

JUDICIAL COUNCIL OF THE ASSOCIATED STUDENTS
OF THE UNIVERSITY OF NEVADA

MERRILL v. TARCHIONE

Filed March 03, 2013

Decided April 03, 2013

DIRECT SUMMARY JUDGMENT OF THE JUDICIAL COUNCIL OF THE ASSOCIATED
STUDENTS OF THE UNIVERSITY OF NEVADA

Chief Justice Dimitrov writing for the unanimous opinion of the Council,

The issue brought forward to the attention of the Council concerns actions taken by Senatorial Candidate, Ashley Tarchione. A hearing was scheduled to take place in order to determine factual evidence showing that the defendant violated Election procedures and if her actions merit violation of SAS 502.12.e.1 and 502.12.e.2.

The facts of this case, as determined by the evidence submitted by Attorney General Merrill are as follows. The elections commission notified Attorney General Merrill that Candidate Ashley Tarchione failed to file two copies of the handbill with the elections commission prior to distribution. Upon further investigation on this matter, it was also found that Ms. Tarchione's campaign literature was taped to the steps of the Knowledge Center's South West entrance as well as the steps leading to Cain Hall from Hilliard Plaza. These two incidents are clear violations of the rules set forth:

“Posting campaign literature of any candidate on restricted bulletin boards or any structured or natural feature of the campus such as, but not limited to, doors, windows, buildings, surfaces of walkways or roads...” SAS 502.12.e.1

“Failing to file two copies of all campaign material with the Commission, or in the event that an actual copy be submitted, one picture of each campaign material within 48 hours of dissemination.” SAS 502.12.e.2

Upon receiving notification of these charges, the Judicial Council scheduled a hearing in order to determine whether there was any action on Ms. Tarchione's part that would mitigate these violations. However, Ms. Tarchione failed to correspond with her designated liaison to the council and therefore forfeited her right to have a hearing take place; thus the responsibility falls to the members of the Council to make a summary judgment on this matter.

Based on the facts of the case presented and Ms. Tarchione's failure to appear before the Council, SAS 502.12.b.3, it is found that Ashley Tarchione is guilty of the presented charges. There has been no established precedent concerning violations such as these, but due to the nature of these violations Ms. Tarchione is to be fined ten (10) dollars for each of the two (2) locations that her unauthorized campaign literature was found. Additionally Ms. Tarchione will be fined seven (7) dollars for failing to submit her paper work to the elections commission in a timely fashion as illustrated in the SAS (See Macaluso v. Corn (2011)). Thus a total fine of twenty-seven (27) dollars will be placed against Ms. Tarchione's security deposit.

It is so ordered.

Chief Justice Dimitrov joined by Justice Stegall, Justice Fountain, Justice Del Carlo, and Justice Christensen