

No. 14-4 \_\_\_\_\_

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In The

**Judicial Board**  
of the  
Undergraduate Students Association  
of  
UCLA

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*The Daily Bruin*  
v.  
*USA Election Board et. al*

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

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The Daily Bruin  
308 Westwood Plaza  
Los Angeles, CA 90024

(310) 206-0938  
editor@media.ucla.edu

5/6/14

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Election Board  
308 Westwood Plaza  
Los Angeles, CA 90024

Eboard2014@gmail.com

Signatures (official use only):

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Chief Justice

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Clerk

**Jurisdiction:** This petition alleges that the USA Election Board surpassed its election code-mandated jurisdiction by threatening sanctions to USAC presidential candidates who participated in a Daily Bruin radio news segment. This falls under the Judicial Board’s jurisdiction because it is empowered to hear appeals of Election Board decisions and actions of appointed officials, which includes the Election Board chair. **Art. VI. Sec. B, Cl. 1 of the USA Constitution** “The Judicial Board shall rule upon the Constitutionality of legislation and official actions of elected or appointed officials at the request of the Council or any other members of the Association.” **Art. VI. Sec. B, Cl. 2 of the Const.** “The Judicial Board may also question, comment, or rule upon other matters at the request of the Council or any member of the Association.” Most importantly to this claim for jurisdiction is **Art. VI. Sec. B. Cl. 3 of the Const.**, which states, “The Judicial Board shall serve as a Board of appeals to decisions of the Elections Board.”

The Daily Bruin’s news and culture radio show, Long Story Short, invited all three presidential candidates in the USAC elections to join Daily Bruin journalists for an informational segment, where each would answer questions individually regarding their candidacy. In this closely moderated setting, there would be nothing constituting a debate or on-air interactions between candidates. However, Election Board chair Anthony Padilla notified candidates that they could be sanctioned if they went on the show. Thus, the candidates opted out of participating. The decision to tell presidential candidates that they could be sanctioned for going on the show was made by the Election Board, so under **Art. VI. Sec. B. Cl. 3 of the Const.**, we appeal the actions of the Election Board to the Judicial Board as a gross overstepping of its powers.

**Violations:** The violations this petition alleges hinge on Election Board’s jurisdiction over campus media and its coverage of the USAC elections. The only mention of any Election Board powers related to media fall under **Art. VI. Section B. Cl. 1 a. iv.**, which states that “for the purpose of this Election Code, the term "Media Advertising" will be defined to include any paid promotional material that is produced, advertised and/or distributed at UCLA or in the surrounding area (includes the 90024 zip code) appearing in any newspaper, magazine, newsletter, radio, television, or internet advertisement etc.” The segment in question was not paid material, but news coverage of a timely, relevant subject in campus life, produced independently by The Daily Bruin. Further, the ability of the Daily Bruin to carry out its news gathering operations on campus should not be obstructed by any group or organization, including the student-led Election Board. In serving its large undergraduate readership, the Daily Bruin covers USAC meetings, elections and initiatives throughout the year, and plays a vital role in presenting information on USAC to the student body. Thus, Election Board chair Anthony Padilla’s attempt to censor the news segment was grossly out of his jurisdiction and an infringement on the First Amendment rights and editorial mission of the Daily Bruin.

In threatening candidates with sanctions from appearing on Long Story Short, the USA Election Board misinterpreted the Election Code in a way that invests them with powers that could never have been implied by that document. Padilla cited **VI. Section B. Cl. 5 b. v. of the Election Code**, which states that besides the officially sanctioned Election Board debate, “other forums in which a debate between candidates and/or Designated Campaign Representatives may occur must be open to all candidates and/or Designated Campaign Representatives and an Election Board representative must be present. These debates must be in addition to the official debate and can only be held by groups recognized as legitimate by the Election Board. Any

candidate and designated campaign representative attending unrecognized debates shall be sanctioned. The organization holding the debate shall also be sanctioned.” The Election Board’s power to oversee debate-type forums can in no way be construed to give its members power to tell candidates when they can make appearances on campus media, nor issue threats to prevent them from doing so. Padilla’s application of the Code in this respect was self-evidently an attempt to invest the Board with the ability to determine news media content. Were the Election Code to be so interpreted, it would effectively give that body the power of a censor. Beyond that, the planned radio news segment was not in any way a debate – candidates were to be interviewed one by one, addressing their answers to the Daily Bruin’s radio show hosts and not responding to or rebutting one another. Thus, there was no need for all 30 candidates to participate in the segment or for an Election Board representative in attendance, as Padilla argued.

**Ramifications:** As a result of the violations, the presidential candidates were hesitant to come on the radio show and the segment was canceled. This directly limits the information that goes out to students related to elections from the most consistent source of USAC coverage on campus, information that students might use to educate themselves before voting. Even more concerning, this sets a dangerous precedent that the Election Board can have an influence on what has long been established as an independent campus media group, effectively amounting to censorship. Such action could potentially have a chilling effect on The Bruin’s mission to provide up-to-date, well-sourced and fair coverage of undergraduate student government.

**Remedy Sought:** Petitioner seeks that the Judicial Board affirm that the election code endows the Election Board with no authority over non-paid media appearances of USAC candidates or any non-paid media coverage.

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**PART V: INFORMATION**

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Petitioner: The Daily Bruin

Counsel: David Eitan Arom

SID: 304-943-029

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**PART VI: STATEMENT OF AUTHENTICITY**

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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).

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Respectfully submitted,

DATED: 5/6/14

The Daily Bruin  
Name  
Petitioner

DATED: 5/6/14

David Eitan Arom  
Name  
Counsel for Petitioner