



To: Robyn Walters, Director of Compliance, Jarryd Delaney AUSG Presidential Campaign
Samuel Rogers, Candidate, Samuel Rogers AUSG Presidential Campaign

Cc: American University Student Government
Kristopher Schneider, Secretary of Student Government

From: Noah Wills, Chair of the Judicial Board
Chelsea Larsuel, Associate Member of the Judicial Board
Phillip Colon, Associate Member of the Judicial Board
Gabi Gaujean, Associate Member of the Judicial Board
Brandon Ermer, Associate Member of the Judicial Board

Subject: Election Opinion 12.002

Pursuant to Article III, Section 1(i) of the Judicial Register, allowing the Chair of the Judicial Board to "decide whether an inquiry shall be considered non-binding or binding as well as whether a decision shall be considered through an informal or formal resolution;" therefore, be it

Held, that Election Opinion 12.002 shall be considered a binding Election Opinion decision and shall be considered through a formal hearing resolution; and, be it further

Held, that the Judicial Board's ruling is the following:

The Judicial Board met on Friday, April 6, 2018 at 3pm and wrote this unanimous decision with three members present.

The facts of the case are as follows: On April 4, 2018, the Samuel Rogers campaign sent a campaign email to 1,245 email addresses through MailChimp, which is also the service used by the Residence Hall Association (RHA). On April 5, 2018, Robyn Walters, in coordination with the Jarryd Delaney campaign, filed an inquiry with the Judicial Board claiming Rogers used his official powers as RHA President to send this campaign email to those on the RHA mailing list.

The questions presented in this case are as follows: (1) did the Rogers campaign obtain and use the RHA mailing list (2) did the Rogers campaign use official powers in order to obtain the RHA list (3) was the use of official powers in violation of the Elections Policy Book (4) was sending these emails considered harassment in violation of the Elections Policy Book (5) was sending these emails considered not in good taste in violation of the Elections Policy Book.

To the first question, whether the Rogers campaign obtained and used the RHA mailing list, we believe the evidence is unquestionable. The list of recipients who received the email in question, as provided by the Rogers campaign, is identical to the RHA mailing list. Furthermore, the idiosyncrasies, duplicates, and formatting errors among the two lists match perfectly. We find



absolutely no reason to believe that the Rogers campaign was able to organically produce the exact same number and identities of students as the RHA list.

To the second question, whether the Rogers campaign used official powers in order to obtain the RHA list, we believe that *only* through official powers could the RHA list have been obtained and subsequently used in the first place. Even if Rogers did not obtain the RHA list himself, he is responsible for all actions of his campaign, including the knowledge of where such a list of students originated and its retrieval for campaign purposes.

To the third question, whether the use of official powers was in violation of the Elections Policy Book, we believe it was. Article I, Section 3(ii)(d) states that "use of official powers" is prohibited by candidates and campaign staff. Nothing suggest that this provision in the Elections Policy Book is only limited to Student Government officials. The use of official powers to campaign is prohibited both within student government and beyond. Campaigns should not send emails to students unless those students have voluntarily given their email address to the campaign, as opposed to someone on a campaign obtaining email addresses through their official position.

To the fourth question, whether sending these emails is considered harassment in violation of the Elections Policy Book, we believe it was not. The Judicial Board does not believe the act of using an email address without the owner's permission constitutes harassment.

To the fifth question, whether sending these emails is considered not in good taste in violation of the Elections Policy Book, we believe it was not. This question is answered within the context of the previous answers and is therefore dismissed as an independent charge.

We find the Rogers campaign to be in violation of the Elections Policy Book by obtaining the RHA mailing list through official powers and subsequently using the list to send a campaign email. The sanctions available to the Judicial Board are limited to five, three of which affect campaigning and are not longer relevant. Therefore, we are left with two options: a public letter of apology and disqualification.

Ordering a public letter of apology, without disqualification, admits Rogers did something wrong, but was not subsequently penalized for his actions. Ordering a public letter of apology, with disqualification, is useless since he is no longer eligible to win the election in question. Therefore, we do not order any public letter of apology be made.

Ordering disqualification is the only sanction thus available. While it is harsh, the Judicial Board believes sending campaign emails to students using a mailing list obtained through official powers by a candidate or their campaign, that other candidates and campaigns would not otherwise have access to, warrants such disqualification. The Judicial Board also believes that this sanction is warranted because of the scale of the violation. The email in question was sent to approximately 15% of the student body. Because the Rogers campaign continuously denied the unquestionable evidence to both the the Student Government and subsequently the student body, the Judicial Board is not inclined to order a lenient sanction.



We find further questions regarding the process of election certification for disqualified candidates. Because the Judicial Board cannot decertify any race and because the Judicial Board cannot call for a special election to take place, if the Undergraduate Senate determines to certify the race for American University Student Government President, and Rogers wins, the second place candidate shall be declared the winner.

If the Undergraduate Senate determines to decertify the race for American University Student Government President, a special election shall occur for Student Government President in compliance with the governing documents in which Rogers will be ineligible to run.

It is so ordered on this 6th day of April, 2018.

Signed,

Noah G. Wills

Noah Wills
Chair of the Judicial Board
American University Student Government