

GSA Chief Returning Officer (CRO) Decision

2014 GSA General Election – Vice President External Re-Run

Date: April 1, 2014

Parties to the Decision:

- Acting CRO: Richard Zhao
- Respondent: Susan Cake (Candidate for GSA Vice President External)

Background:

Campaign period closed on Sunday March 30, at 4 PM. The Acting CRO received an email from Respondent Cake on Monday March 31, 2014 at 2:36 PM, with the receipt of the candidate's campaign-related expenses. Submitted campaign-related expenses amount to \$46.73 while the authorized spending limit is \$150.00.

Issues:

1. Did Respondent Cake violate GSA Policy regarding the reporting of campaign-related expenses?
2. If so, what penalties or remedial actions should the Acting CRO impose?

Relevant Bylaws and Policies:

GSA Bylaws Part VIII Elections, Section 1.1

"The fundamental principle underlying GSA elections is that they are to be fair, respect the wishes of voters, and conducted in a manner that reflects the excellent, positive reputation of the GSA."

GSA Policy - Elections, Section 5.2:

"Candidates are authorized to spend up to \$150 on campaign material over the course of the election. [...] Campaign costs are not reimbursed."

GSA Policy - Elections, Section 5.3:

"Candidates shall report to the CRO all campaign-related expenses, and submit receipts, no later than the close of the campaign period."

GSA Policy - Elections, Section 5.4:

“Exceeding the spending limit or failure to report and submit campaign expenses and receipts constitute grounds for disqualification from the current election.”

GSA Policy - Elections, Section 6.1d:

“It is the responsibility of the candidates to familiarize themselves with the GSA Elections Bylaws and Policies.”

GSA Policy - Elections, Section 7.1c:

“The CRO may impose the following penalties, remedial actions, or make referrals:

- i. Verbal or written reprimands.
- ii. Reduction of spending limits.
- iii. Disqualification from the current election.
- iv. Any other penalty or remedial action.
- v. Any referrals.”

GSA Policy – Standing Committees, Section 9.3c:

“The ERC will review Elections and Referenda Bylaws and Policies annually and make any recommendations to Council through the Board.”

Findings:

According to GSA Policy - Elections, Section 5.3, Respondent Cake should have reported her campaign-related expenses and submitted receipts to the Acting CRO no later than Sunday March 30, at 4 PM. The Acting CRO received them on March 31, 2014 at 2:36 PM, 22 hours and 36 minutes late. This is a violation of GSA Policy - Elections, Section 5.3.

GSA Policy - Elections, Section 5.4 states that failure to report and submit campaign expenses and receipts constitute grounds for disqualification from the current election. Respondent Cake did report and submit her campaign-related expenses and receipts. Section 5.4 does not state that failure to report *before the close of the campaign period* constitute grounds for disqualification. Therefore, it is the opinion of the Acting CRO that the wording as stated in the current GSA Policy - Elections, Section 5.4 does not apply to this situation. It is the mandate of the GSA Elections and Referenda Committee (ERC), not the Acting CRO, to review Elections and Referenda Bylaws and Policies and make any recommendations to GSA Council through the GSA Board.

Respondent Cake states that she had forgotten to submit receipts before the ending of the campaign period, and that she had not had any gain by submitted this receipt late. The Acting CRO has taken this into consideration. Informed by the guiding principle of GSA Elections set out in GSA Bylaws, Part VIII, Elections, Section 1.1, it is the opinion of the Acting CRO that

Respondent Cake's violation did not disrespect the wishes of voters and give her an unfair advantage in the elections.

Decision:

The Acting CRO, in consultation with the Acting DRO, decides that:

Respondent Cake is in violation of GSA Policy - Elections, Section 5.3.

The following reprimand in quotations shall be a written reprimand to Respondent Cake:

"This is an official written reprimand for your failure to report campaign-related expenses before the close of the campaign period as required by GSA Policy - Elections, Section 5.3.

I am writing to remind you that all candidates in the GSA Elections should familiarize themselves with the GSA Elections Bylaws and Policies."

As per GSA Policy – Elections, Section 7.1e, candidates shall have twelve (12) hours from the time the Acting CRO's email is received for an emailed appeal to be received by the Speaker as denoted in GSA Policy - Elections, Section 9, Elections Appeals.

So decided: Tuesday, April 1, 2014 at 1:02pm. All times in this document are in the Mountain Time time-zone, with the appropriate Daylight Savings Time.