2015 ASI ELECTION COMPLAINT COMMITTEE DECISION

By SAMUEL N. JONES, chair

Members Present:
SAMUEL N. JONES, chair
FRANK LILLY, faculty representative
MASON DANIELS, student representative

Members Absent:
ARAVIND RAJENDRAPRASAD, student representative
SHEENAL SINGH, student representative

May 12, 2015
ARYN FIELDS vs FELICIA VASQUEZ

Ms. Fields brought a charge against Ms. Vasquez stating that when she submitted her expenditure report, she did not report the actual retail price of her campaign website (votefeliciavasquez.com).

Complaint: Failure to report the accurate retail price of the campaign website (votefeliciavasquez.com)

Statement of the complaint by complainant

Ms. Fields alleges that Ms. Vasquez did not report the accurate retail price for her campaign website. She claims, by not providing the accurate retail price, Ms. Vasquez is in violation of Article V, Section A (actually Section B: typo in the Election Code) Campaign Expenditures, Section 1, Subsection b; Sections 2 and 5 of the ASI Election Code. This, argues Fields, would have given Ms. Vasquez an unfair advantage since she spent beyond the $500 on her campaign materials as prescribed in the ASI Election Code.

Summary of the testimonial and documentary evidence received at hearing in support of the complaint

Ms. Fields presented the Committee with testimony stating that in the Elections Code candidates can spend up to $500 on the campaign. She stated Ms. Vasquez expenditure report captured the website cost at $8.00 which was not the actual cost to host the high caliber website used in her campaign. Ms. Fields stated a website needed a domain name and a hosting service for a website. Ms. Fields confirmed the website existed by sharing the Powerpoint screen shot of Ms. Vasquez from Facebook alluding to her campaign website votefeliciavasquez.com. Also, Ms. Fields stated the candidate mentioned the existence of her website in her candidate forum.

Ms. Fields entered into evidence Exhibit C-1A. This document contained information about StatsBee. StatsBee is a web server tracker to give details about a website. Specifically, Ms. Fields stated StatsBee allowed her to put in a specific IP address to get details about a website. StatsBee
provides the specific details about the actual website host/usage. Ms. Fields presented evidence showing the website was hosted by Media Temple at a cost of $60 monthly and registered domain name on ENom at a cost of $13.95. Ms. Fields stated the domain name provider listed on the expenditure report was not accurate. Exhibit C-1A was presented into evidence as the most recent information StatsBee provided on Ms. Vasquez website as of May 1, 2015. Also in Exhibit C-1A, Ms. Fields explained the use of an SSL certificated needed to secure a website. Ms. Fields further explained about the padlock shown in the upper corner of a website identifies as website as being secured and thus would have a Secure Sockets Layer (SSL) certificate. The information on Exhibit C-1A indicated Go Daddy was used as the SSL certificate. In Exhibit C-1B, Ms. Field presented evidence of an SSL certificate cost of $199. Ms. Fields stated the reason a SSL certificated was needed was because on the website, comments could be left. In order to leave a comment, the person had to use a real SacLink ID. According to Ms. Fields the SSL certificated protected the user from hackers, etc. and thus was used on Ms. Vasquez website.

Ms. Fields stated that the $8.00 reported on the expenditure sheet was not accurate for the website used in Ms. Vasquez campaign. She stated by adding up the amounts listed on the actual website cost, Ms. Vasquez exceed the amount allotted for campaigning and gave her an unfair advantage.

**Summary of the testimonial and documentary evidence received at the hearing in opposition or rebuttal to complaint**

Ms. Vasquez asked that the Committee not consider the Exhibit C-1A and B since she was not aware of this being presented and was not able to properly prepare her case. Ms. Vasquez provided the Committee with Exhibit D-1A, B, C & D for her evidence. Ms. Vasquez stated she reported her website cost from two well-known sources. Ms. Vasquez stated that if a receipt was lost, according to the ASI Election Code, the candidate was to take the average of two costs and report on the expenditure report. Ms. Vasquez stated the evidence presented from StatsBee is not a credible tool. Ms. Vasquez stated that D-1D stated the StatsBee has only existed since April 6, 2015.

