

1 Elections Commission  
2 University of Kansas Student Senate Courts  
3 9 April 2024  
4 [election@ku.edu](mailto:election@ku.edu)

5 UNIVERSITY OF KANSAS STUDENT SENATE COURTS  
6 INTERPRETING TITLE SIX – THE ELECTIONS CODE

7 Accused Party, One Ku  
8 Reporting Party, Ad Astra

Case No.: 1

VIOLATION - ONE KU @ THE HAWK

9 **Introduction of the Facts**

10 On Tuesday the Second of April 2024, Members of the One KU Coalition rented the Pine Room of the Hawk (Jayhawk  
11 Café) under the name “Evan Winden” [Demonstrative 3], [Document 1]. One KU disputes this fact.

12  
13 The facts are not disputed that the room remained open and accessible to everyone at the establishment the entire night.

14 The facts are not disputed that room rentals allow drinks to be billed against the deposit [Demonstrative 3].

15  
16 The facts are not disputed that during the duration that the room was rented, a keg was served in the room free of charge  
17 to everyone at the bar. The keg was supplied by the Hawk from old inventory, free of charge to everyone at the  
18 establishment that night [Testimonial 6] [Document 4].

19  
20 The facts are not disputed that One KU used the Pine Room to participate in the Student Senate Election. Campaigning  
21 activity occurred including but not limited to handing out buttons, asking people to vote for One KU, and showing  
22 potential voters a QR code on a One KU flyer. [Demonstratives 4, 5, & 16] [Testimonials 2, 3, 4, & 5].

23  
24 **Definitions**

25 A Coalition is defined as the Presidential and Vice-Presidential Candidates, Registered Senators, and Current members  
26 of the Student Senate who have affiliated with a coalition in accordance with Title Six, Article VIII.

1 Outside funding or resources are defined as any resources or spending used to participate in Student Senate Elections  
2 beyond the \$1000 Student Senate stipend, barring specific exceptions in the Elections Code [Title Six, Article V § 2.3].  
3 Open spaces or resources are not considered outside resources if they can be accessed (free of charge, and free of  
4 affiliation) by any campaign, and are not paid for by any campaign.

5  
6 **Deliberation**

7 Jurisdiction & Evidentiary Standards

8 The Elections Commission has original jurisdiction over Title Six and Title Eight of the Student Senate Constitution.  
9 In lieu of an evidentiary standard defined by the Student Senate Constitution, the preponderance of the evidence  
10 standard used across the rest of the University and defined in the University Senate Code will be used to evaluate this  
11 violation:

12 In reaching its decision, the hearing body must use the preponderance of the evidence standard  
13 (i.e., it is more likely than not that the event occurred).  
14 (University Senate Code Article XII § 2(X))

15  
16 To charge a violation that a candidate used outside resources, two constitute elements will need to be proven by a  
17 preponderance of the evidence. First, that the room was, at the time, an outside resource, not a free publicly available  
18 space. Second, that it was utilized to participate in the Student Senate Election. It does not need to be proven that voters  
19 were aware of this arrangement, or that the use of the outside resource was limited to the candidate campaigning, or that  
20 any undue influence on the election occurred.

21  
22 Room Rental

23 The evidence shows that the Pine Room at the Hawk was rented out by Zakariya Ahmed under the name Evan Winden.  
24 The initial complaint stated staff told them the room was rented [Demonstrative 5]. The Event Manager who oversees  
25 booking at the Hawk attested that the room had been rented under the name Evan Winden [Demonstrative 3].  
26 [Document 1] shows Zakariya intended to pay for the room under Evan's name and that this arrangement was intended  
27 to keep his name off the booking. This is contradicted by the testimony of Eden Hadley, a manager on duty that night,  
28 who claims nobody rented out the Pine Room at all. Eden's testimony supports the conclusion of other testimonials that

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1 reveal that the general perception of bar patrons was that the room was open that night. However, her testimony does  
2 not indicate a review of the bookings. The Events Manager was not at the Hawk that night, meaning their testimony  
3 relied on a review of the bookings. Furthermore, the details of the payment and names provided line up with the Event  
4 Manager's review. That leads us to conclude by a preponderance of the evidence that Zakariya Ahmed rented the Pine  
5 Room.

