2015 ASI ELECTION COMPLAINT COMMITTEE DECISION

By SAMUEL N. JONES, chair

Members Present:
SAMUEL N. JONES, chair
MASON DANIELS, student representative
ARAVIND RAJENDRAPRASAD, student representative
SHEENAL SINGH, student representative

Members Absent:
FRANK LILLY, faculty representative

May 15, 2015
TUCKER CARUSO vs IRIS SAN

Mr. Caruso brought charges against Ms. San stating that she did not report the actual retail price of her campaign website, used social media improperly, campaigned before the official period, and misrepresented information in the advertisement.

Complaint:
- Failure to report actual costs of campaign website
- Improper use of Social Media
- Campaigning before the official campaign period
- Misrepresentation of information in advertisement

Statement of the complaint by complainant

Mr. Caruso alleged that Ms. San, candidate for Vice President of Academic Affairs, created a website for campaigning purposes which had a commercial cost exceeding what was reported on the candidate expenditure report. He claimed, by not providing the accurate retail price, Ms. San 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.

Also, Mr. Caruso alleged that Ms. San, candidate for Vice President of Academic Affairs, and a member of the “Vision” slate used multiple platforms of social media to campaign unfairly. The use of hashtag #votevision linked to several other candidates together in one photo violated Article V, Section C, and Subsection 5; section i.

In addition, Mr. Caruso alleged that Ms. San, candidate for Vice President of Academic Affairs, posted campaign materials on social media two minutes before the onset of the campaigning period. This violated Article V, Section A, and Subsection 2.

Finally, Mr. Caruso alleged Ms. San, candidate for Vice President of Academic Affairs, misrepresented the number of summers she was employed within New Student Orientation. He claimed by falsifying her experience she violated Election Code Article V, Section C, and Subsection 6.
Summary of the testimonial and documentary evidence received at hearing in support of the complaint

Mr. Caruso presented the Committee with his original PowerPoint submitted with the complaint as evidence. Also, Mr. Caruso entered into evidence for Exhibits. Each was labeled C-1 through C-4. According to Mr. Caruso, the website used in the campaign and reported on the expenditure report did not cost $8.00. Mr. Caruso started with Exhibit C-2. This document was from StatsBe.com and referenced voteirissan.com. Within the document it showed Media Temple, Inc., Wordpress, SSL service, and eNom were used. The cost for each of these services were listed at Media Temple, Inc. $60 per month; Wordpress (Creation Tool) at $99 per year; eNom at $13.95; and GoDaddy (SSL service) at $55.95 per year. Mr. Caruso stated eNom was the actual source used for the domain rather than the average cost specified on the expenditure form. Also, within Exhibit C-2, Mr. Caruso indicated the website was registered on Mach 24, 2015 and expires on March 14, 2016 which indicated a yearly subscription was ordered from with the server name: ns1.mediatemple.net and ns2.mediatemple.net with a domain name voteirissan.com. Mr. Caruso showed the existence of two other “Vision” candidates that used the same IP address. The candidates were Angelica Bachman and Logan Rivera. Finally according to Mr. Caruso the document showed the SSL certificate was created on April 11, 2014 and ends April 11, 2017 with a full three year commitment. Mr. Caruso stated by combining resources this violated the Election Code.

Mr. Caruso introduced Exhibit C-3. This documented indicated that Ms. San used the premium version of WordPress.com to create the website. To further prove this statement, Mr. Caruso stated Ms. San did not have advertisement on the website and she used a custom site address, thus disqualified her from the free service and put the website in to the premium or business category. Mr. Caruso stated he believed the business price was used because the premium service does not allow for more than 10 sites and according to him, all “Vision” slated members used this service. Mr. Caruso presented Exhibit C-4, GoDaddy to compare the validity of Exhibit C-2, StatsBee. In Exhibit C-4, he stated the website voteirissan.com was registered with Enom, Inc, created on March 24, 2015 and expires on March 24, 2016.

Next, Mr. Caruso presented Exhibit C-1, Article V. He stated that in the Election Code, Section A (Actually section B – typo in the Code), Subsection b, c, & e, Subsection 2, &4. This exhibit pointed out gifts, donations, professional label, written estimates, failure to report all required materials, and maximum spending amount of $500. According to Mr. Caruso, the ASI Election code repeated information for candidates to be aware of when claiming expenditure costs. Also, Mr. Caruso displayed a sampled of the website created by another candidate, Mark Sohl. He was not able to get Ms. San’s website because it was taken down after the election.

