



Precedent of the Election Committee

Allegation 2021-08

Relevant Portions of Constitutional Sections:

Article I, Section 1(b): The Student Union shall be composed of the following Student Union organizations: (1) Senate. (2) Executive Cabinet. (3) Student Union Board. (4) Hall Presidents Council. (5) Club Coordination Council. (6) Class Councils. (7) Off-Campus Council. (8) Financial Management Board. (9) Judicial Council.

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.

Article XV, Section 1(g)(4): Individuals holding the following offices enumerated in this Constitution may not endorse any candidate or ticket: (A) Student Body President.

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

Relevant Facts:

A former Hall President endorsed a ticket. A member of the alleged party's campaign team reposted this endorsement in an Instagram story, adding the words, "One of the best minds of stu gov ([former president]) just backed [alleged party]."

Holdings:

1. A candidate is not communicating an endorsement such that it could be construed to represent that of "a Residence Hall, Student Union



Organization,” or a “University department, office, or official” under Article XV, Section 1(g)(6) by reposting the endorsement in question.

- a. In order to give the alleging party the benefit of the doubt, it is assumed that finding a constitutional violation under either Section 1(g)(6) or Section 1(g)(4) would constitute a violation on the part of the alleged party’s ticket (under Section 1(d), which prohibits the candidates from “involvement in...” “unethical behavior”).
- b. Clearly, no Residence Hall or University department, office, or official is related to this post. Nor could this communication be construed to represent that of a Student Union Organization. Article I, Section 2(b) lists the Student Union Organizations. None of them are mentioned or alluded to in the post, which only broadly gestures at “stu gov,” or Student Government. Even assuming, for the sake of argument, that the alleged party *did* refer to a specific Student Union Organization—say, Executive Cabinet, for example—no “reasonable observer” (Precedent 1920-02) would construe the words “one of the best minds of stu gov” to mean “The Student Government,” let alone “The Executive Cabinet,” or whichever Student Union Organization “stu gov” allegedly refers to. This is because the member of the alleged party’s campaign team who made the post explicitly identified the endorser as an individual—“*one of the best minds of stu gov*” (emphasis added)—rather than the group to which they once belonged. Just as a reasonable observer would not construe the individual described as “one of the best minds of Keough Hall” to represent the entire Hall, a reasonable observer likewise would not construe the individual described as “one of the best minds of stu gov” to represent the entire Student Government or one of its constituent organizations. There is simply no plausible way to stretch Section 1(g)(6) so far that it prohibits the communication in question.
- c. The argument for merit becomes even weaker when one considers the context (See Precedent 1920-02 for contextual analysis). The subject of the reposted video—the former Student Body President—said they had already graduated from Notre Dame, that they were now a Master’s student, and that they “served in Student Government in the past.” Given the context, it is even more clear that “stu gov” as used in the



repost of that video refers to the service which was explicitly said to have taken place in the past, not to represent that of the current Student Government.

2. The communication in question does not violate Article XV, Section 1(g)(4), either.
 - a. Because one reason that this communication falls outside of 1(g)(6) is its explicitly *individual* character, it is appropriate to consider whether the endorsement was prohibited by Section 1(g)(4), which lays out the *individuals* who cannot endorse. This section prohibits “Individuals holding the following offices enumerated in this Constitution” from endorsing: “(A) Student Body President.” Therefore, the individual who now holds that office may not endorse. Clearly, though, *past* Student Body Presidents may endorse. There is no plausible argument that the alleged party or its campaign violated Section 1(g)(4), either.