

Syllabus

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

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Ramneek Hazrah & Matthew Richard v. USAC Election Board

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

[No. 18-4] Argued May 9, 2018—Decided May 10, 2018

On May 8, 2018, Ramneek Hazrah and Matthew Richard (“Petitioners”) filed a Petition for Consideration alleging that the USAC Election Board (“Respondent”) failed to act on its mandated duty by investigating all claims of voter privacy invasion and voter coercion, and failed to issue the appropriate penalties in complaints regarding voter privacy invasion or voter coercion. The remedy that the Petitioners sought was the reopening of investigations into violations of voter privacy invasion or voter coercion.

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 violated Election Code Article 2.7. by failing to act on its mandated duty of fully investigating all claims of wrongdoing, specifically all claims of voter coercion.
3. The Election Board failed to issue a reasonable sanction in #C59-S2018 in accordance with Election Code Article 11.3.5.a-d.

YU, N., delivered the opinion of the Board, in which CHAPMAN, A., GIBBS, J., and PHAM, L., joined.

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

No. 18-4

RAMNEEK HAZRAH & MATTHEW RICHARD v. USAC ELECTION BOARD

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

[June 2, 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 2.7, which requires Election Board to investigate complaints, by their alleged failure in investigating all claims of voter privacy invasion and voter coercion.

This case also requires The Judicial Board to determine if Election Board failed to issue a reasonable sanction in #C59-S2018 in accordance with Election Code Article 11.3.5.a-d., which specifies the criteria in determining an appropriate sanction.

The Petitioners argue that Election Board “failed to act on its mandated duty of fully investigating claims of wrongdoing” based on the witness testimony presented at the May 9, 2018 hearing suggesting that voter privacy invasion and voter coercion did in fact occur in certain submitted complaints, but were not validated by Election Board.

The Petitioners also argue that Election Board failed to act on the same duty by their failure to investigate all complaints of voter privacy invasion and voter coercion due to the limited time to investigate before the announcing of election results.

The Petitioners further argue that Election Board did not issue a reasonable sanction in #C59-S2018, stating a three (3) hour sanction for the Bruins United candidate as insufficient.

In order to evaluate the Petitioner's claims, the Judicial Board must determine whether Election Board (1) violated USAC Election Code Article 2.7, which requires Election Board to investigate complaints, by their alleged failure in investigation all claims of wrongdoing, specifically all claims of voter privacy invasion and voter coercion, and if (2) Election Board failed to issue a reasonable sanction in #C59-S2018 in accordance with Election Code Article 11.3.5.a-d., which specifies the criteria in determining an appropriate sanction.

The burden of proof falls on the Petitioner to prove the allegations are more likely true than not.

I. Background

On May 8, 2018 at 1:31 a.m., the Judicial Board's email account received a Petition for Consideration from Matthew Richard alleging Election Board's violations to the Election Code— Election Board's purported failure in upholding Election Code Article 2.7. and Article 11.3.5.

On May 8, 2018 at 11:20 a.m., the Judicial Board accepted the Petition for Consideration submitted by Matthew Richard, causing this case, Ramneek et al. v. USAC Election Board (18-4), to be formally heard by the Judicial Board.

On May 9, 2018, the Court of Hearing for Ramneek et al. v. USAC Election Board ("hearing") was heard.

At the May 9, 2018 hearing, the Petitioners brought to the stand three (3) witnesses in an attempt to illustrate Election Board's failure abiding by Election Code Article 2.7. and Article 11.3.5.

Sue Han, the Petitioners' first witness, testified to have seen Claire Fieldman, Victoria Solkovits, and Aneri Suthar approach students at Sigma Alpha Epsilon and/or on Gayley Avenue with the intent to commit voter coercion on the night of May 3, 2018. Han states she witnessed them dictating to certain students who to vote for in the upcoming election. Han states she did not file a complaint to Election Board because the page to submit complaints was down when she decided to file.

Christine Tran, the Petitioners' second witness, testified that a Facebook post made by Bella Martin's mother intimidated possible witnesses who could testify to alleged acts of voter coercion committed by candidates.

Katie LaBarbera, the Petitioners' third witnesses and the filer of complaint #C59-S2018, testified that Bella Martin and Victoria Solkovits cornered her and her friend in a bathroom at Pi Kappa Phi with the intent to coerce her and her friend to vote for them on May 3, 2018. LaBarbera said she told Martin and Solkovits that she had already voted. LaBarbera said she then witnessed Martin and Solkovits ask her friend to pull out her phone, with Martin and Solkovits telling her friend who to vote her.

The Judicial Board, in its questioning to Election Board, realized that although a sanction was issued based on Election Board's investigation of #C59-S2018, which included an interview with Katie LaBarbera, Victoria Solkovits, and Bella Martin, the Election Board only issued a sanction for voter privacy invasion. When Chief Justice Nicholas Yu asked if Katie LaBarbera's testimony was enough to validate attempted voter coercion, the Election Board replied in the affirmative. When Chief Justice Nicholas Yu asked why Election Board did not issue a sanction for attempted voter coercion, the Election Board admitted to making a mistake.

The Election Board in their testimony, prior to their admission of guilt for failing to issue a sanction in #C59-S2018 for attempted voter coercion, defended that they had conducted a full, thorough investigation into all complaints of voter invasion privacy and voter coercion.

