



Associated Student Government Judiciary

ASGJ-2018-GE3

Campaign Violation Decision

March 12th, 2018

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

I. Introduction

The ASGJ received a campaign violation against Spencer Bone, Abby Sikes, Marco Gargano, and Josie Dubois of the “For The Hill” campaign, filed by Christine Carroll. The complainant alleges a violation of the ASG General Election Packet, Section IV, § C. This violation has been designated ASGJ-2018- GE3.

II. Facts of the Case

Christine Carroll filed the complaint on March 5th, 2018 at 12:39pm. It is alleged that the the “use of Old Main’s North Tower in social media campaign images and videos” is a violation of the Official Statement on Elections, Section IV, § C

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 - “Candidates must follow all University policies concerning the use of trademarks and licenses the University maintains.”
 - § C has language that states: “University trademarks include images of Old Main as well as its silhouette since that building is incorporated into the academic/administrative logos of the university. This protection regarding the image and silhouette of Old Main extends to variations of the image as well.”

The complainant submitted a printout of an email, sent by ASG Advisor Michael McAllister to the ASG listserv, expressing guidance that ASG had received from the Licensing Office in regard to university rules pertaining to trademarks and licensing being used for political campaigns, including campus elections.

- The language in the email was identical to that of the General Election packet language in regard to the use of Old Main. This email also included a link to a PowerPoint presentation which was created by the University of Arkansas’s licensing office, and this presentation can also be found on the OSA website as well as the licensing office website. This email was sent on January 19, 2018 at 2:11pm.
 - During questioning both the parties involved were asked if they had received this email. All except Defendant Gargano are said to have received it as Defendant Gargano claimed that he was not a member of ASG at the time this email was sent.

- All parties were asked if they attended the Candidate Orientation Sessions provided by the ASGJ. All parties agreed that they were in attendance at the session. At the orientation, Chief Justice Andrew Hansen and ASG Advisor Michael McAllister informed all candidates of the clearer guidance we received on the use of Trademarks.

III. Discussion

The ASGJ's discussion revolved around whether or not the Judiciary considered "images of Old Main" as well as "variations of the image" to fall under 'Trademarked images' of the university, if the image itself is owned by someone other than the University of Arkansas.

The ASGJ reviewed the Licensing office's website and university policy for the use of trademarks. The court found that the only trademarks owned by the university in regard to the usage of Old Main included the silhouette and seal of the University of Arkansas which features the North Tower. A candidate using pictures of Old Main, not including the silhouette or seal of the university, that they photographed themselves or purchased the rights of is not using a trademark of the University of Arkansas.

IV. Conclusion

It is the conclusion of the Majority that using personal photographs of Old Main is not a campaign violation. The use of personal photographs of Old Main, including the North Tower, does not constitute the usage of a university trademark, therefore this is not a violation of the Official Statement on Elections, Section IV §C.

V. Decision

The court voted in a unanimous decision (5-0) that Spencer Bone, Abby Sikes, Marco Gargano, and Josie Dubois did not commit an election violation by using personal photographs of Old Main. Because university policy regards the use of university trademarks in the context of printed images and materials, the For The Hill campaign did not commit an election violation by posting images of their campaign members around Old Main. ASGJ does not view campaigns' own images of Old Main as trademarked images for the purposes of ASG elections. As the decision was ruled in favor of the majority, the majority rules. The decision stands as is.

IT IS SO ORDERED

Authored by Justice Brandon Turner

Joined by Justice Julianna Tidwell

Joined by Justice Pierce Teeuwen

Joined by Justice Zana English

Joined by Proxy Bennett Waddell
