



**Associated Student Government Judiciary**  
**ASGJ-2018-GE8**  
**Election Violation Complaint Hearing**  
**March 12, 2018**

*Proxy Cassady Curtis authoring for the Majority decision where the majority rules.*

**I. Introduction**

The Majority has ruled that the election violation complaint ASGJ-2018-GE8, filed by complainant Shay Longmate against the candidates of the For The Hill ticket – Spencer Bone, Abby Sikes, Marco Gargano and Josie Dubois– is not a violation. The parties involved have been found not to have violated Section IV, § C of the Official Statement on Elections, which prohibits the use of University trademarks and logos for political campaigns. This verdict was made on the basis of evidence and testimonies provided by the Complainant, Witnesses, and the Defendants during the time of the formal ASG Judiciary hearing held March 12th in Arkansas Union 640, after ASGJ quorum was met.

**II. Facts of the Case**

The court was asked to determine whether the For The Hill campaign violated Section IV, § C of the Official Statement on Elections by using a pop up tent with a trademarked logo of a Razorback.

The complainant submitted the claim, along with photos of the tent in question being used during the ASGJ Cookout in the early afternoon of March 5, 2018. The complainant stated that pictures of the tent were posted to various social media accounts. Complainant also stated that the tent was up in the Union Mall for approximately 30 minutes with the running Arkansas Razorback logo, along with the word “Arkansas” being displayed on every side of the tent. Complainant said that the use of the trademarked items could instill “collegiate pride” and the connection of the tent with the For The Hill ticket could have influenced undecided voters.

The defendants stated that the tent was purchased from a licensed retailer, such as Wal-Mart or Academy, and was the only tent that they had access to. The defendants also stated that the only use of the tent was to provide shade during the tabling efforts outside of the union. Due to the high wind speeds that day, the For The Hill ticket took the tent down after about 30 to 40 minutes of it being up. They claim that the trademarks were used for an all campus event and no students were excluded from their campaigning efforts.

**III. Discussion**

The court’s main discussion involved interpreting the University policies regarding trademarks. The court received guidance from ASG Advisor, Michael McAllister, who contacted

the University trademark and licensing office for clarification of their policies. The use of University trademarks in logos is prohibited in physical campaign materials, such as, but not limited to: yard signs, banners, and items passed out while tabling. With this interpretation of that policy, the court began discussing it in relation to the pop up tent in question. While the tent is a physical object with two University trademarks on it, those trademarks were not actively implemented into their physical campaign materials. To the court's knowledge, the logos on the tent were used properly since, according to defendant, Josie Dubois, was purchased through a licensed retailer.

**IV. Conclusion**

It is the conclusion of the Majority that there was not a violation of Section IV, § C of the Official Statement on Elections that occurred on the early afternoon of March 5, 2018, outside of the Arkansas Union.

**V. Decision**

The court voted unanimously that Spencer Bone, Abby Sikes, Marco Gargano and Josie Dubois did not commit a violation based on the fact that the use of a pop up tent with a trademarked image does not constitute an election violation in this case. The tent, which was purchased through a licensed retailer which pays royalties to the university for the use of that trademark, was not a part of the materials the candidates were distributing or using to actively campaign. 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.

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**Authored by Proxy Cassady Curtis**

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**Joined by Justice Julianna Tidwell**

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**Joined by Justice Zana English**

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**Joined by Justice Brandon Turner**

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**Joined by Justice Pierce Teeuwen**

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