

Justice Laffey, dissenting

I must respectfully dissent from the majority's conclusion in this case.

To be clear this complaint was filed only about the conduct of the Wetzel and Welsh campaign, although the 2017 ASUW Election's Commissioner, Ms. Chelsey Kay Sleight indicated that there may have been more potential violations by other candidates in the 2017 ASUW election cycle.

The facts of this matter are that Ben Wetzel and Jaynie Welsh were tabling about official ASUW polling stations which included ASUW property and logos in the Union and Simpson's Plaza on the 18th day of April in the year of 2017. Two complaints were filed by 1) John Fritz and Jordan Blazovich and 2) another person not named by the commissioner alleging that such conduct violated Article IV Section 8(a) of the ASUW Bylaws, "[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 election commissioner determined that there were no violations and John Fritz and Jordan Blazovich subsequently appealed the decision to the ASUW Judicial Council. The penalties for violating Article IV Section 8(a) of the ASUW Bylaws are recorded in Article IV, Section 11(e), "[s]anctions may include, but are not limited to, placing that candidate's/ticket's name at the bottom of the ballot, removal from the ballot, or disqualification from office."

I do believe that the actions by the Wetzel and Welsh campaign constitutes a violation of Article IV, Section 8(a) of the ASUW Bylaws and the commissioner's decision should be reversed.

Once an eligible student has announced that it is their intent to seek any office within ASUW, that person is campaigning whether they like it or not once they are on the grounds of the University of Wyoming. The Wetzel and Welsh campaign were 'openly campaigning' by willfully thrusting themselves upon the grounds of this institution of higher education and interacting with students. However, it does not matter a hill of beans if the Wetzel and Welsh campaign were or were not openly campaigning. The candidates in question were administering and helping people to vote at an ASUW controlled polling station in an election in which their names and photographs were on the ballot. The table that they were using contained property that was in the control of ASUW and the ASUW logos were around and upon the table. I would find that the mere fact that the candidates in question were even at an official polling station for any other reason than to vote in the ASUW election themselves constitutes campaigning. But the fact they the Wetzel and Welsh campaign where running the polling station for any

period of time (from the record it appears that they were at the table during the high traffic lunch hours) is simply an intolerable violation. What was done by Wetzel and Welsh (even if it was just them sitting there watching the equipment) harms the legitimacy of ASUW as a whole and perverts the idea of free and fair elections. What the Wetzel and Welsh campaign did was nothing less than campaigning and what is worse is that they were campaigning with the implicit endorsement of ASUW through the symbols and property that surrounded them.

Furthermore, the idea that this could influence voters (which is the motive of campaigning) is not disputed by the elections commissioner who articulated in her decision that, “the presence of a candidate on a ballot at a polling location could swing an undecided voter if noticed by the voter.” Moreover, it is not just the people using the station that are affected. It also affected the people who walked by the polling station, who saw the candidates, and noticed the symbols and property of ASUW around Wetzel and Welsh and then voted a few hours later away from the campaigns. There is also the real possibility that the mere presence of a candidate at a polling place could intimidate students into voting for that candidate or not voting at all. All of these ideas conflict with the concept of free and fair elections and harm the legitimacy of the elections and ASUW. Even the elections commissioner called for an end to this practice in her decision.

If a gentleman owned a horse that was running in the upcoming Kentucky Derby he would not be allowed to feed, ride, or interact with the competing horses by rule. The same should rule should be followed in ASUW. Candidates have no place in polling stations except to exercise their own right to vote. I am not aware of a state that you can work/volunteer in a polling station if you are merely related to one of the candidates, let alone a candidate for office. Nor am I aware of a place where campaigning allowed within a demarcated radius of official polling stations. The actions by the Wetzel and Welsh campaign constitute flagrant violations of the ASUW Bylaws and should be dealt with by disqualification from holding office as that remains the only known punishment available under Article IV, Section 11(e) that can wipe away some of the tarnish ASUW has suffered from this incident.

I would hold that the decision of the commissioner should be reversed, the Wetzel and Welsh campaign should be disqualified from holding office under Article IV Section 11(e), and a permanent ban on all ASUW candidates from managing, interacting with, or hosting official ASUW polling stations be ordered.

I respectfully dissent.