

## COURT

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The elections board committed a second violation by not informing students of the absentee ballot option. Warren and Johnson said in their complaint. Students were "unduly alienated" from the elections process.

Election rules require that the elections board announce in the *Oregon Daily Emerald* provisions for absentee voting far enough in advance of the election to give notice to students who wish to use the absentee voting process, according to rule 5.6. No announcement ever appeared in the *Emerald*.

The elections board did violate the rule, Dennis said, but board members didn't "blatantly" deny anybody the chance to use the absentee voting process.

Warren and Johnson said the elections board's third offense was allowing ineligible students to vote during the primary elections. Every student who obtains a replacement student identification card gets a current term sticker regardless of fees paid, they said in their complaint.

Dennis said students do not get a current term sticker automatically when they obtain a replacement ID and checking IDs is the easiest way to check a student's status.

Oscar Garcia also filed a complaint against the elections board. Garcia received enough votes for the graduate/law Student Senate seat in the primary election, and he was placed on the general election ballot. In the general election, Garcia received 64 votes, which were enough votes to win. However, Garcia never filed for the office.

"Candidates who reach the general election due to a primary write-in campaign must, prior to placement on the ballot for the general election, file for the office sought," according to election rules.

No elections board members called him to tell him he needed to file for the position, Garcia said in his complaint. Election rule 3.2 establishes a duty on the part of the elections board to inform candidates that are not qualified under the election rules, Garcia said.

"The election board shall remain absolutely impartial in its conduct of the election and shall take all necessary actions to insure that the election rules are faithfully observed," according to the rule.

The rule applies to board members remaining fair and impartial, not to calling up candidates, Dennis said.

"People don't understand what the role of the elections board is," she said. "We're not supposed to call candidates. We're just supposed to post the results. Basically, this guy just missed the boat."

In Garcia's complaint, he says the elections board also violated rule 4.2, which says the elections board "shall place on the ballot the name and position sought of all properly declared candidates who meet the filing deadline." Garcia said he believes the rule means the elections board shouldn't put a person on the ballot who did not meet the qualifications for office.

Dennis said Garcia was put on the general election ballot because the elections board had to make up the ballot April 22, a day after the primary elec-

tions.

"We gave the write-in candidates with the most votes the benefit of the doubt they would file," she said. "I don't remember a time when the write-in candidates with the most votes didn't file."

Student Sen. Michael Omogrosso filed a complaint with the court April 26 against *Emerald* Editorial Editor Martin Fisher and the *Emerald*. Omogrosso ran a re-election campaign for a one-year seat on the Senate for journalism or architecture and the allied arts students.

In his complaint, Omogrosso said the newspaper published a write-in election campaign for Fisher.

On April 19, Fisher wrote in the *Emerald*'s "Write Angles" column: "I am hereby announcing my write-in candidacy for an ASUO position. Any position. Every position. Write me in wherever you want."

Fisher's column appeared the same day as the ASUO 1993-94 Election Guide.

To ensure that all students have "fair and equal access" to University facilities and resources, including publications produced with student funds, students cannot use any resource for any purpose relating to a candidate or ballot measure, which other students don't have access to, according to rule 6.17.

In his complaint, Omogrosso asks the court to deem the ASUO elections invalid and order the *Emerald* to pay the cost of a new election.

Fisher responded with a written reply to the complaint April 27. The opinion piece was satirical in nature, he said, and so it was protected under the First Amendment of the U.S. Constitution.

Write-in candidates who reach the general election must file for the office sought prior to being placed on the general election ballot, according to ASUO Election Rules. Fisher never filed for any seat.

"This is a guy who simply couldn't accept the fact that he was crushed in his bid to win re-election to the Student Senate," Fisher said. "His desperate struggle for power is simply further evidence that voters sent the right message when they dethroned him."

Omogrosso said he decided to file the complaint after he saw the primary election results.

"It hit home for me," he said.

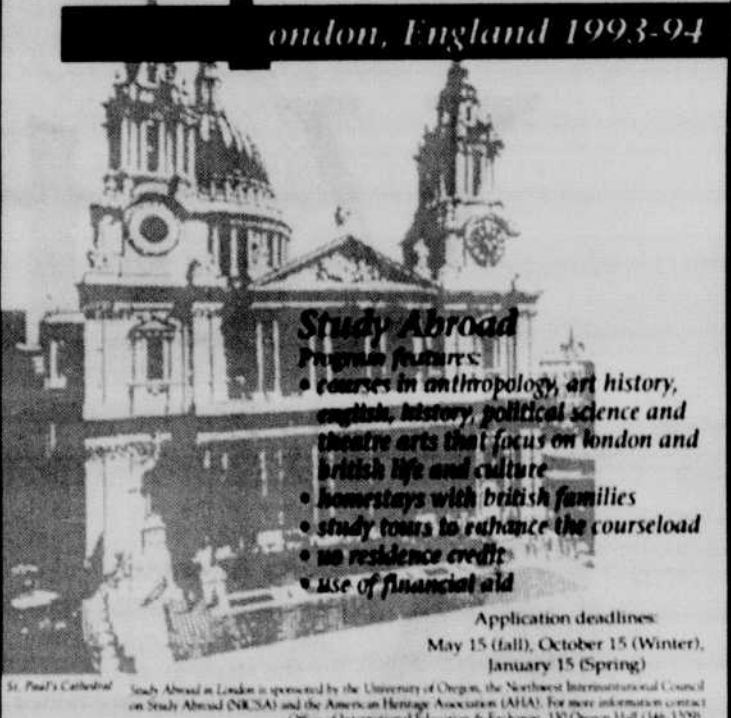
However, Omogrosso said the primary reason he filed the complaint isn't because he wasn't elected to the Senate seat.

"I filed because I feel improper journalism was involved," he said. "Martin's column effectively was a campaign and potentially caused students who would have voted for serious candidates to throw their votes elsewhere."

"We're just supposed to post the results. Basically, this guy just missed the boat."

— Tracy Dennis,  
elections board

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