

No. _____

In The
Judicial Board
of the
Undergraduate Students Association
of
UCLA

Tapia 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

Melissa Tapia

Asha Isse

May 16th, 2018

USAC Election Board
Kerckhoff Hall Room 519

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 5:00pm the second official school day following said decision."

The Election Board reached a decision on Tuesday May 15th, 2018, and this petition is being filed on the first official school day following the decision, therefore the appeal falls within the jurisdiction of the Judicial Board.

PART II: VIOLATIONS

Enumeration of Violations

On May 10th, 2018, The Judicial Board released an official order requesting that, "the USAC Election Board 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 #CS59-S2018 for attempted voter coercion."

The Election Board, based on reinvestigation and the updated findings of sanction #59, stated that "in keeping with the definition established by the Election Code and approved by the ad-hoc Investigations Committee, Martin and Solkovits engaged in voter coercion."

The Election Board said at the Judicial Board hearing on Wednesday (5/10) that there are two possible sanctions for Case 59 -- either prohibit campaigning time or disqualify the

candidates involved.

For Case 71 in particular, Election board found evidence of Bruins United members invading voter privacy which violates the Election code 8.1: *All Association members retain the right to vote in privacy.*

Based on student testimony at the most recent USAC meeting, the Election Board Chair stated that they didn't provide a sanction because of an impasse, therefore not adhering to their own rules, and once again not upholding the election code.

Also, the Election Code 8ai, and 8aii blatantly states that all candidates of a slate shall be considered equally guilty of a campaign rules violation if one or the more of the following occur:

-- The violation was premeditated amongst slate members: Bella Martin and Victoria Solkovits were both found guilty of coercing votes.

-- Slate members violated a campaign rule section in this Election Code: Bruins United Members, according to case 71, were found guilty of invasion of voter privacy, but no reasonable sanction was made.

The Judicial Board reached the conclusion that a reasonable sanction should be made for finding of voter coercion, but on May 15th, 2018, the USAC Election Board issued no route of action for their findings of voter coercion. The Election board also found evidence that voter privacy was invaded, but failed to reach a reasonable sanction.

The USAC Election Board failed to uphold a fair election

process, and although the Election Code gives the chair the final say, we believe that the USAC Election Board chair's decision to veto the decision of the ad-hoc committee (the majority of whom voted to disqualify candidates found to have coerced votes) is based on consultation with administration. Election Board chair, Jack Price, stated that "Kris Kaupalolo did not give any information to Election board to sway their decision, but it absolutely did." Price also went on to question whether Judicial Board's decision was outside its jurisdiction. Ultimately, Price came to the conclusion that this posed question affected the legitimacy of Election Board's actions.

(All paraphrasing credit to Yung Kyung (Anny) Kim of the Daily Bruin).

As listed in article 2 in the USAC constitution, the council is designated with the jurisdiction of "safeguarding of the rights of students to vote, to participate in all ASUCLA - sponsored activities, and to receive a fair hearing of grievances before any agency of the Association of appropriate jurisdiction." The Election board chair, rather than consulting with USAC, was influenced by administration.

In conclusion,

After UCLA USAC Judicial Board ruled that EBoard must issue a reasonable sanction,

After a majority of USAC council voted to delay the certification of all council members due to the questionability of EBoard,

After a majority of the investigations Ad-Hoc committee voted in favor to disqualify candidates that engaged in voter coercion,

Election Board chair Jack Price undermined the power of the branches within student government and admitted to being swayed by administrator involvement, an entity outside of USAC, thus failing to uphold the integrity of the election code, and USAC constitution.

PART III: RAMIFICATIONS

By not issuing a reasonable sanction following findings of voter coercion as stated in case #59, the Election Board failed to follow the official order issued by the Judicial Board.

Swearing in candidates, such as Bella Martin, who Election Board found to coerced votes, is unacceptable and a failure in upholding the election code. It is also notable that candidates that were found guilty of voter coercion also have a high likelihood of alleging votes for the slate they're affiliated with.

A council member unfairly winning their seat despite it being revealed that they committed a serious election code violation should not be a precedent for student government elections. A slate having seats on council despite members of said slate invading voter privacy should not be a precedent for student government elections. If no action is taken, the lack of, will weaken general student body's trust in a fair election system to be upheld by the election board.

PART IV: REMEDY SOUGHT

To allow for necessary due process to take place, the Council should be able to certify candidates who are not

under investigation. Currently, election board members have said on the record that they were under serious time constraints to conduct necessary investigations and to determine "reasonable sanctions" before the deadline to approve ballot results.

Stipulated by Election Code 12.1 "The election results for all elected official positions may be certified separately from all propositions."

The language presented in this portion of the election code is too broad, and doesn't specifically entail if the candidates can be sworn in independently from each other, or independently from propositions. It doesn't warrant that the council is not allowed to swear in candidates separately. Even if there is disagreement regarding the nature of the language, we believe that it is necessary that a temporary remedy should be allowed this year of allowing the swearing process to be by individual due to the unprecedented nature of circumstances.

We bring this to the Judicial Board because the language presented can serve as an important checking mechanism for future elections, ie if a candidate violates future Friday sanctions, the council can still confirm the rest of the candidates but not those under investigation. We believe by allowing the independent certification of candidates, it alleviates the pressure of the current council to peacefully transition by the Tuesday of the week following elections. In this way, the council will not be forced to overlook and/or ignore serious allegations against elected representatives for the sake of adhering to the timeline of transitioning. The precedent in practice would only delay the swearing in process for individuals with pending investigations.

We also ask of the Judicial board to use this portion of the election code as a temporary demand due to the potential of a majority independent candidate council using it as an

overruling to not swear in an individual who ran with a slate, and vice versa.

We believe that this remedy to the language presented will be used to uphold the process of a fair election, especially in cases such as these, because Election Board failed to uphold Judicial Board's official order of a reasonable sanction for voter coercion.

PART V: INFORMATION

Petitioner: Melissa Tapia

SID [REDACTED]

Council: Asha Isse

SID [REDACTED]

PART VI: STATEMENT OF AUTHENTICITY

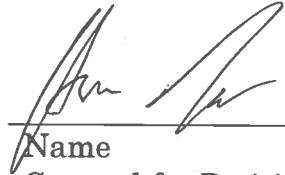
By signing below, I hereby attest that the above information is true to the best of my knowledge. Furthermore, I have read and understand the Judicial Board Procedure (Rules).

Respectfully submitted,

DATED:


Name
Petitioner

DATED:



Name
Counsel for Petitioner