ASUCI JUDICIAL BOARD

"The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General."

Victory Ogbonnaya

v.

ASUCI Elections Commission

Petitioner presented by Victory Ogbonnaya.
Respondent represented by ASUCI Elections Commissioner Jun Jang.

Ruling

Dated April 15, 2025

VISWANATH, G. delivered the opinion of the JUDICIAL BOARD.
BOLEK, C.; MALANI, A.; FARNWORTH, J.; KARATAS, Z.; MARIN, R.; RINGDAHL, N.; approve of what is written.

Background

On April 4th, 2025, Internal Vice President candidate Victory Ogbonnaya (herein "Petitioner") was notified by the ASUCI Elections Commission (herein "Respondent") of a Level 3 sanction placed against their campaign, a Level 3 sanction being complete posting restriction of one's campaign content for up to five days. Respondent found Petitioner in violation of Art. X § G and Art. X § H of the ASUCI Elections Code, writing in *Decision of the Elections Commission Regarding Internal Vice President Candidate Ogbonnaya* that Petitioner campaigned and stored campaign-related materials in the ASUCI work space. Upon notice of the sanction, the Petitioner appealed the Elections Commission's decision, submitting a Petition for Hearing via email to remove the sanction. Petitioner argues that they did not store campaign materials or actively campaign within the ASUCI work space, but rather took a photograph of their campaign materials while briefly holding them in the ASUCI work space – which Petitioner believes does not violate Art. X § G and Art. X § H of the ASUCI Elections Code.

On April 5th, 2025, the Judicial Board released a decision to forgo a preliminary hearing in *Ogbonnaya v. ASUCI Elections Commission*, citing the Board's well-established appellate jurisdiction under Art. 8 and Art. 10 of the ASUCI Constitution (*Decision to Forgo Preliminary Hearing in Ogbonnaya v. ASUCI Elections Commission*). On the same day, the Judicial Board contacted both Petitioner and Respondent to notify each party of the Board's decision to forgo a preliminary hearing while scheduling a date to conduct a formal hearing in *Ogbonnaya v. ASUCI Elections Commission.*

On April 8th, 2025, the Judicial Board notified both the Petitioner and the Respondent of the formal hearing to take place in the evening of the same day. *Ogbonnaya v. ASUCI Elections Commission* was held in consideration of the Petitioner's and the Respondent's arguments, to

decide whether or not to overturn the Election Commissioner's decision.

Issues Presented

1. Did the Elections Commission correctly apply ASUCI Elections Code Art. X § G in sanctioning Candidate Ogbonnaya?
2. Did the Elections Commission correctly apply ASUCI Elections Code Art. X § H in sanctioning Candidate Ogbonnaya?

Remedies Sought

The Petitioner seeks:

1. The removal of the Level 3 Sanction placed on their campaign.

Ruling

On removing the Level 3 Sanction placed on Candidate Ogbonnaya's campaign:

In Favor: 0
Opposed: 7 (Bolek, C.; Malani, A.; Farnworth, J.; Karatas, Z.; Marin, R.; Ringdahl, N.; Viswanath, G.)
Abstaining: 0

Discussion

The main question before the Board is whether the Level 3 sanction placed on the Petitioner by the ASUCI Elections Commission should be overturned. This question hinges on the Board's interpretation of the Elections Code — specifically, Articles X § G and § H — as they relate to allegations of campaigning and storing campaign materials in the ASUCI workspace. Per the Elections Code, Art. X § G states, "[n]o Candidate or Initiative Coordinator shall be allowed to campaign in the ASUCI working space," while Art. X § H states, "[n]o Candidate or Initiative Coordinator shall be allowed to store campaign materials in the ASUCI working space."

Within the Petitioner's formal petition for hearing, the Petitioner's Briefs, and during the Formal Hearing, the Petitioner explicitly acknowledged taking a photograph of her campaign materials while inside the ASUCI office. These materials included signage that read "Victory 4 Internal Vice President," alongside a comment stating "Hi!!! I'll be having my election meet and greet today! You can find me around the Student Center at: 11:00 a.m.-12:00 p.m., 2:00 p.m.-3:00 p.m."

While the Elections Code does not define precise timeframes for what constitutes "storage" or the specific actions that amount to "campaigning," that ambiguity does not shield this case from accountability. The Board finds that the language in these sections reflects a consistent principle across the Elections Code and broader ASUCI governing documents: that official ASUCI spaces must remain neutral and free from the influence of campaign activity.

