

ADMINISTRATIVE DECISION 13-BE-02
In the Case of Jones/Lambden v. Lodaya

February 6, 2013

I. Authority

The Board of Elections, hereafter referred to as the BOE, is authorized under Title I, Article I, Section 900 of the Student Code to conduct fair and impartial student elections in accordance to the Student Government election regulations.

II. Allegations

A. Allegation 1 (Location)

On January 28, 2013, a complaint was filed against Student Body President candidate Hetali Lodaya for dorm-storming in Kenan residence hall on Friday, January 25, 2013.

B. Allegation 2 (False Start)

On January 28, 2013, a complaint was filed against Student Body President candidate Hetali Lodaya for campaigning prior to certification by the BOE via the use of buttons.

C. Allegation 3 (False Start)

On January 28, 2013, a complaint was filed against Student Body President candidate Hetali Lodaya for campaigning prior to certification by the BOE via the use of A-frames.

III. Decision

The BOE issues this administrative decision in regards to the aforementioned allegations.

A. Allegation 1 (Location)

With respect to dorm-storming in Kenan residence hall, the BOE refers to Section 400-B of Title VI regarding actions which are “reasonably prohibited,” which the BOE deems to include dorm-storming. The Department of Housing and Residential Education, hereinafter referred to as DHRE, sets a yearly Dorm-Storming Policy, titled in conjunction with the BOE, which it gives to the BOE with assumed responsibility and authority of enforcement. Furthermore, the defendant agrees to soliciting signatures in a residence hall during a time when she was not permitted to be there. Given that the defendant is in violation of DHRE 2013 Dorm-Storming Policy soliciting signatures in a residence hall during an unapproved timeframe, the BOE hereby finds the defendant guilty of the charge of Location, set forth in Section 701-F-3.

B. Allegation 2 (False Start)

With respect to early campaigning via the use of buttons by the defendant's campaign, the BOE refers to Section 101-O where campaign materials are defined as "all materials purchased or used by a candidate, referendum, or their respective supporters, for the purpose of campaigning." Also relevant is Section 404-G which states that, "No candidate, campaign, nor any campaign worker, shall publicly campaign for said candidate, publicly seek to further the interests of said candidacy or campaign, or use campaign materials prior to one's candidacy or campaign being certified by the Board of Elections." As the violation occurred on Monday, January 28, 2013, prior to the BOE confirming the defendant as a candidate (recorded by picture evidence submitted by the plaintiffs), the BOE hereby finds the defendant guilty of the charge of False Start, set forth in Section 701-F-2.

C. Allegation 3 (False Start)

With respect to early campaigning via the use of A-frames by the defendant's campaign, the BOE refers to Section 101-O where campaign materials are defined as "all materials purchased or used by a candidate, referendum, or their respective supporters, for the purpose of campaigning." Also relevant is Section 404-G which states that, "No candidate, campaign, nor any campaign worker, shall publicly campaign for said candidate, publicly seek to further the interests of said candidacy or campaign, or use campaign materials prior to one's candidacy or campaign being certified by the Board of Elections." The BOE declines to dismiss this charge as requested by the defendant. The defendant's misinterpretation of the email correspondence between herself and the Chair of the BOE, which the BOE has determined to be clear, is not grounds for dismissal. As the violation occurred on Wednesday, January 23, 2013, prior to the BOE confirming the defendant as a candidate (recorded by picture evidence submitted by the plaintiffs) the BOE hereby finds the defendant guilty of the charge of False Start, set forth in Section 701-F-2.

IV. Penalty

A. Allegation 1 (Location) – 1 point

Given that the defendant is in violation of DHRE dorm-storming regulations, the BOE finds the defendant guilty of the charge of Location, set forth in Section 701-F-2. The noncompliance with the preceding election regulations garners 1 point awarded to the defendant's campaign. Because the defendant acknowledges her wrongdoing in this charge, and self-reported her illegal actions to the chair of the BOE, the BOE deducts two points from the baseline of 3 points.

B. Allegation 2 (False Start) – 2 points

Given that the defendant is in violation of Section 404-G, the BOE finds the defendant guilty of the charge of False Start, set forth in Section 701-F-2. The noncompliance with the aforementioned regulations garners 2 points awarded to the defendant's campaign. Because the defendant acknowledges her wrongdoing in this charge, the Board of Elections deducts deduct one point from the baseline of 3 points as outlined in Section 701-F-2: False Start.

C. Allegation 3 (False Start) – 2 points

Given that the defendant is in violation of Section 404-G, the BOE finds the defendant guilty of the charge of False Start, set forth in Section 701-F-2. The noncompliance with the aforementioned regulations garners 2 points awarded to the defendant's campaign. Because the defendant acknowledges her wrongdoing in this charge, the Board of Elections deducts deduct one point from the baseline of 3 points as outlined in Section 701-F-2: False Start.

V. Summary

In summary, it is the decision of the BOE to allot the defendant's campaign a total of 5 points. This results in a 25% reduction from the campaign's original budget of \$250.00, leaving the candidate with a budget of \$187.50.

Decision issued this day, February 6, 2013, at 9:30 pm by unanimous vote of the Board.

Shruthi Sundaram
Chair, Board of Elections

Patricia Flood
Vice-Chair, Board of Elections

Robert Windsor
Member, Board of Elections

Alex Piasecki
Member, Board of Elections

Danielle Luffman
Member, Board of Elections