



Elections Complaint against True-Bowles Campaign on March 30th, 2022

Chief Justice Hoversland delivered the Majority Opinion of the ASUW Judicial Council on April 1st, 2022, in which Secretary Cloud and Associate Justices De Meillon, Otuya, Salazar, Sankey, and Schweisberger joined.

Background

On March 30th, 2022, the Judicial Council received a complaint regarding the Johnathon True-Bradley Bowles campaign for President and Vice President of ASUW (True-Bowles). The complaint, as outlined in Addendum A, alleged that Mr. True used time during an ASUW Senate Meeting, which is designated for his duties as an ASUW Senator, to campaign and set up meetings with various fraternities and sororities. The evidence to accompany such claims is laid out in Addenda B through F.

Once this complaint was received, the receipt of the complaint was acknowledged, and the accusing party was notified of their rights under the Judicial Council's Rules and Procedures. The accused party was then notified of the complaint, its details, and of the rights they retain under the Judicial Council's Rules and Procedures, including that of requesting a hearing within a 24-hour window. When True-Bowles received this, they asked that the complaint be dismissed by the Council because the name of the accusing party was not divulged in the notification email; this is standard operating procedure of the Council. Dismissal on these grounds was promptly denied. The campaign then requested the identification of the accusing party and the Chief Justice provided them with this information. It is noted that the True-Bowles campaign forfeited the right to a hearing by not requesting one. They did provide a written response to the allegations which is shown in Addendum G.

Relief Sought

The relief sought by the accusing party can be found in Addendum H. The Council notes that the language of the relief makes it sound more like a request for interpretation, but it understands because of the fast-paced environment of the shortened elections season, that a complaint form made the most sense for the accusing party to streamline the process due to the extenuating circumstances.

Findings of the Council

Executives of ASUW are paid using student fee dollars and the ASUW By-Laws clearly state that they cannot campaign when they are on the clock and earning that money. This includes when they attend ASUW Senate meetings. Senators, on the other hand, are paid a small amount through the ASUW Senatorial scholarship, which is outlined in Article 2, Section 2.02, subsection 5 of the ASUW By-Laws. While the money Senators earn also comes from student fees, the By-Laws are less clear on the constraints they are held to concerning engaging in nonpublic campaign displays or activities during a Senate meeting. Additionally, subsection 4 of the same article and section mentioned above



notes that “Senators shall attend regularly scheduled meetings of the ASUW Senate” and also that “Senators shall be allotted a set amount of unexcused absences, as determined by the ASUW Steering Committee.” This plain language does not give any information on the required participation in said meetings, which is the basis of the complaint before the Council.

Each branch of government is best equipped to handle disciplinary actions concerning its own internal members. Therefore, the Judicial Council deals with its members and their actions before further action can be taken by the legislative branch to impeach a Justice. Additionally, for the executive branch, the President and Chief of Staff tend to be the first point of contact when an executive engages in behavior unbecoming of their position. The legislative branch then can impeach an executive. Finally, for the legislative branch, the Steering Committee or the Vice President are the disciplinary arms of the Senate. The full Senate can approve or deny the actions of this arm of Senate and the Judicial Council has a process to hear such appeals. This is the beauty of the checks and balances system of government that has been established. Such ways of dealing with internal issues also preserves the separation of powers for each branch within the student government.

Ruling

The portions of ASUW’s By-Laws brought up in this complaint are clear and require little room for interpretation from the Council. The Council declines to apply the same standards to Senators that executives must abide by, as outlined in the ASUW By-Laws, regarding campaigning for elections while fulfilling their duties. The Council differentiated between these two classifications of individuals based on the ways in which they are paid, as explained above. Executives are held to a higher standard in the By-Laws due to their hourly pay; Senators do not enjoy these same benefits and as such, are not held to the same exact standards. If the Senate wishes to change these expectations with the upcoming changes to pay structure, they are more than welcome to exercise their power to alter ASUW’s working documents. They also can establish these internal standards at the beginning of the year through the Steering Committee. Another mechanism to deal with this situation is set out in Article 7 of ASUW’s By-Laws, which is the Code of Ethics. The Judicial Council does not want to comment further on this, but if the accusing party feels that this is a route that can be taken, they retain that right. Finally, if the student body is not satisfied with the way that Mr. True has treated his position, they are able to express that displeasure through voting. The Council will not be the one in this case to make such a judgement.

