

IN THE STUDENT SUPREME COURT
IN AND FOR THE FLORIDA STATE
UNIVERSITY

TAYLOR NEY

Plaintiff,

v.

THE UNITE PARTY

Defendant,

*Engelbrecht, J. Delivers the Opinion of the
Court*

Syllabus

This case comes before the Court for eighteen alleged violations by the Unite Party (Unite) by Taylor Ney. Plaintiff alleges that Unite violated section 715.6(A)(9) of the Florida State University Student Body Statutes (FSU SBS) when members of the party were campaigning and handing out official Unite flyers around the integration statue. Unite alleges that not everyone one there was a member of the party and should not be held responsible for those who are not members of the party who allegedly violate the Elections Code.

Issues

Did Unite commit any section 715.6(A)(9) violations?

Factual and Procedural History

Plaintiff, campaign manager for the independent ticket for President and Vice President, John Walker and Randy Ornstein, filed eighteen election code violations against Defendant.

On February 20, 2018, members allegedly wearing Unite t-shirts and lapel pins were handing out Unite campaign materials around the Integration Statue. The area around the statue is outside the approved active distribution area, and thus would be a violation of the FSU posting policies and thus a violation of FSU SBS § 715.6(A)(9). Plaintiff argues that Defendant should be held in violation of § 715.6(A)(9) eighteen times for the eighteen flyers that were handed out during the documented time period. During the hearing, the Court found Unite one violation of section 715.6(A)(9).

Analysis

This Court finds that Unite violated FSU SBS § 715.6(A)(9) once, even though there were eighteen alleged violations. In finding this, the Court determined that Unite could only be held liable for members or agents of their party. We do not find it reasonable to hold a political party accountable for potentially random students who may be wearing that party's shirt. We do agree that the party should train all members on the elections code and the dos & don'ts. The party, however, is not responsible for the average student who wears the party's memorabilia. Throughout the videos, the Court was able to sometimes determine the nature of the shirt, and sometimes the nature of the documents, but rarely in conjunction and only once was the Court satisfied with the identification of the person in the photo.

Having determined this, the Court found only one violation. During the hearing, members of Unite could only positively identify one member of Unite who was passing out flyers around the Integration Statue. (*See Exhibits M, T, and Z*). This person was identified as Corey Smith. The other individuals could not be identified because either the evidence was not clear or the people in the pictures were

unknown. The burden is on the Plaintiff to establish who these people are and that they are members or agents of the Unite Party. They failed to do so for seventeen of the violations.

Conclusion

The Unite Party is hereby found to have one violation of Florida State University Student Body Statutes § 715.6(A)(9). The other seventeen violations are dismissed. The Unite Party is to be fined to the amount of \$25 as prescribed in FSU SBS § 716.2(A)(1).

It is so ordered.