

No. _____

In The

Judicial Board

of the
Undergraduate Students Association
of
UCLA

Ramneek Hazrah Et Al.

v.

USAC Election Board

P E T I T I O N F O R
C O N S I D E R A T I O N

Ramneek Hazrah

Matthew Richard

5/8/18

USAC Election Board
info@usacelectionboard.com

Signatures (official use only):

Chief Justice

Clerk

PART I: JURISDICTION

Stipulated by Election Code 11.4: "Election Board decisions may be appealed in writing to the Undergraduate Students Association Judicial Board. Initial petitions for hearing shall be made by 5:00 p.m. on the second (2nd) official school day following said decision." Election results were released on 5/4/2017 at approximately 6:00 PM. The deadline for an appeal in this case is on 5/8/2017 at 5:00 PM. Therefore, this appeal falls within the jurisdiction of the Judicial Board.

PART II: VIOLATIONS

Enumeration of Violations

Hazrah et al. formally appeal the decision of the USAC Election Board to announce election results without fully completing investigations into Election Code violations alleged in numerous filed complaints (#C61-S2018, #C62-S2018, #C66-S2018). Given the similarity and severity of these multiple reports of violations of the right to a secret ballot (Election Code 6.1) levelled against candidates Izzy Gardner, Bella Martin, Victoria Solkovits, and Aneri Suthar, the Election Board failed to act on its mandated duty of fully investigating claims of wrongdoing (Election Code 2.7) and protecting the sanctity of elections in accordance with the USAC Constitution, Bylaws, and Election Code (USAC Constitution 9.B.1).

The first of these filed complaints was submitted on Friday, May 4 at 12:48 AM according to the Election Board, with subsequent complaints being filed throughout the day. By 6:00 PM of Friday, May 4, the Election Board had completed its investigations into these numerous complaints and had prematurely ruled on these complaints. In this short time span, the Election Board failed to uncover vital eyewitness evidence and testimony that has recently been uncovered over the past few days. Should the Election Board have had more time to investigate, this evidence could have potentially altered their decisions. These hurried investigations also did not fully ascertain the validity of the charges, the severity and effect of the offense on the election, the intent of the offender and/or their campaign staff and the number of times this same violation has been found to be valid, and the cooperativeness of the offender and/or their campaign staff, as mandated by the Election Code (11.3.5). The hasty investigation of these severe allegations represents a dereliction of duty on the part of the Election Board in thoroughly investigating such claims.

Furthermore, the Election Board falsely held the burden of proof for Election Code violations to be "beyond a reasonable doubt" in complaints #C61-S2018, #C62-S2018, #C64-S2018, and #C66-S2018. "Beyond a reasonable doubt" is the highest

burden of proof in the American judicial system and is solely reserved for criminal cases. In California, the precedent in *Gooch v. Hendrix* sets the burden of proof necessary to prove an election violation is much lower than “beyond a reasonable doubt,” and is defined as “clear and convincing evidence.” As such, the Election Board should have adjudicated violations based on the burden of “clear and convincing evidence” and not “beyond a reasonable doubt.”

PART III: RAMIFICATIONS

By failing to adhere to USAC Election Code articles 11.1, 11.2, and 11.3, the Election Board has failed to uphold the fairness and integrity of the 2018 USAC Election Process. By not properly taking the time to investigate the numerous reports of election violations on Friday, May 4, the Election Board failed to uncover significant evidence and testimony that is relevant to the investigation of such allegations. Furthermore, the false use of “beyond a reasonable doubt” as the burden of proof required for the filer set an unreasonable and unrealistic standard of evidence necessary for the filer to obtain in such a short period of time. Finally, the lack of investigations into voter coercion and lack of subsequent disqualifications represents a failure of the Election Board to act in the public interest after releasing a statement confirming egregious conduct that could be worthy of disqualification. The Election Board’s inaction and ineptitude as described represents a dereliction of duty and further incentivizes campaigns in the future to knowingly engage in campaign acts that infringe upon the basic democratic rights guaranteed in our student elections, further eroding trust in UCLA’s student government and democratic institutions.

PART IV: REMEDY SOUGHT

Hazrah et al. seeks the Election Board to reopen investigations into violations of voter privacy rights and voter coercion and fully investigate these allegations with the newly uncovered eyewitness evidence and testimony submitted to the Election Board on May 8, 2018.

Hazrah et al. also seeks a Preliminary Injunction from the Judicial Board to halt the certification of the 2018 USAC Election results by the USA Council so that the Election Board can perform its mandated duty in adequately investigating and ruling on complaints of Election Code violations based upon this new evidence.

PART V: INFORMATION

Petitioner: Ramneek Hazrah
SID: [REDACTED]
Petitioner:/Counselor: Matthew William Richard
SID: [REDACTED]

PART VI: STATEMENT OF AUTHENTICITY

By signing below, I hereby attest that the above information is true to the best of my knowledge. Furthermore, I have read and understand the Judicial Board Procedure (Rules).

Respectfully submitted,

DATED:



Ramneek Hazrah
Petitioner



Matthew William Richard
Petitioner

DATED:



Matthew William Richard
Counsel for Petitioner

