

## **Student Assembly Election Committee Election Challenge Rationale Report – March 2006**

The Elections Committee has sought to interpret the Election Rules consistently across each of its rulings. In pursuit of consistency and fairness, the Committee sought to rule without bias of political affiliation and blind to the preliminary election results.

The Committee ruled on all challenges filed with the Office of the Assemblies by the deadline of March 8th at 4:30pm. Any appeals of the Committee's rulings should be directed to the University Ombudsman. Full text of all challenges may be viewed by the public at the Office of the Assemblies.

The Elections Committee held public hearing for all challenges ruled on. According to Bylaw 7.6.a.3., the committee will be staffed by the Director of Elections. Membership shall include voting SA members who are seniors.

The Committee has decided to disqualify all candidates with a single major or multiple minor violations. The Committee only ruled a violation to be major if it was committed "on such a scale as to alter the fairness of the election," as specified in election rule C(2). In following the one major or multiple minor violations standard the Committee is following historical precedence. Further, the Committee holds that while not all violations of the elections rules are so grave as to warrant disqualification, multiple violations of the rules shows a disregard for the fairness of the election.

The Committee recognizes its limited jurisdiction within the Election Rules and encourages all concerns that fall outside of the Election Rules to be directed to the appropriate authority (e.g. the Judicial Administrator). The rulings below appear in the chronological order in which they were received by the Office of the Assemblies.

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1. Nolan Scaperotti, Andrew Gioia, Will McCouch, Nathan Skelley, aka "Heavy Hitters"

**Ruling: DISQUALIFIED**

**Rational:** Since these four candidates did not submit receipts for their election expenses until after the election hearings began at 9:00 pm, they are in violation of the election rules, Part A, Section 1(e), and as such are disqualified from taking a seat on the Assembly, regardless of votes received.

2. "Clean Slate" AGAINST Laura E. Temel and "University Voice"

**Ruling: minor violation**

**Rational:** The Committee believes that Ms. Temel was in violation of the SA Postering rules by improper use of scotch tape to hang her posters in a residence hall.

3. Calvin Selth, Laura Temel, Jim McCrindle against Mazdak Asgary on 3/8

**Ruling: minor violation**

**Rational:** the committee believes Asgary abused his position as an RA in the residence halls to an unfair advantage, enforcing rules more strictly against opponents of "Clean Slate" than he would use in normal carrying out of his RA duties. He also used confidential internal Res. Life reports in attempts to challenge his opponents' campaigns.

4. Paul Ibrahim AGAINST Jonathan Feldman

**Ruling: no violation**

**Rational:** there is no evidence or witnesses to support the challenge

5. Victoria Lauterbach AGAINST Calvin Selth

--AND--

6. "Clean Slate" AGAINST Calvin Geoffrey Selth and "University Voice" on 3/8

**Ruling: minor violations**

**Rational:** Mr. Selth did not have necessary permission to send his message over the listerv email lists he used

7. Elan Greenberg AGAINST Debbie Vishnevsky

*Challenge Withdrawn*

**Rational:** the parties involved settled the dispute outside of the hearings

8. Cassie Robertson AGAINST Katie Whalen  
--AND--
9. Cassie Robertson AGAINST Diana DeBernardo  
--AND--
10. Cassie Robertson AGAINST Tristen Cramer  
--AND--
11. Cassie Robertson AGAINST Nitin Chadda  
--AND--
12. Cassie Robertson AGAINST Ethan Russell  
--AND--
13. Cassie Robertson AGAINST Linsday Parham  
Ruling: no violation  
Rational: the use of campaign slogans in candidate statements is not strictly forbidden
14. “Clean Slate” ticket AGAINST Andrew Wang  
*Challenge Withdrawn*  
Rational: supporting evidence was shown to the challenger which satisfied their reason for the challenge
15. “Clean Slate” (Nitin Chadda) AGAINST Daniela White on 3/8  
Ruling: no violation  
Rational: lack of reasonable evidence or witnesses to support the challenge
16. “Clean Slate” AGAINST Kwame Thomison and “University Voice” Ticket on 3/8  
Ruling: *DISMISSED*  
Rational: no reasonable grounds for a challenge
17. “Clean Slate” AGAINST “University Voice,” Rudy Espinoza, Ayesha Katrak, Sarah Boxer, Jim McCrindle, Kwame Thomison on 3/8  
Ruling: *deferred to the Office of Assemblies for investigation*  
Rational: since the challenge in question calls for financial evidence to support the campaign expenses of the challenged parties, the Elections Committee Hearing Board asks the Office of Assemblies to thoroughly investigate the receipts of the challenged party and report back if there are any grounds for the challenge.  
Final Ruling: no violation  
Final Rational: findings of the Office of Assemblies do not support the challenge.
18. “Clean Slate” AGAINST Ayesha Katrak, Rudy Espinoza, “University Voice”  
Ruling: no violation  
Rational: no evidence to support the challenge
19. “Clean Slate” AGAINST Ryan Lavin and “University Voice”  
Ruling: no violation  
Rational: no evidence to support the challenge
20. “Clean Slate” AGAINST Colin Heath, Dan Budish, Opal Hammer, Kwame Thomison, Brittini Levinson  
Ruling: no violation  
Rational: the supporting evidence does not provide proof of violating election rules
21. “Clean Slate” AGAINST Aswin Phadnis, Caroline Gould, “University Voice”  
Ruling: no violation  
Rational: there is no evidence to prove that Phadnis and Gould were campaigning illegally.
22. “Clean Slate” AGAINST Calvin Geoffrey Selth, Jon Feldman, Sarah Boxer, Kwame Thomison (“University Voice”)  
Ruling: no violation  
Rational: while the committee does not condone libel or slander, they have found no evidence that those named in the challenge have any connection or involvement with the content of the publication *The Cornell American*.

