



Associated Student Government Judiciary

ASGJ-2018-GE2

Campaign Violation Decision

March 2nd, 2018

Associate Justice Brandon Turner authoring for where the unanimous (5-0) decision rules.

I. Introduction

The ASGJ received an elections violation complaint against J.P. Gairhan and Luke Humphrey of the ‘Make Your Mark’ campaign. There were two complaints submitted concerning the same incident, thereby the ASGJ consolidated them into one proceeding, designated ASGJ-2018-GE2. The violation(s) were submitted by the Kappa Delta Zeta Gamma Chapter Sorority President – also a registered campaign staff member of the ‘For The Hill’ campaign – and by another executive member of Kappa Delta as well.

II. Facts of the Case

During the hearing, the validity of the actual submission of the violation forms was brought into question by J.P. Gairhan. Mr. Gairhan noticed that there was not timestamp on the form, nor were the signatures of ASG Advisor Michael McAlister or ASGJ Chief Justice Andrew Hansen present on the form—this is a procedural requirement when filing a campaign violation with the Office of Student Activities (OSA).

ASGJ Chief Justice Andrew Hansen, acting as the non-voting Elections Commissioner during this proceeding, informed all parties present of the way in which the form had been submitted.

- On Monday, February 26th, 2018 an unnamed individual came into the ASG office and proceeded to submit both violation forms to ASG Chair of Senate Colman Betler. It is known that the individual came to Mr. Betler with these documents between 5:00pm and 5:20pm—after the OSA had closed for the day.
- The forms were then brought to the OSA the next day and submitted but never received any signatures or timestamps, as Michael McAlister decided that a specific time of receipt could not be determined.

Mr. Gairhan, in his closing statements, called for the violation to be invalidated, as he believed the form was not submitted in a proper fashion in accordance with OSA and ASG guidelines.

- ASG Code Title VII, § 8 (A): “Any member of the University community wishing to file a complaint...must do so in person with

the OSA by the close of the first (1st) business day following the alleged violation.”

- A campaign violation form must be submitted to the OSA by the end of the next business day, *promptly 5:00pm*, following a violation having occurred.

III. Discussion

The ASGJ’s discussion revolved around whether or not the submission of these documents had fallen within the guidelines of the OSA and the ASGJ for filing violations. The Justices considered the student’s intent and motives for filing these forms to be in good faith. However, we determined that we, and those filings complaints, are beholden to the ASG Code and Constitution in conjunction with the General Election packet that is freely available to anyone who wishes to review it (This document can be found at asg.uark.edu under ‘Governing Documents’). These documents require that complaints be submitted to the Office of Student Activities by their close of business. Neither of those requirements were met in the filing of this complaint. Thereby, in this instance, we could not render a decision based on a complaint that was not properly submitted.

IV. Conclusion

It is the conclusion of the Majority, that the violation complaint submitted against J.P. Gairhan and Luke Humphrey was improperly and untimely filed with the OSA. Without a valid timestamp from the Office of Student Activities and signatures from the ASG Advisor and the ASGJ Chief Justice, it is the opinion of this court that this complaint should be rendered null and void.

V. Decision

The court voted in a unanimous decision (5-0) that the elections violation complaint filed against J.P. Gairhan and Luke Humphrey by Gabrielle Casey and Margaret Williamson, hereby be struck down and invalidated by the ASGJ.

IT IS SO ORDERED

Authored by Justice Brandon Turner

Joined by Justice Julianna Tidwell

Joined by Justice Pierce Teeuwen

Joined by Justice Justyce Yuille

Joined by Proxy Bennett Waddell
