

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 ASI resources were used in the campaign by Conejo-Gallegos (Allegation A) and the use of prohibited campaign resources/passive campaigning and location by Andrade-Dominguez and Conejo-Gallegos (Allegation B). Specifically, the following policies:

Article V: Fair Campaigning and Publicity

F(5)(J). There shall be no campaigning of any kind including passive campaigning in the following:

II. Within fifty (50) feet of any ASI Office (including the Sac State Aquatic Center, ASI Children's Center and Peak Adventures Challenge Course

F(5)(K). ASI resources, materials, websites, logos or other digital items, which ASI has sole rights to shall not be used in any campaign materials unless explicitly approved by the ASI board

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

Allegation A: Hernandez-Hunter testified that Conejo-Gallegos wore his ASI badge, with ASI logo, in a Canva presentation used for campaigning in the election. This is in direct violation as ASI resources, in the form of the badge, are being used in campaign material. Evidence was received that showed Conejo-Gallegos wearing his ASI badge in a picture used in the Canva presentation used for campaign purposes. Pictures of an ASI badge were also presented to show that the ASI logo is present on the badge used by Conejo-Gallegos.

Allegation B: Hernandez-Hunter testified that Andrade-Dominguez used a photo taken in the ASI Presidential Office in their campaign material. Evidence was received that had a copy of the picture of Andrade-Dominguez with family members used in campaign materials.

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

Allegation A: Conejo-Gallegos admitted that they wore their ASI badge in the picture used in the Canva presentation for campaign purposes. They claimed that they were not aware of the presence

of the badge when the presentation was made and the picture showed them at a conference. Evidence was received that cited the ASI Election Code, showed slides of the Canva presentation to show that ASI experience was highlighted and various pictures taken at a conference multiple ASI members attended. The picture used as the basis for the complaint by Hernandez-Hunter was shown to show that ASI badge was very small in the Canva slide.

Allegation B: Andrade-Dominguez confirmed that the picture presented was taken in the ASI Presidential Office and showed them and their family. The picture used by the complainant was presented as evidence to show that the picture was one of many family pictures taken after the 2023 ASI Election and was meant to highlight Andrade-Dominguez background and devotion to her family. No ASI logos are present in the pictures.

IV. Summary of witness testimony

- a. Hernandez-Hunger did not present witnesses.
- b. Andrade-Dominguez and Conejo-Gallegos did not present witnesses.

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

Allegation A: The Committee found the evidence presented by Hernandez-Hunter to meet the burden of clear and convincing because he was able to provide a preponderance of evidence to show that ASI resources, in the form of a name badge, were used in the campaign by Conejo-Gallegos.

Allegation B: The Committee did not find the evidence presented by Hernandez-Hunter to meet the burden of clear and convincing evidence because he was unable to provide a preponderance of evidence to show that prohibited campaign resources/passive campaigning by Andrade-Dominguez.

VIII. Summary and reasoning supporting the Committee’s conclusion

Allegation A: The Committee unanimously found that the burden of proof was met by the complainant. Pictures presented and testimony given showed the presence of the ASI badge in campaign material.

Allegation B: The Committee unanimously found that the burden of proof was not met by the complainant. Additional witnesses and/or evidence would have been needed to meet the required threshold.

IX. Statement of the relief

Allegation A: The Committee denies the remedy requested as the candidate was not aware of the violation and did not condone the violation. Conejo-Gallegos will be issued a formal letter of reprimand and a \$15 fine donated to the ASI Scholarship fund.

Allegation B: The Committee denies the remedy requested due to the burden of proof not being met. No additional recommendations are made at this time.