2022-2023 SGA Elections – Journal of Election Complaints Received

Complaint No. 92-01

Date Alleged Violation Occurred: 3/30/2022
Time: 3:30 p.m.
Location: Decatur Student Center Food Court

Names of Suspected Violator(s): None

Suspected Violation: When asked for clarification on the allegations that were submitted in this complaint (since it wasn’t stated anywhere in the complaint that it was a “practice” submission), the candidate stated that none of the allegations were factual, and she thought it was a part of the candidate orientation process to submit a practice complaint.

Complaint Filed by: Mariah Parrot
Status: Resolved

Complaint No. 92-02

Date Alleged Violation Occurred: 4/11/2022
Time: 9:59 p.m.
Location: Instagram accounts of Sankofa and Candidate Livnat

Names of Suspected Violator(s): Candidate Livnat and Sankofa

Suspected Violation: The Chief Election commissioner noticed that Sankofa posted an endorsement for Candidates Walker and Livnat, however, only a request to approve an endorsement for Candidate Walker had been submitted and approved. He contacted the Sankofa advisor and Candidate Livnat at 12:51 on 4/12 to remove their posts until an endorsement request has been submitted and approved. Both did so, Sankofa submitted their request, which was approved.

Complaint Filed by: David Catalan Perez
Status: Resolved

Complaint No. 92-03

Date Alleged Violation Occurred: 4/12/2022
Time: Early morning
Location: Classroom South 608

Names of Suspected Violator(s): The Prince Campaign

Suspected Violation: There are Three violations: 1. The Prince campaign engaged in campaigning activities during a class without permission from the instructor. 2. The Prince Campaign placed campaign materials in classrooms. 3. The Campaign distributed written materials in class without written permission from the instructor. Upon entering the classroom I saw more than 100 campaign leaflets all over the desks in the classroom. I asked the professor, Ms. Gilmartin (lgilmartin1@student.gsu) if she had given anyone permission to distribute these materials to the class and she had said that she did not give anyone permission to do so. See the following excerpts from the bylaws Campaign materials may
not be placed in classrooms, laboratories, computer laboratories, residential areas, retail dining areas, elevators, escalators, libraries, entrances and exits to buildings, and/or other locations exempted by the Dean of Students. a. Handbills or other campaign literature distributed or posted in classrooms must receive pre-approval by the Election Commission and written consent of the faculty member responsible for the area. H. Campaigning may not interfere with the normal operations of the campus, therefore campaigning during classes is not appropriate unless a candidate has express permission from the presiding professor.

Complaint Filed by: Candidate Livnat
Status: Resolved

The Election Commission investigated the complaint, and the case was resolved. The Prince Campaign received permission from Dr. Pascoe, who taught a class earlier at the location. The candidate left materials to be given to every student within the course, and only a few students took the campaign materials with them. Many students within the class left materials behind after it was given to them, making Presidential Candidate Prince not responsible for the actions of those students.

**Complaint No. 92-04**

Date Alleged Violation Occurred: 4/13/2022
Time: Unknown
Location: Student Center West
Names of Suspected Violator(s): Unknown

Suspected Violation: A few of my campaign posters submitted and posted in the Student Center West were missing. They were taken down and potentially destroyed. On one occasion, I found a poster on the floor that was made to seem like it had fallen out. However, my poster became missing after placing it back in the holder tightly secured.

Complaint Filed by: Candidate Prince
Status: Resolved

The Election Commission investigated the complaint, and the case was resolved. Following Article 4: Campaigning Practices - Section 3: Approved Materials (p): Candidates or campaign workers may not tear down, cover, or deface another candidate’s campaign materials or the candidate’s character in any manner. This includes but is not limited to: derogatory or verbally abusive videos, written materials, internet postings, or other campaign outlets. Candidates will be held responsible and required to make restitution for any damage to another candidate’s campaign materials by the candidate, party, or person affiliated with either. The determination of responsibility is at the discretion of the Election Commission. There was no evidence or additional information to provide context to the alleged violator. The Election Commission is unable to rule with the lack of evidence provided.

**Complaint No. 92-05**

Date Alleged Violation Occurred: 4/14/2022
Time: Afternoon
Location: Greenway  
Names of Suspected Violator(s): Livnat Campaign  

Suspected Violation: Using a past SGA president, Kaelen Thomas, who is no longer a current GSU student and potentially unregistered to assist Ira's Livnat campaign outside by persuading students to vote in the SGA elections for Livnat. Due to past leadership experience, especially a past SGA president of GSU, election voters are easily influenced to vote for a particular candidate.

