

Syllabus

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

Syllabus

### THE DAILY BRUIN v. USA ELECTION BOARD, ET AL.

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

[No. 14-4]      Argued May 19, 2014—Decided May 19, 2014

On May 6, 2014, The Daily Bruin filed a Petition for Consideration against the Election Board claiming that the Election Board acted outside of its jurisdiction when threatening USAC presidential election candidates with sanctions if they appeared on the radio show, “Long Story Short.” The segment was not paid for, and was structured as individual interviews with each candidate, and so would not be considered a form of debate, placing it outside the jurisdiction of the Election Board, but The Daily Bruin argues that the Election Board’s actions presented a danger to independent campus media.

*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 The Daily Bruin 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 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 are under the purview of this Judicial Board. Furthermore, the petitioner, The Daily Bruin, as a member of the Association, has every right and obligation to request that any actions made by the Election Board be subject to rule by this Judicial Board.

(b) The second claim of jurisdiction made by The Daily Bruin 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

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Association, once again, the petitioner, The Daily Bruin, may request that this Judicial Board “question, comment, or rule” upon the authority of The Daily Bruin to give out sanctions to USAC election candidates for appearing on non-paid media coverage that is not a debate.

(c) The third, and final, claim of jurisdiction made by The Daily Bruin 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 give out sanctions to candidates, their decision to make a threat of sanctioning candidates 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 decisions made by Election Board.

2. The Election Board does not have any jurisdiction over non-paid media appearances or coverage of USAC election candidates.

3. The Election Board does have the jurisdiction to act on sanctions that have been filed against candidates regarding non-paid media appearances, but this action cannot occur without a filed complaint.

SATYADI, M., and SWANSON, A., co-delivered the opinion of the Board, in which MORALES, K., and ZELMAN, J., joined. CORONA, O., and BUSTINZA, E., abstained.

Opinion of the Board

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

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No.

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### **PETITIONER *v.* RESPONDENT**

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

[DATE]

CHIEF JUSTICE SATYADI and JUSTICE SWANSON co-delivered the opinion, joined by ASSOCIATE CHIEF JUSTICE MORALES and JUSTICE ZELMAN.

This case requires us to decide whether the respondent, the 2014 Election Board, attempted in an overreach of power that goes beyond what is granted by the Election Code, by making a threat of sanctions to USAC election candidates for appearing on a radio news segment, hosted by The Daily Bruin.

#### I. Background

At the beginning of the 2014 Spring General Elections, The Daily Bruin extended to the three running presidential candidates an invitation to a radio show, “Long Story Short,” where each candidate would be interviewed about their candidacy. The segment would have interviewed each candidate individually, with no opportunities for the candidates to respond to one another. The Daily Bruin submitted a Petition for Consideration to the Judicial Board on May 6, 2014, alleging that the Election Board violated its jurisdiction provided by the Election Code by informing the candidates that they could not appear on the news segment without the potential for sanctions. The Daily Bruin also viewed this “threat of sanctions” as a potential infringement on the importance of the free press as the Election Board can only control media that is paid, or can otherwise be defined as “media advertising.” See Election Code, Part VI, §(B)(1)(iv).

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The Judicial Board was asked in the Petition to answer two questions. First, does the Election Code grant the Election Board authority over non-paid media appearances of USAC election candidates, or over non-paid media coverage with regards to USAC election candidates? Second, is the Election Board threat of sanctions on USAC presidential candidates for appearing in The Daily Bruin segment, Long Story Short, within the jurisdiction of the Election Board?

## II. Reactionary Role of the Election Board

Election Code, Part VI, §(B)(1)(iv) clearly defines the types of media over which the Election Board has jurisdiction. “Long Story Short” was, and never was intended to be a form of debate, and The Daily Bruin showed clear efforts to clarify this point to the Election Board in the email exchanges submitted into evidence. Since “Long Story Short” could not be categorized as a debate or as “media advertisement,” the Election Board had no jurisdiction over the candidates’ decisions to participate or not. Furthermore, the Election Board wouldn’t have needed to send a representative to be present at the segment (as stipulated by Election Code, Part VI, §(B)(5)(b)(v)) because no debate would have occurred between the candidates.

In the same way that the Election Board has no jurisdiction over publications not considered media advertisements in The Daily Bruin, the Election Board also does not have jurisdiction over non-paid media appearances or coverage of USAC election candidates. In other words, the Election Board cannot stop a candidate, in any way, from making an appearance in non-paid media; the Election Board must stay uninvolved, unless asked for an opinion. However, *if* the candidate violated the Election Code while appearing in non-paid media, the Election Board has the jurisdiction to sanction the candidate.

This should illustrate what is meant to be the reactionary role that the Election Board plays. The Election Board, while responsible for administering the elections process, is not responsible for preventing or avoiding the potential for sanctions. When it comes to sanctions, the Election Board, like judiciary

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bodies, is only involved once a violation occurs and a sanction is needed—only when it needs to *react*.

## III. Threat of Sanctions

This Board does not see the alleged “threat of sanctions” by the Election Board as “threats” but rather a result of a miscommunication on the part of the Election Board. The Election Board never told The Daily Bruin that they could not hold “Long Story Short.” Statements and testimony suggested that the Election Board told The Daily Bruin that they could continue to host the show, but that the candidates could not appear without the possibility of sanctions. It also suggested that the Election Board does not act on hypotheticals, and that there was no definite guarantee of sanctions, which is not outside the jurisdiction of the Election Board. The Election Board has an obligation to inform candidates of the Election Code and potential sanctions that certain actions might invoke, but there is never a guarantee of sanctions because the Election Board can only impose sanctions by going through the process delineated in Election Code Part VII, §C. That is, the candidates could not be sanctioned by the Election Board directly for appearing on “Long Story Short” without a charge of an Election Code violation being submitted. If no charge was submitted, there would be no sanctions imposed, but the Election Board was not outside of its jurisdiction by stating that there is a possibility for sanctions. However, the Election Board should have been more specific and clearer about the process of sanctions. We recommend that the Election Board be more cautious and clear about informing candidates about sanctions.

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The Election Board does not have jurisdiction over non-paid media appearances or coverage of USAC election candidates, but it does have an obligation and right to inform candidates about potential sanctions, though this was not communicated clearly and should be in the future.

*It is so ordered*