

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

JOHN E. WALKER

Petitioner,

v.

SUPERVISOR OF ELECTIONS

Respondent,

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

### **Syllabus**

This case comes before the Court on two appeals from defendant, John E. Walker, from decisions by the Supervisor of Elections (SOE). Petitioner alleges that the SOE violated her section 715.3(A) duties when she failed to investigate and forward charges against the Unite Party to the Elections Commission.

### **Issues**

Was the SOE correct for declining to forward an alleged violation of section 714.3(G)(1) to the Elections Commission?

### **Factual and Procedural History**

Petitioner, an independent candidate for Student Body President, appeals two decisions made by the Respondent, the SOE, to not forward violations to the Elections Commission as prescribed in section 703(W).

Petitioner alleges that The Unite Party submitted an incomplete Final Expense Statement in violation of section

714.3(G)(1) and therefore should be disqualified from the 2018 Spring Elections.

The SOE declined to forward the alleged violation to the Elections Commission for prosecution, and Petitioner cites section 702.2(F) to appeal the SOE's decision. Petitioner also asks the Court to remand the SOE's decision, require her to enforce the Elections Code, and subsequently penalize the Unite Party.

### **Analysis**

The inherit question before the Court is whether the Unite Party violated section 714.3(G)(1). We find that the Unite Party violated neither statute, and the SOE was correct for declining to forward the alleged violations to the Elections Commission.

#### **1. Failure to rectify an Incomplete Final Expense State (714.3(G)(1)).**

Section 714.3(B) of the Florida State University Student Body Statutes (FSU SBS) requires all political parties and independent candidates to submit a Final Expense Statement (hereafter "Statement") to the SOE by noon on the Friday following the elections. Subsections 1 through 6 specify what's to be contained in the Statement. The SOE shall verify if a Statement adheres to these requirements, and if a Statement is not, then the SOE must notify by email and post publically by 5 p.m. on that Friday whether a Statement has been approved or not. *See* Section 714.3(G), Student Body Statutes (2018). Subsection 2 states that if a political party does not rectify an incomplete Statement by the next Tuesday, then the party shall be disqualified. Section 714.3(G)(2), Student Body Statutes (2018).

Here, the Unite Party did submit an incomplete Statement and was notified of this

by the SOE. The original Statement did not adhere to FSU SBS § 714.3(G). The Unite Party acted upon this news and submitted a new statement. They submitted their new Statement by giving the SOE a hard copy and also sending an email with an attachment of the same copy. The SOE subsequently that this new Statement adhered to the statutory requirements and certified the Unite Party's new Statement.

Petitioner challenges this new Statement. First, Petitioner argues that the new Statement was not submitted "on the official forms as prescribed by the [SOE]." Section 714.3(C), Student Body Statutes (2018). Second, Petitioner argues that even if the Statement was submitted on a proper form, the Statement did not contain residence or business addresses for all people who contributed to the campaign as required by FSU SBS § 714.3(B)(4).

**a. The Statement was submitted on an official form "as prescribed by the Supervisor of Elections."**

The Unite Party did properly submit their final Statement when they emailed the Statement to the SOE

Petitioner cites FSU SBS § 714.3(C) which requires an individual or political party to submit their Statement on an official form. Petitioner argues that the only official form that was prescribed by the SOE was a Qualtrics survey form that was provided online on the Student Government Association website. Although the SOE did not ever state that this was the only official form or what an official form was, this was the only means which was publically available to the public. Subsequently after turning in their hard copy of the new Statement into the SOE, the Unite Party

asked if they could also send her an email, attaching the Statement. The SOE did approve of this method. The Unite Party subsequently sent the email with the aforementioned attachment.

Petitioner argues that this email was not an "official form." He states that the only official form was the Qualtrics survey that was published on the Student Government's website. He argues that email is not a form that one submits *on*, but merely a means to submit *in*. But this argument is contrary to reality. The easiest comparison for an email is a hand-written letter. The letter can be a form which one could put the information on which one wants to submit. The post office and mail service is the means in which the form is transported. The post office is the means which the form is submitted *in*, and the letter is what the form is submitted *on*. The email (short for electronic mail) in this case is the form which the Statement is submitted *on*. The internet is how this form is submitted, or the means which the form is submitted *in*. Therefore, the email can be a means in which a political party they can submit an official form.

This of course is dependent upon whether the SOE approves this as a means in which to submit an official form. Here, the SOE did give approval to the Unite Party that they could submit their final Statement through email. Therefore, the Unite Party did not violate FSU SBS § 714.3(C) when they submitted their final Statement via email.

**b. The Statement failing to include full name, residence, or business address of every contributor**

The Unite Party did follow FSU SBS § 714.3(B)(4) when they submitted their final statement.

Petitioner argues that the Unite Party did not include residence or business addresses for every campaign contributor when they submitted their final Statement, which would then constitute as an incomplete statement leading to disqualification. However, a strict reading the controlling statute says “An itemized report containing the full name, residence, *or* business address of each person” who contributed to the campaign is required. Section 714.3(B)(4), Student Body Statutes (2018) (emphasis added). A strict reading of the statute (however illogical it may be) merely requires the full name *or* residence address *or* business address of anyone who contributes the campaign. This statute is conjunctive meaning that the Statement only requires one of the three.

Everyone who contributed to the Unite Party provided at least their full name, residence or business address. Therefore, the Unite Party did not violate FSU SBS § 714.3(B)(4) and did not have an incomplete final Expense Statement.

### **Conclusion**

The Unite Party did not commit any violations under Chapter 700 of the Student Body Statutes. The decision of the Supervisors of Elections is hereby *affirmed*.