While the Board considered defining specific terms such as "storage" or "campaigning," we exercised caution in doing so, recognizing that such definitions could inadvertently narrow the scope of the Code and undermine its intent. The spirit of the Code is clear:

campaign materials are not to be present in ASUCI spaces.

This general application of the purpose of the Code is further supported by Art. X § I of the Elections Code, which states "The use of University equipment or ASUCI equipment funded by student fees allocated to ASUCI, including telephones, computers, printers, papers, copy machines, fax machines, scanners, cameras, projectors, tables, chairs, canopies, or any other property not available to the entire student body, for campaigning shall be prohibited." There are two considerations to be made in regards to Art. X § I, which is the use of ASUCI property and the use of that property for campaigning purposes.

Firstly, the campaign materials were photographed on a table owned by ASUCI. That table is located in a room accessible only by individuals with key fob access—typically ASUCI members with paid positions. While technically any student could enter if granted access, the space is not open or equally accessible to the general student body. As such, its use — even if briefly — for any campaign-related purpose violates the clause "use of University equipment or ASUCI equipment funded by student fees allocated to ASUCI, including… tables… or any other property not available to the entire student body…" of Art. X § I.

Secondly, the photograph taken in that space included a sign that read "Victory 4 Internal Vice President" and was used as part of the Petitioner's campaign. This constitutes a use of the restricted ASUCI space and property to promote a campaign, directly violating the second clause "... for campaigning shall be prohibited" of Art. X § I.

While these clauses separately address conduct as disparate as campaigning, storing materials, and using equipment funded by student fees, they together present a principled statutory stance on the role the Associated Students must play in its election process. Taken together, we construe these clauses to establish a complete

prohibition on all electoral activity in the student-funded space of the Association and its student-funded resources, established not only to protect the neutral image of the Association with the student body it is charged to represent but to ensure its neutrality in fact. To do otherwise would be not only to violate this principle of neutrality, but would also present an unfair advantage to those candidates who have access to the resources afforded them in the course of their work as an officer of ASUCI.

II

While the Board agreed that a violation occurred in regards to Art. X § G, H, or I, there was deliberation on whether the full statutory extent of a Level 3 Sanction — a 5-day ban on social media posting — was proportionate to the offense committed (Elections Code Art. XIV § C(3)(a)(ii)). Absent a showing that this particular sanction was unusually harsh or inconsistent with precedent, the Board defers to the Elections Commission's discretion in determining appropriate penalties.

Ultimately, the Board chose to uphold the Level 3 Sanction out of respect for the consistent application of the Elections Code by this year's Elections Commission. With respect to the precedent on March 21st, 2025, the Elections Commission levied a Level 2 Sanction (Digital Posting Restriction) on five candidates who failed to attend any of the three Mandatory Candidates' Meetings, a clear violation of Art. VI § C(3). These candidates received a five-day posting restriction from March 24 to March 28. While the petitioner's case was different, it still involved a violation of three sections of the Elections Code – specifically, Articles X § G, H, and I. These violations pertained to campaigning and storing campaign materials within ASUCI spaces, as well as the use of ASUCI property not accessible to the general student body for campaign purposes. Given the multiple infractions, the Elections Commission determined that a Level 3 sanction

— a seven-day digital posting restriction — was appropriate.

Furthermore, the Board finds a substantial government interest in maintaining the authority of the Elections Commission to administer the electoral process as it sees fit. The Board acknowledges that the appellate jurisdiction mandate allocated to it by the Constitution is broad and sees this power to include limiting, altering, or reducing punishments levied by the Elections Commission if necessary. However, the Board finds that the Elections Commission has applied an even hand, remaining uniform in its application of sanctions during this election cycle. Thus, we chose not to alter or reduce the punishment at this time. Should future actions taken by the Elections Commission reflect an unreasonably harsh or disproportionate response, the Board remains empowered to reevaluate as necessary. We thus reject the petitioner's appeal and uphold the sanction in full.

III

The Judicial Board, deeming the Elections Commission as having acted evenly and consistently with statutory provisions for the conduct at issue in this case, upholds the decision of the Elections Commission and rules against overturning the sanction placed on the petitioner.

It is so ordered.

Appendix A

Relevant Sections of the ASUCI Constitution

As of the writing of this opinion, Art. 8 § 2, Art. 10 § (p) read as follows:

Article 8. Judicial Board
Section 2. Authority and Powers
The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General.

Article 10. Elections Commission
Section 2. Authority and Powers
(p) The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General.

