



Elections Complaint against Johnathon True on March 10, 2022

Chief Justice Hoversland delivered the Majority Opinion of the ASUW Judicial Council on March 10th, 2022, in which Associate Justices De Meillon, Otuya, Salazar, Sankey, and Schweisberger joined. Secretary Cloud did not take part in this decision.

Background

On March 10th, 2022, the Judicial Council received an elections complaint regarding former chair of the Outreach, Programming, and Elections (OPE) Committee, Senator Johnathon True. The complaint alleged that “Johnathon True served as chair of the elections committee and member while the elections code was written. The rules are unclear regarding if a (current/ former) chairperson is allowed under any circumstances to run for President/Vice president. This may have presented True with an unfair advantage to plan events based on his schedule and his campaign.” The evidence to back this claim is shown in Addendum A.

Relief Sought

The relief sought by the accusing party was that “the J.C. to make the rules regarding an elections chair running for President and Vice President clearer. The bylaws as written do not adequately address what should occur in this situation. I would also like clarification if True is still eligible to run.”

Findings of the Council

After receiving the complaint, the Council reached out to the accused party to notify them of their rights and ability to request a hearing. The accused party did activate their right to know who levied the complaint against them, as outlined in Article 5, Section 5.01, Subsection 1, paragraph C of the Judicial Council’s Rules and Procedures. No hearing was requested immediately, and the Council met on the decision. During this initial contact with Mr. True, he notified Chief Justice Hoversland that he resigned his chairmanship of the OPE Committee and overall committee membership at the February 28th, 2022, meeting of the committee. These facts were confirmed with multiple parties including Accountant Schaef, President Swilling, and Vice President Anderson. It is also important to note that Addendum A may not be false, but the ASUW elections website currently has a different version of the ASUW Elections code without Mr. True’s name included as a person to contact, making it even clearer that Mr. True has already resigned his position as chair **and** member of the OPE Committee (Addendum B).

The Council also noted that the ASUW By-Laws are very clear in the fact that the chair of the elections committee cannot run for any position in the elections they are overseeing, but there is an exception by vote for Senate seats. Somebody who is running on a Presidential/Vice Presidential ticket may not be a member of the OPE Committee. If they are, they must resign this position before filing closes. Filing has yet to close and it is unknown to the Judicial Council if Mr. True has filled out the form to run for any position



in the upcoming ASUW elections. This is all very clear to us and even in the absence of clarity, the Judicial Council is not able to legislate matters. Our duty is to interpret the working documents of the ASUW. This one was easy for us. The By-Laws set it out clearly for the Council and leave little room for interpretation.

Furthermore, the complaint alleges that Mr. True even holding the chair of the OPE committee during the second semester **may** have given him undue advantages in scheduling dates for the elections. This is simply not true as there are many procedures in place to avoid this. Committee chairs vote only in the case of ties and may set the agenda, but the committee votes on those issues. Additionally, the Senate approves the dates through a vote. Additionally, the verbiage of using 'may' is not definitive and shows the complainant did not have concrete evidence to back up the audacious claims he made.

Ruling and Sanctions

In this case, it is very clear to the Council that Mr. True followed the ASUW By-Laws in a truthful manner. It is unknown to the JC if True has signed up for the elections, but his resignation shows that it is his intent to run for some position in ASUW again. He retains this right to run in ASUW elections because he resigned his position as OPE chair **and** member when he had the intent to run, before the By-Laws prescribe his deadline to resign. The Council commends Mr. True for understanding the rules and abiding by them.

The Judicial Council also notes that Article 4, Section 4.04, Subsection 2, Paragraph P of its own Rules and Procedures allow for the Council to "impose sanctions against the complainant should the Judicial Council feel that the complainant has intentionally filed erroneous complaints." In this case, the Council feels that an erroneous complaint has been filed and retains the right to impose sanctions on the complainant, Mr. Tanner Ewalt. The complaint is seen as erroneous because it is frivolous to Mr. True, who followed the By-Laws. No infractions were found or made clear and Mr. Ewalt asked the Judicial Council to make the By-Laws clearer. We interpret by the letter of the law, as we did in this case. It is the job of the legislative branch to make changes to the By-Laws, not the Judicial branch. We would implore Mr. Ewalt to use his abilities to write legislation and convince his own legislative branch to make these changes. He took the wrong route. Because of this, the Council has imposed the following sanctions on Mr. Ewalt: **for the remainder of Fiscal Year 2022, if Mr. Ewalt wishes to bring any further complaints, he has to have a second person co-sign the complaint to ensure it is not frivolous and uses the Judicial Council to fulfill its rightful duties.** Mr. Ewalt does retain the right to appeal these sanctions under the Judicial Council's Rules and Procedures.

It is so ordered.



Addendum A

The Associated Students of the University of Wyoming (ASUW) Elections Code for the 2022 ASUW Student Government Elections

Contact Information:

For questions concerning the Associated Students of the University of Wyoming (ASUW) Student Government elections process, guidelines, rules, policies, violations, sanctions, or any other aspect of the ASUW Student Government Elections please contact any of the following:

- Johnathon True, Chair of the ASUW Outreach, Programming, and Elections Committee, jtrue1@uwyo.edu
- Shelly Schaefer, ASUW Accountant, sschaefer@uwyo.edu
- Hunter Swilling, ASUW President, asuwpres@uwyo.edu
- The ASUW Office, asuwgov@uwyo.edu



Addendum B

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