



2011-2012

# Election and Disputes Commission Student Government George Mason University

David J. Bier – Chairman

**Associate Commissioners**

Christina Lauderdale  
Emily Daniel

Daniel Santiago

Greg Mercer

Randah Al-Hothali

Jessica Richardson

Danny Lee

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I.

The issue set before the EDC is an appeal to the prior decision in Spring 2012 Election – Grievance 001, in which the EDC held that the Jordan/Garrett campaign was guilty of early campaigning.

II.

To succinctly and thoroughly address the respondents' claims as asserted in the appeal, the EDC has chosen to address each point individually. Points that are not listed were dismissed by the Commission as arguments that are not germane to the issues at hand, or adequately addressed in the initial decision.

**Tags:** The respondents assert that the location of the tags were mere coincidence, and not meant to draw any association between the tagged parties and the letters. The EDC maintains that the location of the tags was not a simple coincidence, and that the tags indicate that the "M" was tagged to represent Mr. Jordan while the "D" was tagged to represent Mr. Garrett. Furthermore, we still hold that tagging is unnecessary for picture sharing, as asserted in our initial decision.

**Color, Font, and Feel:** In reaction to the respondents' claim, we performed an analysis of the letters with an online graphics program, and are certain that: 1. The "M"s are close matches with regards to font (some variation of Pen Tip DT) and 2. The "D"s are similarly close in font. We do not contest that the color orange is not a substantial element of other campaign materials, but the color orange does not affect our decision. We also hold that the hypothetical neutral observer is a legitimate tool in determining the appearance and perception of the image, akin to a "reasonable man" as has been used in numerous legal doctrines.

**Paige Davis:** In their appeal, the respondents inaccurately summarized one of the holdings on the matter of Paige Davis and her applicability to this case. Upon reviewing an audio recording of the initial hearing, Mr. Jordan said, "not one person except for the person who mistakenly added thinking it was our campaign." Based on this statement, the EDC stands by its holding that Ms. Davis, as someone who was attempting to support the Jordan/Garrett Campaign, interpreted the picture as campaign material.

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Standard of Evidence: We hold that “beyond a reasonable doubt” refers to the convictions of each individual, not the group as a collective entity. The phrasing is not defined as a unanimous vote, but rather that each commissioner who voted “yea” believed that the respondents were guilty with no reasonable doubt in their own minds.

III.

In conclusion, the EDC unanimously votes 5-0-1 to uphold our prior decision.

Commissioners present: Lauderdale, Richardson, Daniel, Mercer, and Santiago. Chairman Bier abstained, as he was running the meeting. The Chairman only votes to serve as a tiebreaker when necessary.