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**Elections Complaint against Nicolas Bogani on March 22, 2024**

Secretary Wangen delivered the Opinion of the Judicial Council on March 27, 2024, in which the Chief Justice and Justices Swaney, Compton, Thompson, and Cruz joined.

**BACKGROUND**

On March 22, 2024, the Judicial Council (JC) received an elections complaint against ASUW Senator Nicolas Bogani pursuant to Elections Policy § 1.07(1)(A). The complaint alleged that Senator Bogani violated Elections Policy when he worked on campaign material for his ASUW Senate re-election campaign during a Homecoming, Outreach, Programming, and Elections (HOPE) Committee meeting on March 21, 2024.<sup>[1]</sup> The complaint and evidence to substantiate the claim are shown in Addendum A. After receiving the complaint, the JC notified Senator Bogani of his rights to request a hearing and provide evidence or counterclaims. Senator Bogani declined to assert this right and accepted full responsibility for his actions. Senator Bogani's response is shown as Addendum B. The JC met to discuss the complaint on March 27, 2024.

**RELIEF SOUGHT**

The complainant seeks the suspension of Senator Bogani's campaign.

**DISCUSSION**

The issue of whether Senator Bogani violated § 1.05(A)(e) is not contested in this case because of Senator Bogani's admission of guilt. For this reason, we find that Senator Bogani violated § 1.05(A)(e) and will focus the following discussion on appropriate sanctions for the violation.

**SANCTION IMPOSED**

Per Elections Policy § 1.07(1)(D), the JC is permitted to impose sanctions "for all officially written complaints and violations," and available sanctions are outlined in Elections Policy § 1.07(2)(D).<sup>[2]</sup> Because this is the first time a complaint has been filed against Senator Bogani and in recognition that he immediately took responsibility for his actions, the JC declines to impose the relief sought by the complainant. Further, the JC did not feel the enumerated sanctions in § 1.07(2)(D) were appropriate in this instance and has decided to "think outside the box" when considering sanctions.

In recognition that Senator Bogani violated Elections Policy by working on campaign material during an ASUW meeting, Senator Bogani is required to send a letter to each member of the ASUW Senate acknowledging his actions and apologizing for the disruption they caused. He must also publicly acknowledge the infraction at the next ASUW Senate meeting. These actions must be completed by the end of the next ASUW Senate meeting.

It is so ordered.



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[1] Elections Policy § 1.05(A)(e) reads as follows: “Incumbent senators may run for re-election, but their campaigning must not interfere with any of their current official ASUW duties. This includes campaigning during ASUW Senate or committee meetings.”

[2] Section 1.07(2)(D) states that “[s]anctions may include, but are not limited to, reduction of the spending limit for that candidate, removal from the ballot, or disqualification from office.”



## **ADDENDUM A: Complaint & Evidence**

### **Complaint or Referral Form**

Please submit to [asuwc@uwyo.edu](mailto:asuwc@uwyo.edu). Following the submission of your appeal, the ASUW Judicial Council (JC) will notify you of the receipt of this form and the rights you retain under its Rules and Procedures. Following that, the JC will also notify the accused party of the complaint and their rights and schedule a hearing within ten (10) academic days. Once a decision is reached, a written opinion shall be released within ten (10) academic days. It is the intention of the JC to release a decision quicker than prescribed by this timeline, but the decision is still binding if the timeline is met.

#### **Details**

Accusing Party:	<u>Krislyn Gundling</u>	Date: <u>03/22/2024</u>
Accused Party:	<u>Nicolas Bogani</u>	
Explanation of Complaint:	<u>Working on campaign material during meeting</u>	

#### **Facts**

In the ASUW Elections Policy, Section 1.05 Candidate Requirements, item 1.A.e, the elections policy clearly indicates that incumbent senators may not allow their election campaign to interfere with their “current official ASUW duties,” which, as indicated in the ASUW Bylaws Section 2.02 item 1.A, include, “represent[ing] the students of the University of Wyoming in the best manner possible,” and in Section 2.02 item 4.C includes the responsibility to serve on a minimum of two ASUW standing committees.

HOPE is a standing committee in which attendance is a, “current official ASUW dut[y],” which has the responsibility of managing elections. There have been consistent reminders to abstain from touching campaign materials in the duration of meeting.

Further, in the ASUW Elections Policy Section 1.02, item D, it indicates that campaigning should not be occurring in the office or within 100 feet, and while it places the burden of prevention on the ASUW Assistant Director, in the absence of an individual filling this role it should be the individual responsibility of each individual candidate to understand and respect the rules as set forth in the ASUW Elections Policy.

Further, there have been consistent reminders for incumbent senators in the duration of several ASUW Senate meetings to refrain from working on campaign materials. There



have also been consistent reminders in meetings for HOPE where this individual is a serving senator.

Despite participating in the HOPE committee which is explicitly tasked with running elections, and the recognition that this position in the committee creates an expectation of being held to the highest standards, especially following the committee's continuous work on the ASUW Elections Policy, and the obligation to understand and know the rules set forth by the ASUW Elections Policy, this incumbent senator has chosen to work on campaign materials as demonstrated below. The specific logo used indicated "Bogani for Senator" while including information on the individual themselves.

### **Evidence**

This demonstrates the incident in question, including a timestamp for the incident in question occurring before the formal conclusion of the HOPE committee.

This demonstrates the attendance of Senator Bogani in HOPE on the day and at the time in question.

This shows the time of adjournment of the HOPE committee.

[ASUW Elections Policy - Updated 02.01.24.pdf](#)

This is the ASUW Elections Policy

[asuwbylaws-May-2023.docx](#)

This is the ASUW Bylaws.

### **Relief**

After discussion with the Chair of HOPE, I believe that the best course of action is to permanently suspend the campaign of Senator Bogani.

**ASUW Judicial Council**  
020 Wyoming Union  
asuwc@uwyo.edu



**Joshua Rogers**  
Chief Justice

**ADDENDUM B: Bogani's Response**