**Summary of witness testimony**

Ms. Fields presented one witness to support the complaint. The witness, Tucker Caruso, provided information about StatsBee and how it was used to find out about Ms. Vasquez website. Mr. Caruso explained the date of April 6, 2015, mentioned by Ms. Vasquez, was the date StatsBee took the snapshot of Ms. Vasquez’s site. Mr. Caruso indicated the information captured on April 6 is different from the information cached on May 1, 2015. In his testimony Mr. Caruso referenced Exhibit C-1A and stated the SSL certificated was issued on April 11, 2014 and expires on April 11, 2017. Mr. Caruso stated all Vision slated members had the exact same SSL information as reported by StatsBee. He stated one person had this and may have donated or purchase this and provided websites to others. Mr. Caruso stated the ASI Election Code allowed donations/labor of others to be accepted but needed to be reported on the expenditure form. Mr. Caruso gave testimony about eNom which allowed diverse URL/websites to be registered. He stated that both squarespace.com and weebly.com don’t allow specific web URLs name such as votefeliciavasquez.com. Instead the only addresses allowed by both squarespace.com and weebly.com are www.BLANK.com. Mr. Caruso stated the information submitted within the expenditure form about weebly.com and
squarespace.com is not comparable or a competitor to eNom. He stated eNom is a more sophisticated site to build a website and allowed for the URL used.

Ms. Vasquez provided two witnesses. The witnesses were Juhee Krishan and Daniel Godinez. Ms. Krishan stated the website StatsBee was not valid or accurate. Ms. Krishan made statements that the website used by Ms. Vasquez might have been donated to her campaign. Both witnesses provided the Committee with information about Ms. Vasquez’s character and that students voted her into the position.

**Statement of the remedy requested**

Disqualification under Article 5 Section A (actually Section B: typo in the Election Code).

**Statement of the burden of proof the complaining party or parties was required to meet**

Clear and convincing proof is required for the Committee to award the remedy of disqualifying a candidate.

**Conclusion as to whether the complaining party met the applicable burden of proof**

Clear and convincing evidence is defined as that which “leaves no substantial doubt as to the veracity of the claim.” The Committee found the evidence presented by Ms. Fields is clear and convincing because she was able to provide a preponderance of evidence to show that Ms. Vasquez’s expenditure report did not list the real costs associated with the website votefeliciavasquesz.com. The Committee found Ms. Fields proved that Ms. Vasquez violated Article V, Section A (actually Section B: typo in the Election Code) Campaign Expenditures, Section 1, Subsection b; Sections 2 and 5 of the ASI Election Code.

**Summary and reasoning supporting the Committee’s conclusion**

The Committee found the evidence presented by Ms. Fields proved the votefeliciavasquesz.com domain name was registered by eNom, hosted by Media Temple, and had a SSL Certificate. The real cost for website was not reported on the expenditure form. Based on all evidence presented, the Committee found the costs exceeded the $500 allowed to campaign for an ASI position. The Committee found Ms. Vasquez receipt comparison listed in her expenditure form was not accurate and was not a fair comparison to eNom or Media Temple.

**Statement of the relief granted**

The Committee recommend disqualification as specified in Article V, Section A (actually Section B: typo in the Election Code) Campaign Expenditures, Section 1. Also, the Committee recommend disciplinary action be taken for falsifying documents during the ASI Election. This is specified according to Article X Remedies for Complaints, Section C.

According to Article X. Remedies for Complaints, Section A, the Committee recommends revision to ASI Election Code. Specifically, the following items to consider:

- Update the codes to address and allow broader campaigning within social media
- Allow candidates to establish slates and run as a team and be depicted in the same photos
• Add to the expenditure form a section to clearly outline all items needed for website development and cost associated to each area. This should include domain name, hosting, site, and SSL certificate, labor used, etc.

• ASI Elections should be earlier in the semester such as March or early April. This allows for more time to handle complaints, etc. before the end of the semester.