

ASMSU Judicial Council Ruling: 2017- JC- 003

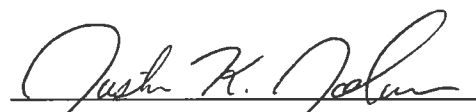
Topic: Elections

Yea 3 Nay 0 Justices Present 3

Ruling Record Number: 2017 -JC- 003 (2 PAGES)

Ruling Date: March 20, 2017

Contested Articles:

-By-Law Reference: Article 7, Section 7,
Subsection A & C-Election Policy Reference: Article II, Section
2, Subsection A**NOTE: PLEASE SEE PUBLIC MEETING MINUTES REGARDING
THE FILED DISPUTES DISCUSSED IN THIS RULING.**


Justin K. Johnson, Chief Justice Date



In a unanimous vote (3-0) taken on March 20, 2017 in the case of 2017- JC- 003, the Judicial Council for the Associated Students of Montana State University finds Presidential and Vice Presidential candidates Brady Bollum and Amber Roberts in violation of the established ASMSU Bylaws and Elections Policy.

Be it here established and declared, the Judicial Council finds the Bollum-Roberts campaign in violation of the following ASMSU Bylaws and Election Policy:

- Article 7, Section 7, Sub-sections A:
 - A.) Campaigning shall be defined as the use of any written or verbal presentation in the name of any candidate or ballot measure.”
- Article 7, Section 7, Sub-section C:
 - C.) No candidate shall use ASMSU funds, time, and equipment or supplies to aid in their campaigning.”
- Article II, Section 2, Sub-section A:
 - A. No candidate may begin campaigning before:
 - 1.The time set on the Elections Calendar as the start of official campaigning.
 - 2.The Election Director approves his or her petition.
 - 3.The official candidacy meeting has concluded.

It was determined by the Justices of the Council: the Bollum-Roberts campaign sponsored, and executed, an event entitled “Kappa Sigma Campaign Meeting” (the room reservation was made through Kappa Sigma, by Brady Bollum, in order to reserve the SUB room). Taking into consideration the mass notifications sent via electronic and verbal means by Amber Roberts to advertise the time and place of the event; the determined purpose of the campaign event was to gather and discuss those whom the candidates were supportive of as a campaign. Therefore, the filed complaints are found to be substantiated, and it is concluded campaigning occurred in the form of publicly endorsing candidates, establishing ballot measures, and promoting ideas relating to their campaign prior to the established campaigning time of March 20, 2017 at 7 pm (or after the mandatory elections meeting). Campaigning, as defined by Article 7, Section 7, Sub-sections A of the ASMSU Bylaws, before the specified date violates Article II, Section 2, Sub-section A of the Elections- Policy. The event organized by the Bollum- Roberts Campaign is determined to be direct violation of the above policies.

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Furthermore, it was admitted and confirmed ASMSU materials, in the form of paper plates, were attempted to be used by the Bollum-Roberts Campaign in conjunction with their campaign event. Be it a minor infraction, the ASMSU materials would have been used if no intervention were made on behalf of ASMSU. It was the combination of the use of materials, the planning and execution of the campaign event, and the strong belief the Bollom-Roberts campaign garnered unfair public exposure prior to the allowed campaigning date that led the Judicial Council to issue notice of semi-severe (level 2.5) violation and impose the appropriate sanctions.

Therefore, the Judicial Council assesses a 48-hour suspension to the Bollum-Roberts Campaign beginning at 7:00 PM (MST) on Monday, March 20, 2017 (or after mandatory elections meeting), and ending Wednesday, March 22, 2017 at 7:00pm (MST). This suspension includes ALL forms of campaigning including, but not limited to: use of social media, postering, tabling, public discourse relating to campaigning, as well as all other forms listed in the Elections Policy under Article II, Section 1, Subsection C. Even if the violations were accidental, the Judicial Council issues these sanctions with the sentiment of preserving the 'spirit of the campaign' by ensuring equal opportunity is given to each candidate.

In accordance with Article III, Section D of the Elections Policy, this ruling, and accompanying information, will be made public on the ASMSU webpage. Minutes for the meeting where public comment was given on 2017-JC-003, including the submitted elections disputes and supporting documentation, can be found on the ASMSU Judicial Council webpage.