

2015 Election Supervisory Board
In Res. Anika Agarwal and Sammy Minkowitz
ESB Resolution: 2015-002

Election Supervisory Board member Forrest Wolfe delivered the majority opinion of the board:

In the matter of Anika Agarwal, candidate for University-Wide Representative, and Sammy Minkowitz, candidate for Liberal Arts Representative during the 2015 campaign season, the Election Supervisory Board heard one complaint regarding prohibited association during the campaign season.

Whereas, Title II, Chapter 7, Section 7.16 states:

“PROHIBITED ASSOCIATION: Except in cases of a bona fide executive alliance as provided for in this code, no candidate is allowed to contribute financially or provide any other form of tangible support, including but not limited to campaign materials, to another candidate's campaign.

- 1. Sharing campaign money, campaign materials, and resources between and amongst candidates who are not in a bona fide executive alliance is strictly prohibited.”*

Whereas, Title III, Chapter 3, Section 3.3 states:

“PROHIBITED ASSOCIATION. Except in cases of a bona fide executive alliance as provided for in this election code, the prohibition against association means that no candidate is allowed to contribute financially or provide any other form of tangible support to another candidate.

- a. This generally includes, but is not limited to, donating or sharing of campaign materials, campaign money, and campaign organization resources, including people, or jointly votes between and amongst candidates who are not in a bona fide executive alliance.*
- b. Because the purpose of the association rule is to encourage a diverse slate of candidates to compete in a fair and equitable election on the basis of their positions, the association prohibition should be applied only to further this purpose.”*

Whereas, Title II, Chapter 3, Section 3.2 of the Election Code states

“JURISDICTIONAL BOUNDARIES: the jurisdiction of the Election Supervisory Board applies to both on-campus and off-campus;”

Whereas, pursuant to Section 4.11, the Election Supervisory Board conducted a hearing on February 27, 2015, to ascertain the facts of the complaint brought forward by Katherine Jensen, candidate for Student Government Graduate Representative;

Whereas, Katherine Jensen, represented by Patrick Higgins, filed a complaint concerning prohibited association between two candidates, Anika Agarwal and Sammy Minkowitz;

Whereas, Jonathan Dror was named in a complaint and the Election Supervisory Board found him not to be complicit with the events laid out in the complaint;

Whereas, the Election Supervisory Board found that the postings clearly demonstrated a prohibited association between the two candidates;

Whereas, Anika's actions were a direct violation of the Election Code;

Whereas, Sammy received undue benefits from the prohibited association;

Therefore, let it be resolved that the Election Supervisory Board has determined that both candidates are equally at fault, and will be subjected to the same violations;

Therefore, let it be further resolved that the Election Supervisory Board is issuing a Class C violation for both Anika Agarwal and Sammy Minkowitz. This punishment shall entail the levy of a 10% fine of total available expenditures for the respective campaign races, and a moratorium of two (2) consecutive days starting at 7:00pm on Saturday February 28th and ending at 6:59pm on Monday March 2nd. This restricts any activity defined as campaigning under the Student Government Election Code. Furthermore, the candidates, agents and workers shall refrain from any use or distribution of campaign materials as defined in the Student Government Election Code. All sanctioned activities may resume after the scheduled date.

Therefore, let it be further resolved that the respondents, Anika Agarwal and Sammy Minkowitz, have the right to appeal this decision pursuant to Section 5.1 of the Election Code, which states:

"APPEAL OF ESB DECISION. Any party adversely affected by a decision of the Election Supervisory Board may file an appeal with the entity with appellate jurisdiction within twenty-four (24) hours after the adverse decision is announced unless the Election Supervisory Board's decision takes place during a voting period."

In conclusion, the Election Supervisory Board submits this resolution on Friday, February 27th, 2015 with the majority of board members who were present at the hearing.

Nicholas Andrew Molina, Chair

Virginia Luehrsen, Vice Chair

Forrest Wolfe, Secretary

Ryan Lutz, Member

David Engleman, Member

Preston Covington, Member

Zachary Long, Member

Kali Lang, Member

Ali Al-Nahi, Member