Mr. True, the primary party in this accusation, attended the ASUW Senate meeting in question, but did miss the second vote (Addendum D). While it may be frowned upon in the public arena, Mr. True did not violate any written portion of ASUW’s By-Laws. He may, however, have violated policies outlined by the Steering Committee, distributed at the beginning of each year. The Council does not possess such rules and has no mechanism to enforce those rules. The body that created them, namely the Steering Committee, can



enforce them. We would encourage this and for the Vice President to handle the internal dealings of ASUW's legislative branch.

Because of the above findings and circumstances, the Judicial Council has decided to remand the actions in question back to ASUW's Vice President and its Steering Committee. In conjunction, they can determine how to move forward under their rules or the Code of Ethics, but at this moment, the Council is failing to place any sanctions on the campaign in question because it was the wrong avenue to pursue with the facts at hand. If ASUW's Vice President and its Steering Committee take further action, Mr. True retains the right to appeal such actions as outlined by the working documents of ASUW.

It is remanded and so ordered.



Addendum A

Facts

Johnathan True currently serves as an ASUW Senator where he actively attends regular ASUW Senate meetings. Currently, Mr. True is running for ASUW President alongside Bradley Bowles who is also a current ASUW Senator. During the March 29th, 2022 ASUW Senate meeting, Senator True was campaigning virtually by sending emails to potential voters as seen in the email sent to Larissa Rutz (attached below) at 7:56pm which was during the ASUW Senate meeting which he was attending and present at. He also emailed Langston Bouma who is the president of the Pi Kappa Alpha fraternity to try and meet with Langston's chapter about his campaign at 7:54pm which was also during the Senate meeting. (attached below). His attendance at this meeting can be noted on the attendance sheet from the March 29th meeting (below). Larissa Rutz happens to also be an ASUW Senator, however, was not in attendance at the meeting due to a personal situation.

