

As Written by Justice Benjamin Eyssen

JUDICIAL PANEL
UNDERGRADUATE STUDENT GOVERNMENT
THE OHIO STATE UNIVERSITY

VINCENT LIU

Plaintiff

v.

BROOKS BROTHERS CAMPAIGN

Defendants

7 March 2017

As Written by Justice Benjamin Eyssen

In the matter of *Vincent Liu v. Brooks Brothers Campaign*, the plaintiff alleges that the defendants have violated *Article II Section A Subsection 1 Subsection a*, *Article II Section C Subsection 2 Subsection b*, *Article II Section A Subsection 2 Subsection c*, *Article II Section C Subsection 1 Subsection a Subsection I*, and *Article IV Section D Subsection 2* of the Undergraduate Student Government Election Bylaws.

II.A.1.c.ii

“Candidates, candidate teams, and slates may not disseminate libelous or slanderous information against another candidate.”

II.C.2.b

“Only campaign expenses used with the intent of influencing an individual’s voting decisions, including, but not limited to, campaign materials promoting candidates, slates, and teams such as t-shirts, flyers, and food shall be included in a campaign’s value.”

II.A.2.c

“Candidates, teams and slates may not overtly act to gain votes, or solicit for votes before the approved campaigning season begins.”

II.C.1.a.i

“Online ledgers must be updated daily beginning of the first day of official candidacy.”

IV.D.2

“Candidates may not falsify any documents submitted to the Judicial Panel at any time...”

The plaintiff alleged to the Judicial Panel that the Brooks Brothers campaign had made knowingly false claims against another campaign, had failed to list all required campaign expenses on their campaign value report, had created a Facebook page before campaigning season official began, had not properly kept their online ledger, and had intentionally falsified documents submitted to the Judicial Panel.

Held: The Judicial Panel finds that the Defendants are in violation of *Article II Section C Subsection 2 Subsection b* of the Election Bylaws and not in violation of *Article II Section A Subsection 1 Subsection c Subsection ii*, *Article II Section A Subsection 2 Subsection c*, *Article II Section C Subsection 1 Subsection a Subsection I*, *Article IV Section D Subsection 2*. The plaintiff failed to overcome the burden of proof in all cases except for in the case of the defendant failing to list a \$7 website expense on the campaign value report.

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The Judicial Panel found that the Brooks Brothers campaign had not disseminated any information that was knowingly false about other campaigns. Several campus news outlets had published similar information and the plaintiff failed to prove that the campaign had lied on purpose for the reason of hurting an opposing campaign.

The Judicial Panel found that the campaign had not violated bylaw II.A.2.c. The plaintiff failed to prove that the Facebook page was not private and was accessible by anyone prior to the beginning of campaigning. A private Facebook page is not an overt attempt to gain votes before campaigning starts.

The Judicial Panel found the plaintiff's argument and evidence in this case to be difficult to understand and unclear. The evidence provided did not have a clear date to prove when it was obtained. The plaintiff failed to provide substantial proof that the campaign had violated the bylaws in updating their ledger.

The Judicial Panel found that the Brooks Brothers campaign had not intentionally falsified documents submitted to the Judicial Panel. The plaintiff failed to prove that purposely written an incorrect date with the intention to deceive the panel. Furthermore, the date provided was listed as "today's date." This does not necessarily mean the date the document was prepared or even published.

The Judicial Panel orders that the defendants receive a penalty of seven (7) dollars. Per IV.A.1, this amount must be deducted from the defendants' slate campaign spending limit, as denoted on the Campaign Value Report (CVR), to twenty-four hundred ninety three (2493) dollars.

It is so ordered.

Signed:

The Judicial Panel

On all charges the Judicial Panel was divided as follows:

Majority:

Acting Chief Justice Seth Lamp, Presiding
Justice Ben Eyssen
Justice Nasra Warsame
Justice Justin Stover
Justice Benjamin O. Allen