

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
ROSA COLIN VASQUEZ, student representative

Members Absent:

HERMAN MELNYK, student representative
THOMAS NOSLER, student representative

May 21, 2024

Kalyankar, Akhil vs Sandhu, Henna Batool

I. Statement of the complaint

Akhil Kalyankar brought charges against Henna Batool Sandhu stating that the ASI Election Code was violated due to Sandhu using a staked campaign sign. Specifically, the following policy:

Article V: Fair Campaigning and Publicity

F. Areas in Which Campaigning is Prohibited

5. (f)iii. “4 X 4 signs placed on a lawn area shall be a minimum of six (6) feet from the walkway edge(s); stakes in the ground are not permitted.”

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

Kalyankar presented the Committee with testimony stating that Sandhu used a sign that is not permitted by the election code. A picture of the sign that was staked in the ground was provided and entered as evidence.

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

Sandhu presented the Committee with testimony where they admitted that they used a campaign sign that was staked into the ground but don't believe the penalty requested, disqualification, is appropriate. They provided testimony that indicated they don't believe that their sign had a large impact on the outcome of the election as their sign was removed and Kalyankar's signs remained. Sandhu admitted that their sign was a “minor violation” that had little to no impact on the election.

Sandhu submitted evidence that included an email from Sandra Gallardo, ASI Executive Director, dated April 2nd that read “I was walking by the Library Quad today and noticed that your campaign sign is staked in to the ground” and “I would advise that you remove and replace your signs to make them compliant with the campus' policy” of Time Place and Manner. Pictures of a Kalyankar sign on an A-frame and a Sandhu sign staked into the ground were provided as evidence. It was noted in the evidence submitted that the Kalyankar sign was larger than the Sandhu sign.

IV. Summary of witness testimony

- a. Kalyankar did not present witnesses.
- b. Sandhu 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.”

Due to the request for disqualification, the following is relevant:

Article X. Remedies for Complaints in the ASI Election Code

D. Disqualify an independent candidate or members of a Presidential Ticket from taking office if a very serious violation of this Election Code or other very serious misconduct by that candidate is proven by clear and convincing evidence compiled in the hearing record.

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

The Committee found the evidence presented by Akhil Kalyankar to meet the burden of clear and convincing proof because he was able to provide a preponderance of evidence that a staked lawn sign was used.

VIII. Summary and reasoning supporting the Committee’s conclusion

The Committee unanimously found that the burden of proof was met by the complainant. The pictures presented by Kalyankar and Sandhu showed a staked sign was used by Sandhu in clear violation of the ASI Election Code.

IX. Statement of the relief

The Committee denies the statement of relief requesting Sandhu be disqualified. The Committee did not believe that the violation was a “very serious violation of the Election Code” that warranted disqualification. However, they agreed to submit a formal letter of reprimand to Sandhu that indicates that they violated the ASI Election Code but conclude that no unfair advantage was provided as both campaign signs were displayed simultaneously.