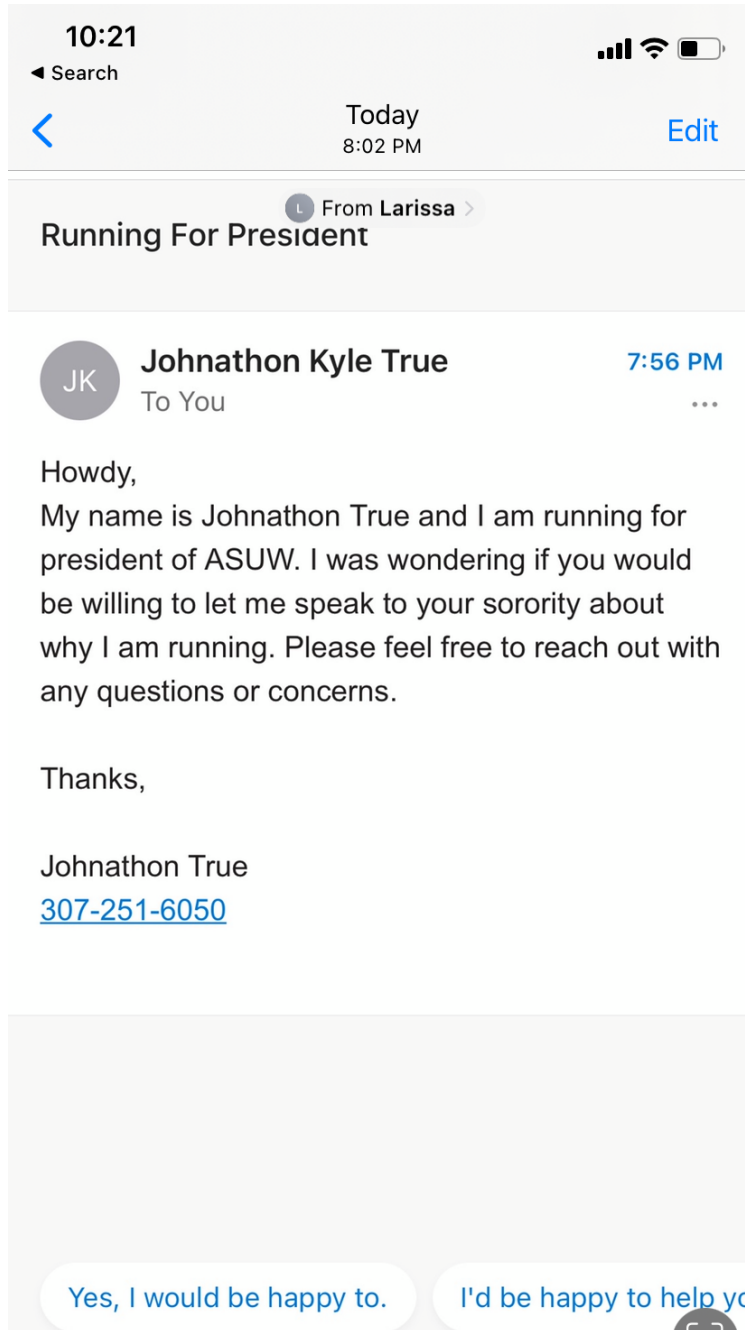
Campaigning is not allowed in the ASUW Senate chambers when Senate is in session as deemed by the ASUW Vice President. This was made explicitly clear to all candidates and Senators by Vice President Anderson during the candidate information session held on March 21st. This was made clear to all candidates when a candidate asked if campaign materials such as stickers or buttons on laptops, water bottles, backpacks, etc. were allowed in the Senate chambers when Senate was in session. Vice President Anderson announced that this was not allowed and that he would ask individuals to cover or remove said campaign materials when Senate was in session which can be corroborated by President Swilling, Accountant Shaef, and Project Coordinator Crosby who were all in attendance. On the March 22nd, 2022 ASUW Senate meeting, Vice President Anderson stated that campaigning is not permitted while Senate is in session and campaign materials must be put away during Senate as seen in the March 22nd, 2022 meeting minutes and on the Facebook live video recording.

ASUW Executives are not allowed to campaign or store campaign in the ASUW Business office as stated in Article 5, Section 5.06 subsection 1 letter G of the ASUW By-laws "no campaign materials shall be displayed or stored in the ASUW Office". Additionally, executives were explicitly told that they are not to work on their campaign or discuss their campaign in the ASUW office. Campaigning is also not to interfere with executive's normal responsibilities as stated in the ASUW By-Laws Article 5, section 5.06, subsection 5, letter G "Current ASUW Executives are allowed to be a candidate and are allowed to campaign for themselves or their ticket. However, their campaigning must not interfere with their official duties in ASUW."



