

2014 Election Supervisory Board

In Res Villarreal-Wilkey

February 27th, 2014

Member Preston L. Covington delivered the opinion of the Board:

In the matter of David Villarreal and Brian Wilkey, an executive alliance for Graduate Student Assembly during the 2014 campaign season, heard on the count of violation of GSA Election Code 4.10 refraining from knowingly deceptive or misleading campaign activities.

Whereas the Graduate Student Association Election Code Chapter IV Subchapter A Section 4.10 reads:

SEC. 4.10 Candidates shall refrain from knowingly deceptive or misleading campaign activities, including any act or statement reasonably calculated to injure or comprise the rights of interest of any student, faculty or administration.

Whereas Common Code Chapter IV Subchapter A Section 4.11 reads:

SEC. 4.11 ESB HEARING PROCEDURE. The Election Supervisory Board shall determine the format for the hearing but must require that both the complaining and responding parties appear physically before the Election Supervisory Board to discuss the issues through a complaint, answer, rebuttal, and rejoinder format, when applicable.

(a) The purpose of the hearing is to gather the information necessary to make a decision, order, or ruling that will resolve an election dispute. To effectuate this purpose, the following rules should prevail at all hearings:

(v) The complaining party shall have the burden of proof.

Therefore, it is the official opinion of the 2014 Election Supervisory Board to dismiss the case brought up against David Villarreal and Brian Wilkey on the basis that the complaining party could not provide substantial proof/evidence as mentioned in the ESB Hearing Procedure clause.

Upon Considering that the provided evidence was objectively inconclusive.

1. The burden of proof regarding copying campaign platform points was not met.

Therefore, we could not render with any certainty that the accused executive alliance knowingly copied campaign platform points because no written platform description or witness testimony was provided. We concluded that we could not determine any possible similarities between the platforms were a result of coincidence or not.

Ryan T. Lutz, Chair

Arjun Rawal, Vice Chair

Truc Nguyen, Chair Emeritus

Robert Toto, Member

Ryan Wallace, Member

Sharla Chamberlain, Member

Nicholas Molina, Member

Preston Covington, Member

Mallory Foutch, Member