

2024 ASI ELECTION COMPLAINT COMMITTEE DECISION

By JOSE M. BALLESTEROS, chair

Members Present:

JOSE M. BALLESTEROS, Vice President for Student Affairs designee (chair)
STEPHEN JONES, Faculty Senate designee
CHASE BOWKER, student representative
THOMAS NOSLER, student representative

Members Absent:

ROSA COLIN VASQUEZ, student representative
HERMAN MELNYK, student representative

May 21, 2024

Hernandez-Hunter, Christian vs Andrade-Dominguez, Nataly and Conejo-Gallegos, Gabriel

I. Statement of the complaint

Christian Hernandez-Hunter brought charges against the Presidential ticket of Nataly Andrade-Dominguez and Gabriel Conejo-Gallegos stating that they and members of their campaign had committed campaign interference. Specifically, the following policy:

Article V: Fair Campaigning and Publicity

H. Campaign Interference Prohibited

No independent candidate, Presidential Ticket, organization, Interested Student, or individual shall interfere with the campaign of another candidate. Interference includes, but is not limited to, unauthorized removal of campaign posters, banners, or other materials, or other disruption of campaign activity. Any violation of this Section may result in disqualification, unless it can be shown that the candidate, organization or Interested Student was not aware of the violation and did not condone the violation, in which case the Elections Complaint Committee will fashion an adequate remedy.

II. Summary of the testimonial and documentary evidence received at hearing in support of the complaint

Hernandez-Hunter presented the Committee with testimony stating that the Andrade-Dominguez and Conejo-Gallegos presidential ticket and their volunteers interfered with the campaign by removing posters in support of a no-confidence vote. Andrade-Dominguez and Conejo-Gallegos were running unopposed and the vote of no-confidence was the only other option for the presidential election. Hernandez-Hunter claimed that evidence from social media shows ASI Election Officer Tyler Gardner remove a poster in support of a no-confidence vote. It was also claimed that Aaron Gilbert O'Neill was a campaign worker and supporter of the Andrade-Dominguez and Conejo-Gallegos and had removed posters from a billboard.

A packet with multiple screenshots from Snapchat and Instagram was presented as evidence. Included were images that show Tyler Gardner's Snapchat and Instagram handles and comments made on Andrade-Dominguez posts with "Thank you for putting in the work and representing us well!" and "Your leadership skills are unmatched! Thank you for all you do" comments. Text screenshots also showed a picture of an individual that is claimed to be Aaron Gilbert O'Neill and accusing them of ripping down the posters.

III. Summary of the testimonial and documentary evidence received at the hearing in opposition or rebuttal to complaint

Andrade-Dominguez and Conejo-Gallegos testified that they did not rip down posters and did not ask for anyone to remove posters in support of a no-confidence vote. Andrade-Dominguez testified that Tyler Gardner is an ASI colleague and they do not have a personal relationship outside of their ASI roles. Andrade-Dominguez also testified that O'Neill is a friend and that there is no evidence of O'Neill removing any posters.

No documentary evidence was received in opposition to the complaint.

IV. Summary of witness testimony

- a. Hernandez-Hunter had Josiah Graham present as a witnesses. Graham testified the posters had been removed in violation of the election code. They also claimed that Andrade-Dominguez and Conejo-Gallegos had a personal relationship with Tyler Gardner using social media posts as evidence. Issues with how election code is written were raised but the committee indicated that the hearing was not the proper venue to present those issues.
- b. Andrade-Dominguez and Conejo-Gallegos had Tyler Gardner, ASI Election Officer, present as a witness. Gardner testified that they have no personal relationship with Andrade-Dominguez and Conejo-Gallegos. Gardner admitted to removing the posters at the request of Sandra Gallardo, ASI Executive Director, due to posters having fraudulent claims and/or not identifying who posted the poster and/or violating Time Place and Manner policy. Gardner also shared that the vote of "no confidence" is not a person, and therefore, not a candidate.

V. Statement of the remedy requested

Disqualification under Article X. Remedies for Complaints, Section D

VI. Statement of the burden of proof the complaining party or parties was required to meet

Clear and convincing proof is required for the Committee to award the remedy of disqualifying a candidate. Clear and convincing evidence is defined as that which "leaves no substantial doubt as to the veracity of the claim."

VII. Conclusion as to whether the complaining party met the applicable burden of proof

The Committee did not find the evidence presented by Hernandez-Hunter to meet the burden of clear and convincing because he was unable to provide a preponderance of evidence other than his own testimony. There was a lack of proof that Tyler Gardner, ASI Election Officer, was operating on behalf of the Presidential ticket or participated in any election interference.

VIII. Summary and reasoning supporting the Committee's conclusion

The Committee found that the burden of proof was not met by the complainant. The Committee unanimously voted that the complaint is without merit due to the posters being removed due to violating Election Code and Time Place and Manner policy. Written testimony was provided to the Committee from Sandra Gallardo, ASI Executive Director at the time of the election, that indicated the posters violated ASI Election Code and Time Place and Manner policies and that they requested that they be removed.

IX. Statement of the relief

The Committee denies the remedy requested due to the complaint not having any merit. No additional recommendations are made at this time.