

Petitioner(s): Sam Dalton

Respondent(s): Jacob Paul, Ethan Cuello, and Olivia Teerlink (the Paul ticket)

Issue:

The basis of this controversy lies with the petitioner, Sam Dalton, bringing a complaint of campaigning in residence halls in violation of HRE policy. The respondents in this case are the Paul ticket. The Court decided to hear this case because the factors of standing outlined in Redbook were adequately met in the filing documents. Factors of standing are clearly defined under the Judicial Branch Bylaws in Article III Section 3.

Ruling of Supreme Court:

The presiding court has ruled 3 – 2 that the actions undertaken by the respondents in regard to the respondents are not within the bounds of election procedures outlined in Redbook or the elections packet. Anna Kaufman, Tanvi Singh, and Sinndy Rios voted in the majority opinion, with Ben Battistone and Sabah Sial in dissent.

Reasoning of Opinion:

A majority of three Justices (Anna Kaufman, Tanvi Singh, and Sinndy Rios).

In the majority opinion, written by Associate Justice Anna Kaufman, the Paul Ticket was in direct violation of campaigning guidelines from the authority of Article V. Section 1, 3.3.1 of ASUU's Redbook. The primary reason for the Court's decision stems from the Supreme Court's power to preside over cases concerning "any member or members of the ASUU," which includes ASUU elections. The Supreme Court has jurisdiction over elections via the authority of Article V. Section 1, 3.3.1., and has decided to extend judicial authority to posting guidelines that specifically reference campaigning constraints about the election. In reference to Dalton's grievance against the Paul Ticket, we have come to a conclusion based on the following logic: (1) The Paul ticket has a "core committee" consisting of at least 30 members, (2) Jacob Paul printed and distributed approx 150-200 leaflets to his core committee to

“give to friends,” (3) leaflets were found distributed in Heritage Commons without HRE approval en masse that an RA of the dormitory located after their second round, (4) the core committee is to consider a direct extension of the Paul Campaign, (5) any action that the core committee proceeds with will be held to the same standard as campaigner themselves, (6) Jacob Paul does not know where his core committee members distributed the leaflets and claims plausible deniability. We find the Paul Ticket to be guilty of violating Redbook and Election campaigning rules due to the sheer volume of leaflets found in Heritage Commons, the Paul Ticket’s ignorance as to where the leaflets had been distributed, and the Supreme Court’s authority to consider election posting guidelines as part of the election materials. Although the evidence presented did not definitively point to a member of the Paul Ticket disturbing the leaflets, we have reason to believe the distribution of leaflets was not an act of an “overzealous supporter” of the Paul Ticket. We do not make this decision lightly, but we have come to this conclusion in order to hold all members of a campaign accountable. We would like to emphasize the campaigner's duty to organize and directly manage all members of a campaign, as core committee members are a direct extension of a campaigner’s ticket and will be held to the same standard as the campaigner themselves. Our decision was made to close any loopholes a campaign might find in the future to bypass Redbook and election rules by virtue of ignorance of campaign members' actions.

Dissenting Opinion:

In the dissenting opinion, Justices Ben Battistone and Sabah Sial wrote that there was not sufficient evidence to conclude that the Paul ticket campaigned in residence halls. The evidence provided by the petitioner was based on hearsay involving two Resident Advisors, one of whom provided written testimony. Although campaigning material for the Paul ticket was found in the residence halls, it cannot be confirmed that these items were placed there as part of an intentional campaigning effort on the part of the Paul ticket. Absent such evidence, we cannot conclude that the Paul ticket broke campaigning rules.

Recommendations:

The Court ruled that the Paul ticket be allowed to continue campaigning activities and remain in the ASUU election, with punishments of a written and published explanation of these events as well as community service through the Bennion Center. The Court mandates that the members of the Paul ticket (including all the members of their core committee) participate in the next two Lowell Bennion Days of Service in order to rectify the potential damage caused by their violation of election procedures. The written explanation should include an acknowledgement of how the Paul ticket's campaign strategy could have led to any potential elections violations. The statement should be made public as soon as possible.

The Court also came up with the following recommendations for the ASUU legislative branch to ensure cases like this do not occur again: (1) We recommend that ASUU integrate HRE campaigning policies with the guidelines set forth in Redbook. (2) The Court also suggests that all HRE posting guidelines be included in the elections packet, so candidates and their core committees are very clearly provided with all rules regarding campaigning on campus. (3) Our final recommendation is the passing legislation stating that every campaign will be held directly responsible for the distribution of their campaign materials, and that the violation of this new rule will result in disqualification; this way we can ensure that future campaigns cannot claim plausible deniability in succeeding cases of this nature.