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3/7/90

SENATE MEMBERS

ROLL
CALL

PQ ② ② C

Behr, Rob

Berg, Tim

Bernardini, Tracie

Byars, Brandon

D'Angelo, Frank

Dahlberg, Tim

Fairbanks, Lisa

Gay, Carla

Henderson, Cory

Hummel, Eric

Lenhart, Kaia

Moran, Joe

Price, Pat

Rebald, Paige

Sliter, Paul

Smith, Brian

Solem, Ted

Warden, Christopher

Wilkinson, Nathan

Young, Steve

ASUM OFFICERS

Aylsworth, Aaron
PresidentCate, Darren
Vice PresidentPouncy, Calvin
Business Manager

FACULTY ADVISOR

Henrietta
Edgar, Pat

Senate Tally: 11/21/89

720 8/20

ASUM Senate Minutes
Mount Sentinel Room
March 7, 1990

Chairman Cate called the meeting to order at 6:06 p.m. Members present were Senators Berg (6:12), Bernardini, Byars, Dahlberg, Fairbanks, Gay (6:08), Henderson, Hummel, Lenhart, Moran, Price, Sebald, Sliter, Smith, Solem, Warden, Wilkinson, Young, business Manager Pouncy and President Aylsworth.

President's Report

1. Aylsworth introduced Darcy Schacher to give an update on the ASUM Escort Service. Ms. Schacher announced that there have 346 escorts this quarter. The weekend service has been more used this quarter than in previous quarters. The service is more needed during Winter Quarter due to the fact that there are more hours of darkness. She wants the senate to support a five day service for Spring Quarter. They have an 8 to 9 minute response time. Ms. Schacher has talked done dorm presentations and has had more ads and articles in the Kaimin. She is requesting approximately \$2,200.00 for a five day service spring quarter. The service will run from 8:00 p.m. to midnight next quarter. The Escort Service has had no financial support from the University Administration. Ms. Schacher stated that the administration felt that since it is a student service it should be funded by students. She will ask the administration to give the same amount that they gave last year -- \$750.00. The Safety and Security office does provide an office, walkie-talkies, and flashlights.
2. Aylsworth introduced Patrick Edgar, the ASUM Faculty Advisor. Professor Edgar stated that two years ago he was asked to serve as the faculty advisor for ASUM. At that time he stated that he would act as an advisor and not an advocate. He discussed some concerns he was having regarding the elections. This is the third year he has been "suckered into" an elections debate. This year he has been accused of choosing sides and he is angry about that fact. The Senate must have faith in his fairness. He has heard some things today that he does not like. His door is always open for any member to come and discuss concerns about anything. Professor Edgar stressed that he does not encourage students to take his view. If the senate questions his integrity and fairness, he will remove himself. He stated that he did not advocate invalidation of the 1990 ASUM General Election at any time. Professor Edgar responded to questions.
3. Aylsworth introduced Bill Schustrom, the chairman of the 1990 ASUM Elections Committee. He gave the senators a handout that expressed the opinion of the Elections Committee. Bill stated that the committee asked for Pat Edgar's opinion and he gave it. Pat has never tired to sway the senate of any committee to take his opinion in the two years he has worked with Pat. If someone has a problem with the decision that was made, they must address the members of the Elections Committee. Part of the elections process this year was flawed and 90% of those problems were from the people involved in the process. He stands behind the recommendation of the committee 100%. Personally, he wishes people would "grow up" because this is what makes ASUM "kiddie politics." The people involved to not need to put ASUM through the controversy every year.

Vice President's Report

1. Committee Appointments - **Sliter - Aylsworth** moved to appoint Joe Moran, Justin Nelson, and Kathleen Wald to the Search Committee for a new director of the Student Health Service Committee. Upon vote, the motion passed. **Sliter - Solem** moved to appoint Corey Henderson, Nathan Wilkinson, and Ed Tinsley to the Student Union Board as vacancies occur as requested by the chair. Upon vote, the motion passed.

Business Manager's Report

1. Special Allocations - **Pouncy - Sliter** moved to allocate \$265.00 to Phi Beta Lambda from the Special Allocations Account. Upon vote, the motion passed. **Pouncy - Solem** moved to transfer \$2,251.91 from the S.T.I.P. account into Special Allocations. Upon vote, the motion passed. **Pouncy - Young** moved to allocate \$2,251.91 to the ASUM Escort Service from Special Allocations. Upon vote, the motion passed.

