



## **Precedent of the Election Committee**

Allegation 2021-01

### **Relevant Constitutional Sections:**

*Article XV, Section 1(g)(3):* No Student Union organization enumerated in this Constitution may endorse a candidate for a student office.

*Article XV, Section 1(g)(4):* Individuals holding the following offices enumerated in this Constitution may not endorse any candidate or ticket: (L): Hall Presidents and Vice-Presidents.

*Article XV, Section 1(g)(6):* Candidates may not communicate an endorsement such that it can be construed to represent that of a Residence Hall, Student Union Organization, University department, office, or official.

*Article XV, Section 1(d):* Candidates are expected to behave ethically at all times. Involvement in or instruction of others to engage in any unethical behavior will be determined and penalized by the Election Committee of Judicial Council.

### **Relevant Facts:**

A Residence Hall posted an endorsement of a candidate on their official hall social media page. The alleging party argued that this post was an endorsement of the candidate by the Hall President and Vice-President.

### **Holdings:**

1. An endorsement by a Residence Hall is not an endorsement by the Residence Hall President or Vice-President within the meaning of Article 15.1(g)(4)(L) without any additional evidence.
  - a. Article 15.1(g)(4)(L) states, "Individuals holding the following offices enumerated in this Constitution may not endorse any candidate or ticket: ... Hall Presidents and Vice-Presidents." The alleging party did not provide evidence that either the Residence Hall President or Vice-President was involved in the posting of the endorsement. The



hall's postings do not inherently represent the views of its President or Vice-President because they are posted by a separate Social Media Commissioner. This endorsement cannot be construed as an endorsement by the Hall President or Vice-President.

2. Neither Article 15.1(g)(3) nor 15.1(g)(4) prevent Residence Halls from making endorsements.
  - a. Article 15.1(g)(3) states "No Student Union organization enumerated in this Constitution may endorse a candidate for a student office." The Election Committee rejected this constitutional claim because the Residence Hall is not a Student Union Organization. As is clear from 15.1(g)(6), which states, "Candidates may not communicate an endorsement such that it can be construed to represent that of a Residence Hall, Student Union Organization, University department, office, or official," residence halls are separate from Student Union Organizations. In addition, Article 1.2(a) and 2(b) define Student Union Organizations as those belonging to a list of nine specific organizations or other organizations which submit bylaws to the Student Union Ethics Commission, respectively. Neither category includes residence halls.
  - b. Article 15.1(g)(4) states, "Individuals holding the following offices enumerated in this Constitution may not endorse any candidate or ticket." Since residence halls are not individuals and are not listed in the "following offices," this section cannot be used to prove a constitutional violation in this allegation.
3. Residence Halls are not bound by Article 15.1(d).
  - a. Article 15.1(d) states, "Candidates are expected to behave ethically at all times. Involvement in or instruction of others to engage in any unethical behavior will be determined and penalized by the Election Committee of Judicial Council." This provision applies to candidates, not to residence halls. The alleging party acknowledged that there was no evidence that the candidate was involved in the post in question. Thus, this section cannot be used to penalize the candidate for an action by a residence hall.
4. Article 15.1(g)(6) is violated when a candidate communicates a forbidden endorsement, not merely when a forbidden endorsement is made.



- a. Article 15.1(g)(6) states, "Candidates may not communicate an endorsement such that it can be construed to represent that of a Residence Hall, Student Union Organization, University department, office, or official." The alleging party acknowledged that there was no evidence that the candidate was involved in the post in question. In addition, the candidate did not share the endorsement through their own social media. Thus, the candidate cannot be proven to have communicated the endorsement in any way.