



## **Precedent of the Election Committee**

Interpretation 2021-03

### **Relevant Constitutional Sections:**

*Article XV, Section 1(h)(2):* “Social Media,” as a rapidly developing and changing field, shall be interpreted by the Election Committee on an ongoing basis. In the event of new or changing policies, candidates will be informed before the release of petitions.

*Article XV, Section 1(e)(3):* Any petitioning or campaigning before or after the specified period is a violation of campaign rules... No one may petition or campaign in any venue while occupied by a class period, exam, or during the passing period directly before or after within the class venue.

*Article XV, Section 2(e):* Copies of all physical campaign materials, including but not limited to posters, flyers, and table tents, must be submitted to the Election Committee and stamped for approval by a member of the Election Committee, excluding the Parliamentarian, before posting.

*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:**

On November 12th, 2020, the Student Senate amended the Elections Article. The new version of the article vests in the Election Committee the power to “interpret” and “determine” rules governing social media and unethical candidate behavior in Sections 1(h)(2) and 1(d), respectively. These interpretations are to be made before the release of petitions. The Election Committee therefore met on January 24th, 2021 to settle three controversies related to virtual election procedures and unethical behavior so that future candidates will have fair notice of its expectations.



### **Holdings:**

1. Zoom, Sakai, and similar virtual meeting platforms used for academic purposes, including but not limited to those accessed through links supplied through course syllabi, emails from professors and teaching assistants, etc., shall be considered “venues” under Article XV, Section 1(e)(3).
  - a. The Committee reasoned that in the modern era, particularly during a time of increased reliance on virtual platforms due to COVID-19, video conferencing platforms such as Zoom are used to host classes and meetings, and are therefore considered “venues.”
  - b. Section 1(e)(3), by insisting that venues cannot be used for campaigning “while occupied by a class period, exam, or during the passing period directly before or after,” therefore prohibits all forms of campaigning in virtual meeting rooms used for classes before, during, and after class. For example, candidates may not campaign through their Zoom background, display name, or messages in the chat window in such virtual meeting rooms which are used for classes.
2. Verifying campaign materials by sending candidates an email approving those materials does not constitute a “stamp” under Article XV, Section 2(e).
  - a. The Committee reasoned that two essential elements of a physical stamp are missing from an email verification of campaign materials. As a result, interpreting these virtual approvals as stamps would be a step too far. First, physical stamps allow observers to visibly ensure that publicly posted campaign materials are licit, while a private email does not. Second, physical stamps prevent a candidate from copying a virtual stamp from one set of campaign materials and pasting it onto another, unapproved set, as could occur if an image sent over email and pasted onto the materials were to serve as a stamp.
  - b. The motivation for answering this question came from the desire to keep the election process as safe as possible by limiting in-person interactions between candidates and members of the Election Committee. Although the Committee holds that a completely virtual process of approving campaign materials is not permitted by the Constitution, it will nonetheless ensure that in-person approval of materials is performed safely and in accordance with University policy.



3. The Election Committee determines that the personal promise, or public suggestion of a promise, of any office or position in the Student Union by any ticket or candidate shall be considered unethical behavior under Article XV, Section 1(d) of the Constitution. The Election Committee notes that its body of precedent includes the sanction of forfeiture of candidacy for a violation of this regulation.
  - a. The Election Committee reasoned that promising offices or positions in the Student Union, or publicly suggesting such a promise, compromises the ethics of an election by manipulating voters, other candidates, and those who seek a position in the Student Union into supporting a candidate. As a result, such an offense would be interpreted as unethical behavior under Section 1(d).
  - b. Under this regulation, which before November 12, 2020 was explicitly stated in the Constitution, the Election Committee has imposed the highest possible sanction on a candidate—*forfeiture of candidacy*. The Committee reserves the right to impose any sanction, including *forfeiture of candidacy*, for any constitutional violation. It reminds candidates of its precedent in this holding to emphasize the egregious nature of this particular violation.