

Syllabus

JUDICIAL BOARD OF THE U.S.A., UCLA

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John Ulysses Keevan-Lynch. v. USAC Election Board

ON A PETITION FOR CONSIDERATION TO
THE JUDICIAL BOARD OF THE UNDERGRADUATE STUDENTS
ASSOCIATION AT UCLA

[No. 18-1] Argued April 13, 2018—Decided April 15, 2018

On April 10, 2018, John Ulysses Keevan-Lynch (“Petitioner”) filed a Petition for Consideration alleging that the USAC Election Board (“Respondent”) violated Election Code 1.2.1. by disqualifying Justin Jackson (“Jackson”) from the 2018 USAC Election under Election Code 5.1.2.a.iii. The remedy that the Petitioner sought was the reversal of the disqualification of Jackson from the USAC Election.

Held:

1. This Board has jurisdiction to consider the merits of this case based on the claim of jurisdiction listed in the Petition for Consideration, which is satisfied.
 - (a) The claim of jurisdiction made by the Petitioner is that of USAC Election Code, 11.4, which states, “Election Board decisions may be appealed in writing to the Undergraduate Students Association Judicial Board.”
2. The Election Board did not violate Election Code Article 1.2.1. by disqualifying Jackson under Election Code 5.1.2.a.iii.

YU, N., delivered the opinion of the Board, in which CABRERA, K., CHAPMAN, A., GIBBS, J., and YEUNG, M., joined.

JUDICIAL BOARD OF THE U.S.A., UCLA

No. 18-1

JOHN UYLSSSES KEEVAN-LYNCH. v. USAC ELECTION BOARD

ON A PETITION FOR CONSIDERATION TO
THE JUDICIAL BOARD OF THE UNDERGRADUATE STUDENTS
ASSOCIATION AT UCLA

[April 28, 2018]

CHIEF JUSTICE YU delivered the opinion of the Board.

This case requires The Judicial Board to determine if the USAC Election Board violated USAC Election Code Article 1.2.1., which ensures each candidate is afforded an equal opportunity in the election process, by disqualifying Jackson under Election Code Article 5.1.2.a.iii., which requires candidates to submit their candidacy packet before a deadline in order to appear on ballot.

The Petitioner argues that Jackson was unable to produce his candidate packet before the 12 p.m. April 6, 2018 deadline because of two bureaucratic mistakes made by Election Board. The first alleged mistake was that Election Board requested Jackson to produce unnecessary paperwork. The second was that Election Board falsely notified Jackson of an impending disqualification. The Petitioner argues that because of these two mistakes, Jackson was not afforded an equal opportunity to the election process, as it was impossible to submit his candidate packet by the deadline. The Petitioner argues that these two alleged mistakes committed by Election Board violated USAC Election Code Article 1.2.1.

In order to evaluate the Petitioner's claims, the Judicial Board must determine whether Election Board committed the two alleged mistakes, and if committed, whether the mistake(s) violated Election Code Article 1.2.1.

The burden of proof falls on the Petitioner to prove the allegations.

I. Background

Jackson stated that he decided and first expressed his intent to run in the 2018 USAC Election on April 4, 2018 at 5:45 p.m. The same day at 6:00 p.m., Jackson attended the Election Board Candidate and Slate Orientation Session (“orientation”), mandatory for all candidates to attend pursuant to Election Code Article 5.2.1.a. At around 7:45 p.m., Jackson left orientation prior to its ending, but only before notifying two Election Board staff members, Matthew Dunham (“Dunham”) and Isabelle Bock (“Bock”), of his need to leave early.

On April 5, 2018 at around 9:30 a.m., Bock informed Jackson, after encountering him on campus, that he must produce valid evidence justifying his early leaving of the orientation.

Jackson stated that this is the first time he is notified by Election Board of a need to provide justification for his early leaving of the orientation. Election Board argued otherwise. Bock stated that when Jackson notified her of his need to leave early at orientation, she communicated with him then the need to provide justification.

On April 5, 2018 at 12:15 p.m., Jackson sent an email to Election Board with a screenshot of a flyer for the event he attended after leaving orientation, in an attempt to provide justification for his early leaving.

