

Thursday, March 22, 2012

To: The Elections and Disputes Commission

From: Michael Jordan and Donald Garrett

RE: Request for Reconsideration of Spring 2012 Grievance 001

Good Afternoon,

This letter serves as a short appeal to your holding on Spring 2012 Grievance 001. The Elections and Disputes Commission erred in its findings and sanctioning.

Tags

The EDC held the respondent's responses to the tag claims were incongruent. That's incorrect. Both Michael Jordan's and Donald Garrett's answers were true. Chairman Bier could not find the picture on Donald's facebook at the hearing because of Donald's privacy settings. The picture still exists. Michael Jordan, likewise, was not able to see the picture until he was tagged in it. Donald's privacy settings also do not allow for others to freely download pictures using the facebook interface.

Color, Font, and Feel

The Commission did not use a graphics program to identify the fonts used in the photo nor did the petitioner provide evidence that the font in the photo is the same as the respondents' campaign material. The Commission assumed facts that weren't in evidence.

The color orange does not appear in any of the respondents' campaign materials.

The Commission held "a neutral observer could reasonably pic these pictures out of a lineup as being similar." This is not based on evidence provided by the Petitioner. Again, the EDC assumes more than was presented at the original hearing. The petitioner did not bring in a neutral observer to prove this point.

Timing

The fact that the photo was removed at the beginning of the election period from Michael Jordan's facebook cover shows that it has nothing to do with his campaign for Student Body President.

Paige Davis

Your holding stated, "attempt[ed] to help support the respondents' campaign" by changing her profile picture to the picture in question. This was not based off any testimony given by either party at the hearing. This is an assumption that the Commission unfairly used while crafting it's holding.

Standard of Evidence

Election Code 8.9 states, "All defendants are innocent until proven guilty beyond a reasonable doubt." In your holding, five Commissioners voted guilty, two voted not guilty, and one abstained. The two members who voted not guilty show there was a reasonable doubt in the Commission.

Campaigning

Election Code 2.8 defines campaigning as "any activity by a candidate that has a primary purpose of furthering a candidate's likelihood of being elected." The Commission's holding is based on other's assumptions and perceptions, not the primary purpose of Michael Jordan and Donald Garrett.

For the above reasons, we respectfully request the EDC to reverse it's holding and allow Jordan/Garrett back on the ballot.

Respectfully submitted,

/Michael Jordan/
Michael Jordan

A handwritten signature in black ink, appearing to read "Donald Garrett", with a long horizontal flourish extending to the right.

Donald Garrett