

Syllabus

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

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IAN COCROFT *v.* U.S.A. ELECTION BOARD, ET AL.**ON A PETITION FOR CONSIDERATION TO
THE JUDICIAL BOARD OF THE UNDERGRADUATE STUDENTS
ASSOCIATION AT UCLA**

[No. 14-1] Argued April 28, 2014—Decided April 28, 2014

The Undergraduate Students Association (USA) Constitution recognizes in USA Constitution, Article IX, §B(1) that the USA Election Board is the official entity responsible for the “impartial administration of all elections of the Association in accordance with the provisions of [the] Constitution and Bylaws.” Among the responsibilities of the USA Election Board is the creation and presentation of the Election Calendar that will determine the timeline for the annual general spring election of all Undergraduate Students Association Council (USAC) members. The Election Calendar for the 2014 General Spring Election that the 2014 USA Election Board created and presented to USAC outlined the period of voting, from the time the polls are open for students to vote for candidates to the time these polls close, as Tuesday, May 6, 2014 at 9:00 a.m. to Thursday, May 8, 2014 at 5:00 p.m., which yields a total of fifty-six (56) hours of continuous voting. Petitioner Ian Cocroft filed a Petition for Consideration against the USA Election Board claiming that the voting hours set by the Election Board in the Election Calendar for the 2014 General Spring Election violated U.S.A. Election Code, Article V, §A(3) because it did not span “three (3) full days,” which Cocroft contends is to be interpreted as seventy-two (72) hours, with one “full day” being defined as one continuous 24-hour period.

Held:

1. This Board has jurisdiction to consider the merits of the case, given that this case was presented with three claims of jurisdiction, all of which are satisfied.

(a) The first claim of jurisdiction made by Cocroft is that of USA Const., Article VI, §B(1), which states, “The Judicial Board shall rule upon the Constitutionality of legislation and official actions of elected or

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appointed officials at the request of the Council or any other members of the Association.” As elected officials of the Council, actions made by the Election Board Chairperson are under the purview of this Judicial Board. Furthermore, the petitioner, Ian Cocroft, as a member of the Association, has every right and obligation to request that any actions made by the Election Board Chairperson be subject to rule by this Judicial Board.

(b) The second claim of jurisdiction made by Cocroft is that of USA Const., Article VI, §B(2), which states, “The Judicial Board may also question, comment, or rule upon other matters at the request of the Council or any member of the Association.” As a member of the Association, once again, the petitioner, Ian Cocroft, may request that this Judicial Board “question, comment, or rule” upon the voting hours set by the 2014 Election Calendar—a matter that is vaguely set out in this statute.

(c) The third, and final, claim of jurisdiction made by Cocroft is that of USA Const., Article VI, §B(3), which states, “The Judicial Board shall serve as a Board of appeals to decisions of the Election Board.” Because it is the responsibility of the Election Board to create and propose an election calendar for every general spring election, their decision to set the dates and hours of voting falls under the purview of this Board. In the same regard, this Board also has jurisdiction to affirm or strike the decision or rulings made by the Election Board. As the Board of appeals to such decisions, the Judicial Board holds within its power to reverse any decisions made by Election Board.

2. The hours of voting set for the 2014 Spring General Election does not span “three full days,” as defined by U.S.A. Election Code, Article V, §A(3). The 2014 Election Board has violated this statute by shortening the number of hours of voting.

(a) The question here is whether the interpretation of “3 full days” made by the 2014 Election Board is the correct interpretation. Because the merits of this case call into question the meaning and definition of a statutory clause, the Judicial Board first treats this case as a statutory-interpretation matter. While the definition of “three full days” is arguably ambiguous, it must be interpreted within the context of the given circumstances, which in this case means the definition of “three full days” with respect to how student elections are conducted. Since, current standing operating guidelines mandate that student elections be conducted online and continuously, the Judicial Board finds that the Election Board’s interpretation of what consists as one full day, and therefore what defines “three full days,” as inapplicable in this context.

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To maintain the continuous-quality of election voting hours, then, the Judicial Board finds that Cocroft’s interpretation of one full day, and therefore of “three full days,” to be sufficient and appropriate in the context of continuous, online elections.

(b) Upon interpreting the meaning of “three full days”, the Judicial Board resumes to treat this case as a simple statute violation. By defining “three full days” to be a continuous period that yields a total of seventy-two (72) hours, the voting hours set by the calendar for the 2014 General Spring Election violates Article V, §A(3). The original voting period that yielded fifty-six (56) hours of continuous voting does not yield enough hours to meet the minimum seventy-two (72) hours that is mandated by Article V, §A(3).

SATYADI, M., delivered the unanimous opinion of the Board.
MORALES, K., abstained.

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[April 28, 2014]

CHIEF JUSTICE SATYADI delivered the opinion of the court.

This case requires us to decide whether the respondent, the 2014 Election Board, violated U.S.A. Election Code, Article V, §A(3) by shortening the hours voting to fifty-six (56) hours when the statute mandates a minimum of “three full days.” In order to do so, this Board is required to establish the interpretation of “three full days,” and to apply accordingly that definition to the alleged actions of the Election Board.

