

Response Summary:

Q2.

The Florida State University
Tallahassee, Florida 32306-4027

Alleged Violation Information

Candidate or Party in alleged violation:	Jonah Downs, COSSPP Seat 7
Statute Allegedly Broken:	710.6(d)(2)

Q4. Violations may only be filed up to two (2) business days after their discovery by the party alleging.

Discovery Date/Time:	10/7/2025 6:35 PM
Location of the Violation:	Digital

Q5. Please present any arguments for this alleged violation along with any relevant evidence.

On October 7, 2025, Jonah Downs (@jonahforsenate) posted an Instagram reel featuring images of the Independent candidate wearing a shirt with the ForwardFSU logo, accompanied by the text: "Party Affiliation: Can I join?" The subsequent clip shows Mr. Downs being slapped, implying that ForwardFSU rejected him or expelled him from the organization.

Mr. Downs has never been a member, applicant, or affiliate of ForwardFSU in any capacity. He has never applied for membership, joined the party, served as a Blazer, or sought inclusion on the ForwardFSU slate. The implication that he was once affiliated with ForwardFSU and later removed is false and defamatory. It creates a damaging and inaccurate impression that he was previously associated with the organization when, in fact, he has never had any involvement with ForwardFSU.

Under Student Body Statutes §710.6(d)(2), it constitutes a Schedule 2 violation to: "Post, utilize, or distribute, either electronically or physically, campaign material that is publicly defamatory against a candidate for an elected office of the student body, or is defamatory against any person or entity within the content of a campaign material." The Instagram reel constitutes campaign material under §701(e) because it is an electronically distributed video created and shared during the campaign period that clearly seeks to influence voter perception of a political party and its candidates.

Florida courts define defamation as the unprivileged publication of false statements that naturally and proximately cause injury to another's reputation. Hoch v. Loren, 273 So. 3d 56, 57 (Fla. 4th DCA 2019). The Florida Supreme Court has recognized a unified tort of defamation encompassing both libel and slander and including liability for defamation by implication, false suggestions or innuendo conveyed through context. Jews for Jesus, Inc. v. Rapp, 997 So. 2d 1098, 1106-08 (Fla. 2008).

To establish defamation, a complainant must prove five elements: (1) publication; (2) falsity; (3) fault (knowledge or reckless disregard for public figures, or negligence for private persons); (4) damages; and (5) a defamatory statement. Each element is met here.

1. Publication

Publication occurs when a statement is communicated to any third party. "Publication requires proof that the statement is exposed to the public so it may be read or heard by a third person, but not necessarily that it has in fact been read or heard." American Airlines, Inc. v. Geddes, 960 So. 2d 830, 833 (Fla. 3d DCA 2007). By posting a public Instagram reel from his campaign account, Mr. Downs made the content available to the entire student body and broader university community. The statement was clearly published to third parties.

2. Falsity and "Of and Concerning" Requirement

The falsity element requires that the statement be both false and specifically refer to the complainant. Thomas v. Jacksonville Television, Inc., 699 So. 2d 800, 805 (Fla. 1st DCA 1997). Florida law also recognizes defamation by implication, where true facts are presented in a misleading way that conveys a false impression. Jews for Jesus, 997 So. 2d at 1106-08. Here, Mr. Downs' video features the ForwardFSU logo and the caption "Party Affiliation: Can I join?" followed by a clip implying rejection. This juxtaposition falsely conveys that ForwardFSU excludes or mistreats students seeking to engage with it. Because the imagery directly references ForwardFSU, the statement is "of and

concerning” the organization. The overall impression that ForwardFSU denied or rejected Mr. Downs is demonstrably false. Attached within the evidence, you will find screenshots of ForwardFSU Nole Central membership, Blazer applications, and 2025 Fall Slating Applications, where Jonah Downs is never listed, because Mr. Downs has never applied to or been affiliated with ForwardFSU.

