



Precedent of the Election Committee

Allegation 2223-01

The following is the precedent of the 2022-2023 Election Committee. This precedent should only be used to view past Election Committee's rulings and should not be used to predict future outcomes. The Election Committee investigates each situation independent of another, and thus, precedent is not binding.

The Election Committee has found the alleged party in violation of Article XV, Section 1(d) of the Student Union Constitution, which reads: "Petitioning and campaigning may be held only over a period specified by the Election Committee," and "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," respectively. The Committee has imposed the following sanction: "The [alleged party] petitioners shall remove the social media posts in question immediately and will not be allowed to campaign via social media on the first day of the campaign period, Tuesday, January 31st, should the petitioners become candidates." The Committee's reasoning is summarized below.

Relevant Facts:

The alleged party, petitioners for the Student Body President/Vice-President election, posted images on Instagram with captions containing the phrase "campaign priorities" and also publicized their priorities/ideas for what they would like to accomplish should they be elected Student Body President/Vice-President.

Holdings:

1. Campaigning during the petitioning period is strictly prohibited per Article XV, Section 1(d).
 - a. The alleged party includes the phrase "campaign priorities" in the caption of their Instagram post. The Election Committee interprets the verbiage "campaigning priorities" to mean that they were actively campaigning during a period in which only petitioning should have been taking place. Thus, Article XV, Section 1(d) has been violated.



2. Listing priorities/ideas on social media constitutes distribution of election material.
 - a. The Constitution provides several examples of what behaviors constitute campaigning in Article XV, Section 1(d)(2) but fails to provide examples of what behaviors constitute petitioning. Thus, the interpretation of whether the listing of priorities/ideas constitutes petitioning is up to the Election Committee. Article XV, Section 1(d)(2) states that “distribution of election materials shall be considered campaigning.” The Election Committee interpreted the sharing of priorities/ideas to be a “distribution of election materials” which should not occur during petitioning. Thus, Article XV, Section 1(d) has been violated.

Sanctioning

1. The Election Committee imposed the sanction of immediate removal of social media posts in question and suspension of campaigning via social media on the first day of the campaign period, Tuesday, January 31st, should the petitioners become candidates.
 - a. The Election Committee reasoned that the verbiage used in the caption of the Instagram post was inappropriate, such that it suggested that the petitioners were prematurely campaigning which is a violation of Article XV, Section 1(d). Additionally, the Election Committee reasoned that since the alleged party had publicized their priorities/ideas resulting in their priorities/ideas being exposed to the public prematurely, they should be prohibited from campaigning via social media for the first day of the campaigning period.