Committee Reports

1. Bernardini reported on the Student Affairs Advisory Council. The purpose of the committee is to act as a liaison between ASUM, faculty, and staff. The committee will bring concerns to the Senate. The council is made up from representatives from all over campus.

Public Comment

Old Business

1. Aylsworth tabled his lobbyist resolution.
2. Election Concerns

Resolution to validate President/Vice President Elections - Upon vote, the motion passed.

Resolution to invalidate the Senate General Elections - Discussion took place. **Young - Hummel** called previous question. Upon vote, previous question failed. **Bernardini - Pouncy** moved for a five minute recess. Upon vote, the motion to recess passed. **Aylsworth - Hummel** called previous question. Upon vote, previous question passed. **Sebald - Byars** requested a ballot vote. **Sliter** called objection to consideration. Upon vote, objection passes. Upon vote, the motion failed.

Resolution to invalidate the Business Manager General Election - Discussion took place. Pouncy withdrew his name from the ballot. **Aylsworth - Moran** called previous question. Upon vote, previous question passed. Upon vote, the motion failed.

Resolution to invalidate the Change of Elections Referendum - Upon vote, the motion failed. **Byars - Sliter** moved to reconsider. Upon vote, the motion to reconsider passed. Solem offered a friendly amendment which was accepted. Upon vote, the motion passed.

Resolution regarding the elections committee meeting to reconstruct the 1990 ASUM General Elections. **Byars - Sliter** moved to strike #2 from the resolution. **Smith - Sebald** moved to amend #2. Upon vote, the Smith amendment failed. Upon vote, Byars amendment passed. **Moran - Hummel** called previous question. Upon vote, previous question passed. Upon vote, the motion passed as amended.

New Business

No new business was brought up.

Comments

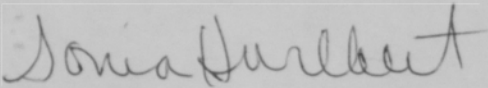
For the record, Bernardini stated that she accepts her share of the blame of the problems with the elections. The Elections committee did not mean to punish the candidates. She feels that rather than saying something is wrong and then not doing justice is wrong. We still ne to aspire to higher standards and higher goals. She is willing to meet to insure fair and just elections.

Also for the record, Sliter announced that he never filed a grievance last year with the ASUM Elections Committee.

Adjournment

Sebald - Dahlberg moved to adjourn at 9:55 p.m. Upon vote, the motion passed.

Respectfully Submitted,



Sonia Hurlbut
ASUM Administrative Assistant

ASUM Legal Services Office

BRUCE B. BARRETT, ATTORNEY AT LAW
UNIVERSITY CENTER, MISSOULA, MONTANA 59812
406/243-6213

TO: Central Board
FROM: Bruce B. Barrett, ASUM Legal Services
DATE: March 7, 1983
RE: Election Irregularities

Numerous complaints have surfaced regarding irregularities in the recent ASUM elections. It will fall upon the Central Board to either accept the election or reject it. This decision will take place if a majority of Central Board members vote to invalidate the election. (Affirmative approval of an election does not appear to be required.)

In March of 1978, an election was held by ASUM which was seriously challenged before the Central Board. At that time, Central Board asked the Legal Services Office to examine the general law concerning elections and render an opinion in light of the objections which had been filed. The general result of that opinion was that the election should have been upheld.

This opinion was not intended to mean that no election at any time should be held invalid. However, the law quoted in that opinion was accurate and can at least be used for guidance in other cases.

The first page of that earlier opinion contains a general statement of the law in our country. The remaining pages cite particular cases where elections have been challenged.

There are three steps a Central Board can take when irregularities are proven:

1. Take steps to insure that such irregularities do not re-occur in future elections, amending rules if necessary;
2. Take disciplinary action against particular individuals, if the misconduct was knowing and intentional;
3. Invalidate the entire election based on the irregularities.

There is a very strong legal presumption against invalidating elections. Certainly, very few major elections take place without numerous irregularities. (The recent Chicago mayoral elections brought out charges that entire boxes of ballots were missing and/or tampered with.) However, there are few guarantees that a new election would be without such irregularities, either the same ones or different ones.

I would urge Central Board to use the earlier legal opinion as one source of information, among others, but to also remember that the earlier opinion did not deal with exactly the same irregularities.