Relevant Sections of the ASUCI Elections Code

As of the writing of this opinion, relevant sections of the Elections Code read as follows:

Article VI. Candidacy

Section C. Requirements

All Candidates shall:

1. Familiarize themselves with this Code and the Code of Ethics;
2. Abide by all regulations established in this Code and the Code of Ethics;
3. Attend a Mandatory Candidates' Meeting conducted by the Elections Commission, at which time

this Code, campaigning rules, and other items pertinent to the elections shall be reviewed;
4. Submit a Financial Statement pursuant to the deadline set in Article IX, Section B of this Code;
5. Check the sample ballot created by the Elections Commission for necessary corrections prior to its release.
a. Corrections shall be accepted by the Elections Commission until Friday of Spring Week 2 at 5:00 pm, after which time no more shall be accepted.

Article X. Campaign Regulations
Section G.

No Candidate or Initiative Coordinator shall be allowed to campaign in the ASUCI working space, including, but not limited to:
a. The ASUCI Suite;
b. The Student Government Student Media Business Office; and
c. Other Student Government Student Media professional staff offices.

Section H.

No Candidate or Initiative Coordinator shall be allowed to store campaign materials in the ASUCI working space, including, but not limited to:
a. The ASUCI Suite;
b. The Student Government Student Media Business Office; and
c. Other Student Government Student Media professional staff offices.
d. Any campaign materials found in these spaces shall be disposed of and sanctions shall be applied to the applicable Candidates or Initiative Coordinators.

Section I.

The use of University equipment or ASUCI equipment funded by student fees allocated to ASUCI, including

telephones, computers, printers, papers, copy machines, fax machines, scanners, cameras, projectors, tables, chairs, canopies, or any other property not available to the entire student body, for campaigning shall be prohibited.

a. Student Government Student Media professional staff shall not be defined as University equipment or ASUCI equipment and may be used as a resource for all Candidates and Initiative Coordinators, with all standard fees for services requested and at their discretion if they so choose.

Article XIV. Campaign Regulations

Section C. Sanctions

The Elections Commission, in a given election, may levy one or more of the sanctions enumerated in this section on a Candidate or Initiative Coordinator after the receipt of a complaint and an appropriate ruling following due process. All such sanctions shall be published in a statement on the Elections website and the ASUCI website within two (2) days of an official determination.

For all such sanctions that invoke a sanction period, the official statement published by the Elections Commission shall specify the exact date and time the Candidate or Initiative Coordinator was notified and the exact date and time the sanction period is set to expire.

1. Level One - Mandatory Content Review

a. For the duration of the sanction, applicable Candidates and/or Initiative Coordinators shall submit all campaign-related promotional materials to the Elections Commission for review and approval prior to releasing them in any capacity.

i. Such a review shall last for up to seven (7) days from the exact date and time the Elections Commission formally notified the Candidate or Initiative Coordinator.

2. Level Two - Digital Posting Restriction

a. For the duration of the sanction, applicable Candidates and/or Initiative Coordinators shall be prohibited from releasing any new campaign-related promotional materials in any digital capacity.

i. This moratorium shall restrict, but not be limited to restricting, posting digital campaign materials on social media.

ii. Such a moratorium shall last for up to five (5) days from the exact date and time the Elections Commission formally notified the Candidate or Initiative Coordinator.

3. Level Three - Complete Posting Restriction

a. For the duration of the sanction, applicable Candidates and/or Initiative Coordinators shall be prohibited from releasing any new campaign-related promotional materials in any capacity, excluding speaking directly to pedestrians.

i. This moratorium shall concurrently invoke a Level Two sanction and also include, but not be limited to, posting physical flyers around campus, distributing physical campaign materials to pedestrians, and boothing on Ring Road as a Candidate or Initiative Coordinator.

ii. Such a moratorium shall last for up to five (5) days from the exact date and time the Elections Commission formally notified the Candidate or Initiative Coordinator.

4. Level Four - Campaign Suspension

a. For the duration of the sanction, applicable Candidates and/or Initiative Coordinators shall be prohibited from conducting any campaign-related activities, including speaking directly to pedestrians.

i. Such a suspension shall last for up to seven (7) days from the exact date and time the Elections

Commission formally notified the Candidate or Initiative Coordinator.

5. Level Five - Campaign Disqualification

a. Applicable Candidates and/or Initiatives shall be removed from eligibility for office or enactment for the election cycle during which candidacy has been declared.

b. Campaign Disqualification shall be the only sanction that may be applied after the conclusion of the Voting Period.