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| **Nicolas Guerin** | **v.** | **Jordan/Garrett Campaign** |

**Motion to Dismiss Hearing**

Donald Garrett (“Garrett”) moves and asks the Elections and Disputes Commission to dismiss Spring Election 2012 Grievance 001 and in support argues:

**Background**

On Tuesday, March 20, 2012 Garrett received notice that a grievance had been filed by Nicholas Guerin alleging a violation of Election Code 5.24. Even if the evidence is weighed in the Petitioner’s favor, there is no way this Commission can find the defendants responsible of a violation of Election Code 5.24.

**The Photograph is in Reference to Garrett’s Impeachment**

As this Commission can recall, the Student Senate passed Resolution 27, A Resolution to Impeach Senator Garrett on Thursday, March 1, 2012. The photograph attached in the Petitioner’s grievance is an inside joke. There are three distinct characters: the letter M, a GIF of a peach, and the letter D. If a rational being were to attempt to read this picture, phonetically it would read “Emm-peach-Dee.” This translates to “Impeach D” or “Impeach Donald.”

**Garrett Believes is Impeachment is Unfair**

Garrett currently has two cases pending in the Fairfax County Circuit Court involving Resolution 27. Case numbers 2012-3570 and 2012-3363 are each filed with the Clerk of the Court. The photograph in the grievance is making fun of the Student Senate’s irrational decision to impeach Garrett.

**The Photograph was not Campaigning**

Election Code 2.8 defines campaigning as “any activity by a candidate that has a primary purpose of furthering the candidate’s likelihood of being elected.” The photograph in the petition did not have a “primary purpose of furthering [my] likelihood of being elected.” Honestly, if anything the Student Senate tried to hinder Garrett’s likelihood of being elected by impeaching him. Is not the point of an impeachment to question someone’s ability to hold public office? If anything, highlighting the impeachment decreases Garrett’s likelihood of being elected.

Secondly, the photograph in the grievance does not mention Garrett’s name, any office he’s seeking, any information about Garrett’s platform, any information about campaign events, nor does it include the dates of voting. Nothing contained in the picture increases Garrett’s likelihood of being elected.

Finally, only one person had the photograph in the grievance as their profile picture: Donald Garrett. If Garrett had tried to use the picture to get his name out there for elections, he would encourage hundreds of people to change their profile picture to match his.

**Conclusion**

For the above reasons, I ask the Elections and Disputes Commission to dismiss these proceedings.

Please consider this motion before going forward with the proceedings.

