Reply Brief to Complaint 3
Vision IUSG

Dear Election Commission,

Vision holds that Complaint 3 does not constitute voter fraud for the following reasons:

- The dog is [redacted] pet (not rented or bought for the campaign);
- [redacted] and [redacted] had spoken days before the election about [redacted] coming to Bloomington and bringing the dog with[redacted]
- [redacted] and Vision campaigners had multiple interactions with students who said they already voted for Bridge IU and were told by Vision that they could pet the dog;
- The text message Hannah Eaton sent to [redacted]ala contained information about tabling procedures that was not available to Vision (and thus, should have been an Advisory Opinion or communicated to Vision);
- Vision Campaign Manager Drew Ficociello requested permission to view the folder with past election documents (like Advisory Opinions from 2017), and was told that the files from the Box folder would be posted on the IUSG website. The files from previous years, which set precedent, were never posted on the website like Election Commission said they would be.
- Having a dog present by an IUSG election tabling location does not
    - prevent a voter from casting a vote in any IUSG Election,
    - attempt to remove a voter's right to cast a vote for himself or herself,
    - attempt to purchase the ability to vote for a voter,
    - attempt to cast a vote for another voter without their expressed consent,
    - attempt to "give" anything to voters in exchange for a vote,
    - pressure a voter while they are in the act of voting,
    - and all other forms of voter fraud.

The dog, Buddy, is [redacted] dog and lives in her family home. He was adopted from Bloomington Animal Shelter in September 2018 for $75, which is City of Bloomington fair market value for dogs under the age of 5. Please see Attachments 1 and 2 for proof of adoption and fee. Buddy's "primary value" is not "consumed during the campaign" (statement from 2017 Advisory Opinion provided by Election Commission in "Election Day Complaints" email attachment).

[redacted] and her father spoke, before election days, and made a plan to have[redacted] and Buddy visit [redacted] Thursday the 28th. They had planned to get brunch (at a pet friendly restaurant with outdoor seating) but decided that [redacted]e should be engaging with students instead. They decided that it would be best for Buddy to be outside after a car ride and a good

way for [redacted] and the Vision team to destress. Buddy was with [redacted] around Wells Library from 10:00am - 11:30am. Please see Attachment 3 with [redacted] statement confirming the validity of the interactions we detail here.

Since the information shared from Election Commission to the Bridge campaign in a text message was pertinent to rules about tabling (affecting both tickets), the information should have been shared via Advisory Opinion or informal text messages (given the hectic and fast-paced nature of election days) to Vision. Furthermore, Attachment 4 depicts an email exchange between Hannah Eaton and Drew Ficociello, where Hannah told Drew that she would post content from the Box folder on the website (which contains complaints, advisory opinions, and decisions from previous years). To date, no files from previous years have been posted on the Election Commission section of the website. Vision could not have reasonably known or inferred that there might be an issue with dogs and animals on election days, since we had no documents to reference for precedent. Please visit https://iustudentgovernment.indiana.edu/election-commission/index.html to confirm.

