

Majority Opinion by Chairman Van Loo and Councilor Whitaker

**JUDICIAL COUNCIL OF THE ASSOCIATED
STUDENTS OF OREGON STATE UNIVERSITY**

Rosoff vs. ASOSU

APPEAL TO THE ASOSU JUDICIAL COUNCIL

No. 13-101(a).

[April 11, 2013]

Mr. Rosoff brought before the court an appeal of sanctions brought against his campaign for the office of President. The decision to bring these sanctions against Mr. Rosoff was solely at the discretion of the ASOSU elections committee.

It is the duty and purpose of the elections committee to oversee the campaigning process and hold hearings to address campaigning violations as stated in the ASOSU Constitution and Statutes. The Elections Committee performed such a hearing to investigate and rule on the elections violation submitted to them against Mr. Rosoff. However, Mr. Rosoff does not believe the elections committee judged him fairly, as evident by his appeal to the Judicial Council. Through the appeal process, the council gave Mr. Rosoff the opportunity to present his case and exonerate himself of the sanctions brought against him.

Mr. Rosoff sought the following remedies through his appeal:

1. Removal of all sanctions

ASOSU Statutes

Title XI: Elections Guidelines

Section 22: Campaigning.

A. Campaigning is considered any public printed, electronic or verbal communication advocating a particular candidate.

Campaigning is also considered any organized talk, speech or informational meeting advocating a particular candidate.

Under this statute the Judicial Council has ruled that both the announcement of the possibility of running for an office and the

handing out of personal contact information at the same event as campaigning.

These actions by themselves are violations of:

ASOSU Statutes

Title XI: Elections Guidelines

Section 22: Campaigning.

B. Campaigning shall not begin until 7 a.m. of the specified date.

ASOSU Statutes

Title XI: Elections Guidelines

Section 23: Campaigning Materials.

E. Certain campaign materials, unless otherwise approved, must have the ASOSU Elections website address on them:

asosu.oregonstate.edu/elections

Since Mr. Rosoff was in violation of campaigning early the Elections Committee was justified in sanctioning the starting date of his presidential campaign since he had already started campaigning before the specified date giving him an unfair advantage over the other campaigns.

The slip of paper with Mr. Rosoff's personal contact information that he handed out at the time of his campaigning would make it campaigning material. Without the proper reference to the elections website on the paper, Mr. Rosoff committed another violation. The Elections Committee had justification to require viewing of all campaigning material from Mr. Rosoff to ensure that this violation did not occur again during the remainder of the campaigning season.

2. An issued apology from the Elections Committee for lack of fairness in investigation, attempted violation of the 1st amendment of the United States Constitution and degradation of the democratic process.

The reason mentioned for this remedy sought is due to the believed restriction of Mr. Rosoff's 1st amendment rights under the United States Constitution. First and foremost the reason for being unable to convey this remedy is the jurisdiction that the court resides in, that of the ASOSU. The Judicial council has no

interpretive authority on the U.S. Constitution or any other non-ASOSU documents.

However, the Elections Committee does have the justification under the ASOSU Statutes limit the time of campaigning. The Elections Committee has the responsibility of enforcing the starting date of campaigning for all ASOSU offices. If a candidate for office begins campaigning early, the Elections Committee can reasonably decide to limit that candidate's time of campaigning to give the other campaigns an equal advantage to gain support.

ASOSU Statutes

Title XI: Elections Guidelines

Section 26: Violations; process to appeal violations.

A. Major Offenses shall include the following violations:

viii. Failing to comply with the rulings of the Elections Committee

The Statute above gives the Elections Committee the authority to hold candidates to rulings on their offenses. Refusal to abide by these rulings would be a major violation, which could result in the disqualification of a candidate at the discretion of the Elections Committee.

ASOSU Statutes

Title XI: Elections Guidelines

Section 26: Violations; process to appeal violations.

G. The Election Committee may disqualify a candidate for any Major Offense, gross violations of the University policies, or actions that cause great harm to the student body.

This is the enforcement mechanism used to impel candidates to abide by the rulings of the Elections Committee. Being that the Committee has no real legal authority over ASOSU members they are limited using the ballot as the only tool for redress.

3. For the Elections Committee to open investigation into the allegations of the complainants and to appropriately pursue sanctions against the complainant candidate for degradation of the democratic process.

As per the investigation requested, the court was not presented with sufficient evidence supporting this claim of "degradation of the democratic process". The line of questioning presented during

the cross examination of Mr. Taylor Sarman was believed to be speaking to this assertion. However, the point that was brought to light is not degrading. The fact that a party stands to gain from reporting an infraction does not change whether or not an infraction has occurred. It does increase the probability of reporting such an infraction. It still remains though that Mr. Sarman is in no way degrading the democratic process by reporting a perceived violation, if anything he is preserving the elections process as stated in the ASOSU Statutes.

ASOSU Statutes

Title XI: Elections Guidelines

Section 26: Violations; process to appeal violations.

C. Any alleged violation of campaign rules must be reported to the chief elections officer within 24 hours after the offense has been observed. Any party who witnessed the offense may report the violation with documented proof of the incident. Alleged violation reports must include the candidate committing the offense, date, place and time of offense and any other pertinent information.

Would you like to support the student outreach effort? Yes / No

_____ ← name (do you have facebook?)

_____ ← Phone number (optional)

What would you like ASOSU to be working on?

Would you like to apply for any of the following ASOSU positions for next year? (feel free to circle)

Executive Team: Communications Director Executive Secretary Chief of Staff

Finance Director Service Director another executive position

PR Team: Public Relations Director Graphic Designer Website Designer

Diversity Programs Team: Multicultural Affairs Director International Affairs Director

Women's Affairs Director Accessibility Affairs Director + More!

Resource Programs Team: Community Affairs Director Veterans Affairs Director

Health and Wellness Affairs Director Environmental Affairs Director +More

Would you like to get involved in potential elections campaigns? Yes now / Maybe later

22

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