Memorandum

To: The elections commission
From: Ethan Orr
Date: March 20, 1995
Subject: My appeal

This is an official notice that I am withdrawing my appeal, it is my sincere hope that some of the problems are resolved before next year's election, but it is not in the best interest of the campus to contest this election.

[Signature]
To: Supreme Court Chief Justice, Mike Brown, and Elections Commissioner, Michael Harter

From: Ethan Orr, ASUA Presidential Candidate

Date: 9 March 1995

Reference: Elections Challenge

Abstract

Ethan Orr is challenging the conduct of the elections commissioner, his decisions, and the outcome of those decisions, including, but not limited to, the election results.

Mr. Orr has nine charges against the Elections Commissioner's conduct and decisions, each of which would independently justify a new election.

Mr. Orr believes that the Supreme Court should require ASUA's Election Commission to call for a new election.

Introduction

With the Wong decision last year and the decision in Weitzenfeld v. Elections Commission The Court established the right of a candidate to appeal the entire elections process. Thus, this court has jurisdiction over this case since it was filed in accordance with the 24 hour deadline established in 9-100.01 of the 1995 ASUA Elections Code.
The Charges

I. With respect to the letters sent to members of the Greek Community they should not have been classified as posters:

    A. pursuant to 1995 ASUA Elections code (hereafter referred to as the Code) section 5-300.002, mailings are permitted to university property. Since the fraternities and sororities are on university property, the mailing is justified if it is addressed to a certain individual. Since the envelopes and the letters themselves were addressed to a specific individual they are allowed to this section and any alleged violations are mistaken.

    B. if letters are found in violation of code section 5-300, a first violation pursuant to code section 5-301.01 should have been made. The penalty given was obviously greater than the penalty rendered by the elections commission.

    C. Even if the aforementioned mailer is not classified as other campaign material, the next logical classification would be solicitation and not posters.

II. Flyer and banner violations in question should not have taken affect until 5PM on Wednesday March 8, 1995 and not at 12 noon on Wednesday March 8, 1995.

    A. Section 7-300.01 of The Code reads as follows, “A candidate is responsible for checking his/her box, that will be issued to the candidate by the Elections Commission for memos, violations, and sanctions which the Elections Commissions issues by five o’clock (5:00) PM each business day, including the first day of campaigning. Any notice will be effective five o’clock (5:00) PM on that day.”

    B. Since the elections commission’s decision came down after midnight Wednesday March 8, 1995, the sanctions should not have become effective until five o’clock (5:00) PM on that same day.

    C. Since the Elections Commissioner made the sanctions effective on Noon March 8, 1995, not only was the elections code violated but Mr. Orr was denied due process.
III. If mailing was considered the third flyer violation the penalty under section 5-100.03 of The Code resulting in the loss of posters for the duration of the election period, however the short time period given to comply with the penalty that of noon Wednesday March 8, 1995 prevented the candidate from making full use of his campaign staff for the duration of that time. Thus the penalty was more severe than that intended by The Code. Furthermore, Ethan was denied due process (see section II).

IV. The Election Commissioner set a five banner limit without any justification or a full process notice. Section 5-200.05 does not set a total banner limit for the campaigns.

V. On Tuesday March 7, 1995, Mr. Orr was given two compounding (compoundment defined in section 10-100.104 of The Code) Banner Violations within the space of 24 hours, this violates section 5-201.05 which states, “candidates shall receive written warning 24 hours before compoundment of violations.” Thus, Mr. Orr was denied due process and the Election Commissioner failed to follow the code.

VI. Banner violations given on Tuesday March 7, 1995 were invalid since Banners at tables were not “hung,” as per section 5-200.04, which requires that the banner be hung in order to be a violation. The banners were draped over a table, there were never hung, thus a banner request form was never required.

VII. An advertised polling place at the Student Recreation Center was never opened. The elections commissioner failed to correct the problem, i.e. removing location from a published newspaper ad.

A. Since a student identification card is necessary to use the recreation center and to vote, failing to open the Recreation Center polling place infringed upon the ability of the students to exercise their right to vote.
B. In *Wong v. Elections Commission* (1994), this court reiterated the integral role voting has with “other constitutionally guaranteed civil rights and liberties.”

VIII. Mr. Orr was denied due process since critical campaign information and decisions of the Election Commissioner failed to reach him as pursuant to section 7-400.01. For example, the restriction on the number of banners and their location of primary polling places.

IX. Mr. Orr’s opponent in the election violated campaign code section 4-300.02 which prohibits “Campaign materials shall not be placed under doors in University Housing.” This was violated when materials belonging to Ben Driggs were placed under the doors of the residents of Gramm-Greenlee. This is also a violation of Residence Life.

Conclusion

Each of these charges demonstrate that Ethan Orr was denied his due process rights, as the court noted in its Wong decision,” In addition, it should be noted that this court is not deaf to the harm and inconvenience such a decision puts innocent parties, however, a violation of the Due Process Clause of the Fourteenth Amendment must take precedence over such injuries which do not qualify for constitutional review.”

Mr. Orr seeks a new election on the above mentioned grounds.

Respectfully Submitted this 9th Day of March 1995,

Ethan Orr, ASUA Presidential Candidate
To: Supreme Court Chief Justice, Mike Brown, and Elections Commissioner, Michael Harter

From: Ethan Orr, ASUA Presidential Candidate

Date: 9 March 1995

Reference: Elections Challenge

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Ethan Orr, ASUA Presidential Candidate