



Precedent of the Election Committee

Allegation 2021-07

Relevant Constitutional Sections:

Article XV, Section 1(i)(3): Receipts for all election materials purchased or donated must be presented to the Election Committee or Hall Election Coordinator prior to any use of the materials. All receipts must be accompanied by a list of materials purchased.

Article XV, Section 1(e)(2): Campaigning consists of any public contact for the solicitation of votes. Personal appearances, placement of posters, or distribution of any election materials shall be considered campaigning.

Relevant Facts:

One hour after the campaigning period had officially begun, the alleged party submitted receipts for the purchase of a premium plan with a website-building service, as well as a domain name which they subsequently used as their campaign website. Judicial Council first observed that this website had been published as of two hours after the official start of the campaigning period. However, the alleged party began storing election materials, consisting of various images, through the website as early as eleven days prior. This image content was accessible on the open internet through a url specific to the image in question. The alleging party argued that storing image content in such a fashion, where anyone who had the link could view the image content, could be considered “use” of “election materials” (Article XV, Section 1(i)(3)) and “public contact for the solicitation of votes” (Article XV, Section 1(e)(2)).

Holdings:

1. Storing image content in such a fashion, where anyone who had the link could view the image content, does not constitute “use” of “election materials” (Article XV, Section 1(i)(3)).
 - a. If the full website had been published before the receipts were submitted, there would be grounds for an allegation. This is not the



case. Here, potential voters would only have been able to view the uploaded images if they had access to the appropriate url corresponding to the files' locations in the web service's domain. There is no evidence that these links were disseminated to any voters, so it is highly implausible that voters were actually able to access the images. Thus, the images were not being "used" as election materials prior to the campaigning period.

2. Storing image content in such a fashion, where anyone who had the link could view the image content, does not constitute "public contact for the solicitation of votes" (Article XV, Section 1(e)(2)).
 - a. Much as above, there is no evidence of a realistic mechanism by which the nominally public storage files could actually be accessed by any student prior to the campaign website's publication. Therefore, there is no plausible argument that the alleged party engaged in "public contact for the solicitation of votes."