On April 5, 2018 at 2:35 p.m., Election Board sent Jackson an email stating “a class flyer is not an acceptable form of documentation as stated in Election Code Article 5.2.1.a.”

Both the Petitioner and Respondent contend that this is the first mention of Election Code Article 5.2.1.a., which states that “failure to attend [Candidate Orientation Meeting] without an excused absence will result in an immediate disqualification from the election. An excused absence is defined as an unavoidable academic conflict (e.g., midterm) with a syllabus provided, a health emergency, religious observance, or family emergency.”

On April 5, 2018, at 4:01 p.m., Jackson sent Election Board an email arguing against his need to provide valid evidence justifying his early leaving. In his email, Jackson states that “the prerogative resides in the Board and the Chair to deliberate if this will result in my immediate disqualification or ineligibility.”

On April 5, 2018 at 9:36 p.m., Jackson sent Election Board an email further arguing against his need to provide valid evidence justifying his early leaving.

On April 5, 2018 at 11:10 p.m., Election Board sent Jackson an email informing that “no further action will need to be undertaken on [Jackson’s] end” after further examination of the language of Election Code.

Jackson stated that he read that email immediately after it was sent and it was only then that he began collecting the seventy-five (75) signatures required for completion of the candidate packet. Jackson stated that he collected two signatures that night before falling asleep.

On April 6, 2018, 12:13 p.m., Election Board received Jackson’s candidate packet as confirmed by Election Board Vice Chair, Mher Mkrtchian.

On April 10, 2018 at 3:55 p.m., the Judicial Board received a petition from John Ulysses Keevan-Lynch challenging the disqualification of Jackson under Election Code Article 5.1.2.a.iii, arguing that it violated the Election Code Article 1.2.1.

On April 10, 2018 at 7:23 p.m., the Judicial Board accepted the petition and issued a preliminary injunction calling for the Undergraduate Students Association Council to hold their vote on the approval of the 2018 Election ballot to be voted on that night. Additionally, the Judicial Board requested Election Board to postpone the calendared events and restructure the calendar once Council formally approves the ballot.

The Petitioner argues that Jackson was unable to produce his candidate packet before the 12 p.m. April 6, 2018 deadline because of two bureaucratic mistakes Election Board committed. The first alleged mistake was that Election Board forced Jackson to produce unnecessary paperwork. The second was that Election Board falsely notified Jackson of an impending disqualification. The Petitioner argues that because of these two mistakes, Jackson was put in an unfair situation in which it would be impossible to submit his candidate packet by the deadline. The Petitioner argues that these two alleged mistakes committed by Election Board violated USAC Election Code Article 1.2.1.

The Respondent acknowledges Election Board's asking of Jackson to produce unnecessary paperwork, but contests the claim that Election Board falsely notified Jackson of an impending disqualification. The Respondent argues the actions Election Board committed in regards to Jackson did not violate USAC Election Code Article 1.2.1.

The remedy sought by the Petitioner is the reversal of the disqualification of Jackson from the 2018 Election. For the numerous reasons cited below, the Judicial Board unanimously rules in favor of the Respondent.

II. Discussion

A. Validity of the Two Alleged Mistakes Committed by Election Board

With respect to the first alleged mistake Election Board committed, which was Election Board's request for Jackson to

provide unnecessary paperwork, both the Petitioner and Respondent agree to its occurrence. As a result, the Judicial Board holds this alleged mistake to be valid. Although the Petitioner and Respondent provide conflicting times as to when Jackson was first notified to provide justification for his early leaving of the orientation, this discrepancy is irrelevant to the discussion. At one point, Election Board notified Jackson to provide additional paperwork. At a later point, Election Board informed Jackson he no longer needed to provide that paperwork.

The second alleged mistake that the Petitioner claims Election Board committed was their false notification to Jackson of an impending disqualification. Both the Petitioner and Respondent agree that Election Board was the first to mention Election Code 5.2.1.a. in all communication between Jackson and the Election Board. Election Code 5.2.1.a. states that “failure to attend [Candidate Orientation Meeting] without an excused absence will result in an immediate disqualification from the election. An excused absence is defined as an unavoidable academic conflict (e.g.. midterm) with a syllabus provided, a health emergency, religious observance, or family emergency.”