I should finally point out that "agreements" have been used in the past to settle some controversies. For example, an election might be upheld; but in the interest of fairness to both candidates and the voters, certain persons might be guaranteed a vacancy appointment to the Central Board. However, first the Central Board must carefully examine the irregularities and take into account the positions of all parties.

Enclosures

OPINION REQUEST: Discuss the recent ASUM election from a legal standpoint in light of registered complaints and comment on the advisability of a new election and alternatives possible.

OPINION: The Central Board should approve the results of the Presidential/Vice-Presidential election.

The Central Board should approve the Business Manager election results, although if it chose to hold a new election it would probably not be in violation of the prevailing law.

The Central Board must rectify the error which occurred in the off-campus Central Board election, either through a new election of the full board, or through an off-campus only election, either of which could be legally done.

In any new election the constitutional and by-law requirements regarding publication of election dates and names of the candidates must be met again.

This is a legal opinion, written with a view towards what courts have done when faced with election irregularities in state and local elections. It is not binding upon Central Board, but only meant to indicate which course of action would most likely be upheld by a court.

It is important to realize from the outset that errors and irregularities are not unusual in any election. This includes Federal and State elections where irregularities and errors are frequent. Over the years the courts have had to deal with many election challenges. As a result a series of rules have been laid down by the courts. These rules, if put together, would run something like this:

There is a tremendous presumption in favor of the results of an election. If someone seeks to challenge that election they must present tremendous evidence. A new election will not be called simply because errors or irregularities exist, they exist too often. The main reason that courts are hesitant to call for new elections is because they feel that a strong duty is owed to the great majority of people who legitimately cast their vote on election day, unaffected by irregularities and errors. In other words, if the successful candidate really was the choice of the majority, the errors and irregularities must be disregarded. It takes a very huge error to be fatal to an election. Not only that, the mere possibility of irregularities is not enough. The challengers must show that the irregularities actually occurred, not merely that there was an opportunity for them to occur. Once again, the reason is to protect the hundreds and hundreds of ASUM voters who cast their votes correctly. What if a new election were held and although there were absolutely no errors, only half as many people turned out to vote. Would the new winners be any more qualified to represent the students, than a government that was elected by a much larger number of students, with some irregularities present? To take away legitimate votes which were cast is serious business; tremendous, provable errors must be shown before this can even be considered.

THE ALLEGED IRREGULARITIES AND ERRORS

The complaints filed against the election are of two kinds; errors on the part of campaign officials, and ballot irregularities. Thirteen individual written complaints were filed, 3 were solely for recounts, and the remaining 10 were divided between ballot irregularities and campaign officials' errors.

ERRORS ON THE PART OF CAMPAIGN OFFICIALS

Election officials were accused of the following conduct:

1. Offering 2 ballots to a voter
2. Allowing 1 person to run a polling place instead of two
3. Allowing both excandidates or persons with pronounced political opinions to work various stages of the election
4. Denial of absentee ballots
5. Denial of an off-campus ballot to a voter

Under the prevailing law none of the above complaints are sufficient enough to warrant a new election of any kind. Taken together they present evidence that stricter standards should be observed in conducting elections, but not enough to warrant new elections this time. It is certainly not correct procedure to offer 2 ballots to a voter, but this error was an honest mistake on the part of an official. Honest mistakes are going to occur in elections. These honest mistakes will not void an election. Even if the mistakes are fraudulent the votes of the electors should not be invalidated if it is possible to avoid doing so. Courts are hesitant to disenfranchise voters who are totally innocent of wrongdoing. (Stackpole v Hallahan, 16 Mont 40, 40 P 80)

As to the presence of only one official at a polling place, or as to excandidates or others with political opinions running polling places does not appear to be improper at all. It is quite logical that the kinds of persons who get involved in political campaigns are the same kind of persons who would volunteer to work a campaign. In the absence of proof of wrongdoing, it is improper to infer anything against these election workers. The only legal requirement seems to be that some election official must be present at the voting place. An election run without an official present might be questionable, but mere irregularities or deficiencies with respect to the appointment or qualification of the election officers are usually held not to render the election invalid. (Johnson v Little 176 Ky 505, 196 SW 156, State ex rel VanArmige v Tayloy, 108 NC 196, 12 SE 1005, Weil v Newbern, 126 Tenn 223, 148 SW 680, Hughes v Roberts 142 Ky 142, 134 SW 168, Mosiman v Weber, 107 Neb 737, 187 NW 109, Moore v Oklahoma City, 122 Okla 234, 254 P 47.)