Mr. Caruso provided testimony concerning the use of #votevision as an improper use of social media. Within the PowerPoint submitted with Mr. Caruso complaint, he showed in figure 1 – figure 4 a social media post with Ms. San responded back and forth and reposting to social media with the
#votevision within the post. According to Mr. Caruso, this allowed others to see the #votevision and the slate of candidates running together.

Mr. Caruso provided testimony and photos that showed Ms. San started campaigning on social media at 6:58am on March 30, 2015. According to Mr. Caruso, campaigning was to start at 7:00am. He stated the start time and date was made clear in the candidate forum because candidates are waiting for the start time to get their boards out on the lawn for prime location. Mr. Caruso stated a candidate would have to choose either board placement or social media since putting up boards could take a few hours and miss the start on social media.

Mr. Caruso’s final testimony addressed Ms. San stating she worked Student Orientation the summer of 2013 & 2014. Mr. Caruso provided a screen shot from Ms. San’s website that displayed her experience with Summer Orientation. According to Mr. Caruso, this violated ASI Election Code.

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

Ms. San provided the Committee with her opening statement. Ms. San provided Exhibit D-1 for her evidence. In response to the first allegation concerning her failure to report retail costs of the website, Ms. San stated she made her website directly through squarespace.com because she did not have the funding to pay the price mentioned by Mr. Caruso. She stated she worked three jobs to make ends meet and the board was the most important for her. Ms. San stated the website analyzer called StatsBee was not a credible source and not accurate. Also, Ms. San provided testimony that she reported an average cost on her expenditure form from Weebly.com and Squarespace based on the Election Code when a receipt is unavailable. Ms. San referenced in Exhibit D-1 Appendix 3 showed unique “user” to the website in question and that it did not reach that many people.

Ms. San responded to the allegation concerning social media as well. She indicated that she followed campaign code directly and whenever she saw or was made aware of an issue, she resolved it immediately. In her Exhibit D-1, Appendix 4 & 5, Ms. San provided text messages showing her trying to correct social media post with #votevision. Both screen shots provided the exacting request to remove the post.

Ms. San referenced Mr. Caruso’s allegations concerning the post that occurred at 6:58am. According to Ms. San, this showed her editing the post but it was not posted until after 7:00am on Facebook.

Ms. San spoke to the final allegation concerning misrepresentation in advertising experience. She admitted to the mistake. Furthermore, Ms. San stated in the article presented by Mr. Caruso, that she only worked 13 weeks. She mistakenly put Summer 2103, Summer 2014 when she meant Summer 2014, Summer 2015.

Summary of witness testimony

Mr. Caruso did not present initial witnesses.
Ms. San provided the Committee with two witnesses. The witnesses were Grant Snyder and Jocelyn Barrio. Both testified that when they were made aware of social media post violating Election Code that they took the post down. Both stated Ms. San confronted them about the post and asked them to remove them.

**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 Mr. Caruso was clear and convincing because he was able to provide a preponderance of evidence to show that Ms. San’s expenditure report did not list the real costs associated with the website Voteirissan.com. The Committee found Mr. Caruso proved that Ms. San 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.

Also, the Committee found that the evidence presented which showed social media posting, usage of the #votevision, the earlier launch of the campaign, and the misrepresenting her experience with Summer Orientation violated Article V, Section C, and Subsection 5; section I and Article V, Section A, and Subsection 2. Finally, the Committee believed by admission that Ms. San misrepresented her experience with Summer Orientation violated Article V, Section C, and Subsection 6.

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

The Committee found the evidence presented by Mr. Caruso proved the Voteirissan.com domain name was registered by eNom, created with Wordprocess.com, hosted by Media Temple and had a SSL certificate. The real cost for website was not reported on the expenditure form. During testimony, Ms. San stated she built the website using squarespace.com. However, in her expenditure report she listed an average of two different websites Weebly.com and Squarespace.com to come up with the amount she paid for the website. Based on all evidence presented, the Committee found that the website comparison used to find the average cost, was not the site used to build the website. The committee believed the costs exceeded the $500 allowed to campaign for an ASI position.

The Committee found the evidence and testimony presented about social media posting using the #votevision, the early launch of the campaign, and the misrepresenting of experience relating to Summer Orientation to be factual. Ms. San admitted that when she found out about the social media posting using #votevision that she asked friends to remove the postings. Also, Ms. San’s admitted to the mistake concerning the advertisement of her Summer Orientation experience to have been in Summer 2013 and 2014.
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 recommends disciplinary action is taken for falsifying documents and testimony during the ASI Election/Complaint process. 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 before the end of the semester.