

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

THE UNITE PARTY,

Plaintiff,

Case No. 2019-CA-001

vs.

SUPERVISOR OF ELECTIONS,

Defendant.

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ORDER OF DISMISSAL

Before the Court is Plaintiff’s, THE UNITE PARTY (“Unite”), Complaint which challenges the decision of Defendant, SUPERVISOR OF ELECTIONS (“Supervisor”), to not “extend the time of the poll...despite the inability of many students to vote.” Complaint, at ¶ 3.

Discussion

Unite’s action is one founded in original jurisdiction. In other words, Unite presents a case or controversy founded in the Court’s constitutional authority to hear cases and controversies of the types outlines in article IV, section C, Constitution of the Student Body. However, the case or controversy they present is one challenging a decision of the Supervisor.

The issue presented is not one which this Court holds original jurisdiction over. It is the statutorily granted ability of the Elections Commission (“Commission”) to hear a challenge of the decision of the Supervisor. The Commission is tasked with hearing and acting upon appeals made against the decisions of Supervisor. §703.2(F), Student Body Statutes. The challenge is to the failure of the Supervisor to exercise her discretionary powers to extend the polls past their scheduled closing time. *See* §713.3(B), Student Body Statutes; *see also* Complaint, at ¶ 3. This decision is not one of original jurisdiction for the Supreme Court, rather one of appellate

jurisdiction for the Commission. §703.2(F), Student Body Statutes. Our jurisdiction may only be invoked after the Commission has rendered its opinion on the case. *See* §708.2, Student Body Statutes.

“A court will recognize its want of jurisdiction over the subject matter even if no objection is made.” *Roberts v. Seaboard Sur. Co.*, 29 So. 2d 743, 748 (Fla. 1947). Since jurisdiction is a threshold question, it must be addressed in order for the Court to hear the merits of the case. *See In re Holder*, 945 So. 2d 1130, 1134 (Fla. 2006). Subject matter jurisdiction “requires specific focus on the authority of the court over a general class of cases.” *Lamancusa v. Dept. of Rev. o/b/o Lamancusa*, 250 So. 3d 812, 814 (Fla. 5th DCA 2018). This Court lacks authority over this class of cases, namely ones directly challenging the Supervisor’s decision in original jurisdiction, since the Commission serves as the intermediate appellate body between decisions of the Supervisor, and our discretionary review. Our examination of the case finds us without jurisdiction, and until such time as the Commission rules, we are “powerless to act in the case.” *Roberts*, 29 So. 2d at 748. Based on the Court’s examination of the Complaint and its class of case, it is:

ORDERED AND ADJUDGED as follows:

1. This cause is dismissed without prejudice for lack of subject matter jurisdiction.
2. Unite is instructed to file its appeal with the Elections Commission, and receive their decision, before bringing this cause again before this Court.
3. This case shall be closed.

DONE AND ORDERED, this the 2nd Day of March, 2019 in Tallahassee, Florida.

/s/ J. Michael Moorhead
J. Michael Moorhead
Chief Justice