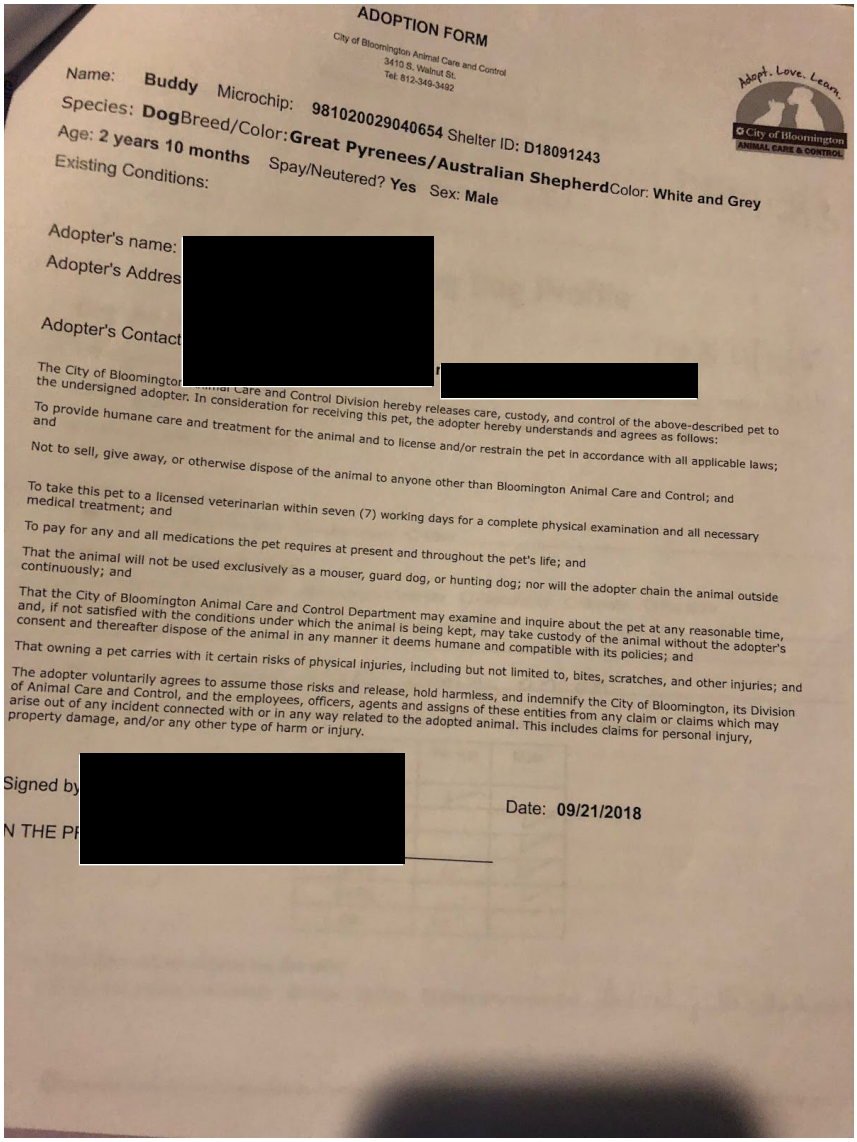
Buddy's presence at Wells is not voter fraud. Any student, including those who said they already had or planned to vote for Bridge IU, was allowed to approach [redacted] and ask to pet Buddy. [redacted] did not deny any student the chance to pet Buddy. No one on Vision told students they had to or were required to vote for Vision to pet Buddy. [redacted] verbally spoke with the four Vision campaigners at the Wells tabling location and informed them that they could not say or do anything of that nature, either. Thus, there was no voter intimidation associated with Buddy. Buddy's presence does not deny students the right to vote, change their vote once it is cast, provide a technology for students to vote, give a good more than $2, promise money to voters, promise services to voters if they vote for a particular ticket, or any other form of voter fraud written in the Code, presented by the Election Commission, or inferred.

Additionally, Section 501 of the Election Code states, "Clear and convincing evidence means that evidence must be highly and substantially more likely to be true than not." Screenshots of social media posts including Buddy do not provide clear and convincing evidence that Vision attempted to commit voter fraud (as social media posts with dogs are allowed).

While Buddy was with [redacted] in front of Wells Library, [redacted] allowed all students interested to pet Buddy (a very friendly good boy). Several students approached [redacted] and said they would like to pet Buddy but voted for Bridge IU, and [redacted] always said that any student who wanted to pet Buddy may. No one was excluded from engaging with [redacted] and Buddy, and no student was denied the opportunity to learn about Vision and/or take flyers and candy from the Vision campaigners also there. Buddy was not brought to Bloomington to be used as a campaign tool. Buddy was brought to Bloomington to relieve some stress during a

high-anxiety time and was brought to Wells to do the same for Vision leaders (which, as we describe above, has nothing to do with providing a service to students *in exchange for a vote*). The resulting social media posts including Buddy were a campaign tactic employed by Vision and confirmed by Hannah in her text to [redacted] as an acceptable form of campaigning, however, Buddy's actual presence near the tabling location was not a campaign tactic or expenditure. Bridge IU's accusation that Voter Fraud includes having a dog at tabling is incorrect. Vision did not employ intimidation tactics for the 90 minutes Buddy was outside Wells. The physical presence of a dog does not prevent a student from voting, attempt to change their vote after voting, or provide a technology to students. Furthermore, Bridge IU's complaint doesn't explicitly relate their issue with Buddy to their assertion that his presence is voter fraud. The document that Election Commission included in their email ("Election Day Complaints") references a previous election where the financial legitimacy of having a dog present came into question. The Election Commission's reference to the 2017 Advisory Opinion about finances is not pertinent to Bridge IU's complaint (which itself is incomplete, since they do not connect their argument against having Buddy to the copy and pasted section of the Election Code).

Attachment 1: Proof of Adoption



ADOPTION FORM

City of Bloomington Animal Care and Control
3410 S. Walnut St.
Tel: 812-349-3492

Name: **Buddy** Microchip: **981020029040654** Shelter ID: **D18091243**

Species: **Dog** Breed/Color: **Great Pyrenees/Australian Shepherd** Color: **White and Grey**

Age: **2 years 10 months** Spay/Neutered? **Yes** Sex: **Male**

Existing Conditions:

Adopter's name: [redacted]

Adopter's Addres

Adopter's Contact [redacted]

The City of Bloomingto Care and Control Division hereby releases care, custody, and control of the above-described pet to the undersigned adopter. In consideration for receiving this pet, the adopter hereby understands and agrees as follows:

To provide humane care and treatment for the animal and to license and/or restrain the pet in accordance with all applicable laws; and

Not to sell, give away, or otherwise dispose of the animal to anyone other than Bloomington Animal Care and Control; and

To take this pet to a licensed veterinarian within seven (7) working days for a complete physical examination and all necessary medical treatment; and