Addendum B

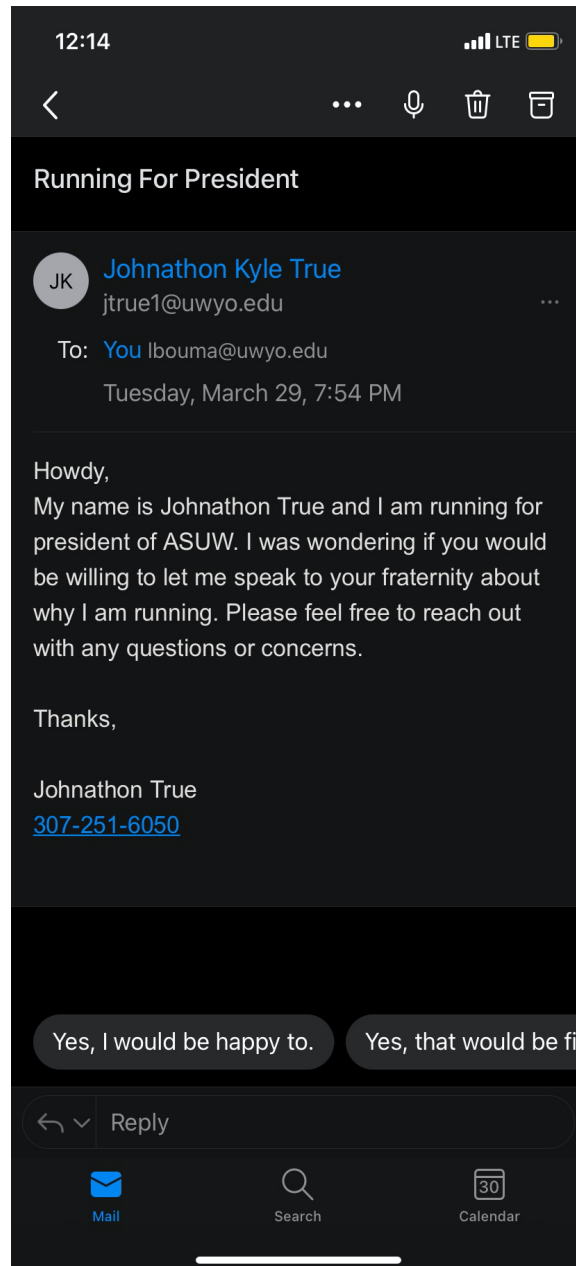
Screen Shot of Email Sent to Larissa Rutz on March 29th, 2022





Addendum C

Screenshot of Email Sent to Langston Bouma on March 29th, 2022





Addendum D

Attendance Sheet from the March 29th, 2022 ASUW Senate meeting

ASUW STUDENT GOVERNMENT						
201-2022 Roll Call Attendance and Voting Record						
Senators/Executives/Ex-Officios						
24 req'd SK-Low Date: 3/29/22		21"	SB: 2790	SB: 2791	SB: 2792	
Attendance		19-2	21-0	22-0		
P = Present; A = Absent; L = Late; LE = Left early						
Senators						
1	Cord Anderson	P A L LE	Y N A	Y N A	Y N A	Y N A
2	Aliah Bell	P A L LE	Y N A	Y N A	Y N A	Y N A
3	Bridger Bogus	P A L LE	Y N A	Y N A	Y N A	Y N A
4	Bradley Bowles	P A L LE	Y N A	Y N A	Y N A	Y N A
5	Anthony Castronovo	P A L LE	Y N A	Y N A	Y N A	Y N A
6	Jared Clapper	P A L LE	Y N A	Y N A	Y N A	Y N A
7	Michelle Craig <i>Extend Lat</i>	P A L LE	Y N A	Y N A	Y N A	Y N A
8	Jacob Dawson	P A L LE	Y N A	Y N A	Y N A	Y N A
9	Noah Engel Cartie	P A L LE	Y N A	Y N A	Y N A	Y N A
10	Tanner Ewalt	P A L LE	Y N A	Y N A	Y N A	Y N A
11	Montgomery Hughes	P A L LE	Y N A	Y N A	Y N A	Y N A
12	Md Ahsanul Haque	P A L LE	Y N A	Y N A	Y N A	Y N A
13	Dylan Laverell	P A L LE	Y N A	Y N A	Y N A	Y N A
14	Taeya Lobato	P A L LE	Y N A	Y N A	Y N A	Y N A
15	Michaela McGee	P A L LE	Y N A	Y N A	Y N A	Y N A
16	Mohamed Gamal Mohamed Abdalla	P A L LE	Y N A	Y N A	Y N A	Y N A
17	Rhitamavara Pokharel	P A L LE	Y N A	Y N A	Y N A	Y N A
18	Suyasha Pradhanang	P A L LE	Y N A	Y N A	Y N A	Y N A
19	Hannah Rhymes	P A L LE	Y N A	Y N A	Y N A	Y N A
20	Larissa Rutz	P A L LE	Y N A	Y N A	Y N A	Y N A
21	Olivia Shoemaker	P A L LE	Y N A	Y N A	Y N A	Y N A
22	Saber Smith	P A L LE	Y N A	Y N A	Y N A	Y N A
23	Teagan Thompson	P A L LE	Y N A	Y N A	Y N A	Y N A
24	Johnathon True	P A L LE	Y N A	Y N A	Y N A	Y N A
25	Madyson Willis	P A L LE	Y N A	Y N A	Y N A	Y N A
34	VACANCY	P A L LE	Y N A	Y N A	Y N A	Y N A
35	First-Year Senator Murfitt <i>Petrie</i>	P A L LE	Y N A	Y N A	Y N A	Y N A
36	First-Year Senator Sundquist	P A L LE	Y N A	Y N A	Y N A	Y N A
37	First-Year Senator Haratyk	P A L LE	Y N A	Y N A	Y N A	Y N A



