Election Complaint F-2011-001

Heard by Timothy Bekkers (election director), Caitlin Annatoyn, Michael Huff, and Elson Liu at 8:00 PM on 6 Dec 2011.

Petitioners: Kyle Lady, Zach Mandell, and Timothy Newberger

Respondents: Saketh Samaymantri and MForward

Counsel for petitioners Mandell & Newberger: Stephen Gilson

Counsel for respondents Samaymantri & MForward: Sean Walser

Preliminary hearing

- The UEC finds it likely to be true that Mr. Saketh Samaymantri violated the Article VI of the MSA Compiled Code ("Election Code"), §G.4.b.iv, by sending email to coe-students-unofficial@umich.edu and coe-students-announce@umich.edu on 17 Nov 2011.

- The UEC finds it likely to be true that demerits would be assessed to Mr. Samaymantri for violating the Election Code.

- The UEC does not find it likely to be true that MForward violated the Election Code, since there is no evidence of coordination between Mr. Samaymantri and any other person. Furthermore, since Mr. Samaymantri is a candidate (in the sense of §A.2 of the Election Code), and since he is the only person alleged to have committed an act violating the Election Code, §H.3.c of the Election Code indicates that UEC can only assess demerits against Mr. Samaymantri.

Hearing

- The UEC finds that Mr. Samaymantri violated §G.4.b.iv of the Election Code.

- The UEC finds that, according to the definition of the word “email” in §A.12 of the Election Code, there exist 2(9500 + ϵ) emails (for some integer ϵ, where presumably |ϵ| < 9500) that violate §G.4.b.iv of the Election Code.

- The UEC finds that Mr. Samaymantri intended to reach an audience of 9500 + ϵ individuals with each distinct act of sending email.

- The UEC assesses 12 demerits (2 demerits per email for the 6 emails that were received among the 3 petitioners) against Mr. Samaymantri.

- Since Mr. Samaymantri has accrued 5 or more demerits, by §A.6, §F.3, and §H.4.g of the Election Code, he is automatically removed from the election. Timothy Newberger wins the final Engineering seat on the Assembly.