

Complaint Three Ruling: IUSG Election Commission

Issued: 3/24/2020

Complaint Two focuses on the behaviors of Mr. Franic Reardon, as described by the original complainant, Ms. Madeline Garcia. In this case, respondent(s) refers to Mr. Ruhan Syed and Ms. Rachel Aranyi.

The Election Commission would first like to respond to an argument presented by Mr. Ruhan Syed and Ms. Rachel Aranyi regarding the possibility of violating the Procedural Election Code before becoming an officially-registered candidate or ticket. The respondents contend that because they have not registered, they are unable to be in violation of the Code. The Election Commission dismisses this notion outright. While the express language of the code discusses violations by tickets or candidates, the spirit of the Code clearly intends that those not yet running for office may still be in violation of the Code. This is evident given Section 109: Campaign Timeline; Section 704: Properly Filed Complaints and Reply Briefs to the Election Commission; and the nature of Section 510: Campaigning Outside of Designated Time Period. Sections 109 and 510 work in tandem to demonstrate that those campaigning out of the official time period are subject to penalties. Section 704 requires that complaints be filed within 48 hours of the alleged violation having occurred. Given the requirements of Section 704, Sections 109 and 510 would cease to function, leaving presumptive candidates above the law. This is clearly not in the best interest of student elections and the Election Commission does not support this interpretation of the code. Presumptive candidates may be found in violation of the code, particularly if the presumptive candidates complete their application for candidacy in the election.

The issues presented in this complaint surround several potential violations of the Procedural Election Code, beginning with role of Mr. Francis Reardon in the campaign of the respondents and presumptive candidates Mr. Ruhan Syed and Ms. Rachel Aranyi. In order to determine if the actions of Mr. Francis Reardon should count against the presumptive candidates, the Election Commission, per Section 212: Executive Ticket Campaign Staff, must use a control and coordination test. There is no evidence to sustain that Mr. Reardon was either controlled by the presumptive candidates nor coordinated with them. In light of this lack of evidence, the actions of Mr. Reardon should not impune the potential candidacy of Mr. Syed and Ms. Aranyi. Because of this, any violations that might have occurred because Mr. Reardon's actions are null.

That being said, Section 510 of the Procedural Election Code: Campaigning Outside of Designated Time Period still warrants discussion in this matter. The complainant alleges that the actions of Mr. Francis Reardon in distributing a petition of support for presumptive candidates Ruhan Syed and Rachel Aranyi constituted public campaigning outside of the official campaign period. The Election Commission agrees with the sentiments of the respondents that merely distributing a link to a garner

signatures of support does not constitute a violation of this provision. While the term “endorsement” would be problematic, the follow-up messages provided by the respondent clearly indicate that the message was only to support their access to the IUSG Spring Executive Election ballot. Because of this, the Commission finds no violation of Section 510 in this complaint.

The complainant also alleges that Section 503: Improper Use of IUSG Office was violated by Mr. Reardon in sending his message of support. Section 503 bans the use of IUSG resources for the use of campaigning. Because Mr. Reardon was trying to gather signatures of support as opposed to publically campaigning for the presumptive candidates, as detailed in the previous area of discussion, this would not violate Section 503. That being the case, the Commission heavily discourages the use of this group message or similar ones by any ticket during the public campaign period. While the membership of the group message did not directly mirror that of the IUSG Student Life Committee, it is clear that the group message was created by IUSG for the purpose of facilitating communication between members of the IUSG Student Life Committee. Had this been an act of public campaigning, the Election Commission would likely side with the complainant. Because the actions did not constitute public campaigning, the Commission finds no violation of Section 503.

On the matter of Section 601: Voter Fraud, the Commission agrees with the sentiments of Mr. Syed and Ms. Aranyi in that this section of the Procedural Election Code refers only to the act of voting in the election as opposed to gathering signatures of support for the purpose of candidacy. Because no such voting was taking place, the Commission does not find a violation of Section 601 in the actions of the respondent.

On the matter of Section 604: Candidate Dishonesty, the respondents have not provided evidence that would clearly and convincingly show that the original complainant attempted to knowingly and willfully mislead the Election Commission. Because of this, there is no violation of Section 604 of the Procedural Election Code in the submission of Complaint Two.

On the matter of candidate harassment, the simple submission of complaints does not violate harassment of other candidates or tickets, particularly when the potential violation surrounds vagueness in the Code, as seen in Section 510. Any allegations of harassment by Ms. Garcia or her ticket are unfounded at this time.

Conclusion:

There is no evidence provided to the Commission that Mr. Reardon acted in coordination with the respondents, Mr. Syed and Ms. Aranyi, nor seemed to be controlled by them. Because of this, the respondents are not subject to any penalties that might stem from his behavior. This complaint is dismissed. It is so ordered.

Signed,

The Indiana University Student Government Election Commission

Quinn Gordon, Chair

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