

FAU Student Government
Elections Board Meeting
Palmetto Palm Room of the Student Union
March 29, 2010

Meeting was called to order by Chair of Elections, Freddy Moldt at 8:20pm on March 29, 2010.

Associate Dean Terry Mena started the meeting. He encouraged the audience to keep decorum. Reminded the group that this is not a hearing, and asked that the group act with integrity when addressing each other and the Elections Board. He explained that if at any time members of the audience would act or speak out of order, than the board would offer a warning. If the individual continued to act in a way out of order they would be asked to leave.

Moldt called Roll:

Manesh Gopaldas- Present via phone.

Alexandria Johnson- Present

Moldt- Present

Moldt explained that the advisors were present to assist with Robert's Rules of Order because the Board does not meet as often and utilize those Rules as much as other branches. He went over the agenda items: Open Forum would start, followed by Discussion. Moldt explained that Discussion will involve the Submission of the Contestation forms turned in by the United Party and whether or not they were turned in in accordance with Statute 318.200. If so, then the further Discussion items of the agenda would be discussed. Following discussion, reports would be given by the Commissioners, and the Chair and then the floor would be open for Open Forum once again.

Open Forum:

Ayden Maher: I would like to go over the contestation itself. Addressing the Board for the 1st contestation, it should go to the Court. For the second contestation, Statutes claim that Complaints & Contestations must be submitted with all names & information officially submitted, so the contestation with the piece regarding the computer should list all witness names.

Regarding the Contestation with the picture of Ryan Ebanks, I have an email from Ryan Ebanks addressing this picture and this has been sent to the Elections Board and the Chief Justice.

Regarding the picture of Dre, there is no way to know when this picture was taken or when the shirt was worn. We had over 330 shirts distributed so it could have been worn at any time between the elections.

For the last contestation regarding Houston Hodges, he is here as well and will speak to that.

Johnson: Your time is up.

Moldt- Now we move on to questions.

Moldt: Can you explain what happened on Friday, March 26?

Maher: In accordance with Statute 318.200: The Election Complaint and Contestation Form must be submitted to the SG Advisors no later than five (5) p.m. on the Friday following posting of the unofficial results of the election who will then immediately forward it to the Chair of Elections.

We were in the SG Office from 1-5pm. We asked if any contestations had been filed. At 5pm, Moldt indicated that no contestations had been filed. At 5:14 pm, I received a text indicating that a contestation had been filed. There was no time stamp given from Abby Solomon and it states in the statute that the contestation must be submitted to a SG Advisor.

According to the Union cameras, Forbes came in the office at 5:03pm. So there is no way to prove that the contestation came in before 5pm.

Moldt: Any further questions? Okay- any further Open Forum speakers?

Sherise Latta (SP)

I don't know if I can comment on this, but the date and time the speaker just said, that was false. Mr.Evan was there at 5pm but Mr.Maher was not in the SG Office because I was there.

Moldt: Any questions for the speaker? Okay- no further questions.

Mena: If you wish to speak in Open Forum, I encourage you to start a line; just don't block the door.

Dre Sharnoff: I'm one of the people wearing a shirt in the contestation. I had no idea I couldn't wear a shirt. I did wear one on Wednesday. I wasn't campaigning openly though. I'm pretty sure that there wasn't an IFC meeting that day- minutes would show that it didn't happen, but either way I took it off to go to that meeting. I can tell you that not many people go thru the office, so there wouldn't have been a landslide of votes.

Moldt: Any questions for the speaker? Okay, no questions. Next speaker.

Hodges: For the contestation that I'm pictured in, there is no time or date. But, I had worn my shirt to school all day and I apologize. I just went to the Rec Center and was enjoying the barbecue. I apologize for violating anything.

Moldt: Any questions?

Johnson: For the record, you did wear your shirt to the Pool Party?

Hodges: Yes.

Moldt: Any further questions? Okay, moving on.

Camille Rohrer: We had Greek Week practicing for Greeks Got Talent. I went to go vote on a computer. He showed me how, he didn't tell me who to vote for nor did He tell me to do it.

Moldt: Any questions? Okay- no questions. Anyone further wishing to speak? Open forum is over. (8:37pm) We will now begin Discussion. We will begin with the Submission of Contestation and whether it was submitted in accordance with 318.200.

As a reminder, this discussion is just for the Elections Board. I will start by reading a memo from Friday that I wrote. This memo is an overview of the events occurring on Friday, March 26th, 2010. Below is a timeline of the events as they occurred:

- 11:48 am** Freddy Moldt called in to Abby Solomon, no contestations received by either candidate party.
- 5:00 pm** Freddy Moldt called in to Abby Solomon and Heather Bishara, no contestations received by either candidate party.
- 5:13 pm** Freddy Moldt received phone call from Abby Solomon, stated that a contestation was submitted by the United ticket. She stated the contestation was placed in a folder on her desk before 5:00 pm, but that she had not seen it until after 5:00 pm.
- 5:24 pm** Freddy Moldt arrived to the Student Union to review the United ticket contestation, which had a date stamp for March 26, and no time stamp. Ayden Maher indicated he had intended on submitting a contestation if the United ticket submitted one. Due to the inability to turn in a contestation by the deadline, Ayden decided to not submit a contestation. Ayden was informed of the options available: submit a petition to the student court, submit a contestation (that would be determined to be eligible for consideration only at the Monday meeting), or to not turn in a contestation. No action was taken.
- 6:49 pm** Freddy Moldt called Heather Bishara to debrief, left FAU campus

The phone call times mentioned above can be verified in my phone call log, and were verified by Alan Pollock.