To pay for any and all medications the pet requires at present and throughout the pet's life; and

That the animal will not be used exclusively as a mouser, guard dog, or hunting dog; nor will the adopter chain the animal outside continuously; and

That the City of Bloomington Animal Care and Control Department may examine and inquire about the pet at any reasonable time, and, if not satisfied with the conditions under which the animal is being kept, may take custody of the animal without the adopter's consent and thereafter dispose of the animal in any manner it deems humane and compatible with its policies; and

That owning a pet carries with it certain risks of physical injuries, including but not limited to, bites, scratches, and other injuries; and

The adopter voluntarily agrees to assume those risks and release, hold harmless, and indemnify the City of Bloomington, its Division of Animal Care and Control, and the employees, officers, agents and assigns of these entities from any claim or claims which may arise out of any incident connected with or in any way related to the adopted animal. This includes claims for personal injury, property damage, and/or any other type of harm or injury.

Signed by [redacted]

N THE PR

Date: **09/21/2018**

Attachment 2: Proof of Adoption Fee

Source: https://bloomington.in.gov/animal-shelter/policies

Adoption Fees

We at Bloomington Animal Care and Control are committed to providing the public with healthy, family-friendly animals at a reasonable cost. We are also committed to finding loving caring, lifelong homes for one hundred percent of our adoptable feline and canine companion animals.

- Dogs & Cats under five years: $75.00
- Dogs & Cats five years and older: $55.00
- Senior to Senior Adoption Program: Senior citizens 60 years of age or older can adopt a senior animal 5 years of age or older for half price - $27.50!

We accept Cash, Check, Debit and Credit Cards (Visa and MasterCards).

Attachment 3: [redacted]

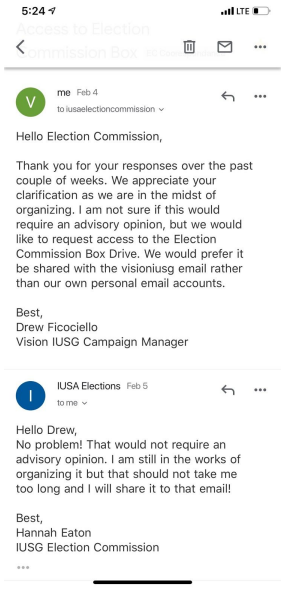
Dear Election Commission,

I affirm that the testimony presented by Vision IUSG in their Reply Brief to Complaint 3 is accurate. [redacted] and I spoke earlier in the week to arrange for me and Buddy, one of our family dogs, to visit on Thursday morning before her classes to spend time together and eat brunch. Once I arrived in Bloomington around 9:30 a.m., we decided that it was more important for [redacted] to be with Vision than eating brunch with me. [redacted] took Buddy to Wells Library, where some of her teammates were set up for the day, so everyone could enjoy his presence and feel less stressed during the last day of the campaign cycle. I picked Buddy up from Wells Library at roughly 11:30 that morning.

Signed,

[redacted]

Attachment 4: Proof of Email Exchange Between Election Commission Denying Vision Access to Folder with Prior Decisions



Access to Election Commission Box

me Feb 4
to iusaelectioncommission

Hello Election Commission,

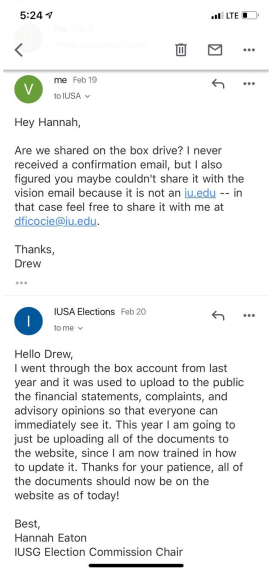
Thank you for your responses over the past couple of weeks. We appreciate your clarification as we are in the midst of organizing. I am not sure if this would require an advisory opinion, but we would like to request access to the Election Commission Box Drive. We would prefer it be shared with the visioniusg email rather than our own personal email accounts.

Best,
Drew Ficociello
Vision IUSG Campaign Manager

IUSA Elections Feb 5
to me

Hello Drew,
No problem! That would not require an advisory opinion. I am still in the works of organizing it but that should not take me too long and I will share it to that email!

Best,
Hannah Eaton
IUSG Election Commission



me Feb 19
to IUSA

Hey Hannah,

Are we shared on the box drive? I never received a confirmation email, but I also figured you maybe couldn't share it with the vision email because it is not an iu.edu -- in that case feel free to share it with me at dficocie@iu.edu.

Thanks,
Drew

IUSA Elections Feb 20
to me

Hello Drew,
I went through the box account from last year and it was used to upload to the public the financial statements, complaints, and advisory opinions so that everyone can immediately see it. This year I am going to just be uploading all of the documents to the website, since I am now trained in how to update it. Thanks for your patience, all of the documents should now be on the website as of today!

Best,
Hannah Eaton
IUSG Election Commission Chair