

Elections Commission Meeting

Time Started:

- Calling roll
 - Absent:
 - Abigail Altman
 - Nathan Meloon
- Confirming Minutes
 - Minutes confirmed
- Old Business
 - No business brought to attention
- Motion to hear new cases
 - None opposed

Schwarz v. Advance Party

- Allegation: Argument against advanced party
 - Violations:
 - 715.5 D
 - 714.1 I
 - 715.6 A6
 - Both individuals are candidates for upcoming election with advanced party
 - Brought against Advanced party by Allison Schwarz Feb. 14, 2017
- Alleging party Opening Statement:
 - Witnesses? No
- Motion to not allot an extra 30 minutes. Approved
- Alleged Proceeded: **(1 minute 45 seconds)**
 - Schwarz was sitting in classroom and saw two candidates wearing Advanced Party shirts, which is not allowed per given violations
 - This took place February 14, 2017
- Remaining time yielded to closing statement
- Accused Party opening statement **(2 minutes and 5 seconds)**
 - Thanked elections commission for meeting
 - 3 violations alleged never qualified accused action of campaigning
 - T-shirt- qualifying it as campaigning is a gross interpretation of what the statute actually means
 - Does not believe wearing a shirt constitutes as campaigning
- Alleged does not have anything else to add
 - Questions:
 - What parts of activism qualifies this as campaigning? Wearing the shirts for students who do not know what advance party is

- So under this definition, they weren't technically campaigning? No
 - Definition of campaigning brought forth
 - Were those student part of that class? yes
 - What other statutes were brought up besides 701?
 - 715 6A 4
 - 714 I statute brought up, commission stated that 715 6A 4 is not relevant
 - Measurements of the shirts? Were they submitted into evidence?
 - No they were not
 - Any argument to make why the statute why it would resemble as a poster? Any backing or argument? No defense or backing argument
 - Were those preapproved material? Yes
 - Are they available to the public? No they are available to the party
 - Could you tell from the shirts that they were running for office? No
- **End 6 minutes 43 seconds**
- **Accused party (5 minutes and 16 seconds)**
 - Any witnesses? No
 - Allowed 10 minutes to proceed and commission may ask questions?
 - Allegation that shirts are campaign materials
 - No action, they were not soliciting that they were running for office
 - Do you know intention of individuals who were wearing the shirt? No
 - What if someone approached the individuals to ask about the shirts?
 - Argument that as long as they did not use the words vote or support it did not constitute as campaigning
 - They held meeting stating what candidates could not do
 - Advance party is an RSO (registered student organization)
 - One commissioner expressed that he considers it might be constituted as campaigning
 - Were individuals aware when campaigning week started?
 - Accused stated that they had an event; as a meet and greet that's why individuals were wearing shirt
- **Accused Closing statement (not given to minutes)**
 - Party does not believe shirt should be constituted as campaign material
 - Was not distributed
 - Shirt does not fall under definition as a flyer
 - Ignite v. Vitality v. supervisor of elections
 - Distribution or use of campaign material
 - Ruled that calling of the action for support means campaigning and individuals cannot call for action
- **Alleged Closed Statement (1 minute 25 seconds)**
 - Expressed just doing job
 - In future that shirts can be constituted as campaign material, because party is displayed on shirt, especially if there was an opposing party.

- Since both were candidates, and in candidate meeting it was stated that no shirts were allowed in classroom buildings
- Decision of commission:
 - Ready to vote:
 - All in favor of this being a violation: no l's
 - All in favor of not being violation: unanimous decision

End: 7:43 p.m

Lusaka v. Supervisor of Elections (Time: 7:46)