I. Background

The Undergraduate Students Association (USA) Election Board is the student government entity responsible for overseeing all matters regarding student elections. One of these responsibilities is the creation and proposal of an Election Calendar that must be approved by the Undergraduate Students Association Council (USAC). As mandated by U.S.A. Election Code, Article I, §A(2)(f), this Election Calendar must contain the dates of voting and the hours of polling, both of which are decided by the Election Board Chairperson.

For the 2014 Spring General Elections, the Election Calendar set aside the hours of voting from Tuesday, May 6, 2014 at 9:00 a.m. to Thursday, May 8, 2014 at 5:00 p.m., which yields a total of fifty-six (56) hours of continuous voting. Voting in the elections is to be done online and continuous, that is, during all hours. See U.S.A. Election Code, Article IV, §A(2) and §A(3). In the event that technological resources do not accommodate for this type of

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voting, then a paper ballot system will be used, as outlined in §A(4).

Petitioner Ian Cocroft filed a Petition for Consideration against the Election Board claiming that the shortened hours of voting is in violation of U.S.A. Election Code, Article V, §A(3), which mandates that the “Spring General Election shall be at least three (3) full days in duration.” Cocroft contends that because voting takes place online and continuously, as previously mentioned, three full days is to be interpreted as a continuous seventy-two (72) hour voting period. Furthermore, Cocroft suggests that a statute as ambiguous and loosely defined as this one requires a “reasonable interpretation,” and that the Election Board’s interpretation is not reasonable as it has the potential to reduce voter turnout, disenfranchise voters, and ultimately alter the outcome of the election.

The Election Board denies that their interpretation is founded on unreasonable justification. First, the Election Board asserts that parts of the U.S.A. Election Code are ambiguous while others are very explicit, making it the prerogative of the Election Board Chairperson to interpret ambiguous sections of the Election Code at his or her own discretion. With this in mind, the Election Board second contention is that a full day is to be interpreted as one eight-hour period of time, commonly known as one “business day.” The “three full days” mandated by the Election Code can be satisfied as long as the period of voting spans three distinct days of the week (i.e. Monday, Tuesday, Wednesday, or Tuesday, Wednesday, Thursday), with voting on the first day beginning no earlier, and voting on the last day ending no later, than a time deemed appropriate for a business (i.e. 8:00 a.m. to 4:00 p.m., or 9:00 a.m. to 5:00 p.m.). However, even though a voting period is set over a three-day period, they contend, the hours of voting must be “reasonable.” The Election Board’s example was that allowing voting to occur on a Tuesday at 11:59 p.m. through Thursday at 12:01 a.m. would not be reasonable, but if the hours of voting permitted one each of those days was reasonable, this requirement can be satisfied. Third, supporting their interpretation of a “full day” as an eight-hour period of time, the

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Election Board decided that this eight-hour voting period is to be used to determine voting hours because in the event of technological failure, that definition would be used to determine the period of time public polls for a paper balloting system would be open and available. Lastly, the Election Board shortened the hours of voting, having elections start later than usual, because it felt that an extra day needed to be provided for students to make a carefully considered and well-informed decision before casting their votes. This Board, however, is only considering the shortening of the voting period window, not the days on which voting is permitted. Thus, this justification will not be addressed.

II. Statutory-Interpretation Matter

Both parties treat U.S.A. Election Code, Article V, §A(3) as a statute that requires interpretation. Because we see that there is no clear definition for the term “full day,” we will begin by treating this case a statutory-interpretation matter where this Board will formally interpret the meaning of “three full days.”

To begin, we must consider this case within the context it is being brought to us. U.S.A. Election Code, Article V, §A(3) is a statute that refers to the voting hours of an student government election that is mandated to take place online and continuously. Therefore, the interpretation of this statute that will be made must be applicable to the context of continuous, online elections. That is, it must be able to define a voting period whose hours will allow the election to take place online and continuously, under the presumption that it will take place online and continuously. It is with this level of understanding and scrutiny that this Board will evaluate the definition of “three full days” as proposed by both parties.

III. Analysis

The definitions of one “full day” put forth by both parties are, by themselves, correct. In its traditional and common use sense, a full day is described as a period of twenty-four hours. However, in the contexts of labor and workplace, “full day” may take on the definition of what is known as a “business day,” or the hours by which a working business typically operates. The matter before

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this Board is to determine which of the two proposed definitions is appropriate or inappropriate for the context of student elections, or if either proposed definition is appropriate at all.

