

**IN THE FLORIDA STATE UNIVERSITY
SUPREME COURT**

THE TORCH PARTY

Appellant,

v.

ELECTION COMMISSION

Appellee

Published: October 10, 2013

SUMMARY

The Court examined this case on appeal. The Appellant, the Torch Party, questioned whether the Supervisor of Elections denial of the Torch party's claim against Ignite and the subsequent denial to hear the claim by the Elections Commission constituted a violation of due process.

We hold the Supervisor of Elections and the Elections Commission did not err. Hence, the decision is affirmed.

BACKGROUND

A complaint was brought before the Elections Commission by the Torch Party alleging that the Ignite Party had filed a complaint against the Torch party that was frivolous and amounted to a schedule 2 violation under § 715.7 (A) and § 716.3 (A). The Supervisor of elections, upon receiving the complaint, used their discretion in determining whether an alleged violation is to be forwarded to the Elections Commission, in accordance with § 703 (X).

On October 6th 2013, the Torch Party brought their complaint to the Elections Commission who denied to overrule the Supervisor of Elections determination that the alleged violation had no merit, in accordance with § 702.2 (F).

STANDARD OF REVIEW

“Absent an abuse of discretion, fraud, lack of notice, or lack of an opportunity to be heard, this Court reviews only the record and questions of fact under an abuse of discretion standard while questions of law are examined de novo.” Impact Party v. Elections Commission, No. 97-111 (FSUUSC 1997) and Wood & James v. Elections Commission, No. 99-01 (FSUUSCC 1999). Pursuant to the aforementioned cases, this Court will review the matters of law presented for abuse of discretion.

OPINION

ROZANSKI, J., writes per curium

To determine whether the Elections Commission or Supervisor of Elections erred below, the Court considers whether the procedures as laid out in the Florida State Student Body Statutes were followed properly, and due process was preserved.

Election Code Statute 703 (X) gives the Supervisor of Elections the power to use their discretion to determine whether an alleged violation is to be forwarded to the Elections Commission. The Supervisor of Elections received and reviewed the complaint filed by the Torch party and decided to not forward it to the Elections Commission. This Court found no abuse of discretion by the Supervisor of Elections in deciding to not forward the claim.

Statute 702.2 (F) gives the Elections Commission the ability to overturn decisions of the Supervisor of Elections by majority vote. The Torch Party appealed the denial of the Supervisor of Elections to the Elections Commission and the Elections Commission declined to overturn the ruling. The action by the Elections Commission does not constitute a violation of the statutes nor does it violate the due process of the Torch Party.

The Supervisor of Elections and the Elections Commission followed the Florida State Student Body Statues and did not violate the Due Process of the Torch Party's complaint.

CONCLUSION

For the aforementioned reasons, the FSU Student Supreme Court affirms the decision of the Election Commission and the Supervisor of Elections.

It is so ordered this 10th day of October 2013 in Tallahassee, Florida.

***Justice Wechsler did not participate in this decision*