

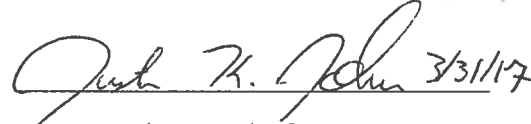
ASMSU Judicial Council Ruling: 2017- JC- 004.1 and 2017-JC-004.22017-JC-004.1 Yea 3 Nay 0 Justices Present 3

Topic: Elections

2017-JC-004.2 Yea 2 Nay 1 Justices Present 3

Record Number: 2017 -JC- 004.1-4.2

Ruling Date: March 27, 2017



Justin K. Johnson, Chief Justice Date 3/31/17

Contested Articles:

-By-Law Reference: Article 7, Section 7,
Subsection B (and others)

-Election Policy Reference: Article II,
Section 2, Subsection A, B (and others)



In the case of 2017-JC-004.1 : The Judicial Council finds, by unanimous vote (3-0), that Presidential and Vice Presidential candidates Brady Bollum and Amber Roberts are in violation of the established ASMSU Elections Policy and Bylaws; sanctions will be imposed as a result. In the case of 2017-JC-004.2 : The Judicial Council finds, in a (2-1) vote in favor of the Bollum/Roberts Campaign, no sanctions will result from the newly submitted material entitled , “Revised Agenda.” Minutes for the Judicial Council meeting, including the submitted elections disputes and supporting documentation, can be found on the ASMSU Judicial Council webpage.

In response to the four (4) submitted elections disputes relating to postering and general campaign conduct issues for 2017-JC-004.1, the Judicial Council imposes the following sanctions:

- The Bollum Roberts Campaign is ordered and required to remove all campaign materials printed on 8.5x11 paper, and smaller, from the Montana State University campus within 24 hours of receiving this official ruling through email. This DOES NOT include items such as lawn signs, larger posters, sidewalk chalk, social media efforts, etc...
- Furthermore, the Judicial Council revokes any opportunity for Brady Bollum or Amber Roberts to participate in the ASMSU elections primary debate on March 28, 2017. To be clear, their names will still appear on the primary election ballot, and they are fully eligible to advance on from the primary election.

Two substantiated complaints were filed by Montana State University Residence Life Staff to notify the Judicial Council and Elections Director of unapproved posters in both Johnstone Center and South Hedges Hall. Additionally, two (2) more substantiated disputes were filed for posters hung in both the Strand Union Building (SUB) and in Jefferson Hall (Pictures are appended to the official minutes for reference). The Bollum Roberts Campaign is in direct violation of Article 7-7, subsection B by violating the University policies set forth by proper postering policy in the SUB and residence halls. Noting Article II , section 1, sub-section B, all actions taken by representative of the Bollum/ Robert Campaign, are actions of the candidates themselves- therefore, the campaign is sanctioned accordingly.

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In no way do the actions of the Bollum/Roberts Campaign personify the attitude and respect ASMSU has for the policies set forth by Residence Life and SUB Operations Staff. It is with the deepest apologies the Judicial Council acknowledges, and reprimands, the responsible parties for violating elections policy and proper conduct rules. This decision reaffirms a campaign effort is responsible for the actions of their aides and for their campaign materials.

The substantiated complaints compiled in 2017-JC-004.1 brings the total number of substantiated complaints filed against the Bollum Roberts Campaign to eight (8) for the season. The previous and current disregard for the Elections Policy and ASMSU Bylaws, in conjunction with contempt for University policy, serves as the reason to classify the most recent disputes as Level II violations- and the above sanctions are now in place.

In the case of 2017-JC-004.2, there was a dissenting opinion and a majority opinion among the Justices of the Council:

Majority Opinion:

It was determined by the majority of the Judicial Council that the new evidence brought forth that contained the previous versions of the “Campaign Meeting” agenda (see 2017-JC-003) was not sufficient enough to prove that there were any additional campaign violations that occurred. Both justices felt as though the disclosure of the previous agenda was a continuation of a complaint which had already been ruled on and sanctions had been imposed.

Presidential candidate, Brady Bollum withstood questioning regarding the previous agenda by all justices, and his position did not change. Additionally, the Vice Presidential candidate was not present and was unable to be questioned regarding her actions of deleting the previous version due her academic commitments. An attendee of the “Campaign Meeting” was in attendance and could not confirm that the previous meeting agenda had been shown at the meeting. Therefore, if the council were to find that this complaint substantiated another violation of the ASMSU Constitution & Bylaws, it would be based on assumption and speculations of intent since there is no proof of campaigning actions made by Bollum or Roberts.

In conclusion, the complaint regarding the previous agenda was found to be lacking evidence that any further violations, separate and apart from 2017-JC-003 of ASMSU Constitution, Bylaws, & Elections Policy were made.

Dissenting Opinion:

Further information was made known to the Judicial Council, through a formal dispute, about the exact agenda presented in the Bollum Roberts “Campaign Meeting” on March 8, 2017 (See 2017-JC-003 for more details about the content of those proceedings). The information was made available because the edit history of the electronic document was preserved and verified to have excluded information from the Judicial Council in our initial findings.

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That is to say, Amber Roberts edited the presented agenda as to exclude information that might have been seen as incriminating in a case concerned with elections policy violations. With the layout of the electronic form, it can be confirmed the edits to exclude all mention of campaign activities from the agenda were made two (2) days after the meeting occurred, and after official notification of review of their activities was announced. It was confirmed through Brady Bollum that Amber Roberts intentionally made the edits to avoid violations, and the content of the original agenda contained campaign material.

It was the opinion of the dissenting portion of the Council that further sanctions should be imposed on the Bollum/Roberts campaign based off the new information. The lying, and verified attempt to gain an unfair advantage in the election, justifies the possibility of disqualification. The actions of the Bollum/Roberts campaign are egregious and unbecoming of potential representatives of the Associated Students of Montana State University.

The majority opinion shall stand as the ruling for 2017-JC-004.2: no further violations are found or sanctions imposed. By the power vested in Judicial Council for the Associated Students of Montana State University, this ruling is issued and the sanctions within enforced.