IN THE
UNIVERSITY ELECTIONS COMMISSION

No. UEC-2016-W-027

IN RE PETITION OF NEWMICH, Petitioner

[March 16, 2016]

Appearances: Student General Counsel JACOB PEARLMAN appeared by brief as amicus curiae.

Heard Before: REESE, Election Director, PODRYGULA, Backup Election Director, ANDREWS, BENNETT, BROWN, CELENTINO, COLELLA, REAVES, and ROSENTHAL, Commissioners

Administrative Order

PER CURIAM.

On March 15, 2016, NewMich—by and through counsel—filed a petition for an Advisory Opinion from this Commission pursuant to Rules 6.01(a)(1) and 6.03 of the UEC Rules of Practice and Procedure. It asks this Commission to determine whether a candidate can be held liable for a third party’s decision to send an email to a listserv owned by the third party asking members of that listserv to vote for the candidate. As a prudential matter, this Commission will not grant petitions that ask questions on which it has already provided guidance,
particularly if that guidance is currently binding precedent.

The Commission has already answered the question presented by NewMich in several previous cases. First, guidance on the question was presented in the Third Party Spending Opinion, UEC-2016-W-002, *4–6 (March 7, 2016), which is binding precedent on the current Commission, Rule 6.02(a), UEC Rules of Practice and Procedure. Moreover, additional guidance as to the meaning of the respondeat superior provisions was provided in Make Michigan v. The Team III, UEC-2015-W-006 (March 29, 2015). The rationale of Make Michigan is also binding on the current Commission, since it was adopted by seven Commissioners in Third Party Spending, UEC-2016-W-002 at *4–6. Finally, although it is persuasive and not binding precedent, the Commission has previously considered a case that is almost identical to the hypothetical proposed by the petitioner. Richards v. Defend Affirmative Action Party, et al., UEC-2014-W-041 (March 29, 2014).

The petition is therefore DENIED.