

2016 Election Supervisory Board

In Res. Kevin Helgren and Binna Kim

ESB Resolution: 2016-003

Election Supervisory Board Presiding Member Elizabeth Vigants delivered the majority opinion of the board:

“In the matter of Kevin Helgren, Binna Kim, candidates for Student Government Executive Alliance during the 2016 campaign season, and worker for the Helgren - Kim campaign, Haley Martensen, the Election Supervisory Board heard one complaint regarding a count of unauthorized campaigning.”

Whereas, Title II, Chapter VIII, Section 8.2 states: *“UNAUTHORIZED CAMPAIGNING. All candidates are prohibited from campaigning, soliciting, or otherwise bringing attention to their campaign or election before the sanctioned campaign period.”* and

Whereas, Title II, Chapter VIII, Section 8.2 (b) states: *“However, this prohibition does not include the be personal individual recruitment by a candidate of individual team members”* and

Whereas, Pursuant to Title II, Chapter IV, Section 4.11, the Election Supervisory Board conducted a hearing on February 18th, 2016, to ascertain the facts of the complaint brought forward by Rachel Miller, a student of the University; and

Whereas, The complainant, Rachel Miller, submitted a screenshot submitted to her on February 15th of a message sent on February 3rd, outside of the designated campaign period; and

Whereas, Title II, Chapter I, Section 1.8 states: *“IGNORANCE. Ignorance of this code shall not be an acceptable defense response to any offense committed in any election under this code; either by the candidates themselves, their agents or workers, or the election regulatory bodies, as defined by this code.”* and

Whereas, Title III, Chapter IV, Section 4.5 states: *“EARLY CAMPAIGNING OR ENDORSING. No campaigning or endorsing will be allowed until the official campaign period has begun as determined by the Election Supervisory Board.”* and

Whereas, Title II, Chapter VIII, Section 8.2 (b) states: *“However, this prohibition does not include the personal individual recruitment by a candidate of individual team members.”* and

Whereas, Title II, Chapter II, Section 2.20 states: *“‘WORKER’ refers to any person that contributes time, effort, or services, for the purpose of supporting or furthering a candidacy, where the candidate or agent has knowledge of said contributions.”* and

Whereas, The February 3, 2016 message sent to an Alpha Delta Pi Sorority GroupMe by Helgren-Kim Campaign Worker Haley Martensen read: *“Does anyone know Binna Kim? She is running for student government VP and would love to have some ADPi reps. You go to a meeting like once a month and wear shirts and support them. If you’re interested text me and I can give you more details!”* and

- Whereas, The February 3rd, 2016, message directly solicits campaign workers; and
- Whereas, The message was sent to a group chat with an undisclosed number of members; and
- Whereas, This directly violates Title II, Chapter VIII, Section 8.2 (b) which allows for only *“individual recruitment by a candidate of individual team members”* and
- Whereas, The Student Government Constitution, Article V, Sec. 5.18 states *“PRECEDENTIAL VALUE OF SUPREME COURT OPINIONS. Opinions and rulings of the Supreme Court shall have binding precedential value over subsequent proceedings of the Election Supervisory Board.*
(a) The passage of time shall not cause the precedential value of an opinion to expire.” and
- Whereas, The case of Dimitroff v Kelley, 2012FE-001 resulted in a Class Violation and \$60 penalty; and therefore, let it be
- Resolved, That the Election Supervisory Board has determined that the Helgren-Kim campaign failed to comply with Title II, Chapter VIII, Section 8.2 of the Election Code by failing to recruit campaign workers individually; be it further
- Resolved, That the violation of Title II, Chapter VIII, Section 8.2 was considered less egregious than the precedential case; be it further
- Resolved, That this failure to comply with the Election Code shall result in **a Class A violation of \$59.50 fine**; be it further
- Resolved, That the respondents, Kevin Helgren and Binna Kim, have the right to appeal this decision pursuant to Title II, Chapter V, 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) 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 its resolution on Thursday, February 18, 2016 with the majority of board members who were present at the hearing.

Elizabeth Vigants, Presiding Member

Sofia Aranha, Secretary

Matt Gmitro, Member

David McDonald, Member

Elizabeth Roach, Member