

Violation

Filed By: Andrew Jones

Against: Madeline as an individual (member of the Vitality party)

Date Violation Heard: February 12, 2015

J. LoBianco III delivers the opinion of the Commission joined by *S. Loveless, C. Hayes, N. Meloan, B. Alexander*

Mr. Jones has submitted before this Commission a violation committed by Madeline (last name?) as an individual, not as a member of the *Vitality* party for a Schedule 2 violation of Student Body Statutes 715.7D-Campaigning prior to one week before the election.

The Following are the facts of the violation: On 1/19/15 Claire Gallo, Rules and Procedures Chair of The IGNITE Party sent an email to the Supervisor of Elections, Alexis Sanchez, informing her that a wall at the intersection of Call Street and Copeland featured the words “ZTA Supports Madeline”. Ms. Gallo informed Supervisor Sanchez that she believed the wall to be a violation of Elections Code. Correspondence between various members of the IGNITE and Vitality parties, the President of the Zeta Tau Alpha Sorority, Beta Gamma Chapter, and the Supervisor of Elections followed, leading to the wall being painted over or obscured on February 9, 2015. This violation was filed on February 9, 2015.

At issue in this decision is not whether there was a violation. Instead the issue is to whom the violation should be assessed. During oral argument, Mr. Thomas, representative for the Vitality Party, acknowledged that there was indeed a violation of Student Body Statutes 715.7D-Campaigning prior to one week before the Election. He made compelling argument that the Zeta Tau Alpha Sorority acted independently of Vitality Party. He acknowledged that Madeline, the subject of the campaign material at issue, was a sister of the Zeta Tau Alpha sorority. As Madeline was not present at proceedings, it was left to both parties, and the Commission, to speculate as to the level of her involvement with the offending material. Given the nature of her relationship to the organization that created and displayed the offending material, and the assumption that she must have had some level of knowledge-or must have taken affirmative action to shield herself from knowledge of the offending material-it was concluded that she acted independently of the Vitality Party in having the offending campaign material created and displayed in violation of Statutes.

The Statutes address the liability of a party for the actions of its members. However the nature of this specific incident muddies the waters of liability. Statutes define a party as (701.1(I)): Any number of persons properly registered with the Supervisor of Elections. Madeline is a member of the Vitality party, but did not act in conjunction with, nor with the approval of the Vitality Party, or so they assert without evidence to the contrary. A candidate is defined in statutes as (701.1(E)): Any student seeking to be elected as an officer of Student Government. It is the opinion of this Commission that Madeline acted as a Candidate and sorority sister, rather than a member of a party when she, or those with whom she was associated, had the offending material created and displayed in violation of 715.7D. The offending material said “*ZTA Supports Madeline...*” There was nothing on the offending material to implicated any involvement of, nor support for the Vitality party as a whole. The support of the offending material was for Madeline, as a sister in the Zeta Tau Alpha Sorority, exclusively.

In conclusion, we find that the facts and presented before us show that Madeline acted independently of the Vitality Party when she violated 715.7D. As such, a Schedule II violation of \$100 is assessed to her.

We hereby **AFFIRM** the violation submitted against MADELINE.