

**IN THE FLORIDA STATE
UNIVERSITY SUPREME COURT**

IGNITE PARTY, Plaintiff

v.

VITALITY PARTY, Defendant

Published: March 23, 2015

SUMMARY

This is a case of Original Jurisdiction. The Plaintiff, Ignite Party, has asked this court to find that the Vitality Party has violated 714.3(G)(2) of the Student Body Statutes, which provides that after receiving notice, “if the individual or political party has not rectified a verifiably Incomplete Final Expense Statement by 4 p.m. the following Tuesday the individual or political party will be immediately disqualified.”

This court holds that the Vitality Party is not in violation of 714.3(G)(2). However, the Vitality Party is in violation of 715.7(K) for submitting a falsified or fraudulent individual or final expense statement. The party is now on notice and must complete its final expense statement.

BACKGROUND

J. Schmidt delivers the opinion of the Court joined by CJ. Rozanski, J. Hebb and J. Gibbs.

The Ignite Party provided evidence establishing that the members of the Vitality Party spent a combined \$180.00 for a table at The Big Event Fundraiser Gala. All of the members at the table were members of

the Vitality Party. There was notice prior to the event that the table would be titled “The Vitality Party” and there was no correction on behalf of the table attendants. There was a sign in the middle of the table that read “Vitality Party.”

OPINION

Pursuant to § 714.3(B)(1) “Final expense statements shall be submitted to the Supervisor of Elections . . . and shall include a statement of the cumulative campaign expenditures based on the fair market value, signed by the candidates and/or party chairman.” “Campaign expenses are defined as [t]he fair market value of any goods or services paid for or received by the campaign for the purpose of advertising candidates, advertising political parties during campaigning,” Student Body Statute § 701.1(D). Once the expense statements are submitted, the Supervisor of Elections must notify by e-mail and publicly post whether the statements are complete or incomplete. Student Body Statute § 714.3(G).

Because the Supervisor of Elections never notified the Vitality Party of an incomplete final expense statement, we cannot hold the Party in violation of 714.3(G)(2). However, this Court does find that the Vitality Party failed to include the expense of a table at The Big Event Gala.

Even if all of the evidence demonstrates that an individual of the Vitality Party, rather than campaign monies paid for the table, it is nonetheless a campaign expense. The Gala was during the campaigning week, there was a candidate present at the table, the table was solely

populated by members of the Vitality Party, and the table was designated as the "Vitality Party" table. The totality of the circumstances makes it apparent, and necessary, to determine this .

Because the Vitality Party failed to include this expense on the approved final expense statement, we find the Vitality Party subject to a Schedule 2 violation pursuant to § 715.7(K) for submitting a falsified or fraudulent individual or final expense statement.

In addition, the Vitality Party must rectify their final expense statement by 9:00 P.M. on Tuesday, March 24th, 2015. The Party only has 24 hours to amend due to the Inauguration scheduled 48 hours from the time of the trial. Otherwise, the typical time period set out in 714.3(G) would apply once notice is given. The Vitality Party is on notice that they must include any expense or contribution in accordance with this Court's interpretation and that all items must be listed at Fair Market Value (FMV)¹ per the student body statutes.

The Vitality Party must include any other expenses that may have been omitted from the original final expense statement. If Vitality fails to rectify, they will be held in violation of 714.2(G)(2) and subject to the Schedule 4 Violation provided in said section.

CONCLUSION

¹ FMV is not the value that the entity wished to sell the good or service but what the service or good would cost on the open market if available to every person. For example, if you have a friend that owns a pizza shop and they

For the reason set forth above, we hold that the Vitality Party is in violation of § 715.7(K) for submitting a falsified or fraudulent final expense statement. The Party has 24 hours to rectify their final expense statement or be held in violation of 714.2(G)(2).

will give you a deal on pizza for \$2 when such a pizza is worth \$10 to the general public, the value of \$10, not \$2, needs to be included in the appropriate spot.