23. “Clean Slate” AGAINST Kwame Thomison, Sarah Boxer, [*name removed*] and “University Voice”  
Ruling: no violation  
Rational: there is no evidence to prove conclusively that the challenged parties were campaigning illegally when the report against them was filed.
24. “Clean Slate” AGAINST Kwame Thomison, Carrie Bodner, Sarah Boxer, Brittni Levinson, Jim McCrindle, Calvin Selth, and “University Voice”  
Ruling: no violation  
Rational: there is no evidence to prove conclusively that the challenged parties actually were campaigning illegally.
25. “Clean Slate” AGAINST “University Voice” on 3/8  
Ruling: *DISMISSED*  
Rational: there is no substance to the challenge as presented.
26. “Clean Slate” AGAINST Opal Hammer, Jules Marwell, and “University Voice”  
*Challenge Withdrawn*  
Rational: withdrawn by the challenger for unspecified reasons.
27. “Clean Slate” AGAINST Calvin Selth and “University Voice”  
Ruling: *DISMISSED*  
Rational: there is no substance to the challenge as presented.
28. “Clean Slate” AGAINST Dan Budish and “University Voice” on 3/8  
Ruling: **minor violation**  
Rational: Budish is responsible for the improper poster in Rand Hall, even if he did not do it himself.
29. “Clean Slate” AGAINST Dan Budish and “University Voice” on 3/8  
Ruling: no violation  
Rational: campaigning between Ho Plaza and the clock tower is not an area requiring a table permit.
30. Mazdak Asgary AGAINST Calvin Selth  
Ruling: *DISMISSED*  
Rational: challenge filed is based only on hearsay.
31. Calvin Selth, Sarah Boxer, Kwame Thomison (University Voice) AGAINST  
*Challenged Candidates:* Mazdak Asgary, Ahmed Salem, Adam Gay  
*Challenged Associates:* Paul Ibrahim, Eric Shive, Tory Lauterbac  
Ruling: **minor violation**  
Rational: the cumulative effect of actions taken against the challengers by the challenged and their associates may be construed as harassment, though no single action could be seen as such.
32. Calvin Selth, Sarah Boxer, Kwame Thomison (University Voice) AGAINST  
*Challenged Candidates:* Nitin Chadda, Tristin Cramer, Lindsay Parham, Ethan Russell, Mazdak Asgary, Kate Duch, Vincent Hartman, Remy Roizen, Ahmen Salem, Jalon Gordon, Adam Gay, Sarah Santana, Shivaun Deena, Roger Golusse, Theresa White, Mark Coombs, Megan Sweeney, Kara Tappen, Keith Bodin, Grace Leonard, CJ Slicklen, Debbie Vishnevsky, Manuel Allende  
Ruling: *DISMISSED*  
Rational: actions were taken by the Office of Assemblies prior to voting that removed the “Clean Slate” language from all candidate statements. While some still leaked through to advertising in the *Cornell Daily Sun*, that was not completely in control of the Office of Assemblies, and the Elections Committee agrees that all steps necessary to address the issue were taken with far enough in advance so as not to effect the outcome of this election.

33. Sarah Boxer, Calvin Selth, Randy Lariar AGAINST “Clean Slate”

Ruling: *deferred to the Office of Assemblies for investigation*

Rational: since the challenge in question calls for financial evidence to support the campaign expenses of the challenged parties, the Elections Committee Hearing Board asks the Office of Assemblies to thoroughly investigate the receipts of the challenged party and report back if there are any grounds for the challenge.

Final Ruling: no violation

Final Rational: while there were two items challenged that could not be accounted for in the receipts provided by the challenged party, the fair-market estimated value of the items in question could still be added to the totals of the challenged party without causing them to exceed the allowed spending limits.

34. Sarah Boxer, Calvin Selth, Randy Lariar AGAINST Mazdak Asgary

Ruling: *deferred to the Office of Assemblies for investigation*

Rational: since the challenge in question calls for financial evidence to support the campaign expenses of the challenged parties, the Elections Committee Hearing Board asks the Office of Assemblies to thoroughly investigate the receipts of the challenged party and report back if there are any grounds for the challenge.

Final Ruling: no violation

Final Rational: findings of the Office of Assemblies do not support the challenge.