

Boston University | Student Elections Commission

Official Statement

April 26, 2013

The Student Elections Commission received the following appeal from Dexter McCoy on April 26, 2013 regarding the complaint with reference number two:

We The BU Ignition feel that the decision to take 400 votes from each candidate is an unprecedented and unjustified penalty in response to placing flyers in Residence Halls. By breaking the penalty for violating 3.4.05.a into three separate violations – rather than one – our slate was charged 600 points, rather than the maximum of 200. Our violation – distributing flyers in residence halls – is a single violation, and we therefore should not be charged more than 200 points.

Moreover, the SEC does not have the authority to create a punishment outside of what is provided by the Elections Code. According to Article 7, the only changes that can be made to the Elections Code are through the amendment process, which can only take place outside an election cycle.

While we understand that the punishment for 800 points is the loss of one day of campaigning and the surrendering of \$50 worth of campaign material, and that it is too late to take away a day of campaigning, we'd like to point out that SEC discovered our violation on Tuesday evening. Upon discovery, SEC members are required to file a complaint, as was done in Reference #1. No SEC member filed a complaint. According to 6.2.02, the SEC has 48 hours to respond to complaints, but we only received a response at 3:45pm on Friday – almost 72 hours since the discovery of the violation. SEC had Wednesday and Thursday to take away one day of our campaigning, but decided to put off the decision until Friday. We are being unfairly punished for the SEC's delay.

Most importantly, 400 votes are in no way equal to one day of campaigning. Based on this number, over fourteen days of campaigning, this is equal to 5,600 votes. Across three slates, this is equal to 16,800 votes – more than the entire undergraduate student body. This assumes that the entire student body plus an additional thousand students cast their votes. There has never been an election with full turnout. This penalty is clearly excessive and arbitrary.

We implore you reconsider your judgment and hold true to the Elections Code. Disenfranchising 400 students over the distribution of flyers is both completely unreasonable and utterly disrespectful to the students who exercised their right to vote. It would be reasonable to charge us with a financial penalty per the Elections Code.

Thank you,
- The BU Ignition

After consideration of the appeal, the SEC has issued the following ruling:

Based on the evidence the SEC finds with a unanimous vote that The BU Ignition slate is charged a total of 400 violation points for violating EC 3.4.01. After extremely thorough investigation, the SEC has found that the BU Ignition slate has violated the Boston University Student Lifebook on two separate accounts under Nonacademic and Residential Policies.

The rules broken are as follows:

“Solicitation, sale, or promotion of any goods or services by any person or company is prohibited within University residences, except as approved in writing by the Director of Housing.”

“To increase security, promote privacy and quiet, and reduce harassment of students, no door-to-door solicitation or distribution of literature is permitted within the residences. Residents will be held accountable for their guests who are found soliciting.”

The point value for violation of campaign rule 3.4.05 is stated as follows in the Elections Code:

Violation of EC 3.4.05: Candidates or campaigns employing tools, materials, tactics, etc. that violate the policies of Boston University will be charged violation points as follows:

Violations of the policies established by the University Lifebook will result in the charge of no less than 100 violation points but no more than 200 violation points, depending on the severity of the policy violated.

After considering the appeal made by BU Ignition, the SEC has decided to reconsider and charge 200 violation points for the solicitation/ promotion of goods within University housing without written approval from the Director of Housing and charge another 200 violation points for door-to-door solicitation/distribution of literature within the residences.

The violation points gathered from the violations of the Student Lifebook coupled with the prior violation of EC 3.4.01 for campaigning outside of the campaigning period, in which the slate was charged 200 violation points, The BU Ignition has accumulated a total of 600 violation points.

According to the Elections Code, the repercussions for accumulating 600 violation points are as follows: A campaign reaching 600 violation points will lose one day of campaigning and be required to surrender to the SEC campaign materials worth \$30 of the campaign budget.

