

No. _____

In The

Judicial Board

of the
Undergraduate Students Association
of
UCLA

Brandon J. Broukhim

v.

USAC Election Board

P E T I T I O N F O R H E A R I N G

Brandon J. Broukhim

4/7/2019

USAC Election Board

Room 519, Kerckhoff Hall

usacelectionboard19@gmail.com

Signatures (official use only):

Chief Justice

Clerk

PART I: JURISDICTION

USA Constitution Article VI, Section B.3: “The Judicial Board shall serve as a board of appeals to decisions of the Elections Board.”

USA Election Code Article XI, 11.4.1: “Election Board decisions may be appealed in writing to the Undergraduate Students Association Judicial Board. Initial petitions for hearing shall be made by 5:00 p.m. on the second (2nd) official school day following said decision, unless evidence pertinent to the case is made available after this deadline.”

USA Election Code Article XI, 11.4.3: “Appeals of decisions made by the Election Board Chair and/or the Election Board shall be made to the Undergraduate Students Association Judicial Board.”

PART II: VIOLATIONS

Enumeration of Violations

USA Constitution Article III, Section B.1: All the Officers of the Association, listed in Article II, Section C, shall be elected by the Association in fair and open elections held in the spring quarter of each year.

USA Election Code Article I, 1.2: This Code is intended to ensure that each candidate is afforded an opportunity for election equal to that of any other candidate for that office, and proponents and opponents of referenda and propositions are afforded an equal opportunity for their participation in the election process.

USA Election Code Article II, 2.1.2: The authority of the Election Board shall be limited in scope to only those duties stated in the USAC Constitution, its Bylaws and this Election Code, and those duties essential and imperative to carrying out the same.

USA Election Code Article II, 2.4.1:

o. Present the Election Calendar to the USAC. The Election Calendar shall include:

i. Deadlines for picking up and returning petitions for candidacy

USA Election Code Article II, 2.6.1:

a. Be responsible for promoting elections, including all advertising in the campus media concerning the election and the recruitment of Election Board members;

d. Be responsible for the advertisement and publicity of campaign packets and deadlines prior to elections;

g. Be responsible for maintaining and updating the Election Board website and social media;

h. Update election forms and documents on the website prior to elections;

j. Provide extensive publicity of the candidate filing period and election, in such a manner to aim that all elements of the campus community will receive equal notice;

USA Election Code Article II, 2.8.1:

a. Be responsible for communication and coordination with such bodies as the Daily Bruin, Residential Life, MyUCLA, and other administrative groups, throughout the elections process;

USA Election Code Article II, 2.12.2:

Office hours shall be held on school days by the Election Board, beginning the date that campaign packets are made available. These office hours must be posted on the Election Board Bulletin Board and should be held through the final election.

PART III: RAMIFICATIONS

Through its election code violations, the current USAC Election Board **has not** allowed for a “fair and open” election as stated in the USA Constitution (Article III, Section B.2). Because of the current Election Board’s shortcomings, candidate Brandon J. Broukhim was unfairly excluded from the opportunity to run to serve the student body as on the USA Council.

To begin with, the election itself and the requirements to run in the 2019 USAC Election were not properly advertised to the 31,002 students who made up the UCLA student body. **There currently is no USAC Election Board website**, in a clear breach of the Election Code (Article II, 2.6.1 g and h). There were **zero ads or notices** in the Daily Bruin to advertise the election and its deadlines, as is required by the Election Code (Article II, 2.6.1 a and d; 2.8.1 a) and has been done for every USAC election in recent memory. As a matter of fact, last year’s election board not only took out several ads in the Daily Bruin, but also wrote op-eds imploring students to run. Furthermore, there have been **zero tweets** from the USAC Election Board’s official Twitter account since May 11, 2018. There was **only one post and one shared post** on the official “USAC Election Board at UCLA” Facebook page about candidate filing for upcoming elections. The latter post received just four likes. By comparison, the previous Election Board posted ten tweets and nine Facebook posts to advertise the election and provide clarity about deadlines. One of these posts was a video that received over 2,000 views. The current Election Board’s lack of any official advertising on behalf of the board beyond one post is a breach of the election code, which states “all elements of the campus community will receive equal notice” (Article II, 2.6.1 j).

While the Election Board’s failure to properly advertise the election significantly undercuts the student association’s ability to have a fair and open election, the current Election Board Chair’s oversteps in authority have far graver ramifications. Per the Election Code, the Chair **exceeded her authority** in

her role by creating arbitrary deadlines with **neither formal USA Council approval nor proper advertising** to the student body of her unilateral changes (Article II, 2.1.2).

For example, the current Election Board created a new Facebook page “USAC Election Board at UCLA 2019” and it currently has 114 likes. This is **less than 0.367%** of the UCLA student association of 31,002 current students, or eligible voters, meaning over **26 out of every 27 potential candidates did not see any posts from this page**. The new page was not advertised on the official page. Many candidates, including the petitioner, have not liked the page. On the new page, the current Election Board posted an updated due date for the candidate filing deadline. This due date was **illegally “moved”** from March 18 to April 1 and **only** posted onto the USAC Election Board at UCLA *2019* page. The post began “ATTENTION POTENTIAL CANDIDATES FOR THE 2019 USAC ELECTIONS!!!!!!,” yet it received **just 1 like** on a page that only 0.367% of students follow. The post also included many important updates, none of which reached the student body. These updates were posted neither on the official USAC Election Board Facebook page nor its Twitter. It was not reported in the Daily Bruin. These updates were not uploaded to the USAC Election Board website, as such a website does not exist. Worst of all, the change in the Election Calendar was **not formally approved** by the USA Council as is required by the Election Code (Article II, 2.4.1 o). Furthermore, the illegal change was not updated on the USA Council’s webpage where the forms were originally uploaded. As of April 7, 2019, these forms **still** cite March 18 as the deadline, as opposed to April 1.

