

Appeal of Review Board Case 312-001

The Review Board in a 6-1 decision affirms its previous decision in case number 312-001. We affirm that the plaintiffs did not meet the sufficient requirements for being declared candidates. They did not abide by §5.4-6, “In order to be listed on the ballot, one must submit a declaration of candidacy to the Elections Commission and attend a candidate information session before a deadline set by the Elections Commission. In this declaration one must agree to abide by all campaign regulations”

The plaintiff’s assertion that the closed meeting of the Elections Commission was in violation of the code was incorrect. The code states in §5.4-3 that “The Commission shall hold all meetings in an open and public manner, and shall not be permitted to go into closed session except when involving infractions.” However, the meeting the Elections Commission held was not in violation because there was an infraction within the code. The code justifies two definitions of the term *infraction*. The first definition involves any violation of §5.4. This *infraction of the code* can be committed by individuals who are not yet candidates. The second definition pertains to §5.4-9(4) where an infraction is defined as a violation of one of the three classes by a candidate or their campaign and is an *infraction of the campaign regulations*.

The plaintiffs had committed an infraction of the code as when that infraction was committed, they were not candidates. Therefore, the Elections Commission was not required to hold an open session to discuss this infraction.