318.200 states: The Election Complaint and Contestation Form must be submitted to the SG Advisors no later than five (5) p.m. on the Friday following posting of the unofficial results of the election who will then immediately forward it to the Chair of Elections.

The following is a statement submitted to me by Abby Solomon:

Collene put it on my desk in an unmarked green folder while I was doing a TAR with another student. I didn't know what it was or who put it there because I was working with the other student. Collene told me it was a contestation after 5:00 PM - after Heather and I discussed (at my desk) that the 5:00 deadline had passed and I told

Freddy on the phone that there were no contestations. Heather had already left for Katie's event when Collene asked me to time and date stamp it. I was pretty sure I saw it on my desk while I was working on the TAR, but I obviously can't be 100% certain. I stamped it, but I did not put a time on it because I didn't know what time it was when it was put on my desk.

I called Heather at 5:08 on my cell phone, after I dated the contestation. I also called Freddy back to let him know there was a contestation at 5:12 PM.

So, the question on the table is: Is there enough evidence to prove that the contestation was turned in before 5pm?

Gopalda: No

Johnson: Yes.

Moldt: Alexandria, can you tell us why you think yes?

Johnson: I think yes because the time period of receiving the folder, she was simultaneously working with students, with Heather and working on a TAR. She said she hadn't been looking for anything on her desk. She had to be told to look for it.

Moldt: I can't say that there was enough evidence. I called at 5pm and unless Abby Solomon says that she received it on time, we cannot be certain.

Johnson: Are going to give it the benefit of the doubt? The fact that she says she wasn't sure could mean it is either way.

Moldt: I don't believe there is enough evidence. My vote is No.

Gopalda: Even in the statement, Abby is unsure. I don't know what time it was and therefore I don't think there's enough evidence- there's not enough evidence to show it was turned in on time.

Johnson- But, there's no sure-fire way to show it was there before or if it was there after.

Moldt: There is no time stamp because Abby can't state that it was there before 5pm. Does anyone need further clarification regarding the 5pm deadline? Okay, giving evidence that we discussed, the second question we need to determine is: is the contestation in accordance with 318.200?

Gopalda: I don't think that they made the deadline, so, No.

Johnson: Yes.

Moldt: My vote is No- the contestation was not turned in to 318.200 there is no time stamp to prove the time.

Johnson: But, your memo said it was there.

Moldt: She says she thinks it was turned in. Does the election board need me to repeat the question?

Johnson: She stated that the folder was placed on the desk, but, someone put it there. Did she know it was there? She was working with another student.

Moldt: I wrote she said it was in because she thinks it was in, she was pretty sure, but she can't be positive of when it was put there.

Johnson- saying that's valid, we're still choosing to say it wasn't there- it could go either way.

Moldt: Rules say it has to be there and it has to be certain it was there.

Johnson: But it doesn't say that we can't consider it might have been there.

Moldt: Well, according to vote, we have two votes No and one vote yes. So, the four contestations will not be discussed in a further hearing. We will now move on to reports.

Johnson: I was not in the office at the time of submission, I did get the first text from Freddy regarding the fact that no contestations had been turned in. I voted to accept the contestations because I felt like they were in accordance with 318.200. I didn't think there was enough evidence either way. That's all I have to say.

Moldt: Any questions? Okay, Manesh, do you have a report?

Gopalda: No report.

Moldt: Elections Chair Report, Contestation 1 is against the board. It is forwarded to the Student Court. So, the matter of that will be handled with the Court because it was against the Elections Board. Because of the submission of the packet timeliness, there will be no hearings. Unfortunately it came down to evidence and there wasn't enough. Any questions? Okay, no questions so now we move in to Open Forum again.

Chuck Forbes: Chuck Forbes for the record. I don't know what to say. Basically, you have had people come up and prove the points in the contestation- they spoke about the laptop during greek week and wearing t-shirts. Intentions of the people in the contestations may be off, but what wearing a t-shirt can do to promote a campaign is big. It does make a difference.

This an unjust decision. I have been doing this stuff for two years, I know the rules. At 4:58am I got the materials to Collene. We're talking about a 79 vote difference. If people who saw the shirts would have voted for us instead, we would have won. You have had 3 people say they went against the statute. And for you to say there is no evidence turned in on time is not right. You have evidence of people saying they didn't follow statutes. Put 2 and 2 together- this is not equal right now.