Because the terms of the consequences no longer apply due to the timing of the violation during the campaigning and voting periods, the SEC has had to create a consequence of equal value. By signing the Letter of Intent and Affirmation, every candidate has agreed that Boston University Student Elections Commission has full authority to regulate all matters in regards to the election in which they are participating, including the authority to impose and enforce confirmed violations of the Elections Code and relevant rules governing this election.

Elections Code 1.1.02 states that The Student Elections Commission (SEC) will be empowered with the full authority to enforce any and all regulations, rules, policies and procedures relating to an SEC-governed election. This includes but is not limited to this document, the Student Elections Commission Elections Code (EC). Furthermore, the SEC has gathered a quantifiable replacement for the violation penalty.

BU Ignition spent \$147 on 5,000 postcards that were distributed across campus. \$30 worth of postcards is 862 postcards. In total, 3,153 students voted in the election, which is 20% of the 16,000 students in the student body. Assuming that only 20% of the students who were reached by the postcards voted,

The total votes earned by each candidate has been quantified into a ratio to discover what percentage of the student body voted for each member of The BU Ignition slate.

Dexter McCoy's votes earned: 1328

1328 divided by 16,000 is 8.3% of the student body

8.3% of the 862 postcards distributed totals 72 students that were affected by the BU Ignition postcards.

Saurabh Mahajan's votes earned: 1167

1167 divided by 16,000 is 7.3% of the student body

7.3% of the 862 postcards distributed totals 63 students that were affected by the BU Ignition postcards.

Aditya Rudra's votes earned: 1290

1290 divided by 16,000 is 8.1% of the student body

8.1% of the 862 postcards distributed totals 69 students that were affected by the BU Ignition postcards.

Bonnie Tynes' votes earned: 1262

1262 divided by 16,000 is 7.9% of the student body

7.9% of the 862 postcards distributed totals 68 students that were affected by the BU Ignition postcards.

Therefore, McCoy has had 72 votes deducted from his total votes earned, Mahajan has had 63 votes deducted from his total votes earned, Rudra has had 69 votes deducted from his total votes earned, and Tynes has had 68 votes deducted from her total votes earned in order to substitute the \$30 of campaign materials that would have been surrendered by the BU Ignition slate for their misconduct.

To substitute for the one day of campaigning that should have been deducted from the slate, the SEC has issued the following substitution: Because there are fourteen total days of campaigning, the number of votes earned per candidates has been divided by fourteen to estimate the average number of voter support gained on each campaign day. This exact number has been deducted from each candidate's total votes earned.

Dexter McCoy's votes earned: 1328

1328 divided by 14 is 95

Saurabh Mahajan's votes earned: 1167

1167 divided by 14 is 83

Aditya Rudra's votes earned: 1290

1290 divided by 14 is 92

Bonnie Tynes' votes earned: 1262

1262 divided by 14 is 90

Therefore, McCoy has had 95 votes deducted from his total votes earned, Mahajan has had 83 votes deducted from his total votes earned, Rudra has had 92 votes deducted from his total votes earned, and Tynes has had 90 votes deducted from her total votes earned.

With all deductions taken into account, McCoy had 95 votes taken away as a replacement for one day of campaigning lost as well as 72 votes taken away as compensation for the \$30 of campaign materials owed, totaling in 167 votes. Mahajan had 83 votes taken away as a replacement for one day of campaigning lost as well as 63 votes taken away as compensation for the \$30 of campaign materials owed, totaling in 146 votes. Rudra had 92 votes taken away as a replacement for one day of campaigning lost as well as 69 votes taken away as compensation for the \$30 of campaign materials owed, totaling in 161 votes. Tynes had 90 votes taken away as a replacement for one day of campaigning lost as well as 68 votes taken away as compensation for the \$30 of campaign materials owed, totaling in 158 votes. These reductions led to the final vote counts:

McCoy: 1161

Mahajan: 1021

Rudra: 1129

Tynes: 1104