Denying ballots to a voter, and denying absentee ballots are quite serious complaints. However, once again, the errors are not the kind that would legally require a new election. Although 2 denial of ballot complaints have been registered, it does not appear that a substantial number of students have been deprived of their vote. This is what would be required.

The refusal of election officers, if acting in good faith and not fraudulently, to allow qualified voters to vote, will not alone avoid the election. (People ex rel. Williams v Cicott, 16 Mich 283, People ex rel. Boyer v Teague, 106 NC 576, 11 SE 665; State ex rel. Wold v Hanson, 87 Wis 177, 58 NW 237.) An election will be avoided when and only when, there is injected into it the insurmountable uncertainty you get when enough voters are rejected that had they all voted for the unsuccessful candidate the final result would have been changed. (Briscoe v Between Consol. School Dist. 171 Ga 820, 156 SE 654; Coggeshall v DesMoines, 138 Iowa 730, 117 NW 309, Reese v Dempsey, 48 NM 485, 153 P2d 127; People ex rel. Van Bokkelen v Canaday, 73 NC 198; Martin v McGarr, 27 Okla 653, 117 P 323.)

BALLOT IRREGULARITIES

1. The name of a candidate for an off-campus seat was left off the ballot for a portion of the election, and for a portion of the election the candidate was listed on a separate ballot sheet, and the remainder of the election the candidate was on a ballot along with the rest of the candidates.
2. Two persons were allowed to vote even though the student I.D. presented was not valid.
3. One validation machine was allegedly not working for voter identification.

Once again, 1 person being allowed to vote illegally will not void an election. If large numbers of persons had stepped forward with similar reports, it could present a possible challenge, as is though, we are presented with the possibility that others may have voted wrongly. The burden of proof in an election contest rests on the contestant. This requirement would also apply to the supposed validation machine which did not work. It is proposed that because the machine was not validating properly, persons could have voted a second time at another polling place. Again, a mere possibility of an irregularity will not void an election.

Where an election is contested on the ground of illegal voting, the contestant has the burden of showing that sufficient illegal votes were cast to change the result. (Morgan v Bd of Supervisors, 67 Ariz 133, 192 P2d 236.) Where it is not possible for either party to prove how the alleged illegal votes affected the result, the contestant, having the burden of proof, must fail. (Hamilton v Marshall, 41 Wyo 157, 282 P 1058)

Every reasonable presumption will be indulged in favor of the validity of an election. (Leasure v Beebe, 32 Del 210, 83 A2d 117.) Ballots received and counted are presumed to be legal. (Leasure, supra) This includes a further presumption that votes were legally qualified. (Webb v Bowden, 124 ARK 244, 187 SW 461.)

There is no evidence that large numbers of persons voted illegally either by not being qualified to vote at all, or by voting more than once. Central Board should do what it can to be sure possible irregularities do not take place in the future, but it does not appear that those mentioned so far should void an election. Let us assume for the sake of argument, however, that illegal votes were cast. Where illegal votes have been cast, the first effort should be to purge the poll by proving which ballots are illegal. (Heyfron v Mahoney, 9 Mt 497, 24 P 93), and if this can be done

the illegal ballots are rejected. But for a court to hear the matter, a charge that illegal votes were cast in favor of a candidate is necessary. The party challenging the election has the burden of showing for which candidate the illegal votes were cast.

Once again the conduct of election officials comes into play. Poor identification procedures and bad ballot handling were unquestionably present to some degree, but as the supreme court of Montana has said:

When opportunity has been given to all electors alike to express themselves freely, any irregularities in the performance of their duties by election officers will not destroy the votes of those who have cast their ballots in the manner as provided for by law. (State ex rel Wolff v Geurkink, 111 Mont 417, 109 P2d 1094, 133 ALR 304.)