The Election Board Chairperson's interpretation of a full day corresponds to that of a "business day," which he defines as an eight-hour period. He determines the eight-hour window within the twenty-four hour cycle in a day to be from 9:00 a.m. to 5:00 p.m. The Chairperson's rationale for this interpretation is based on the argument that the hours of voting must be reasonable within the bounds of what may be deemed as "appropriate voting hours," should an online system fail or if paper ballots must be used. The contingency plan that is to be implemented in the event that the online system encounters difficulty or that paper ballots must be used was not clearly defined, but was roughly outlined to be the setting up of polling stations on campus that are to be constantly staffed, controlled, and monitored. Thus, polling hours from 9:00 a.m. to 5:00 p.m. would be considered reasonable, since students would be on campus at the time and the polls can be staffed, controlled, and monitored. If polling stations are only required temporarily, then the University staff persons responsible for managing MyUCLA, the web-based log-in system used for casting online votes, must be available to solve any unforeseen issues, and such staff persons would be on campus at the set times.

However, this justification, which rests on the foundation of reasonable polling hours, is rather inconsistent because the voting hours decided by the Election Board allows students to vote online, if they wish, at 3:00 a.m. on Wednesday, May 7, 2014. A reasonable argument can be made that 3:00 a.m. is considered an unreasonable time, and such an argument would stand since it is extremely unlikely that Election Board members or University staff would be monitoring the voting process at that time, regardless of whether or not the online system or a paper ballot system is needed. By allowing the voting period to extend past reasonable business hours as defined by their own definition, the Election Board renders their definition as inconsistent and haphazard; it is only applicable to the start and end times of the

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voting period, not the entire voting period window itself, which is what this Judicial Board is looking at when considering the interpretation of the minimum amount of time for the duration of voting. For their definition to hold, voting would have take place Tuesday, Wednesday, and Thursday—to constitute the requirement of “three” days—from 9:00 a.m. to 5:00 p.m. daily, their definition of one “full day.” However, this would violate the continuous nature of voting required by U.S.A. Election Code, Article IV, §A(3). If it were to be a continuous three eight-hour days, that would total twenty-four hours, which could not span the period of three weekdays (see Part I) required by §A(4).

The Board concludes that the definition of one “full day” as being an eight-hour window of time does not hold in this context, mainly due to the required continuous nature of the voting period. Because the context in which the definition of “three full days” is being determined is of continuous online voting, this Board cannot consider a definition that cannot be applied in a continuous manner without violating the three day requirement, and vice versa.

The Board does find that the definition put forth by Cocroft *can* be applied in a continuous manner over a span of three weekdays. Thus, one “full day” is interpreted and defined by this Board as a period of twenty-four hours. With this, the voting period duration of “three full days” as mandated by U.S.A. Election Code, Article V, §A(3) is to be interpreted and defined as a seventy-two (72) hour continuous period, from start to end, in the context of student elections conducted online.

There is also something to be said about the type of elections in which this definition applies. The Board finds it necessary to specify explicitly that this definition of “three full days” is only applicable in the context of student elections conducted online, not in the context of student elections by paper ballot. See Part II of the Opinion. The argument for the eight-hour day proposed by the Election Board is founded on the contingency that the student elections will need to be conducted by paper ballot. As it stands, student elections are firstly conducted online, and thus the definition of the “three full days” determining the duration of this

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election process will concern online voting, and only online voting. Proper adjustments may be made in the event that online voting cannot be conducted, but U.S.A. Election Code, Article V, §A(3) does not operate under the presupposition that they will be conducted otherwise.

IV. The Right to Interpretation

The Judicial Board would like to address one last point of the Election Board's justification for their interpretation of U.S.A. Election Code, Article V, §A(3). This Board affirms that it is the Election Board Chairperson's prerogative to interpret ambiguous portions of the Election Code at his discretion. Since such interpretations affect the nature and implementation of a piece of legislation, the Election Code, they also constitute a decision of the Election Board Chairperson and of the Election Board as a whole. From USA Const., Article VI, §B(1) and §B(3) description of cases under the Judicial Board's jurisdiction, we have deduced that any interpretations made of the Election Code by the Election Board Chairperson and/or the Election Board is under the purview of this Board if it is brought to our attention under USA Const., Article VI, §B.

V. Closing

Given that the Judicial Board has jurisdiction over Election Code interpretations made by the Election Board, it is in the jurisdiction of the Judicial Board to rule over such interpretations. The justification for the Election Board's interpretation of Election Code, Article V, §A(3) is considered unreasonable by this Board. With regard to the right of interpretation, it is explained in Part III that interpretations made by the Election Board is subject to the purview of this Board. Moreover, the Election Board's interpretation of a "full day" as an eight-hour period of time cannot stand given that when applied in the context of continuous online voting in student elections, it proves to be inconsistent and haphazard. A definition to be applied in this context must be able to accommodate the continuous nature of voting in student elections while also meeting the required three-day voting span. The definition of a

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“full day” being a continuous twenty-four hour period satisfies these requirements, and is thus applicable in the context of continuous online voting in student elections.

* * *

The definition of “three (3) full days” in Election Code, Article V, §A(3) is a continuous seventy-two hour period of time.

Because the hours of voting set forth by the 2014 Election Board in the Election Calendar for the 2014 Spring General Elections only yields a total of fifty-six (56) hours, the Judicial Board finds that the Election Board is in violation of Election Code, Article V, §A(3). The hours of voting set by the Election Calendar does not meet the “three full days” requirement, and is rendered null and void.

It is so ordered.