

ASASU Supreme Court

Advisory Opinion 2023-03: Review of Campaign Conduct Violation

Temporary Chief Justice David Wang, Advisory Opinion of the Court
Joined by Associate Justices Madeline Jaskowiak, Piper Welch, Loren Avila

Decision Finalized on Friday, March 31, 2023

Decision Filed on Friday, March 31, 2023

A. Fact Summary

On March 28th, 2023 at 5:25PM Arizona Time, plaintiff, Nethers, received an email from the defendant, the Elections Commission, for ASASU election violation. The email states that the Nethers' executive ticket violated section 7-2.2 of the election code. The plaintiff submitted an appeal on March 29th, 2023 with a written fact. In the written fact, the plaintiff stated that,

“The amendments to Section 7-2.2 adopted earlier this year by the All Campus Senate created ambiguity and led to an interpretation by many candidates for USG Office, including our Ticket, that the reporting deadline is March 31, 2023 and not an earlier deadline as interpreted by the Elections Commission. Because of this ambiguity, we ask that the decision of the Elections Commission be overturned.”

Also mentioned in the written fact, the plaintiff mentioned, “The report for the Nethers' Ticket was immediately filed after our receipt of notice by the Elections Commission of their decision.”

The most critical piece that needs to be examined very closely is section 7-2.2 of the USG election code. Section 7-2.2 of the USG elections code states:

“Documentation for all campaign materials/expenditures for each week and the running total of expenditures/materials used leading up to the election shall be reported to the Elections Department by 11:59 p.m. the last Friday of the elections season, even if the candidate did not incur any expenses in the previous period.”

The plaintiff believes that the confusing phrases and lack of definition of important terms such as “election” and “election season” in the USG election code which resulted in ambiguity causing many candidates missing the submission deadline.

The critical question is whether to overturn the decision of the Elections Commission against the plaintiff for violating USG Election Code section 7-2.2

B. Holding of the Court

It is the holding of the court that the Nethers campaign was in fact in violation of sections 7-2.2 of the USG Election Code.

A

One of the arguments by the plaintiff was that neither the term “election” or “election season” were defined in the USG Election Code and actual dates for the election season were not provided by the Elections Department in the USG Election Code, so it was left to the candidates to interpret the meaning.

The court believes that the USG Election Code and supplied resources don't cause ambiguity. The USG Election Code defines the term duration as “the Election Period as determined by the Elections Department.”

According to Associated Students of Arizona State University (ASASU)'s [Educational Outreach and Student Services](#) website,

“Associated Students of Arizona State University (ASASU) Elections Department facilitates the election cycles of all student government organizations at Arizona State University.”

Following the description, the website includes dates involving the 2023 USG election that starts on February 1st, 2023 and ends on March 30th, 2023. This evidence suggests that *Associated Students of Arizona State University (ASASU) Elections Department* did post the dates for the election duration which can be interpreted as election season without ambiguity. This would mean that the election season starts on February 1st, 2023 and ends on March 30th, 2023 and the last day of the election season is March 30th, 2023. Therefore, “*shall be reported to the Elections Department by 11:59 p.m. the last Friday of the elections season*” stated in 7-2.2 clearly means that the documents need to be submitted by 11:59 p.m. on March 24th — the last Friday of the elections season.

B

The plaintiff also argued that there is no good mechanism to determine the dates. However, the court believes that a lot of resources were given to the plaintiff. First, the website that included the dates of the election duration had an visible line that states, “*Questions? Contact the Elections Department at asu.studentgovelections@gmail.com.*” The plaintiff also has access to other resources and mechanisms such as Canvas to further assist them, even if there is ambiguity.

C

According to the written fact supplied by the plaintiff, the plaintiff “immediately filed” the report “after our receipt of notice by the Elections Commission of their decision.” The decision was sent to the plaintiff on March 28th, 2023. This means that the plaintiff submitted an “after-the-fact” document after March 24th, 2023’s deadline already passed. Combining this with the other evidence, there is sufficient proof that election season is not ambiguous and not enough to overturn the decision.

SIGNED BY THE ASASU SUPREME COURT

March 31, 2023 at 12:10 AM