

Boston University | Student Elections Commission

Official Statement



March 3, 2014

Question at hand

On March 2, 2014, the Student Elections Commission (SEC) received an appeal from D.A. Whatley requesting that he be deemed eligible for candidacy in the Spring 2014 election. Whatley had been deemed ineligible after he asked the SEC if he was eligible to submit a Candidate Intent Packet. His ineligibility stemmed from Section 2.2.04:

“Candidates shall be deemed ineligible if they have served on the SEC during the election cycle in which they are seeking office.”

Whatley’s appeal was distributed to members of the SEC for consideration at a closed-door meeting on March 3, 2014.

Findings

On March 3, 2014, the SEC considered Whatley’s appeal. All 9 current members of the SEC were present at the meeting.

Whatley’s arguments were structured around 2 core tenants:

1. Whatley argued that the election cycle wording was vague and did not have a definite start and finish.
2. Whatley argued that he was never an official member of the SEC as outlined by the SEC Internal Code and is thus eligible for candidacy.

In considering the first contention, the SEC concedes that it is not clear when the election cycle begins because it is undefined in the SEC Election Code. Given that the intention of the SEC is to provide a fair and legitimate election, the SEC stresses that individuals are members of the SEC during an election cycle when they are first present at an SEC meeting before the first information session and after the first day of the semester in which the election will be occurring.

The SEC concluded in a unanimous vote that the election cycle officially begins on the day of the first procedural meeting of the SEC, before the first information session and after the first day of the semester in which the election will be occurring.

In considering the second contention, the SEC once again concedes that it is not clear that Whatley was in one of the codified roles of the Internal Code. However, substantively Whatley was a member of the SEC because of his contributions to the updated Election Code, his presence at several SEC meetings, and his presentation at the first information session of the election cycle.

In voting on the second contention, Chair LaVelle and Vice Chairs Miller and Towner recused themselves in the event that it would present a conflict of interest. The remaining 6 members of the SEC voted; the SEC concurred on a 5 to 1 vote that Whatley is ineligible for candidacy in the Spring 2014 election cycle.