

Associated Student Government Judiciary

Election Violation Complaint Decision

ASGJ-2018-GE6

March 9, 2018



Associate Justice Spencer George authoring for the Majority decision where the majority rules.

I. Introduction

The Court has ruled in favor of the defendants, holding that the parties involved were not in violation of ASG Code Title VII, Section 1, § H, (e), and that campaign materials were not purposefully or erroneously placed within fifty (50) feet of a computer lab. This decision is based on photographic and video evidence submitted by the defendants contesting photographic evidence submitted by the complainant. This decision brings to mind the necessary investigative measures that should be taken when an election violation complaint is filed.

II. Facts of the Case

The court was asked to determine if the defendants were in violation of ASG Code Title VII, Section 1, § H, (e), and had placed campaign materials within 50 feet of a computer lab that is stationed in the Northwest Quad.

Noah Bradshaw, the complainant, stated that the campaign material in question, a yard sign, was “approximately 39 feet away” from an exterior wall of a computer lab. The complainant “stepped off” 13 yards with the defense that he had “played golf” and used his personal discretion to make the determination that the placement of the sign was within fifty feet of the computer lab. The photographic evidence submitted by the complainant was not taken by the complainant but rather by another party that was listed as a witness in AGSJ-2018-GE6.

Defendants argued that the yard sign was 79 feet away from the computer lab, as well as not on the same vertical plane, but rather four feet below the floor of the computer lab.

Witness for the defendants Trevor Villines was asked to join the defendants in this hearing, as he was the sole party who measured the distance of the yard sign to the exterior wall in question. Video evidence was produced by Trevor Villines, where the measurement was determined to be 79 feet away from the computer lab in the Northwest Quad.

During the period of questioning for both parties, the complainant admitted that he had filed the complaint mistakenly, and believed the evidence provided by the defendants to be accurate. Furthermore, the Court found that the complainant did not have accurate

knowledge as to where the computer lab was in the Northwest Quad, and was found to be even further away than measurements given by either party.

III. Conclusion

It is the conclusion of the Court, that with a lack of both of evidence and personal investigation on the part of the complainant, that the complainant did not meet the burden of proof. The complainant was also unaware of the actual location of the computer lab in the Northwest Quad. Based on the photographic and video evidence submitted by the defendants, and an admission of mistake by the complainant, the defendants Spencer Bone, Abby Sikes, Marco Gargano, and Josie DuBois were found to have not placed campaign materials within fifty feet of a computer lab, and therefore did not violate ASG Code Title VII, Section 1, § H, (e).

IV. Decision

The court voted with a unanimous vote (5-0) that defendants Spencer Bone, Abby Sikes, Marco Gargano, and Josie DuBois did not commit an election violation by placing a campaign sign near the Northwest Quad. As the decision was ruled in favor of the majority, the majority rules. The decision for the case stands as is.

IT IS SO ORDERED

Authored by Assoc. Justice Spencer George _____

Joined by Assoc. Justice Zana English _____

Joined by Assoc. Justice Julianna Tidwell _____

Joined by Assoc. Justice Brandon Turner _____

Joined by Proxy Cassady Curtis _____