

Spring 2017 Violation 1: Schwartz v. The Advance Party

C. Jacobs, delivers the opinion of the commission.

I

The Deputy Supervisor of Elections, Ms. Schwartz, saw two students in her classroom wearing t-shirts that said “Advance Party.” The Deputy Supervisor of Elections then approached these students and asked to take their picture. Of importance is the fact that the Deputy Supervisor of Elections did not hear these students communicate to any other student a call to action to vote in favor of the Advance Party.

II

The Deputy Supervisor of Elections alleges that because these students were wearing the t-shirts, the advance party was campaigning prior to one (1) week before elections in violation of section 715.7 (D), FSU Student Body Statutes. Campaigning is a term of art that is specifically defined in the Student Body Statutes. Section 701 (A) states in pertinent part, that:

Campaigning – The distribution or use of campaign materials, the publicizing or solicitation of support for or against a ballot item, political party, or candidate for an elected office of the Student Body, **and** calling forth the action to vote or support. Campaigning shall begin the Wednesday at 12 a.m., one week prior to the Election day.

After reviewing the facts and analyzing the relevant statutes, the Election Commission holds that the Advance Party did not violate section 715.7 (D) because there was no evidence of a call to action. Thus, the Advance party was not campaigning prior to one week before Election Day as alleged by the Deputy Supervisor of Elections. Had the Deputy Supervisor of Elections witnessed a call to action, this case would have been decided against the Advance Party.