The final complaint to be dealt with is that of the Central Board Candidate who was left off of the ballot. This is a serious complaint which cannot be dismissed quickly or easily. Even when the mistakes in an election effect the ballot itself, courts have often refused to overturn the results of an election. People have been wrongly placed on a ballot, wrong names have been used (ie Josephine instead of Joseph), ununiform ballots have been used, candidates names have been misspelled, dead candidates have been put on the ballot (and want on to win!) all without the court voiding the election and calling for a new one. In other words, there is a possibility that Central Board could ratify this election in spite of the ballot deficiency. The Student Government could strive to make the candidate whole by offering her an ex-officio board position, with a guarantee that she fill the next vacan seat. A court could consider this along with everything else in looking at an election challenge. In addition, some courts feel that a legislative body can cure any deficiencies in an election when that body had control over the particulars of the irregularity to start with. Where an election has not been conducted in accordance with the law, it is within the power of the legislative body, acting within constitutional limits, to legalize it notwithstanding the defects. Courts take the view that since the legislature had the power to change the details involved in the irregularities, it has the power to cure their non-observance. St. Joseph Twp v Rogers, 16 Wall (US) 644, 101 P 1016). In other words, Central Board could choose to ratify the entire election, including the off-campus CB results, and still have some legal backing. However, it would not be the advice of this opinion to do so. Regarding the mistakes on a ballot, the supreme court of Montana has said..."However, if the mistakes in the ballot operate to prevent the holding of a free, fair, and honest election, courts will declare the election void." (State ex rel Wolff v Geurkink, 111 Mont 417, 609 P2d 1094)

It is hard to dismiss a complaint from a candidate who was running with a slate that won the off-campus election so overwhelmingly. One of the tests a court will look at is whether the impropriety in the ballot, had it not existed, would have changed the results. In this case, the prbability that the results would have been changed is too strong to ignore.

RECOMMENDATIONS

FOR ALL OF THE REASONS OUTLINED ABOVE, I WOULD RECOMMEND, FROM A LEGAL STANDPOINT THE FOLLOWING:

1. that the ratification of the election be done separately, by district and office.
2. that the Presidential/Vice-Presidential results be confirmed and ratified.
3. that the CB confirm the results of the business manager election, and ratify the results. If, however, the Central Board chooses to hold this election again, there would be enough law to withstand a challenge from the presently successful candidate.
4. that in the event all offers from CB to Ms. Dille are refused, and the complaint is not withdrawn, that steps be taken to hold all or a portion of a new Central Board election.

RECOMMENDATIONS AND ALTERNATIVES AS TO A NEW CB ELECTION

The Central Board has two alternatives, a new election for the entire Central Board, or an election for off-campus only. In either case, the notice requirements of the Constitution and By-laws must again be met, Candidates names will have to be listed in the Kaimin again.

Although the Central Board has the power to order an entire new CB election, I was asked to list possible alternatives, and some exist. An election might possibly be held allowing all students to vote for the new off-campus delegates. This would obviously mean that on-campus votes could, in the new election, cross-over, and vote a second time for the same Central Board. There is some precedent for this "double voting" in the present Constitution in that the now defunct Fall election allowed on-campus people to vote in the Fall for on-campus delegates, and then during the spring election to "cross over" and vote in another district. In other words our present constitution contains a provision for an on-campus students vote to carry greater weight.

As an alternative to a full CB election, the following is a possibility. An unorganized, off-campus election could be held, and at every polling place the eligibility requirements for voting could be conspicuously posted. These would say that only persons who did not vote at all in the previous election, or those that voted in the unorganized off-campus election,

would be eligible. Each voter would be required to sign a short "DECLARATION OF ELIGIBILITY" which would state that he understood the eligibility requirements and that he met them. Such Declarations have been held legal. Certification (Declaration) of legal qualification: It is generally held that the oath taken by a voter that he is qualified is the conclusive evidence on which the officers must act, that they are not at liberty to refuse the vote after the oath is taken, and that they have no power to pass on the question of the truth or falsehood of the oath. (Lane v Mitchell 153 Iowa 139, 133 NW 381, Wolcott v Holdomp, 97 Mich 361, 56 NW 837.)

This alternative would appear to be proper, should the CB choose to take it.

Bruce B. Barrett 3/8/78

March 7, 1990
Wednesday

OPINION OF THE 1990 ELECTIONS COMMITTEE

I. Invalidation of the Senate Race

- It is the opinion of the ASUM Elections Committee to invalidate the 1990 Winter Quarter Senate General Election for the following reasons:

A. CPR Ad appearing in the Montana Kaimin on February 27, 1990
(Exhibit A)

- 1.) According to Montana Code Annotated 13-35-211 - Electioneering -Soliciting information from electors.
"No person may buy, sell, give, wear, or display at or about the polls on an election day any badge, button, or other insignia which is designed or tends to aid or promote the success or defeat of any candidate or ballot issue to be voted upon at the election."
- 2.) According to Montana Code Annotated 13-35-233 - Solicitation of votes on election day.
"It is unlawful for a person or a political committee to place an advertisement supporting or opposing a candidate or ballot issue for use on election day."
- 3.) Said ad contains the phrase "Clip and take to the polls."
This further indicates the item falls under M.C.A. 13-35-233.
- 4.) Said ad was actually taken to the polls.