This is blasphemy.

Moldt: Any questions?

Gopalda: If you turned it in at 4:58am then why didn't you make sure it got time stamped?

Forbes: I did the work and gave it to Collene by 4:58am. She put it on the desk. Do you want her to have Abby time stamp it when Abby is working with students? It is ridiculous not to look at it.

Moldt: Any questions? Okay, next speaker.

Washington: Marcus Washington, I'm the Director of SG Marketing for the record. You can't determine between opinion and evidence here. There are not enough facts to determine what was turned in before or after 5pm.

I could see you guys were in the office at that time, but you're talking about a decent gap- you are letting go of 4 contestation that could make a big difference. To let go of 4 contestations that could make that gap smaller is a big deal. To go off opinion is not right. Only facts equal evidence.

Moldt: Any questions? Okay, next speaker.

Maher: 318.200 states that the forms must be submitted to SG Advisor by 5pm. I was notified at 5:13pm that contestations had been turned in. In regards to the contestations, if Dre & Houston caused 156 people to vote than they are key to any campaign. Had I filed a contestation, I would have made sure it was time-stamped.

Moldt: Any questions?

Gopalda: No questions.

Johnson: 79 votes could have been swayed by what the contestations state. Is it really about votes to you or just the rules? Even if you have won, the fact is that people are saying that rules were broken. With the statute violation, you don't seem to see the fact that people admitted to these violations and there was evidence brought forward by the people during open forum.

Moldt: Any further questions? Okay, next.

Evan Konecky: I want to address the timeframe that was discussed earlier. I was at the House meeting at 4:02pm and they went on a tour until about 4:30pm. We went on a tour of the SG offices and then I came back to the SG office at around 4:10pm and stayed in the office until 5pm. When 5pm came, I hugged Collene and Chuck. If she did turn in her forms then she should have said something. You (Chuck) came in at 5:02pm. I said "great campaign."

Moldt: Any questions? Okay none, next speaker.

Collene O'Reilly: I would like to thank the election board for your hard work. But honestly it is disappointing. Whether Abby says she thinks it was there or not, it should be considered that this was an administrative error. I know when and remember when I turned in the forms and it was before 5pm. I felt when I left them there, they would be seen, but I shouldn't have assumed that. Abby knows for a fact that the folder was there before 5pm. It's sad that the contestations are being disregarded. It's sad that the party doesn't feel the campaign violations are real.

I want to thank you all for voting and hope that you know that your votes count.

Moldt: I just want to clarify- not all contestations have been thrown out. The one regarding the contestation against the Board goes to the Student Court. Are there any questions? Okay, we go to the next speaker.

Peter Armorado: We are not here to discuss whether violations are real or not. We're here to discuss whether the contestations were credible and allowed to be turned in. What we're discussing is whether it was turned in on time. I myself saw violations were done by the other (United) party, but I didn't turn them in by the deadline, so they can't be discussed. What we're discussing here is whether there was evidence to admit the contestations.

Moldt: Any questions? Seeing none, next speaker.

Boris Bastidas: Boris Bastidas for the record, House of Representatives. I am going to address this in a different approach. And I'm going to remind the party who submitted that you have the right to an appeal. I too lost an election. You can see the flyers from my opponent still over in the Arts & Letters building today. Whoever wins this thing, I hope the attention you give to this contestation, that you also give to the students you serve. I am sick and tired of all the attention given to contestations and then people not working for the students when they are elected.

Moldt: any questions? Okay, there are none, next speaker.

Justin Porter: I've been listening to the committee and have heard the committee talk of a green folder placed in an unsecure area where anyone can go and add & remove documents of the folder. Take into consideration -what is date-stamped? Also, does Abby fall under the advisor rule? That's who it says it is turned in to. You could consider the admissions of what was

stated here, these are free statements. But, no talk has been about the green folder and what was included in it prior to or after 5pm.

Moldt: Any questions? None, so next speaker.

Joel Walters: I was at the office before – 10 minutes before 5. He (Konecky) was in the office. He was in the back area. There was no way he could have seen what was happening before that time. Abby's statement could be interpreted. She called Miss Heather to verify the time- when she was called, she was advised to not time stamp the document.

Moldt: Any questions, okay there are none- so next.

Camille Rohrer: I want to clarify my statement. It was not Ayden or Evan who led me to the computer. And, He (Evan) did not tell me who to vote for- he just told me how to vote.

Moldt: Anyone further for Open Forum? Okay, so no one else, we will now move on.

I just want to clarify that the Contestation 1 against the Election Board will be handled by the Student Court. We voted to not hear the contestations. The appeal process for this decision can be found in 319.000. (Moldt read the process found in 319.000) I will be sending out notice of the results of the meeting.

Moldt: Okay, final roll call: Gopaldas: P; Johnson: P; Moldt: I am here.

Moldt: Can I motion to adjourn?

Johnson: I motion to adjourn.

Gopalda: I second it.

Moldt: Okay, the meeting is now over at 9:13pm.