

Election Commission Findings 2017 Spring Elections

Aaron M. Chesler v. New Wave – Campaign Finance Offense (704(f))

RESPONSIBLE (2 Points Applied)

New Wave submitted its campaign finance report without complete documentation of purchases. The campaign eventually was able to submit supplemental information proving purchases but was only able to do so after the deadline for the reports, resulting in the commissioner filing a minor violation. New Wave admitted responsibility and was applied the 2 points against its campaign at the hearing.

CollaborAsian / Luna Ly v. Empower– Endorsement Claim (703(g))

NOT RESPONSIBLE (3-0-1)

The Election Commissioner was asked to represent this organization and individual when they were excused via 703(c), and the Commissioner was obliged to recuse himself and serve as complainant via 1005(a)6. The Commissioner explained the arguments of the complainant that he had received before the hearing and provided to the respondent. The Commissioner explained the claims made pertaining to intellectual property and the limits of fair use. After this, he outlined the sentiment of the complainant and how the organization felt about having their logo included as a prominent part of a campaign advertisement.

The Tribunal did not find that Empower improperly used the complainant's intellectual property and further finds that Empower did not claim that CollaborAsian endorsed their campaign. Organizations should use 1301(f)1 to dictate how they interact with campaigns and how they want said organizations to conduct themselves at events. Furthermore, the act of making an endorsement doesn't cause a previous statement by a campaign to become a code violation. Falsely claiming an endorsement in 703(g) can occur regardless of whether or not an organization has already offered their endorsement. Finally, the Tribunal recommends that future Election Commissions work with aggrieved organizations to contact campaigns to resolve similar issues in a more prompt fashion that does not have to wait until infraction adjudication.

Jared Moya v. Empower – Chalking Offense (704(e))--Stairs

NOT RESPONSIBLE (4-0-0)

Based on the evidence presented by Empower and New Wave, the Tribunal concluded that it was more probable that Empower was not responsible for chalking near the theatre back doors. The Tribunal would like to note, though, that the space in question is a "doorway" as understood by section XIII.b.iv of the CUUF policy. Future campaigns and commissions should note that this is not an appropriate place to chalk, as chalking must be more than 10 feet away from any doorway, and the stairs at this location should be considered included in this prohibited space.

The Tribunal noted the descriptions of the campaign advertisements made by both sides, and while the respondent offered weak arguments as to the applicability of XIII.b.iv, the complainant was not able to make convincing arguments as to which party was responsible for this offense. In cross-examination, witnesses also were called up that specifically explained why New Wave would lack a motivation to have created this chalking. In the opinion of the Tribunal, not enough evidence was specifically offered to indicate that Empower volunteers or candidates placed this chalking.

Jared Moya v. Empower – Chalking Offense (704(e))

NOT RESPONSIBLE (4-0-0)

Similar to the earlier chalking offense, the Tribunal did not have sufficient proof that showed that Empower was responsible for chalking in a prohibited space at the Trumbo Plaza. The respondent offered compelling arguments on how the Empower campaign instructed volunteers and the specific times they chalked. The complainant argued that, however well-informed the Empower campaign leadership was, it was still very possible that volunteers could have chalked improperly in this well-trafficked area by mistake.

There were additionally arguments made by both the respondent and the complainant about each other's potential motivations for placing the Empower-supporting message in the plaza. While each side's explanation were noted by the Tribunal, given differences in the plaza chalking, timing of chalking and nature of the infraction, it was unanimously determined that Empower was not responsible for this offense.

Rafi Rahman v. Empower – Chalking Offense (704(e))

RESPONSIBLE (3-1-0) (2 Points applied)

The majority of the Tribunal found that this offense differed from the previous infractions in several ways. Before discussing the majority opinion in detail, one member of the Tribunal had a dissenting opinion, which will be outlined next.

First, the dissenting opinion found enough similarities between the evidence offered in this case and that offered in previous chalking cases to believe that no single party could be thought to have probably committed this offense. To think one party has probably committed a chalking offense over another requires a level of evidence not seen in this case. Due to the nature of this violation, the Tribunal should be particularly wary of assigning responsibility. Though a minor infraction, the prevalent use of this campaign medium could cause campaigns to erroneously focus on catching and framing their opponents for 704(e) violations. Therefore, the Tribunal should take additional care and require more convincing evidence to find any party responsible for such chalking violations.

The opinion agreed upon by the majority did find that the complainant offered convincing arguments and evidence that Empower was more probably than not responsible for this offense. While the three voting in favor of responsibility agree that chalking offenses occupy a particular portion of the code and should be adjudicated carefully, it is our opinion that the cross-examination and arguments presented by the complainant describe a probable scenario where a volunteer for Empower chalked improperly. Informing this observation is the evidence of a similar chalking nearby with similar messaging and font. It is beyond the abilities of this Tribunal to draw conclusions based on handwriting similarities, but messages like these were commonplace around this area of campus during the time this infraction was reported. It seems additionally that the time that the complainant reported waiting before reporting was within the 48 hours required by 1004(a) and would corroborate the level of wear on the chalking. The majority opinion would like to conclude our observations by noting that to avoid chalking infractions in the future, campaigns should be encouraged to communicate chalking errors and work together to adhere to CUUF.

Summary of Findings

New Wave: Responsible for one 704(f) violation resulting in 2 points applied to all members of the ticket.

Empower: Responsible for one 704(e) violation resulting in 2 points applied to all members of the ticket.

With no candidate or ticket disqualified, the election results will be certified on Thursday at 5 PM if no appeals are filed. Finance reports will be made public as dictated by the code 24 hours after that time.

AmC