

2016 Election Supervisory Board

In Res. Kevin Helgren and Binna Kim

ESB Resolution: 2016-011

Election Supervisory Board Vice Chair Zach Long and Member Courtney May delivered the majority opinion of the board:

“In the matter of Kevin Helgren and Binna Kim, candidates for Student Government Executive Alliance during the 2016 campaign season, the Election Supervisory Board heard one complaint regarding a count of disobeying an Election Supervisory Board ruling.”

Whereas, Title II, Chapter V, Section 5.5 of the Election Code states: *“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.”* and,

Whereas, The Helgren-Kim Executive Alliance campaign has the right to appeal all Election Supervisory Board decision and to waive its right to a hearing; but,

Whereas, Title II, Chapter V, Section 5.5 of the Election Code states: *“The decision of the Election Supervisory Board shall stand and shall have full effect until the appeal is heard and decided by the entity with appellate jurisdiction;”* and,

Whereas, The Election Supervisory Board does not agree that the Election Code permits the Student Government Supreme Court to issue an Emergency Stay on an Election Supervisory Board punishment; and,

Whereas, The Supreme Court did, in fact issue an Emergency Stay on the moratorium issued by ESB Res 2016-008; and,

Whereas, Title II, Chapter V, Section 5.5 (a) of the Election Code states: *“The entity with appellate jurisdiction shall have discretionary appellate jurisdiction over the Election Supervisory Board in all cases in which error on the part of the Election Supervisory Board is charged;”* and,

Whereas, The Helgren-Kim Executive Alliance is not expected to know that an Emergency Stay is not allowed and was merely acting on the ruling of the appellate court and the ESB considered their actions in this hearing in this light; and

Whereas, Pursuant to Title II, Chapter IV, Section 4.11, the Election Supervisory Board conducted a hearing on March 1st, 2016, to ascertain the facts of the complaint brought forward by Shannon Geison, a student of the University; and,

Whereas, The ruling issued by the Election Supervisory Board that is in question is ESB Res. 2016-008, which was released by the Board on March 2, 2016 at 3:44 am; and,

Whereas, The Election Supervisory Board levied a Class C violation in ESB Res. 2016-008 of a forty-eight (48) hour moratorium and a fine of \$205.00; and,

- Whereas, The Helgren-Kim campaign filed an appeal with the Student Government Supreme Court and waived their right to a hearing; and,
- Whereas, The Student Government Supreme Court issued an emergency stay on the ruling outlined in ESB 2016-008; and,
- Whereas, The notification of the emergency stay was delivered via email by Student Government Supreme Court Chief Justice on March 2, 2016 at 7:07 am; and,
- Whereas, The notification of the emergency stay was sent only to Tanner Long, the complainant from ESB Res. 2016-008, Kevin Helgren, Binna Kim, members of the Election Supervisory Board, and justices of the Student Government Supreme Court; and,
- Whereas, Upon review of the evidence submitted by both parties, the complainant and respondent were **found to be in agreement that no violation had actually occurred** and that the **Helgren-Kim campaign committed no wrong** under the subject of the complaint; and therefore, let it be,
- Resolved, The Election Supervisory Board agrees that there with both parties that the Helgren-Kim campaign committed no wrong; and,
- Resolved, That the complaint brought forward by Shannon Geison against the Helgren-Kim campaign is dismissed; therefore, be it further,
- Resolved, That pursuant to Section 5.1 of the Campus-wide Election Code, which reads, *“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 twentyfour (24) hours after the adverse decision is announced, **unless the Election Supervisory Board’s decision takes place during a voting period,**”* the right to file an appeal is suspended, as the Election Supervisory Board’s decision takes place during a voting period.

In conclusion, the Election Supervisory Board submits its resolution on Thursday, March 3 2016 with the majority of board members who were present at the hearing.

Zachary Long, Vice Chair

Sofia Aranha, Secretary

Courtney May, Member

David McDonald, Member

Elizabeth Vigants, Member

Erin Larson, Alternate Member