3. Fault

Florida law applies a dual fault standard. Public officials or figures must show actual malice, knowledge of falsity, or reckless disregard for the truth, while private individuals must show negligence, meaning a failure to exercise reasonable care in determining the truth or falsity of a statement before publication. *Jews for Jesus*, 997 So. 2d at 1111; *Thomas*, 699 So. 2d at 804. Mr. Downs’s conduct easily satisfies the negligence standard. As a student candidate engaged in active campaigning, he had a duty to exercise reasonable care before making statements about another political organization. A reasonable person would have verified whether the implication that he sought membership in ForwardFSU and was rejected was accurate. This information was entirely within Mr. Downs’ knowledge: he has never been a member, applicant, or affiliate of ForwardFSU. Despite this, he created and publicly shared a video suggesting otherwise. Failing to confirm the truth of a statement about one’s own conduct, when that information is readily known, constitutes a clear breach of reasonable care under Florida defamation law.

Negligence arises when a publisher either (1) knows a statement is false but fails to verify it before publication, or (2) fails to take reasonable steps to ensure its truthfulness. *Thomas*, 699 So. 2d at 804. Mr. Downs did both: he knew the implication was false and made no effort to confirm its accuracy before posting. This lack of diligence satisfies the negligence standard.

Further, his political motivation underscores the unreasonableness of his actions. Mr. Downs is running in the same Student Senate race as a ForwardFSU candidate, giving him a direct incentive to portray ForwardFSU negatively. Rather than confining his campaign to policy differences, he published misleading and reputationally harmful material targeting the opposing political party. The combination of personal knowledge, failure to verify accuracy, and motive to discredit a competitor demonstrates negligent publication and likely reckless disregard for the truth.

4. Damages (Defamation Per Se)

Under Florida law, statements that inherently harm a person or organization’s reputation or expose them to ridicule or contempt constitute defamation per se, for which damages are presumed. *Wolfson v. Kirk*, 273 So. 2d 774, 776 (Fla. 4th DCA 1973); *Bass v. Rivera*, 826 So. 2d 534, 535 (Fla. 2d DCA 2002). Mr. Downs’ video falsely implies that ForwardFSU is exclusionary or dismissive toward students seeking to associate with it. By pairing the caption “Party Affiliation: Can I join?” with imagery suggesting rejection, the video conveys to the student electorate that ForwardFSU is unwelcoming or elitist, which could not be further from the truth. This portrayal directly undermines ForwardFSU’s reputation as an inclusive and professional student political organization. This harm is particularly acute within the context of the upcoming Student Government elections. ForwardFSU’s reputation for fairness and openness directly affects its ability to attract candidates, members, and voters. The video was posted publicly from a campaign account, reaching the student body and the voters who will vote in the upcoming Fall elections. False statements about a political organization’s character or inclusivity during an election foreseeably cause reputational injury in that electoral context. Such harm satisfies the damages element under Florida defamation law and falls squarely within the conduct prohibited by §710.6(d)(2).

5. Defamatory Nature

Courts assess whether a publication is defamatory by considering the totality of the communication, including words, images, and context. *Byrd v. Hustler Magazine, Inc.*, 433 So. 2d 593, 595 (Fla. 4th DCA 1983). Viewed as a whole, Mr. Downs’ reel, combining the ForwardFSU logo, the caption, and the imagery of rejection, invites ridicule and misperception. It lowers ForwardFSU in the estimation of the student body and discourages students from associating with it. This satisfies the definition of defamation recognized in *Thomas*, 699 So. 2d at 803.

Conclusion

Florida law and the FSU Student Body Statutes protect individuals and organizations from defamatory statements that harm their reputation within the university community. Mr. Downs’ Instagram reel constitutes a published, false, and defamatory statement of and concerning ForwardFSU, made at least negligently and designed to influence voter perception in the upcoming election. Because §710.6(d)(2) expressly prohibits campaign materials that are publicly defamatory against any person or entity, this conduct constitutes a Schedule 2 violation.

q8. Please upload any specific evidence. Combine any individual files into a single .pdf file. This is not required, but strongly recommended. The Supervisor of Elections will consider a lack of presented evidence as grounds for dismissal of the violation. Such a decision may be appealed to the Elections Commission within twenty-four (24) hours.

[\[Click here\]](#)

q7. Please list any witnesses you may call upon for support of the allegation. Witnesses before a hearing of the Elections Commission must sign in with the Supervisor of Elections within one (1) hour of the scheduled hearing.

N/A

Q6. Signature

<i>Name:</i>	Logan Rubenstein
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Embedded Data:

<i>First Name</i>	lmr23k
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