



## **Precedent of the Election Committee**

Allegation 1920-06

### **Relevant Constitutional Sections:**

*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:**

At the time of this allegation, the Constitution contained the following provision: “The promise of any office or position in the Student Union by any ticket or candidate shall be considered highly unethical behavior, the penalty for which may include a maximum penalty of forfeiture of candidacy.” The alleged party, a candidate on a Student Body President/Vice-President ticket, sent a GroupMe message stating that they “promise to put [a member of an opposing ticket] on our team if elected.” At their hearing, the candidate stated that they crafted this statement with the goal of evading the aforementioned then-existing constitutional provision and sought outside legal counsel to justify their statement. The Election Committee, acting by its power to determine the contours of unethical behavior under 15.1(d), has since incorporated the prohibition on “the personal promise, or public suggestion of a promise, of any office or position in the Student Union by any ticket or candidate” (see Interpretation 2021-03). The first holding in this precedent is now, therefore, an example of the application of the language now found in 2021-03. The second holding in this precedent is a more direct application of 15.1(d).

### **Holdings:**

1. A candidate who promises “to put [a member of an opposing ticket] on our team if elected” violates Article 15.1(1)(d).
  - a. The word “team,” as used in this instance, is best interpreted to convey membership in the Student Union. The Committee rejects the alleged party’s argument that “team” could merely amount to an unofficial



advisory role in the context of the surrounding language. This is because the alleged party only promised to put someone on their team “*if elected*” (emphasis added). There is no reason why the ticket could not add an unofficial advisor to their team *before* they were elected; it is at this stage of campaigning, after all, that policy advice is most politically useful. Therefore, the construction of “team” as “unofficial group of policy advisors” would render the ticket’s own words—“if elected”—mere surplusage. To interpret “team” to include Student Union positions, however, would give full effect to the candidate’s words, as election is the very achievement the ticket needed to place someone in such positions. Therefore, this promise can only reasonably be interpreted to violate Article 15.1(d).

### **Sanctioning**

1. The Committee imposed the sanction of forfeiture of candidacy.
  - a. This sanction was, at the time, explicitly contemplated by the language of the provision which was violated. Even now, in issuing its Interpretation 2021-03, the Election Committee noted its sanctioning in this precedent to demonstrate the seriousness with which it takes violations of the principle contained therein.