Complaint Filed by: Candidate Prince  
Status: Resolved  

The Election Commission investigated the complaint, and the case was resolved. Following the Election Code Article 3 - Candidates & Parties - Section 5: Responsibilities of a Party (4): Parties must register the party name, candidates, staff and party volunteers with the Election Commission before engaging in any campaign practices. Party staff members and volunteers are subject to the same violations and penalties as candidates. The Election Commission and/or the designated judiciary shall have jurisdiction to decide whether or not it is necessary to penalize the candidate or party for a violation of its staff/volunteer members. The Election Commission will issue a warning to the Livnat Campaign. Since the election period is over, the 48-hour suspension of campaigning will not be applied. Unregistered Volunteer Kaelen Thomas may not continue to campaign for the rest of the election period.

Complaint No. 92-05

The following appeal was made via email on 4/18/2022 at 6:29 p.m. regarding the outcome of the SGA Elections.

Good evening,

The previous SGA administration attempted to adopt Ranked Choice Voting (RCV); however, the new method is not reflected in the current bylaws.

In the most recent election, the results were as follows:

<table>
<thead>
<tr>
<th>Candidates</th>
<th>Votes</th>
<th>Percentage</th>
<th>Second-Choice Votes</th>
<th>2nd Round Votes</th>
<th>2nd Round Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthony Prince</td>
<td>316</td>
<td>50%</td>
<td>43</td>
<td>359</td>
<td>61%</td>
</tr>
<tr>
<td>Ira Livnat</td>
<td>209</td>
<td>33%</td>
<td>25</td>
<td>234</td>
<td>39%</td>
</tr>
<tr>
<td>Kristen McManus</td>
<td>113</td>
<td>18%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As you can see, the 316/638 is not a 51% but instead 49.52% if taken out of the total amount of people who voted for a candidate or 36% if taken out of the total amount of people who voted.
Per pages 54 and 55 of the SGA bylaws defining Election Results (article 10) provides in the relevant part:

a. The winners of the races for executive positions (President, EVP, and Speaker) shall be determined by a majority of the first-choice votes for each position.

b. A candidate must receive a majority of the first-choice votes to be declared the winner of the race.

The bylaws state not once but twice that the candidate with the majority of first-choice voters wins.

Then on page 55, section D states what ranked-choice voting is and defines some of the terms. It doesn’t state in the same specificity as the previous section and directly conflicts with the previous section.

D. Ranked Choice Voting (RCV)
   a. For the purposes of this section, the following definitions shall apply:
      i. “Ranked Choice Voting” means a method of casting and tabulating votes that simulates the ballot counts that would occur if all voters participated in a series of runoff elections with one candidate eliminated after each round of counting. In elections using the Ranked Choice Voting method, voters may rank the candidates in order of preference.
      ii. “Advancing candidate” means a candidate who has not been eliminated.
      iii. “Continuing ballot” means a ballot that is not an exhausted ballot.
      iv. “Exhausted ballot” means a ballot on which there are no choices marked other than choices for eliminated candidates.

b. For Executive and Senate Races, the ballots shall be counted by the method of ranked choice voting, prescribed herein:
   i. The initial round of counting shall be a count of the first choices marked on each ballot. If any candidate receives a majority of the first choices, that candidate shall be declared the winner, pending ratification.
   ii. If no candidate receives a majority of first choices, there shall be a second round of counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot’s highest ranked advancing candidate.
   iii. If no candidate receives a majority at the second round of counting, there shall be a third round of counting, continuing in the manner prescribed above.
   iv. The process of eliminating the last-place candidates and recounting all the continuing ballots shall continue until one candidate receives a majority of the votes in a round. The candidate who receives a majority of the votes in a round shall be declared the winner, pending ratification.
   v. When a ballot does not list a preference for any given round, it shall not be counted in that round or any subsequent round.
   vi. If there are not sufficient second and lower choices for any candidate to receive a majority, the candidate with the highest number of votes shall be declared the winner, pending ratification.
   vii. When a ballot becomes an exhausted ballot, it shall not be counted in that round or any subsequent round.

Since ranked-choice voting was never properly adopted, and there is an ambiguity concerning how the winner should be declared, I am requesting that the SGA Judiciary hold that a one-day runoff election be conducted to determine the presidential election winner so that there be no doubt as to the winner and that we promote democracy in our student government.

The other candidate’s contact information is as follows:
Aprince15@student.gsu.edu

Best,
Ira Livnat

Speaker of the Senate, Atlanta Campus | Student Government Association
GSU College of Law Class of 2024

Status: Resolved – See the SGA Judiciary Final Decision here.