



Precedent of the Election Committee

Allegation 2021-05

Relevant Portions of Constitutional Sections:

Article XII, Section 4(c)(2): The Election Committee will decide whether the campaign/candidate/ ticket in question is in violation of election or campaign rules.

Article XII, Section 6(a): Should the Ethics Commission be notified that any Student Union official is in violation of attendance policies and/or neglecting his or her duties as set forth in this Constitution and/or any applicable bylaws, the Ethics Commission may take appropriate action outlined in this Section ["Student Union Ethics Commission"].

Article XV, Section 1(g)(4): Individuals holding the following offices enumerated in this Constitution may not endorse any candidate/ticket, and candidates/tickets may not seek endorsements from the following offices:
[List of offices].

Relevant Facts:

Several officers in Article XV, Section 1(g)(4)'s list of those prohibited from endorsing liked an Instagram post through which a ticket for office was petitioning. There was no evidence submitted that the alleged party, the ticket for office, knew of or was involved in those likes.

Holdings:

1. Absent evidence that any candidate is involved in an unconstitutional endorsement, the Election Committee has no jurisdiction over the alleged violation.
 - a. The Election Committee, under Article XII, Section 4(c)(2), has the power to find constitutional violations on the part of a "campaign," a "candidate," or a "ticket." The authority to find constitutional violations by other officeholders, as is requested by the alleging party in this allegation, is reserved to the Student Union Ethics Commission



in Article XII, Section 6(a). This division of powers prevents officeholders from sabotaging a disfavored campaign by endorsing them, thus causing them to be sanctioned.

- b. The alleging party notes that in 2018, the Judicial Council issued sanctions for an unconstitutional endorsement in which no candidate was involved based on an Election Regulation reading: “You are responsible for your actions as well as the actions of your supporters.” Even assuming that regulation had a basis in the 2018 version of the Constitution,¹ it certainly has no basis in the Constitution as it exists at the time of the allegation in question, as explained above.
2. The Judicial Council, lacking jurisdiction over the merits, has no occasion here to decide whether likes on a petitioning or campaigning Instagram post constitute endorsements.

¹ The alleging party suggests that the 2018 Election Committee erred in identifying the Election Regulation it cited with the contemporaneous version of the Constitution. We give the alleging party the benefit of the doubt by assuming *arguendo* that the precedent they rely on is sound, because if they are correct that the precedent they rely on is unsound, that only serves to weaken their allegation.