JEREMY KEENEY, Complainant

In his Capacity as Student General Counsel

v.

BUSHRA ABBAS,
AMANDA BECKHAM,
JASMINE BELL,
KURTIS DAVENPORT,
JARED FERGUSON,
CLAY GALLARDO,
JOSH GOTTESMAN,
MICAL HOLT,
CHRISTOPHER HORNE,
DANIEL HORNSBY,
CHENE KAREGA,
SAMANTHA KOBBAH,
RICHARD LEVINE,
EVAN MARKARIAN,
RAMON MARTINEZ,
RYAN MILLER,
SAMUEL MOLNAR,
CHIEDOZIE OKORIE,
ALICEEA RICE,
DANIEL VARGAS,
AUTUMN WATSON,
JACOB WELLNER,
&
OSAMA ZAIDI, Respondents

In Abstentia

Heard Before FOX, LE, NICHOLS and REESE, Commissioners.

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FINAL OPINION

NICHLDS delivers the unanimous opinion of the Commission.

4 This matter comes before the University Election Commission (“the Commission”) on the complaint of Complainant, JEREMY KEENEY (“Keeney”), against the above captioned
Respondents for violations of Article VI of the CSG Compiled Code ("the Election Code"). Complainant alleges that Respondents failed to attend a mandatory candidate’s meeting held on February 27, 2014 in violation of §B(7)(d)(iv) of the Election Code. As they share similar questions of law and fact, the Commissions orders the above captioned cases consolidated for joint disposition.

The complaint was filed with the Election Director on March 10, 2014. Respondents were advised of the complaint on the same day and given twenty-four hours time to file a response. Respondents failed to file a reply. In accordance with the Election Code, a hearing on this matter was held on March 12, 2014 at which Complainant appeared and Respondents failed to appear. This matter is now ripe for decision.

I

The facts in this case are not contested. Accordingly, we find the following facts proved beyond a reasonable doubt:

1. A required candidate’s meeting was held on February 27, 2014.
2. Notice of said meeting was circulated via email at least one week prior to the meeting. All applications for candidacy distributed to potential candidates listed the date, time and place of the meeting. Those materials also indicated that sanctions could be imposed upon any candidate failing to appear.
3. A sign-in sheet was circulated at the meeting.
5. Respondents subsequently filed applications for candidacy and will appear on the ballot in the upcoming election.
6. Respondents’ applications were properly filed before the deadline for candidate applications.
7. Respondents failed to appear before the Commission to contest Complainant’s claim.
8. During this election cycle, Respondents have not previously been found in violation of §(B)(7)(d)(iv.) of the Election Code.
II

We take Respondents’ failure both to appear before the Commission and to submit a reply to the complaint as acquiescence to default judgment in Complainant’s favor.

III

The Election Code classifies failure to attend a mandatory candidates’ meeting as a minor infraction subject to the assessment of 1 to 2 demerits, resulting in the reduction of 3% of the guilty candidate’s (or presidential ticket’s) total weighted votes per demerit issued. CSG Compiled Code, art. VI § (B)(6)(c). The UEC is empowered to assess demerits below these guidelines if it finds sufficient cause to do so in light of mitigating factors. CSG Compiled Code, art. VI § (B)(8)(c)(iii).

Under the discretion afforded to us by § (B)(8)(c)(iii), we find no such factors in this case. This conclusion is based upon Respondents’ failure both to submit a reply to the complaint and to appear before the Commission in this proceeding. These failures reflect an indifference towards the electoral process ordained by the Student Body Constitution and Election Code, a quality that is unbefitting those seeking to harvest the fruits of that process. We decline, however, to impose the maximum penalty of two demerits. In light of the relatively minor nature of the infraction and the fact that Complainant does not claim Respondents acted with malice, we find that one demerit per Respondent is a just penalty for these violations.

It is therefore ORDERED that one (1) demerit, be assessed against each of the above captioned Respondents, for violations of § (B)(7)(d)(iv) of the Election Code, and that three percent (3%) of Respondents’ total individual weighted votes (or, in the case of Respondent HOLT, who is a candidate for President, Respondent’s presidential ticket’s total weighted votes) be revoked at the close of polls.