6  
7 The extension of the room rental, based on the nature of the establishment, falls into one of two categories that influence  
8 the ways in which the second constitutional standard is met. I.e. how this outside resource can be used to participate in  
9 the Student Senate Election:

10 1) Private Room – Tab Deposit

11 When rooms are not rented at The Hawk, they remain open to all patrons. When someone rents a room, they have the  
12 choice on whether to leave it open or make it private. [Demonstrative 18]

13 2) Public Room - Tab Deposit

14 The deposit on the room also serves as a deposit against which drinks, purchased by people in the room, can be billed.  
15 If the room is left open, this is the only role the rental takes. The purchase also prevents someone else from reserving  
16 the room as private. [Demonstrative 3]

17  
18 Coalition Structure

19 Zakariya Ahmed and Evan Winden are members of the One KU Coalition. Zakariya is the Presidential Candidate and  
20 Evan is an affiliated member of Student Senate [Document 2]. Evan Winden was not present at the Hawk the night in  
21 question.

22  
23 Student Impressions

24 The initial report indicates that students going to the establishment had the impression that “One KU was giving out free  
25 beer” [Demonstrative 2]. This was contradicted by subsequent testimonials from non-coalition students (provided by the  
26 reporting party) that indicate that Zakariya did not tell anyone he rented the room and that patrons had the impression  
27 that everyone at the bar had equivalent access [Testimonials 3, 4, & 5]. This we are inclined to believe given Zakariya  
28 went so far as to claim to the elections commission that he did not purchase a room [Testimonial 2 - 14:25]. Based on a

1 preponderance of the documentary evidence we do not find Zakariya's testimony to the room purchase to be supported,  
2 but we do consider his statement when determining if the room was used to participate in the Student Senate Elections.  
3 The resulting general impression was that "The Hawk" (not One KU) was handing out free drinks in a space that was  
4 normally open."

5  
6 In not disclosing the room rental to anyone, the evidence shows Zakariya attempted to cultivate an environment of  
7 plausible deniability in which One KU could reserve the expanded space to campaign without violating the constitution.

8  
9 Impact of the Room Categories

10 If the room had been reserved as 'Private Room - Tab Deposit', the invitation of voters into the space would have served  
11 as an expanded platform to participate in campaigning for Student Senate not otherwise available in the normal course  
12 of the election. Furthermore, because free beer was offered in the space, it may have enticed people to move in and out  
13 more often, granting the coalition more access to voters. The deliberate misrepresentation of the nature of the room may  
14 have had a substantial enough impact to prevent voters from affiliating the room with One KU. However, affiliation is  
15 not a standard required to find a violation. Campaigning can be made easier, and voters can be influenced in ways that  
16 are not directly known to the voters.

17  
18 The preponderance of the evidence, however, only shows that the room was reserved under the 'Public Room - Tab  
19 Deposit' structure. To prove that the room was used to participate in the Student Senate Election, the evidence would  
20 have to demonstrate that drinks were purchased by or offered to non-coalition members and charged to the room. No  
21 such evidence exists in the record. Zakariya additionally testified that his friends bought all their own drinks [Testimonial  
22 2 - 21:02]. It may also be considered that reserving the room, such that it could not be made private by someone else,  
23 secured the opportunity to campaign, however the space is very infrequently rented (only once every two weeks)  
24 [Demonstrative 18] such that this arbitrary security cannot constitute a tangible benefit or consideration on the behalf of  
25 One KU.

1 Alternative Defense

2 One KU has forwarded the defense that members of the Ad Astra coalition were also present and campaigning at the  
3 Hawk. That fact is undisputed; however, the Elections Commission has not received evidence that Ad Astra campaigned  
4 in the rented Pine Room, only that they entered once to follow up on a tip that One KU had rented and was using the  
5 space for campaigning. Their testimony further corroborates that they did not campaign in the Pine Room or access the  
6 keg that night, they only campaigned in “open” spaces [Demonstratives 5 & 16] [Document 5].  
7

8 The offering of an outside resource to any other coalition does not change its classification as an outside resource under  
9 Title Six, Article V § 2.3. Under this section – any candidate found to have utilized the outside resource for campaigning  
10 is subject to immediate disqualification.

