



All-Campus Judicial Council
University of Rochester Students' Association

Miraz Sadi v. Elections Violation Committee

Heard: March 28, 2023

Decided: March 28, 2023

Presiding Officer: Associate Justice, Arielle Savoy

Associate Justices: Morgan Gillespie, Annette Hopkins, Bill Waring

Petitioners: Miraz Sadi, Mystie Parker

Respondents: Elections Violations Committee represented by Elections Coordinator, Brianna Jones

I. Facts of the Appeal

On March 25, 2023, the Elections Violation Committee (EVC) informed Miraz Sadi and Mystie Parker that they violated Part One, Article III, Section Two, Part C of the Elections Policy and Procedure Manual (PPM), which states the following: “**Public Campaigning** is only allowed during the Campaign Period”. The Elections Coordinator also cited “a report of [Sadi and Parker] messaging potential voters and trying to gain support before the beginning of the campaign period”.

The period in which Presidential ticket candidates are permitted to begin **Privately Campaigning** is the date of their Candidacy Submission Form being submitted via the CCC. In this case, the Appellants submitted their Candidacy Submission Forms on March 24, 2023. In Part One, Article II, Section One, Part D, of the Elections PPM **Private Campaigning** is defined as “Any campaign action attempting to convince any student to vote for a campaign in a personal face-to-face interaction or in direct messages online”. The period in which Presidential ticket candidates are permitted to **Publicly Campaign** is during the campaign period, which began on March 25, 2023 at 12pm. In Part One, Article I, Section One, Part C, of the Elections PPM, **Public Campaigning** is defined as: “Any campaigning action designed to appeal to multiple students at the same time who the candidate does not know or any campaigning action designed to appeal to multiple students when the candidate is not physically present”.

In their appeal letter, Sadi and Parker state that they are appealing on the grounds that they “never reached out to anyone outside of their mutual following group for campaign support before campaign”. Sadi and Parker also provided evidence demonstrating their connections to various individuals to support this statement.

II. Hearing and Evidence

During the hearing, Sadi and Parker gave an opening statement demonstrating their personal relationship with individuals they had been accused of **Publicly Campaigning** with. They provided evidence to support their statements in the form of past messages with the individuals in question as well as descriptions of social activities.



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Following the opening statement by the Appellants, the Elections Coordinator gave an opening statement detailing the evidence that drew the EVC to their decision and to their sanction. Principal among this was a message sent by Sadi on March 18, 2023 at 8:20pm, to an Instagram Direct Message group chat containing 32 students, that read "Well let's get this started". This was believed by the EVC to be an instance of **Publicly Campaigning** under the definition "any campaigning action designed to appeal to multiple students when the candidate is not physically present" prior to the permitted start date, resulting in a sanction of the Sadi Parker ticket being prohibited from online campaigning for a period of 5 days, 50% of the campaign period. Upon questioning, it was brought to the Council's attention by the Elections Coordinator, that there was no sanction for **Privately Campaigning** before the designated period, and as such there was no sanction given for other messages perceived by the EVC to be early campaigning that were sent to individuals and not in a group chat format.

Subsequently, the Council began a Fact Finding Session with questions directed to the Appellants. The goal of this was to gain clarification regarding evidence given beforehand and presented in the opening statement. The Council asked whether or not the Appellants knew all 32 students in the group chat, with the goal of discerning whether or not they knew each student.

During the fact finding session, the Appellants informed the Council that their message was not seeking support in the form of votes, but was sent with the intention of creating a group chat of campaign assistants, understood by the Council to refer to **Campaign Staff** as it is defined in Part One, Article I, Section One, Part G of the Elections PPM, as follows "Any persons operating under the direction of a candidate and in assistance of that candidate". The Respondent asserted that asking for support does not imply support in the form of joining the **Campaign Staff**, and instead implies the Appellants were asking for votes, which violates the Elections PPM.

Given this information, the Council asked to see the next message sent in the group chat which was not provided as evidence by either party. This was in the interest of understanding the content of that group chat, and whether members were being asked for votes or for general assistance. Upon agreement from both the Appellant and the Respondent, an additional screenshot of the subsequent group chat message was submitted as evidence. The message, sent by Parker, read in part as follows: "Either myself, or Miraz reached out to each of you, because we felt like you would have the best judgment of our characters. Starting on March 31, we will be excepting [*sic*] endorsements... We would really appreciate if you could take the time to repost our campaign content to spread the word!!"

The Council was also informed by the Elections Coordinator that Presidential Candidates can reach out at any point to ask individuals to be **Campaign Staff** as this constitutes **Campaign Planning** as defined in Part One, Article I, Section One, Part B of the Elections PPM, as follows "Any action taken by a candidate or **Campaign Staff** in anticipation of future **Private** or **Public Campaigning**". The Council was also informed by the Elections Coordinator that according to the Elections PPM, **Campaign Planning** can occur at any time of the year.



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After hearing the opening statements, and receiving insightful answers during the Fact Finding Session, both parties gave closing statements reiterating their main arguments. At this point the Presiding Officer adjourned the hearing.

III. Decision and Reasoning

During deliberations the Council found in the favor of the Appellants. We outline our reasoning below.

The EVC's allegation of **Public Campaigning** before the beginning of the campaign period relied upon a single piece of evidence—a screenshot of the Instagram group chat titled “Miraz Mystie for SA” in which the message “Well let's get this started” is visible. The EVC considered the existence of this group chat before the commencement of the campaign period as justification for their decision to sanction the Appellants for violating the rules of **Public Campaigning**; in particular, the EVC considered the Appellants actions to fall under the following clause: “campaigning action designed to appeal to multiple students when the candidate is not physically present”. As such, the evidence pertaining to this group chat was the crucial point of consideration in order to determine whether the Appellants' actions violated the rules of **Public Campaigning**.

