ASUCI JUDICIAL BOARD

Angelina Vuong

v.

Heriberto Mendez

Ruling

Dated: April 23, 2020

Abundis, C.J., delivered the opinion of the Board, in which Gandall K., Gerald Q., Naqvi K. and Bunda J. joined. Anayat T., took no part in the consideration or decision of the case.

Chief Justice Abundis delivered the majority opinion,

In the submitted elections complaint, the petitioner sought to challenge campaigning actions taken by candidate Mendez, for what the petitioner alleges were incidences of voter manipulation and the spread of misinformation. The Judicial Board first and foremost finds that even though both previous Election Codes restrict voter manipulation, as neither code is in effect, these provisions are not grounds to proscribe punishment. The Judicial Board reaffirms the holdings in *Pham v. Fund the Clubs* and finds that no punitive measures shall be taken against the Mr. Mendez.

I.

This case raises the same issues as those in *Pham v. Fund the Clubs*, and the holdings are for such reason the same. Given that there was no Elections Code active that prohibited the spread of misinformation, regardless of whether Mr. Mendez did spread misinformation, there is no prohibition on the behavior.

* * *

The Judicial Board rules as follows upon recommendation of the Elections Commissioner: Mr. Mendez, the subject of the submitted Elections Complaint is not to be punished for the actions alleged in the petitioner's election complaint.

It is so ordered.

Michelle Abundis
Chief Justice

Quincy Gerald
Vice Chief Justice

Kulsoom Naqvi
Associate Justice

Kimo Gandall
Associate Justice

Jeremy Bunda
Associate Justice