B. Anti-CPR Ad appearing in the Montana Kaimin on February 27, 1990
(Exhibit B)

- 1.) Montana Code Annotated 13-35-211
- 2.) Montana Code Annotated 13-35-233
- 3.) Said ad contains a scissors, dotted line symbol indicating the item may fall under M.C.A. 13-35-233.
- 4.) Said ad was actually taken to the polls.

C. Anti-CPR Ad appearing in Montana Kaimin February 27, 1990
(Exhibit ~~B~~ ^A)

- 1.) According to Montana Code Annotated 13-35-225 - Elections materials not to be anonymous.

"Whenever any person makes an expenditure for the purpose of financing communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, or other form of general political advertising, such communication shall clearly, and conspicuously state the name and address of the person who made or financed the expenditure for the communication; including, in the case of a political committee, the name and address of the treasurer."

- D. Jon Lindsay Ad appearing in Montana Kaimin February 27, 1990 (Exhibit C)

1.) Montana Code Annotated 13-35-225

II. Invalidation of the Business Manager Race

- It is the opinion of the ASUM Elections Committee to invalidate the 1990 Winter Quarter Business Manager General Election for the following reasons:

A. Doug Wagner's name appeared on the ~~Anti~~-CPR Ad (Aforementioned Exhibit ~~A~~)

- 1.) This may have "promoted the success" (M.C.A. 13-35-211, 13-35-233) of Doug Wagner leading to an unfair advantage over Calvin Pouncy on the days of the General Election.

III. Validation of Presidential/Vice-Presidential Race

- It is the opinion of the ASUM Elections Committee to uphold the results of the 1990 Winter Quarter Presidential/Vice-Presidential General Election for the following reasons:

- A. The ticket of Chris Warden-Alice Hinshaw did not appear in any ads (Exhibits A and B) which have broken M.C.A. 13-35-211 and 13-35-233.
- B. The ticket of Chris Warden-Alice Hinshaw was placed at an unfair disadvantage, and still retained an approximate 400 point victory margin over the Brian Smith-Glenda Skillen ticket.

IV. Invalidation of the Change Elections Dates Referendum

- It is the opinion of the ASUM Elections Committee to invalidate the results of the Change of Elections Dates Referendum for the following reasons:

- A. The Elections Committee failed in the proper promulgation of the Change of Election Dates Referendum According to the ASUM Constitution, Article 10: Section 2, lines 7 and 8.

- 1.) "Notice of a referendum must be published in the Montana Kaimin in each of the four issues preceeding the referendum voting date."

exhibit A

University of Montana Missoula, Montana
Tuesday February 27, 1990

ONE PARTY

CPR

ONE OPINION

It Didn't work in Russia, It won't
work in ASUM
Poor Representation

SAY NO TO CPR



VOTE FOR THE FOLLOWING NON-CPR CANDIDATES

- | | | |
|-------------------|-----------------------|-----------------|
| 1. Dan Astle | 10. Scott Nelson | 19. Marc Vessar |
| 2. Teresa Bell | 11. Linn Parish | 20. Steve Young |
| 3. Tim Berg | 12. Pat Price | 21. Ed Zink |
| 4. Keith Boone | 13. Geannine Rapp | |
| 5. Tim Dahlberg | 14. Polly Rhodes | |
| 6. Todd Humble | 15. Nathan Singer | |
| 7. Eric Hummel | 16. Amy Stevens | |
| 8. Kelli McMaster | 17. Tyler Thompson | |
| 9. Justin Nelson | 18. Annie Thorgrimson | |

VOTE FOR TWENTY OF THESE TWENTY ONE CANDIDATES

University of Montana Missoula, Montana
Tuesday February 27, 1990

EX B
**VOTE
CPR!**

Wed/Thur

Thanks to all the students who
voted for a better, more responsible
ASUM. Please vote again in this
week's General Election.

