



## Official Opinion of the ASUW Judicial Council

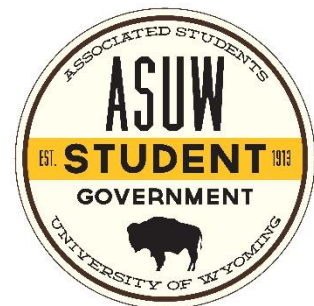
Concurring Opinion handed down by the following Justices:

Chief Justice Stott, Associate Justices Manown, Culver, and Yang

Dissenting Opinion:

Associate Justice Laffey

Associate Justice Kilgore, Recused



April 20, 2017

On April 19<sup>th</sup> 2017 an elections complaint was filed against ASUW Presidential Candidate Benjamin Wetzel and Vice Presidential Candidate Jaynie Welsh. This complaint was submitted to the acting elections commissioner, who responded promptly that no sanctions would be levied and that the candidates had not violated the Bylaws. The complainants then appealed the decision, which brought the case to the Judicial Council.

The complainants argued that Wetzel/Welsh violated Article IV, Section 8(a) of the ASUW Bylaws, which state that "[c]ampaign materials regulated by these rules shall not include non-broadcast spoken words, with the following exceptions: non-broadcast spoken words shall be considered campaign materials in the event they are used within an identified polling place during an election." The argument of the complainants centered on the manning of AWUS polling stations by members of the ASUW Senate who were running for office.

This election complaint appeal hinged on the definition of the word "campaign" in relation to the election commissioner's decision and the working documents and practices of ASUW. The commissioner concluded that solely being present at an ASUW polling station is not a form of campaigning that would be restricted by Article IV, Section 8(a) of the ASUW Bylaws.

After reviewing the elections complaint, the material provided to the Council, and the ASUW working documents, it is the majority opinion of the ASUW Judicial Council that Benjamin Wetzel and Jaynie Welsh did not violate any existing bylaw and the conclusion reached by the acting elections commissioner should stand.