

Preface:

(1) All bylaw references will be coded Title (if applicable) ##, Article ##, Section ##, Clause ##, part (if applicable) ##, as “T##A##S##C##P##.” For example, Article 1, Section 1, Clause 1, will be coded as “A1S1C1” for reference;

(2) Any referenced website links may or may not be active by the time future individuals review this write-up.

Complaint #21-26

Petitioner(s): Srijith Kambala (further referred to as “Srijith”, he/him),

Representing RiseUp

Respondent(s): Student Action Party,

Representing N/A

Allegations (filed February 28th, 2021 at 5:13PM):

(1) Student Action violated A3S3C1 of the Election Code:

“All candidates are held accountable to the provisions of this code, Student Government Association Constitution and Bylaws and all other University policies. All candidates, by way of registering and running for office, are agreeing to abide by potential sanctions and policies the Attorney General, Election Commission, Supreme Court, and/or designated lower court deem appropriate based on their interpretation of the Student Code of Conduct and University Policy. No sanction will extend beyond the context of an individual or party’s involvement with Student Government and/or Student Government practice.”

Defense (filed February 28th, 2021 at 7:07PM):

“Defense Statement:

To suggest that we are in any way responsible for this rhetoric is baseless and simply false. This is not an ideological election where extremes of good and evil — we have agreed time and time again that we are aiming for the same goals with different approaches. As such, it makes no sense to suggest that in a heavily contested election that has pitted the worst comments that could be made from members running, Student Action Party has any supporters that are willing to create a burner. As there is no remote link to our party, and seeing as though burners HAVE been used by Rise Up, we feel skeptical in the thought that this is even an actual supporter of SAP. We have taken every measure to remain inspiring and not hateful (as with our removal of a member) actions that RiseUp has not taken. The unwillingness to take responsibility for the attacks on the 57th administration, as well as the “Joaquin Slush” burner that has threatened people, all while accusing SAP of being hateful is a blatant contradiction.

As A7S2C3 states "Class A violations include but are not limited to: select violations of the Student Code of Conduct and/or local, state, and/or federal laws, select violations of the Election Code campaign ethics section (Article 4, Section 4), election fraud, falsified campaign documents, and identity theft." We believe Rise Up is committing this violation by trying to falsify identity and create fake accounts for our party in order to string up false violations and we will NOT TOLERATE this behavior.

Furthermore, if this is actually a supporter although we believe it to be a fake account created by Rise Up, we NEVER authorized nor acquiesced this as we didn't know it existed in the first place. To define acquiesced: accept something reluctantly but without protest. None of our members know of this account and have never seen it, as such it is impossible for us to denounce it. This is the first time we have heard or seen this account, we thank the opposing party for bringing it to our attention and will denounce it ASAP.”

-Maryam

Course of Investigation: I examined the Petitioner’s evidence and reached out for a defense statement. I analyzed the respondent’s defense statement as well. I went through the Election Code and identified if a violation was present. After this I had enough to come to a decision.

Section 3: Responsibilities of a Candidate

- Clause 1. All candidates are held accountable to the provisions of this code, Student Government Association Constitution and Bylaws and all other University policies. All candidates, by way of registering and running for office, are agreeing to abide by potential sanctions and policies the Attorney General, Election Commission, Supreme Court, and/or designated lower court deem appropriate based on their interpretation of the Student Code of Conduct and University Policy. No sanction will extend beyond the context of an individual or party's involvement with Student Government and/or Student Government practice.
- Clause 2. Candidates will be held responsible for any activities by their supporters that are in violation of the provisions of this code if evidence supports that a candidate had actual or constructive knowledge of illicit activities and/or authorized or acquiesced in such activities.

The private account alleges to be a member of the party, so clearly they are at the very LEAST in support of Student Action. As deemed in the Election Code, candidates WILL be held responsible for any activities by their supporters that are in violation of the provisions of this code if the evidence supports that a candidate had constructive knowledge of illicit activities and/or authorized or acquiesced in such activities.

The Student Action party's hateful rhetoric inspired this account and it is quite clear by the description in the biography of the Instagram account. The word "acquiesce" outlined in the clause is important here, as the Student Action party took no effort to denounce this account, and also once again, directly inspired them.

Decision (March 1st, 2021 at 12:20PM): Srijith's complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis: There is no proven link between the “burner” account and the Student Action Party. Therefore, the Attorney General cannot reasonably sanction anyone for this action.

However, should a candidate, supporter, or campaign staff member be found to be directly linked with a “Burner” account which is violating the election code, the respective party will be held accountable by the Office of the Attorney General.

Conclusion: N/A

Delivered to the Chief Election Commissioner: March 1st, 2021 at 12:25PM