Please support these CPR Candidates

Senate

Tabitha Bert
Jeff Bloomstrom
Cecil Cain
Steve Carroll
Matt Colligan

Randy Davis
Elisabeth Emerson
Linda Farr
Bill Haskins
Dave Hastings

Jon Lindsay
Gerard Lynn
Stephen McQueen
Christine Paulson
Paula Pelletier

Eric Scheuerling
Rick Shrum
Richard Smith
Tracy Stone
Kathleen Wald

Brian Smith, President
Glenda Skillen, Vice-President
Doug Wagner, Business Manager

Vote 8 am to 4 pm UC Mall
Bring your Student ID

Coalition for Progressive
Reform



Clip and take to the polls!



Vote for
our
Daddy!!
JON
LINDSAY
for ASUM
Senate

If elected I will:

- Work for a representative and accessible student government.
- Fight for student rights and services.
- Fight for a day without classes in honor of Martin Luther King.

CPR Candidate

Election results should stand

The ASUM elections committee said Monday night that it wants to do whatever's necessary to make sure the senate elections are fair.

Great idea. Too bad nobody thought of that last week, before the ballots were counted and the elections were decided.

The committee plans to recommend that the ASUM Senate throw out the senate election results -- which involved more than 40 candidates -- based mostly on two campaign advertisements that ran in the Kaimin.

An ad purchased by the Coalition for Progressive Reform listed its candidates for office, and another purchased by incumbent senate candidate Steve Young listed non-CPR candidates. Both ads urged students to clip the lists and take them to the polls.

According to Pat Edgar, the ASUM faculty adviser, "You can't do that."

But according to state law, you can.

State law does prohibit the solicitation of votes at a polling place. But the law refers to the distribution of campaign material at the polls, not what voters carry with them. Voters, especially the elderly, often carry sample ballots with them for state elections.

Unless the committee resorts to strip searches, it would have a hard time enforcing such a policy, anyway.

Besides, the ads probably did not affect the election outcome. All the senate candidates were listed on one list or the other, so they all had about the same chance of winning.

It's true the elections were marred by rumor, innuendo and

cowardly campaign tactics, but so are most elections. There's nothing illegal about that.

However, students and candidates have filed 11 grievances with the committee. Such a large number of unhappy people indicates that the elections committee shirked its responsibility during the campaigning and the elections.

If the committee wanted to prevent students' bringing campaign material into the polling places, it should have had people watching for that at the polling area. If the committee was concerned about unsigned political ads, it should have notified the Kaimin and the candidates that there was a problem when the first such ad appeared. If the committee wanted to ensure the fairness of the elections, it should have paid attention to the process all along.

The committee's recommendation to disregard the election results is not only unnecessary--it's unfair. It's unfair to the senate candidates who spent time and money trying to rouse support during the first elections, and to the students who voted for people they thought they'd see on the senate.

As Sen. Paige Sebald has noted, it's difficult to get students interested in an ASUM election the first time around. We doubt that the turnout for a repeat would be as high.

We urge the senate not to approve the committee's recommendation.

-Lisa Meister

March 7, 1990
Wednesday

(2)

Sponsored by: Brandon Byars and Tracie-Marie Bernardini

Whereas; Article 2: Section 4 of the ASUM Constitution states that
- "The ASUM government and activities must comply with
Montana State law . . . ", and;

Whereas; Montana Civil Codes: 13-35-211, 13-35-233, and 13-35-225
were violated by exhibits A, B, and C of the Opinion of the
1990 Elections Committee:

Therefore be it resolved: That the results of the 1990 Winter Quarter
Senate General Election be invalidated, and
a new election be held during the second
full week of the 1990 Spring Quarter.

HOURS:

6:00 p.m.
thru
12:00 a.m.

	M	T
January 8 - 14, 1990	2	5
January 15 - 21, 1990	8	10
January 22 - 28, 1990	15	15
Jan. 29 - Feb. 4, 1990	13	11
February 5 - 11, 1990	14	14
February 12 - 18, 1990	7	7
February 19 - 25, 1990	---	10
Feb. 26 - Mar. 4, 1990	9	8
TOTALS	68	80

ASUM Escort Service

Winter Quarter 1990

W	T	F	S	S	TOTALS
2	4	---	---	1	14
15	10	---	---	8	51
19	11	---	---	6	66
14	20	---	---	4	62
9	11	---	---	8	56
9	6	-Closed for Presidents Day-			29
7	8	3	1	1	30
6	5	4	3	3	38
81	75	7	4	27	346