The Election Board in their closing statement mentioned of a Facebook post made by the Election Board on May 4, 2018 at 5:51 p.m. stating that the “conduct of some candidates during [this] election has sunk below of the standard to which true Bruins should hold themselves.” The post also states that the conduct, if substantiated, should warrant a disqualification. The post then asks for students to forward any information relevant to this breach of conduct to the Election Board email. The Election Board stated that no students reached out to them via email following that post. The Respondent stated the complaint submission form website, the means by which students typically submit complaints, was shutdown on May 4, 2018 at 4:30 p.m. Election results were subsequently announced on May 4, 2018 at around 6 p.m.

The Election Board in their closing statement admitted to making a mistake, referencing their failure to issue a reasonable sanction in complaint #C59-S2018 for attempted voter coercion. The Respondent said it would have been beneficial if Election Board had more time to investigate the complaint.

II. Discussion

A. Admission of Guilt for Failing to Issue a Reasonable Sanction, Immediate Favoring of Petitioners

Election Board provided an admission of guilt for failing to issue a reasonable sanction for attempted voter coercion in #C59-S2018 at the hearing. LaBarbera provided sworn testimony detailing her experience of being coerced to vote and Election

Board concluded they failed to address the coercive nature of the complaint.

It is the opinion of the Judicial Board that a complaint can consist of just one action, yet be a violation of multiple sections of Election Board. In #C59-S2018, Election Board accurately sanctioned Victoria Solkovits and Bella Martin for voter privacy invasion, but failed to sanction the two candidates for attempted voter coercion.

By their admission of guilt in failing to issue a reasonable sanction for attempted voter coercion, Election Board simultaneously acknowledges their violation of Election Code Article 2.7. and Article 11.3.5.a-d.

Election Board failed to act on its mandated duty of investigating all claims of wrongdoing pursuant to Election Code Article 2.7. Election Board failed to determine that the actions delineated in #C59-S2018 constituted attempted voter coercion, and unfortunately, was only able to reach that conclusion with this hearing.

Election Board failed to issue a reasonable sanction in #C59-S2018 pursuant to Election Code Article 11.3.5.a-d., which provides the guidelines in determining a sanction. Since Election Board issued no sanction for attempted voter coercion when a sanction should have been issued, Election Board is in violation of Article 11.3.5.a-d.

III. Conclusion

The Judicial Board finds that the USAC Election Board did violate Election Code Article 2.7. and 11.3.5.a-d. based on their admission of guilt.

Thereby, the Judicial Board accepts the Petitioner's remedy and makes several revisions to their remedy in an attempt to fully ameliorate Election Board's wrongdoings.

It is the opinion of the Judicial Board that the Board is not limited in issuing a remedy identical to the remedy sought detailed in the Petition for Consideration. The Petitioners may not be aware of the most appropriate and just remedy. The appointed members of the Judicial Board, however, are. The members of the Judicial Board are not only appointed to issue judgment based on the merits of a case, but to issue correctives to misconduct.

Originally, the Petitioners requested for Election Board to “reopen investigations into violations of voter privacy rights and voter coercion and fully investigate these allegations with the...evidence and testimony submitted to the Election Board on May 8, 2018.”

If the Judicial Board ordered Election Board to reopen investigations based on evidence submitted to Election Board on May 8, 2018, that would be restrictive and foolish. For example, it would make the testimony presented at the hearing to be irrelevant and deemed off-limits—Election Board would not be able to issue a sanction for the attempted voter coercion.

The Judicial Board has reason to believe that students would have been more likely to submit complaints to Election Board had the forum in which students typically submit complaint did not go offline prematurely.

As a result, the Judicial Board ordered in its 18-4 Order:

“The JUDICIAL BOARD requests the USAC Election Board to investigate new allegations of voter privacy invasion, voter coercion, or attempts of such ONLY IF the evidence provided at the hearing or any new information Election Board receives by 11:59 p.m. on May 11, 2018 is relevant to those allegations.

The JUDICIAL BOARD requests the USAC Election Board to further investigate claims of Election Code violations as detailed in #C61, C62, C64, and C66-S2018 ONLY IF evidence provided at the hearing or any new information Election Board receives by 11:59 p.m. on May 11, 2018 is relevant to the allegations detailed in those complaints.

The JUDICIAL BOARD suggests the USAC Election Board to re-open the online form typically used to submit alleged violations to the Election Code.

The JUDICIAL BOARD requests the USAC Election Board to issue a reasonable sanction in accordance with Election Code Article 11.3.5.a-d. after an admission of guilt from the USAC Election Board for failing to issue a sanction in #C59-S2018 for attempted voter coercion. ”

For clarification, C61, C62, C64, and C66 are the complaints other than C59 that allege voter coercion.

Although some might hold the opinion that the reopening of the investigated actions delineated in #C61, C62, C64, C66 might constitute double jeopardy, it was previously mentioned that it is the Board’s opinion that an action, as detailed in a complaint, can constitute multiple violations of the Election Code.

While one violation of a complaint might have been thoroughly investigated, with a sanction issued in regards to that specific violation, other violations of that same complaint might have not been thoroughly investigated, as was the case of #C59-S2018.

As such, the Board has reason to believe that not all Election Code violations in the alleged actions detailed in #C61, C62, C64, or C66-S2018 to have been thoroughly investigated.

The Judicial Board requests the Election Board to determine the procedure and method of levying sanctions after the voting period has concluded.

The Judicial Board requests the Election Board to open their online complaint form, the form typically used by students to submit complaints, up until the swearing-in of the officer-elects.

The Judicial Board requests the Election Board to clearly indicate the standard of proof needed to substantiate the varying severities of violations to Election Code.

The Judicial Board requests the Election Board to thoroughly review and appropriately amend their investigative processes to determine, specifically, whether alleged voter coercion violations can be substantiated.

The Judicial Board requests the Election Board to abide by all future Judicial Board orders, as has been precedent.

It is so ordered.