Clearly, because of the current Election Board’s weak and negligent advertising for the upcoming election, candidate Brandon J. Broukhim is a **victim of the current Election Board’s incompetence** and failure to follow the very purpose of the Election Code as outlined in its preamble: “This Code is intended to ensure that each candidate is afforded an opportunity for election equal to that of any other candidate for that office, and proponents and opponents of referenda and propositions are afforded an **equal opportunity** for their

participation in the election process.” *Despite the Election Board’s shortcomings, this candidate not only attended candidate orientation on April 3, 2019, but also immediately submitted all the required forms, including the 92 signatures from fellow Bruins he collected, far more than the 75 required.* This candidate overcame the obstacle of finding the orientation room, despite it being **erroneously listed** on the candidate filing form as “Global Viewpoint Lounge.” It was actually in the Bruin Reception Room.

In previous elections, the deadline for filing forms for USAC candidacy has been Friday of week 1 of Spring quarter. This is because during the candidate orientation **traditionally held** Wednesday of week 1 of Spring quarter, questions are answered about the forms before their Friday deadline. At the Wednesday candidate orientation, candidate Brandon J. Broukhim was told by fellow candidates that they were **similarly confused** about the various deadlines: the March 18 deadline on their forms or the arbitrary and illegal April 1 deadline posted on the “USAC Election Board at UCLA 2019” Facebook page. As a matter of fact, presidential candidate Furkan Yalcin expressed his confusion on their post: “wait lol is it today at noon or April 1st?” Clearly, those in the room were not the only ones confused. Last year, **39 candidates** ran for 14 USAC positions; this year, **almost all positions are uncontested**. This reflects a failure by the 2019 Election Board to inform students of the election.

Candidate Brandon J. Broukhim attended the mandatory candidate orientation and submitted all of the necessary forms as required in the election code. This candidate spoke with the current Election Board chair who informed him that he **“could email all of the necessary forms that evening.”** Per the information provided to him by the Election Board chair, this candidate was prepared to submit his forms the night of candidate orientation, but the Election Board did not respond to his original email that night and follow-up email the next morning, until April 4, 2019 at 10:16 a.m. when the chair responded **“Just slide it under the door.”** After candidate Brandon J. Broukhim put in the work to attend candidate orientation, complete all the necessary forms, and gather 92

signatures, over three days later, on April 7, 2019 at 2:14 p.m., the Election Board chair followed up in another email, where she wrote that she could not allow this candidate to run, contradicting her earlier statement. She wrote, “I do not believe it fair [sic] for you to be able to turn in your packet nearly two weeks after the *deadline*...” Under this logic, anyone who submitted any forms after March 18 should not be allowed to run. Clearly, this line in her email to candidate Brandon J. Broukhim **directly contradicts** the arbitrary deadline she offered to other candidates, April 1. As a matter of fact, she also wrote in her email: “I further extended the deadline...” In other words, the USAC Election Board Chair arbitrarily bent the rules for some and **not for others**.

If only USAC insiders who are friends with current USA Council-members or current Election Board members are well notified about the impending election, then it is not an election all. It is but a coronation of the Election Board’s inner circle and the current council’s hand-selected successors.

PART IV: REMEDY SOUGHT

First, a preliminary injunction is necessary to halt the vote by the USA Council to approve the current 2019 USAC Ballot. The USA Council meeting of April 9, 2019 should not be allowed to approve the 2019 USAC Election ballot until this case is resolved. If the USA Council approves the ballot before these matters are resolved, it would be an affront to the very idea of “fair and open” elections, as enshrined in the USA Constitution.

Second, there are two possible remedies that allow for equity and fairness in the face of all of the USAC Election Board’s shortcomings. Either:

- a) **All candidates** who attended candidate orientation
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and have already submitted their forms should be *allowed* to run. (This helps achieve fairness in the election, as there was a lack of publicity for the election itself and worse yet, there were arbitrary deadline changes in an overstep of authority by the Election Board Chair. Moreover, confusion was furthered as precedent from previous election deadlines was ignored, without proper advertising of the changes.) **-OR-**

- b) **No candidates** who submitted any paperwork or forms after 12 p.m. on March 18, 2019, the date listed on the USA Council-approved Election Calendar, should be *allowed* to run.

Anything other than these two scenarios would be not only unfair to candidate Brandon J. Broukhim, but it also would undermine the integrity of the entire election. With that being said, a) is the more reasonable remedy in the view of the petitioner, because both he and many other candidates were harmed by the Election Board's negligence; the Election Board's incompetence should not adversely affect the right of these potential candidates to run in a "fair and open" election. These candidates took time out of their busy schedules to attend an orientation event and file several forms, and most notably, they put a great deal of effort into gathering 75 or more signatures. Furthermore, remedy b) would potentially lead to a costly and ill-timed fall 2019 election, due to the fact that, excluding the petitioner, there may not be enough candidates to even fill a 14-member USA Council. If remedy b) is chosen, the election board must also be compelled to have the currently invalid election calendar's changes approved by the USA Council.

Finally, the Election Board must be compelled to, from this point forward, advertise ANY and ALL changes to deadlines, forms, information, etc. in all the mandated sources as listed in the Election Code, including, but not limited to: campus media, the Election Board's office bulletin, the Election Board website, and social media. The Election Board should further be compelled to immediately create a website.

PART V: INFORMATION

Petitioner: Brandon Broukhim
[REDACTED]

Council: Aaron Boudaie
[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:
4/7/2019

Brandon Broukhim
Petitioner

DATED:
4/7/2019

Aaron Boudaie
Counsel for Petitioner