- Accusation reviewed by the Elections Commission
 - Submitted Feb. 14th
- Any Witnesses? Only the Supervisor
- Are you planning to reference supervisor as witness? No
- Motion to allot extra 30 minutes? Approved
- Alleging party opening statement (Lusaka) [**Used all 5 minutes**]
 - Details of evidence have been read
 - Article 1 section 5 of student body constitution
 - Article 4 Section 3 Parts 1-5 Of Student Body Constitution
 - SGA supreme court used this to not allow her to run
 - If found that was in violation, was denied rights to respond adequately
 - Article 3 Section 2 of student body constitution
 - Form for filing candidacy
 - Statute 706: separates position
 - Article 5 section 5 of Student body constitution
 - Actions of Supervisor:
 - 703 of statutes: shall rule on qualifications of candidacy (3 school days)
 - does not have power to remove from ballot but can disqualify
- Accused Party Opening Statement (**3 minutes and 11 seconds**)
 - Attorney General Representing Supervisor
 - Advisory opinion from supreme court brought up
 - Not job of commission to substitute opinion of the court (article 3 section 2)
 - Article 1 argument goes against point that president and senator can request advisory opinion, yet all students can seek out advisory opinions.
 - Petitioner point to validity of advisory opinion
 - Court interpreted article 3 section 2b
- Alleging Party Argument
 - Respond to opponent that argument is strictly centered around Article 1 section 5
 - Article 3 section 2 of student body constitution
 - Article 4 section 3C 5
 - Interprets as strictly for President and senator

- Willful misrepresentation
 - Statute 703
 - Removing name is not power of supervisor of election unless violation is filed and that she has not been disqualified
 - Asking to overturn Supervisor ruling to not allow her to be on ballot
 - What are the exact violations against supervisor of elections?
 - 703 statute subsection B
 -
 - Are you making an argument that because advertised on newspaper that you should be allowed? No
 - Filed candidacy Feb 8? At what point did supervisor question candidacy? Feb. 9
 - When was request submitted to supreme court? Feb. 9 at 12:10 pm
 - Response? Late Monday 96 hours after request
 - 703.2 B Supervisor must rule 3 academic days
 - Does believe that she has complied with all rules present and that there has been misuse of power by officers
 - 712.1 C of statutes
 - 710.4 subsection B part 3
 - Article 5 section 7
 - Subsection B
 - For filling vacated offices
 - Chapter 710 of statutes
 - Did attend mandatory seminar on Monday
 - Overturning decision of supervisor of elections to withdraw her of a ballot
 - Turn to 703 statute
 - 710.4 - what you can disqualify candidate for
- Accused party for 25 minutes (**19 minutes**)
 - Seems to be unrelying thought that Supervisor of elections cannot request advisory opinion
 - Not true according to statute (___)
 - Suit is improper, needs to be filed against supreme court. Jurisdiction does not lie here.
 - Needs vice president to begin with in order to appoint a vice president
 - Is it your argument that independents should be treated differently than political parties? As rules stand currently, yes
 - Is there a point in constitution or code that someone running for president must have vice president? Does it state independent or political party?
 - Can you point us to what advisory opinions authority is? Ruling or just opinion?
 - It is an opinion, but this is how the court reads it
 - No point to interpret statute without its questioning
 - It was improper for the withdrawal of candidate because nothing in statutes allow for that removal. Where does it give Supervisor of Elections power to remove candidate from ballot based on advisory opinion?
 - 710.4 only applies to political parties (stated by commission)

- Should the other independent candidates register as an RSO?
- Asking us to interpret it to say that it includes independents in this line and not in this line
- Point of equity brought up
- Would violate due process of constitution if President did not have a running mate (i.e. vice president)
- Commission asks accused to state why Supervisor of Elections had power to withdraw name from ballot after advisory opinion was presented?
- In case of conflicting statutes you would apply rule of lenity
- Alleging party response
 - Responding to claims against argument
 - Harming not just self but student body in asking difference of treatment between independents and student body
 - Statute 703
 - Does not believe that supervisor of elections does not have power to remove name without declaration of disqualification based on statute violations.
- Accused party Closing
 - Response to supervisor of election having 3 days to rule
 - Point of advisory opinion (which requested) and response of the court declares disqualification
 - Court exists to give guidance on advisory opinions and interpretation of constitution and statutes
 - In summary: ask for textual analysis presented
- Alleging closing statement
 - Chapter 703 of student body statutes
 - Subsection B
 - Supervisor removed name after 3 academic days
 - 703 point F – supreme court has 24 hours for an advisory opinion
 - Article 3 section 2
 - Use of forms are not clear

Form for times handed to commission, everyone in court room stepped outside

Decision: Reversed decision of supervisor of elections

Commission cannot decide because out of jurisdiction