted a flyer on his Facebook bearing his likeness and the logo of a local club, Recess. The court holds there was no violation.

**BACKGROUND**

A Recess club promoter approached candidates from both FAMU and FSU's elections and asked to put their pictures on flyers to promote an event at the club. A Vitality Party candidate agreed and posted the flyer – which displayed a Recess logo – on his personal Facebook account. Complaints about the flyer led the club owner to post a disclaimer on the club's Facebook account stating that the club does not authorize the use of its logo for the promotion of political affiliations. The Ignite party contends that the Vitality party violated Student Body Statute § 715.7L by making an unauthorized marking of private property for campaign purposes and argues that the Recess logo is

privately owned intellectual property that is encompassed in the definition of 'property' in the statute.

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

Student Body Statute §715.7L calls for the *unauthorized* marking of university or private property. The evidence as presented shows the use of the logo as initially authorized by an agent of the club. The flyer in question was provided by a Recess club promoter with the Recess logo in place – serving as initial authorization. Though the club owner retroactively unauthorized the use of the logo, the flyer originated from a club employee and there was no initial indication that the use of the logo was improper.

**CONCLUSION**

This Court finds that the Vitality Party did not violate §715.7L and thus **AFFIRMS** the decision of the Elections Commission.