

Election Supervisory Board Resolution: 2022-002
In Res. Financial Disclosure #1 Submission
(Resolved: Friday, February 18, 2022)

Election Supervisory Board Secretary Carlos Torres respectfully dissents in the Board's majority opinion:

“In the matter of two candidates failing to submit timely financial disclosures”

Whereas, Section 4.10 of the Campus-Wide Election Code reads “ESB Hearing Procedure”:

“The complaining party shall bear the burden of proof.”

Whereas, the extent of complainant, Dadrien Whittington's, evidence amounted to verbal allegations that accused, Julia Flack and Alison Fernandez, did not file their first financial disclosures before the deadline and verbal allegations of facts supporting the allegations.

Whereas, complainant failed to furnish any physical or documentary evidence to substantiate his allegations forming the basis of his complaint.

Whereas, the Campus-Wide Election Code does not clarify what constitutes evidence for the purpose of meeting the complainant's burden of proof and is otherwise silent on how a complainant can meet this burden.

Whereas, there being no Advisory Opinion authored by the Election Supervisory Board to clarify what constitutes evidence for the purpose of meeting the complainant's burden of proof or how a complainant can meet this burden.

Whereas, in my humble opinion, if “The complaining party shall bear the burden of proof” is to mean anything, it means at least that an accused party cannot be held in violation of an applicable governing rule without the complainant furnishing something more than mere verbal allegations of fact.

Whereas, in my humble opinion, it is not the role of the ESB to take the initiative to confirm or deny complainant allegations of fact forming the basis of a complaint against another candidate; and, therefore, be it,

Resolved, that I respectfully dissent in the Board's majority opinion that complainant, Dadrien Whittington, met his burden of proving accused, Julia Flack and Alison Fernandez, in violation of any applicable governing rule; and

Resolved, that I respectfully dissent in the Board's majority opinion finding accused, Julia Flack and Alison Fernandez, in violation of any applicable governing rule.

Dissenting votes:

Carlos Torres (Secretary)