Election Board cites Election Code 5.2.1.a., which presents an immediate disqualification if a condition is satisfied, in their April 5, 2018, 2:35 p.m. correspondence with Jackson. But, Election Board never explicitly states that Jackson will be disqualified. An impending disqualification of Jackson was never expressed. As a result, the Judicial Board rejects the allegation that Election Board falsely notified Jackson of an impending disqualification.

B. Insufficient Evidence to Prove Violation of Election Code

The Judicial Board is presented with testimony that validates the first alleged mistake committed by Election Board—their request for Jackson to complete unnecessary paperwork.

The Judicial Board rejects the allegation as to the second mistake Election Board committed—their false notification of an impending disqualification—based on the discussion above.

However, despite the Judicial Board’s rejection of the second claim, the Judicial Board considers the weight of Election Board’s citing of Election Code Article 5.2.1.a. in their April 5, 2018, 2:35 p.m. email correspondence to Jackson.

It can be expected that a citation of a clause of Election Code containing the word “disqualification,” to grab one’s attention and cause undue stress. Jackson provides evidence of multiple email correspondence and testifies of an April 6, 2018 conversation with Election Board, in which Jackson is expending energy and wasting time he could be using to complete his candidate packet, arguing with Election Board.

But despite the incorrect citing and reference of Election Code Article 5.2.1.a. by Election Board, it is the fault of the Petitioner in misconstruing the code and assuming that it refers to his disqualification.

The Board must now consider whether the validated mistake committed by Election Board is in violation of Election Code Article 1.2.1.

The Judicial Board does not question the hindrance that can be caused by requesting Jackson to submit additional paperwork. But the Petitioner does not provide the evidence to suggest that he was put in a situation in which it would be impossible for him to submit the candidate packet on time.

Jackson states he does not spend any time or effort trying to satisfy Election Board’s request by producing a syllabus. Bock states that during the time when Election Board believed it was correct to request further evidence from Jackson, at no point did Election Board tell Jackson to stop collecting signatures. Jackson

states he did not collect signatures until after reading Election Board's April 5, 2018, 11:10 p.m. email.

It is the opinion of the Judicial Board that the actions of Election Board did not take away from Jackson's "opportunity for election" by the preponderance of evidence standard.

C. Self-Imposed Last-Minute Decision to Run for Candidacy

Jackson, in his testimony, emphasizes the limited time in which he had to complete his candidate packet. The Petitioner states that Election Board did not offer Jackson reasonable amount of time for him to complete the packet, arguing that Jackson only had from April 4, 2018 at 5:45 p.m. to April 6, 2018 at 12:00 p.m. to complete the packet. The Petitioner states that Election Board's deadline was unfair to Jackson.

The Judicial Board rejects this claim.

The candidate packet is first made available for access on April 2, 2018. It was Jackson's choosing to run for office at the eleventh hour and the consequences of doing so is his, not Election Board's. There should be no consideration given to the time when someone first expresses his or her intent to run for candidacy, no matter how close that time is to any deadlines.

The Judicial Board would set dangerous precedent if it were to request Election Board to give special consideration, or extra time for Jackson to complete his candidacy packet. Such a precedent would nullify the very definition of a deadline as a fixed time. It would further provide the legal basis for any entity under the jurisdiction of the Undergraduate Students Association Council to miss a deadline and appeal.

III. Conclusion

The Judicial Board finds that the USAC Election Board did not violate Election Code Article 1.2.1. by disqualifying Jackson from the 2018 Election under Election Code Article 5.1.2.a.iii.

Thereby, the Judicial Board rejects the Petitioner's remedy and will not request Election Board to reconsider Jackson's application for candidacy.

The Judicial Board must, however, admonish Election Board for requesting Jackson to provide evidence justifying his early leaving of orientation when later found to be unnecessary. The Judicial Board must also criticize Election Board for their incorrect citing of Article 5.2.1.a. in their 2:35 p.m. April 5, 2018 email correspondence to Jackson.

The Judicial Board requests the Election Board to amend Election Code Article 5.2.1.a. to clarify the distinction between leaving early and being absent.

The Judicial Board requests the Election Board to enforce Election Code when appropriate and to only request candidates to produce additional paperwork after Election Board is certain additional paperwork is needed, pursuant to the Election Code.

It is so ordered.