

# Brandeis University Union Judiciary

March 24, 1998

We the members of the Union Judiciary, in the case of Adam Ezring v. Election Commissioners Bill Marx and Nirmala Ravishankar, find unanimously in favor of the accuser, Adam Ezring. We overturn the decision of the Election Commissioners to disqualify Ezring from the election for Student Union President. We hold that the election of Adam Ezring to the position of Student Union President stands.

The Election Commissioners contend that Ezring "broke the rules [w]hen he escorted and instructed an individual through illegal campaigning areas to the election tables [and w]hen he made himself excessively visible in these areas during voting hours." Ezring contends that his disqualification was unjust. He contends that his actions in the Usdan Student Center including his activity within the specified polling area were not in violation of Campaign Rule 5.2, which states "[c]ampaigning is not allowed within the polling place on election days. The polling place includes Usdan upper and lower lobbies, the steps leading down to the cafeteria, and Yakus plaza (the cement areas outside the front door of Usdan)." At the candidates' meeting, the definition of polling place was further clarified to include the mailroom and the area outside the mailroom at the bottom of the stairs.

The main issue in this case is Ezring's alleged violation of Rule 5.2 of the Candidates' Rules of Conduct. The Election Commissioners' contention is based upon an investigation which suggested that Ezring was allegedly campaigning in prohibited areas of Usdan by escorting a voter to the polling area. However, we find that Ezring's actions within said area do not constitute campaigning. Based on the evidence presented, including that of the individual allegedly escorted, we find that Ezring was merely responding to a query as to the location of the polling place. Simply pointing to the polling place in response to the aforementioned inquiry does not constitute campaigning or electioneering in any way and is not a violation of the election rules. The testimony of witnesses Jamie Cohen and Steven Haber, both present at the candidates' meeting where election rules were further clarified and explained, corroborates this finding.

Secondly, at the candidates' meeting, the Election Commissioners made clear that campaigning is strictly prohibited within the aforementioned areas of Usdan. They also advised candidates to "walk-in, vote, and leave" and "vote preferably not at 12-1 when everyone is voting." However, they did not make clear that excessive appearances in Usdan which were unrelated to the campaign would result in disqualification. A reasonable person would have no reason to suspect that going about one's daily routine, including passing through Usdan several times without violating the specified election rules could result in disqualification from the election.

We find Ezring did not violate any rules as stated in the Candidates' Rules of Conduct or explained at the candidates' meeting. We overturn his disqualification and validate the results of the March 19, 1998 election for Student Union President.

We strongly recommend that the Senate further clarify rules with regard to candidates' conduct on election day. Furthermore, we strongly recommend that the candidates' meeting held prior to each election cycle be videotaped, audiotaped, or recorded verbatim in some other manner in order to avoid confusion regarding election rules in the future.

We commend the Election Commissioners for their thorough investigation of this matter and have great respect for their hard work during this election cycle. We thank all parties for their time, commitment, and patience in this matter.

Micah L. Berman, Margo Ceresney, Scott Friedman, Brian P. Irwin, Marina Mazor