



## Precedent of the Election Committee

Allegation 2021-10

### Relevant Constitutional Section:

*Article XV, Section 1(c):* All election rules and campaigning are subject to University regulations as outlined in duLac. Please note that the placing of posters in non-bulletin board space is not permitted by University regulations, and candidates do so at their own risk.

### Relevant Portions of Other Authorities:

[COVID-19 Addendum to duLac](#): I UNDERSTAND AND AGREE... to comply with all other COVID-19-related health guidance issued by the University or national, state or local health authorities, as reflected on the [HERE](#) website.

[HERE Website, Gatherings Policy](#): Student gatherings will be conducted in a manner consistent with university health and safety protocols including restrictions on the size of informal gatherings, and must comply with student club and organization guidelines and protocols.

[Student Club and Organization Guidelines](#): Student groups may serve to-go prepared bulk food items (pizza, donuts) with permission from SAO, including specific requirements including Food Serving trained individuals doing serving. Serving of prepared bulk food items (eg. pizza, donuts, etc.) may be distributed if the following requirements are met:

The student group must have two dedicated Food Serving trained individuals on site for the duration of the event.

### Relevant Facts:

On the morning of election day, the presidential candidate of the alleged party stood on a table in a public location, dancing, playing music, and encouraging passersby to take a donut from an open box. Both parties agree that this occurred, and that the candidate also told those attracted to their



setup that it was election day. The alleging party submitted this allegation, arguing that a violation occurred because the alleged party did not comply with SAO's requirements listed above. They argued that these apply to candidates through their constitutional duty to follow duLac, which incorporates the HERE website's requirement that student gatherings, even those which are unofficial, comply with SAO policy. The alleged party testified that they were merely unaware of the contours of SAO policy surrounding food distribution.

### **Holdings:**

1. By distributing food in a manner contrary to the Student Activities Office policy incorporated into duLac, the alleged party violated Article XV, Section 1(c)'s requirement of conformity to duLac guidelines.
  - a. The alleging party is correct that the Constitution's election regulations incorporate duLac, which has appended to itself the requirements of the HERE website, which in turn applies SAO policy to all student gatherings. While this chain of rules is complex, all candidates are nonetheless instructed that their status does not absolve them of the requirement of all students to adhere to University policies. In other words, ignorance is not a defense to allegations of election misconduct. The parties agree that only one individual was present distributing food, a fact which is corroborated by video evidence, thereby violating the SAO requirement that multiple Food Serving trained individuals be present for food distribution. Therefore, there is no real dispute over whether a violation has occurred.

### **Sanctioning**

1. The Committee imposed the following sanctions: First, the alleged party must issue a public apology through Judicial Council, addressed to the Class of 2023, which discusses what they did wrong, which policy was violated, an apology for the repercussions of that violation, and a commitment to thoroughly review all SAO guidelines and maintain appropriate practices in the future. Second, they must set up a training session with the Student Activities Office's Student Involvement Team to address their deficient understanding of University guidelines.



- a. The Committee observes that this violation was one of procedural negligence rather than deliberate vote-stealing. The Committee reasons that the alleged party did not gain any electoral advantage by having one individual distribute food rather than two. Therefore, the appropriate remedy is not one which seeks somehow to compensate for the non-existent electoral benefits of the alleged party's procedural deficiency, but rather to address it through public accountability and private learning. Hence, the Committee arrived at the two sanctions described above, each of which specifically addresses one of those two goals.