11 Campaign Finance.

12 Student Body President and Student Body Vice President Candidates, together, shall be given  
13 a total of \$1,000 for spending on campaign materials. Candidates are prohibited from utilizing  
14 outside funding or resources to participate in the Student Senate Election. A candidate who is  
15 found in violation of this regulation, will be immediately disqualified and barred from further  
16 participation in the election where this violation occurred. (Title Six, Article V § 2.3)  
17

18 Disqualification Guidelines

19 The consequences for candidates disqualified in this manner are disqualification from the official election ballot (meaning  
20 they will not appear in the results), as well as disqualification from serving as a member of the Student Senate, the Student  
21 Executive Council, the Constitutional Court, or the Student Elections Commission for the following two (2) academic  
22 years. For violations with controlling language to automatically disqualify a candidate, The Elections Commission has no  
23 discretion in deeming another disciplinary action more reasonable. That power is granted explicitly and only when  
24 determining if disqualification is inappropriate for an otherwise non-disqualifying third violation of the Election Code.  
25 The verb phrase “should be” is used in the code to indicate this distinction as juxtaposed against “will be”.

26 Violation Process.

27 1. Any student can submit a complaint alleging a violation of the Election Code to the Student  
28 Elections Commission.

1 2. Any candidate found responsible for violating the Election Code for a total of three times  
2 during the course of an election should be disqualified unless, in the discretion of the Student  
3 Elections Commission, another disciplinary action is deemed more reasonable.

4 3. Any disqualified candidate's name must not appear on the official election ballot.

5 4. Any disqualified candidate cannot serve as a member of the Student Senate, the Student  
6 Executive Council, the Constitutional Court, or the Student Elections Commission for the  
7 following two (2) academic years. (Title Six, Article VII § 7)

8 Considerations

9 The way the event at the Hawk was conducted, pushing the line of acceptability despite having demonstrated clear  
10 knowledge of these sections of the elections code through reporting violations, is reprimandable. There is the potential  
11 that the accused coalition unduly influenced the results using intentionally muddled outside resources in a social setting  
12 that is hard for this judicial body to evaluate. If it is actually true (as juxtaposed against the preponderance of the evidence  
13 standard) that One KU misled the Elections Commission about the nature of the room rental, that further muddling of  
14 the evidence and the subsequent use of the close of the voting period to pressure the elections commission into a hasty  
15 decision is also reprimandable.

16 Article I of the Elections Code defines its Purpose and Scope which all candidates agreed to.

17 The Student Senate Elections Code shall govern General, freshman, special, and recall  
18 elections, as well as referenda. This Election Code shall be construed to promote a fair, free,  
19 and equitable electoral process. All candidates in Student Senate elections agree to follow this  
20 Elections Code and will accept the consequence(s) of potentially violating any part of the  
21 Elections Code. (Title Six, Article 1)

22  
23 **Decision**

24 On the first standard, that the room was, at the time, an outside resource, not a free publicly available space. We find that  
25 One KU rented the room under the 'Public Room - Tab Deposit' model, not the 'Private Room - Tab Deposit' model.  
26 That means One KU had an outside resource, but there were conditions on the way it could be used that require  
27 evaluation. The space itself does not constitute an actual benefit that One KU could utilize to enhance their participation  
28 in the Student Senate Election, but the tab, if accessed, does.

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On the second standard, that the room rental was used to participate in the Student Senate Election. We do not have sufficient evidence to find that any drinks were purchased for or by non-coalition members on the room tab. Additionally no submitted student testimony speaks to that fact. I.e. One KU had an outside resource, but a preponderance of the evidence does not show that One KU utilized that outside resource.

**The preponderance of the evidence being insufficient to prove that One KU utilized outside resources or food or drink to participate in the Student Senate Elections, this court does not charge any member of One KU with a violation of the Elections Code.**

While no direct violations became evident in our investigation, Zakariya Ahmed acted in an unbecoming and unpresidential manner which runs contrary to the Senate Constitution and the interests of the University of Kansas. In this body’s opinion, the incident at the Hawk (Jayhawk Café) on April 2, 2024, is not punishable by disqualification, but warrants transparency to the public which the accused party did not afford to this committee.

We strictly reprimand One KU for any unbecoming behavior in this process, and, in the interest of preserving a free election, allow the voters to determine their fates.

The exhibits cited will remain at this time under seal to protect the confidentiality of the many people who testified and provided evidence throughout this process. The candidates have the right to appeal this decision to the Constitutional Court under Title IV, Article III § 2 at which time the exhibits may be partially unsealed at the discretion of the higher court. No double jeopardy standard is codified so either coalition may bring an appeal.

This decision reflects the unanimous view of the four active Elections Commissioners who encompass the majority of the body. Despite attempts to notify and request comments, one commissioner of the five was not able to be reached and thus not present for the deliberations.

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Dated this Ninth of April 2024.



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Sasha Sharman  
Elections Commission Chair

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