

No. 15-1

In The

Judicial Board

of the
Undergraduate Students Association
of
UCLA

Bruins United
(originally, "Zoe Sheppard")

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

Zoe Sheppard

4/21/2015

USAC Election Board info@usacelectionboard.com

Signatures (official use only):

Chief Justice

Clerk

PART I: JURISDICTION

The USAC Election Code in 11.4 clearly states that appeals regarding Election Board decisions can be made to the USAC Judicial Board: "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, unless evidence pertinent to the case is made available after this deadline." Given the sanction was sent on Friday 4/17/15 at 5PM, the deadline for an appeal would be Tuesday 4/22/15 at 5PM. This appeal is within the time limit demanded by the Election Code.

Zoe Sheppard (the plaintiff), is the recognized signatory for Bruins United.

PART II: VIOLATIONS

Enumeration of Violations

1. Appeal

Bruins United formally appeals the decision of the USAC Election Board in #CO5-S2015 on 4/17/2015 (document attached) on three grounds.

- The aforementioned notice of finding does not present adequate evidence to demonstrate how the acts referenced constitute a violation
- The Election Board has misinterpreted Section 8.2, Article 1, 8.2, Article 2
 - Current act being sanctioned has never been considered campaigning in the past

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- Current language can not justify Election Board's ruling
 - Interpretation of language according to #CO5-S2015 would create a new, incredibly broad definition of "Campaigning" that would cause an impossible burden on candidates.
 - Complaint was not filed in time
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PART III: RAMIFICATIONS

In the USAC Election Code, Section 8.2, Article 1,i the act of campaigning is defined as follows: "For the purpose of this Election Code, the term "Campaigning" shall be defined as any effort by any individual or group to influence the decision of any student in support of or against any USAC candidate, slate, initiative, referendum, recall, or constitutional amendment appearing on the ballot in the next election through the use of verbal or nonverbal interaction, electronic correspondence of any kind, or the use of physical materials." The other part of the Election Code in question is Section 8.2, Article 1,x. For the purpose of this Election Code, the term "Social Media Campaigning" shall be defined as any post, picture, message, status, tweet, etc associated with any candidate/slate that is visible to voters online that is considered campaigning as defined in 8.2.1. According to 8.2.1.x, for a post to be considered "campaigning," it must fit the definition proposed in 8.2.1.i. Therefore, this appeal concerns specifically the Election Board misinterpretation of the definition of "campaigning" as defined in 8.2.1.i. on three grounds.

- a. The aforementioned notice of finding does not present adequate evidence to demonstrate how the acts referenced constitute a violation. The Election Board has provided no evidence to support that the given social media posts present an effort to “to influence the decision of any student in support of or against any USAC candidate.” Therefore, the Election Board has no grounds to support its decision.
- b. The Election Board has misinterpreted Section 8.2, Article 1
 - i. The current act being sanctioned has never been considered campaigning in the past. In the attached screenshots, Avinoam Baral (then candidate for Internal Vice President and General Representative) uploaded pictures of a group of students before online campaigning had begun. He was not sanctioned for his behavior. Given that the Election Board has never sanctioned such a cover photo change in the past, there is no precedent for the Election Board to produce such a sanction.
 - i. Current language can not justify Election Board’s ruling. In particular, the language of the Election Code defines campaigning as an “any effort by any individual or group to influence the decision of any student in support of or against any USAC candidate.” The social media posts in question merely state a fact about a given candidate. In no part of the posts is there any language that asks a member of the public to vote in any particular fashion (either in support of a candidate or in opposition to a candidate). Given that there is no “effort to influence a decision,” the Election Board has no grounds on which to stand in this sanction.
 - i. Interpretation of language according to #CO5-S2015 would create a new, incredibly broad definition of “campaigning” that would cause an impossible burden on candidates. As stated in Section 2, Part A.i, the Election Board has provided no proof that this post constituted an

effort to influence the decision of a student. However, it can be assumed according to the sanction that the Election Board believes that a candidate who posts a fact about a candidate online or an acquaintance posting about a candidate online can be considered an “effort to influence the decision” of a student. This is an untenable and unprecedented standard that would ask a candidate to restrain from engaging in any sort of social media, personal conversation or virtual conversation in which a candidate reveals a fact about themselves. This is an inappropriate standard that can not be enforced throughout the elections process and must not be maintained.

c. Complaint was not filed in time

As shown in the attached screenshot, the Election Board states that “complaints must be filed within 24 hours of the alleged misconduct.” The posts in question appeared at various times in the evening between 8PM - 9PM on Sunday April 12th, 2015. This indicates that the complaint must have been filed by 9PM at the latest on Monday April 13th. The complaint in question by C. Pulido was not submitted until Thursday night or Friday morning. (Please note: the complaint form in question has not been made public. This information was received verbally on 4/19/2015 at 7PM). Therefore, the Election Board is not allowed to provide sanctions for this alleged violation because the complaint occurred after the time in which a complaint must be filed.

PART IV: REMEDY SOUGHT

Bruins United seeks an immediate repeal of the sanctions levied against its’ candidates as well as a remedy to make up for the hours of online campaigning missed. In particular, Bruins United asks that the Judicial Board instruct the Election Board to allow Bruins United to engage in on-

campus campaigning as well as open up voting on Friday morning at 9AM (adding an additional 8 hours of on - campaigning) to make up for time lost.

PART V: INFORMATION

Petitioner: Zoe Sheppard
SID: 404-060-267

Council: Katie Takakjian
SID: 203-852-538

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: 4/21/15

Zoe Sheppard
Petitioner

DATED: 4/21/15

Katie Takakjian
Counsel for Petitioner