In Part One, Article I, Section One, Part C, of the Elections PPM, **Public Campaigning** is defined as: “Any campaigning action designed to appeal to multiple students at the same time who the candidate does not know or any campaigning action designed to appeal to multiple students when the candidate is not physically present”.

1. Note the implied meaning of the word “appeal”; in this definition, “appeal” indicates that the campaign materials are being used to convince a viewer to vote for a specific candidate, or to otherwise contribute to a more positive image of the candidate and hence make the viewer more likely to vote for them.
2. Thus, to show that the Appellants' actions constitute **Public Campaigning**, the EVC would need to demonstrate that the Appellants' acted with the intention of gaining votes.

Upon questioning, the Appellants demonstrated that the members of this group chat were chosen based on their personal connections and group affiliations; the Appellants believed that they could all make valuable contributions to their campaign, specifically ideas and assistance in reaching specific constituencies of the student body. Their stated purpose of creating this group chat indicates that these individuals were intended to serve in a role that falls under the definition of **Campaign Staff**. As defined in Part One, Article I, Section One, Part G of the Elections PPM, **Campaign Staff** are “Any persons operating under the direction of a candidate and in assistance of that candidate”.

The Council looks to the wording of the second message in the group chat for further evidence to support the Appellants' stated intentions:



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1. "Either myself, or Miraz reached out to each of you...". This indicates that the message was not a mass message to people who had not already been contacted either in person or through direct messages prior to the formation of the group chat.
2. "...because we felt like you would have the best judgment of our characters." This supports the claim that the Appellants were contacting people they knew well and who would be able to provide assistance to their campaign in the aforementioned ways.
3. The second message also directly stated two forms of assistance that the recipients could provide to the campaign: endorsements and reposting of social media content:
 - a. "Starting on March 31, we will be excepting [*sic*] endorsements...". By stating when they will be accepting endorsements, the message implies that there are individuals who have already agreed to endorse the candidates, which falls under the definition of **Campaign Staff** (see Section II).
 - b. "Through our Instagram campaign, we are going to share our thoughts on how the school could be improved when elected. We would really appreciate if you could take the time to repost our campaign content to spread the word!!". Asking the individuals to repost campaign content falls under the definition of **Campaign Planning** (see Section II) since the individuals are being asked to act in a **Campaign Staff** role.
 - c. There are no other direct or indirect requests made in this message to the group chat, and hence it is reasonable to interpret the motive to be seeking out individuals who would fit in a role falling under **Campaign Staff**.

Thus, the Council found that this message is neither a violation of the **Public**, nor **Private**, **Campaigning** rules, as **Campaign Planning** is not temporally restricted.

Even though the EVC did not sanction the Appellants for **Private Campaigning**, the Election Coordinator claimed in the hearing that the Appellants violated the rules by **Privately Campaigning** before the date at which they were permitted to start—namely, the date of the submission of the Candidacy Form. Evidence for this claim took the form of screenshots of Instagram direct messages dated to before the date of submission of the forms. The Council considered this claim as well, in part because it is relevant to the previous charge of **Public Campaigning**, and found that the Appellants' use of direct messages did not constitute **Private Campaigning**.

There is no explicit request for votes in these direct messages. The EVC considered the use of the term "support" to indicate an implicit request for votes; for example, the usage is demonstrated in a screenshot of an exchange between Sadi and a student: "I wanted to personally reach out because Me and Mystie are running for Student Body President and Vice-President, and we would absolutely love your support this election cycle." On its own, the phrase "asking for support" is too vague for the Council to conclude that the Appellants were either clearly asking for votes or for assistance akin to that given by **Campaign Staff**. However, this message was followed up by a question asking for the recipient's preferred method of group messaging. These inquiries on the part of the appellants resulted in the creation of the Instagram group chat titled "Miraz Mystie for SA", discussed above.



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The Council believes that the intent of this group chat was not to gain votes from the members, but to carry out **Campaign Planning** activities, such as organizing **Campaign Staff**. Hence, these direct messages can reasonably be concluded to have had the purpose of ascertaining whether the recipients were willing to provide assistance and consent to becoming part of the group chat. For this reason, the Council concludes that these messages do not constitute **Private Campaigning**. In addition, these messages add legitimacy to the previous conclusion that the use of the group chat itself did not constitute **Public Campaigning**.

IV. Recommendations

In future election cycles, the Council advises candidates to explicitly specify when they are asking for support in the form of votes, or support in the form of **Campaign Staff**. The use of phrases such as “support”, without further elaboration explaining what kind of support is being referenced, is advised against. Concise and clarifying language is suggested to avoid future incidents.

The Council would like to further advise, and suggest amending the Elections PPM, given the vague nature of the language surrounding seeking out campaign support in any manner. Specifically, we recommend including a clearer definition of **Campaign Staff** and establishing a limit on the number of permitted **Campaign Staff** a Presidential ticket may have. The Council feels this would be prudent for preventing instances of misguided sanctioning in the future. The Appellants received significant negative effects due to the Elections Violation Committee's sanction, despite not having committed a violation. Although the Appellants could have filed an injunction to postpone their sanctions until the conclusion of their appeal, precise language in the Elections PPM might have prevented the enforcement of a sanction.

It is so ordered.