

2026 ASI APPELLETE COUNCIL DECISION

BY QURAN R. GREEN, chair

Members' present

QURAN R GREEN, Vice President for Student Affairs designee (Chair)

LEILA BERNIA (Student Representative)

KAIDEN GIBSON (Student Representative)

KATERYNA "KATY" KARAKULKO (Student Representative)

Members Avsent

Rolando Lazaro (Faculty Member)

June 6, 2026

Diaz Lopez, Kenni Jocabet vs Election Complaint Committee

I. Statement of the complaint

Kenni Jocabet Diaz Lopez Appeal the decision of the Election Complaint committee stating that the elections complaint committee improperly applied Article V(5), Section E of the ASI Election Code regarding a campaign expenditure disclosure requirement.

Article V: Fair Campaigning and Publicity

I. Endorsements

- i. Before an independent candidate, Presidential Ticket, Slate or Interested Student can claim an endorsement from any individual or organization, they must turn in a wet signed Candidate Endorsement Letter on behalf of their endorser to the ASI Government Office no later than 12:00pm on the Friday before voting begins. No faxed or electronic copies of Endorsement forms shall be accepted. Physical submission of endorsement forms is required to ensure authenticity, prevent falsified or unauthorized endorsements, and maintain a verifiable chain of custody for all election materials. This process upholds transparency, protects endorsers from misrepresentation, and preserves the integrity of the election record. Independent Candidates Presidential Tickets, and Slate members may request a copy of their endorsements after the submission deadline.

II. Summary of the testimony and received during the appeals meeting

The appellant argued that the Elections Complaint Committee failed to properly apply the burden of proof and incorrectly concluded that the evidence was insufficient to establish a violation of Article V(E) of the Elections Code.

The appellant argued that the regular standard for which the committee should be used to determine whether a violation occurred was a preponderance of evidenced standard. The appellant argued that the respondent acknowledged purchasing the donuts for campaign-related purposes, and the evidence presented at the election complaint committee aligned and supported the conclusion that donuts were used at a campaign table as part of campaign activities.

The appellant further argued that the committee improperly referenced both the preponderance of the evidence standard and the clear and convincing evidence standard in its decision. The appellant contended that the committed apparated required additional evidence beyond what was necessary to establish a violation under the preponderance standard.

The appellant asserted that the complaint was specifically about the responded failure to disclose expenditure under Article V(E). According to the appellant, the evidence established that the donuts were purchased for campaign purposes and were not included in the original campaign disclosure form. The appellant argued that that committee improperly considered factors outside the scope of the complaint, including whether additional witness or evidence were needed to establish the violation.

The appellant acknowledged that disqualification may not be warranted because the evidence may not satisfy the clear and convincing evidence standard required for disqualification. However, the appellant argued that the committee should have found that a violation occurred and should have imposed some form of disciplinary action or remedy. The appellant expressed concern that finding a violation but not imposing an action or remedy would undermine the purpose and enforcement of the elections code.

As a remedy, the appellate requested that the decision be remanded and the council consider an appropriate disciplinary action consistent with the election code.

III. Summary of the testimony from the Election Complaint Committee

The election complaint committee stated that its review focused on assessing the impact of the alleged violation on the outcome of the election, particularly in relation to the requested remedy of disqualification.

The committee acknowledges testimony and evidence regarding donuts being presented and distributed during campaign activities. The committee noted that the testimony was received from multiple parties concerning the purchase and use of the donuts.

In evaluating the complaint, the committee focused on whether the evidence met the clear and convincing evidence standard necessary to support disqualification. The committee stated that there were conflicting statements and claims presented by both the complaint and the response regarding the purpose and the use of the donuts. Because of these

conflicting accounts, the committee concluded that the evidence did not meet the standard required to justify disqualification.

The committee also noted testimony regarding a campus policy prohibiting the distribution of non-prepackaged food. According to the testimony, once the respondent became aware of the policy, distribution of the donuts ceased. The committee stated that enforce of campus food distribution falls outside of the jurisdiction and authority of the election complaint committee and was therefore not a basis for its decision.

Regarding the interpretation of the campaign expenditure rules, the committee considered whether the donuts constitute campaign related items intended to increase student engagement and draw attention to the campaign table. The committee acknowledged that campaign activities often involve efforts to attract attention and engage students.

However, the committee found that the evidence presented did not establish that the donuts were distributed in exchange for voters or they were used as a direct inducement for electoral support. The committee understood the respondent position to be that the donuts were intended to support student engagement and interaction rather than to secure votes.

Based on its review of the evidence and testimony presented during the hearing the committee concluded that the burden of proof necessary to warrant disqualification had not been met and therefore denied the requested remedy.

IV. Statement of remedy requested

Disqualification under Article X. Remedies for complaints, Section D

V. Statement of the Burden of Proof the Appellant was Required to Meet

The Appellate council review was governed by Article CI(D) of the election code. Under this provision, the Appellate Council may overturn the decision of the election complaint committee only if it determines that the committee violated or improperly applied the election code, Fair Hearing Plan, or ASI Byles. The appellant was therefore required to demonstrate the election complaint committee improperly applied the governing rules and procedures in reaching its decision. The council role was not to rehear the original complaint or substitute for its judgement regarding the underlying facts, but rather to determine whether the election complaint committee correctly applied the elections code and the related governing documents.

VI. Conclusion as to Whether the Appellant Met the Applicable Burden of Proof

The Appellate council finds that the appellant met the applicable burden of proof. The appellant demonstrated the election complaint committee improperly applied Article VI of the election code when evaluating the complaint.

The Council finds that the evidence presented established, by a preponderance of the evidence, that the respondent purchased donuts for campaign-related purposes and failed to disclose the

expenditure in the original Campaign Expenditure Form as required by Article V(E). The Council further finds that the Elections Complaint Committee focused its analysis on whether the conduct affected the outcome of the election and whether disqualification was warranted, rather than first determining whether a violation of Article V(E) had occurred.

Accordingly, the Council concludes that the Elections Complaint Committee misapplied the Elections Code. The appellant therefore met the burden required to demonstrate that the Committee's decision should be overturned pursuant to Article XI(D) of the Elections Code.

However, the Council does not find that the evidence rises to the level of clear and convincing evidence necessary to support the remedy of disqualification. While a violation of Article V(E) occurred, the Council concludes that the violation does not constitute a very serious violation warranting disqualification under Article X(D) of the Elections Code

VII. Statement of Relief Granted

The Appellate Council grants the appeal and finds that the Elections Complaint Committee improperly applied Article V(E) of the Elections Code. The Council finds that a violation of Article V(E) occurred based on the evidence presented.

However, the Council does not find that the violation rises to the level of a very serious violation warranting disqualification under Article X(D) of the Elections Code. Therefore, the request for disqualification is denied.

Pursuant to Article X of the Elections Code, the Appellate Council orders the following remedies:

The respondent shall receive a formal letter of reprimand for violating Article V(E) of the Elections Code.

The respondent shall be assessed a fine of fifty dollars (\$50.00), to be donated to the ASI Scholarship Fund, consistent with the remedies authorized under Article X(B).

The Appellate Council recommends that ASI review Article V(E) of the Elections Code to clarify the disclosure requirements for campaign expenditures and campaign-related materials in future elections.

The Council finds that these remedies are appropriate to address the violation while remaining proportional to the nature of the conduct established in the record.