

Boston University | Student Elections Commission

Official Statement



April 7, 2014

Question at hand

On April 7, 2014 at 1:22 PM, the Student Elections Commission (SEC) received the following complaint:

As mentioned in a previous complaint, TrueBU was campaigning with a laptop in Marsh Plaza asking students passing by to vote. In a previous SEC ruling from April 24, 2012 (http://www.bu.edu/election/files/2010/03/SEC_complaint2.pdf) concerning a candidate campaigning with a laptop, this was ruled to be voter interference by Massachusetts campaign laws. I am filing a complaint under that same violation.

On April 7, 2014 at 4:42 PM, the SEC also received the following complaint:

Members of the TrueBU Campaign Team were set up outside of Marsh Plaza and pressured many individuals to vote. They used a laptop and asked people to vote for their slate. During the Mandatory Candidate Information Session, all slates were told that this tactic was not allowed. Furthermore, this type of campaign tactic breaks SEC Election code 3.4.04 because it violates local, state, and federal law regarding Equal Access to Polls. In Massachusetts, you have the right to cast your ballot in a manner that ensures privacy, without any person trying to influence your vote, and to vote in a booth that prevents others from watching you mark your ballot. Polling centers must be accessible and private. TrueBU pressured people to vote on way or another, in a public area, and this goes against Massachusetts law. This can be verified through massvote.org

Section 3.4.04 of the Elections Code states the following:

“Campaign tools, materials, tactics, etc. may not violate local, state, or federal law.”

Findings

Normally, the SEC defers to past precedent in its rulings. Jurisprudence is a valuable part of any statutory process with interpretation, and the SEC acknowledges the value in sticking to what past SECs have decided. However, in this circumstance, precedent does not serve the best example in evaluating such an incident.

Federal election law applies to *federal* elections, Massachusetts election law applies to state *Massachusetts* elections, and local election law applies to *local* elections. This election is a *Student Government* election, and thus it must abide by rules set forth by the SEC in the Elections Code. There is no clear rule against offering a laptop to students to vote, but the SEC did determine that this is inappropriate and improper so a Cease and Desist Order was issued. The SEC has every intention to update the Elections Code for next year to reflect a rule that would restrict this type of activity, but it was not against the rules this election. Likewise, there is no irrefutable proof that this activity did occur.

Boston University | Student Elections Commission

Official Statement



The SEC met in person to consider these complaints. In an 8-0 ruling, the SEC finds that election laws do not apply to Student Government elections and there is no irrefutable proof that such an activity did happen. One member of the SEC was absent for this vote.