Addendum E

**Vice President Anderson's Statement in the minutes from March 22nd, 2022
ASUW Senate Meeting**

Vice President Anderson reported that he is setting up the Diversity and Sexual Assault Awareness training which will occur in April. He also reminded all candidates about the rules for their campaign and that any materials related to their campaign must be put away during Senate business.



Addendum F

Transcript from March 22nd, 2022 ASUW Senate Meeting Facebook Live Stream

49:25 "I am working on setting up our away meeting which will be in the College of Law hopefully. And our diversity and sexual assault prevention awareness trainings all of those things should be mid to late April dates specific dates and times forthcoming but watch out for those. And then since I mentioned this in the candidate workshop yesterday, I wanted to say here too since not all of you were there but since ASUW Senate is official ASUW business, campaigning is not permitted. Like stickers and buttons, if you have them on a laptop or water bottle or on your person, they need to be stowed or covered during the meeting. You can have them before or after the meeting but not while we are in session. If I see them, I will ask you to put them away or cover them." 50:07



Addendum G

Accused Party Written Response

I am writing to you all to defend my campaign. I must say that when I first saw this complaint I freaked out because I was worried about me not knowing some rule about ASUW. When I saw that the complaint was just based on the factor of not being fair my mind was put at rest. I do not believe I have conducted myself in a way that was wrong or harmful. I live a very busy life and I work part time in Cheyenne. I am also a part of student government and taking a full semester in business. I am trying my hardest to campaign and promote myself to better not only my campaign but also democracy. I unfortunately do not have unlimited time. If I did, I would spend most of it with my girlfriend. Sorry bad joke. I understand that the executive branch cannot campaign during senate, and I don't understand why that rule was put in place. I also am under the understanding that I can campaign well during senate. I do not see any reason for my campaign to be hindered during and I would ask that the council not invoke restrictions upon me unless there are explicit rules laying them out. I entrust my campaign into your hands and request that you deal with it justly.

Thank you all for your attention and have a great weekend,

Johnathon True



Addendum H

Relief

While currently the ASUW By-Laws nor the 2022 ASUW Elections Policy don't state anything about virtually campaigning as a current ASUW Senator while attending ASUW Senate, Vice President Anderson did explicitly state numerous times that campaigning is not allowed during Senate in any capacity. Additionally, it should be expected that ASUW Senators are held to the same standards and expectations that ASUW Executives are held to when campaigning. ASUW Executives are not to campaign in their place of work or let it interfere with their job. This should be applied to Senators as well as attending Senate can be thought of their "job" or "duty" and campaigning during Senate interferes with their ability to be an active and engaged member of Senate which they were elected to do. While these expectations may need to be interpreted further, there is reasoning to believe Senators shall follow the same rules that Executives must follow.

I would like to request to know how the Elections Code and rules apply to this situation. As stated, executives are held to strict standards to keep their current roles in ASUW separate with their campaigns. Mr. True explicitly campaigned during senate. If an executive was to campaign during senate or during their office hours, they would expect a consequence from breaking the code and rules of elections. Additionally, Mr. True sending campaign emails during senate was unfair to other candidates who were performing their duties as senators and executives during Senate. By campaigning during senate, Mr. True had an advantage as no other senators and executives were campaigning from 7:00pm until 8:58pm. I request that the Judicial Council rules on if a senator campaigning to other senators, and other students, while performing duties as a senator is a violation of the campaign rules and code. And if it is a violation, I request that the Judicial Council moves forwards with the appropriate actions in line with elections code and rules violations.