

No. _____

In The

Judicial Board

of the
Undergraduate Students Association
of
UCLA

Orion Smedley

v.

Undergraduate Student Association Council (USAC)

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

Orion Smedley

November 6, 2019

Undergraduate Student
Association Council
317 Kerchkoff Hall

usacprez@gmail.com

Signatures (official use only):

Chief Justice

Clerk

PART I: JURISDICTION

USA Constitution, Article VI, Section B.1: 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.

PART II: VIOLATIONS

Enumeration of Violations

USA Constitution, Article IX, Section B: The USA Elections Board shall be responsible for the impartial administration of all elections of the Association in accordance with the provisions of this Constitution and Bylaws.

USA Election Code, Article 2, Section 2.1:
“Control of all USAC elections and related activities shall rest with the Election Board.”

USA Election Code, Article 2, Section 2.3: “The Election Board has original jurisdiction over the election process.”

USA Election Code, Article XII, Section 11.1.1:
“The Election Board Executive Committee shall decide cases and impose the appropriate penalties.”

USA Election Code, Article XII, Section 11.1.1:

The Election Board Executive Committee will set penalties for Election Code violations. The Executive Committee will establish an Infractions & Penalties Guideline and the Executive Committee will also have discretion to impose sanctions, as they deem necessary.

PART III: RAMIFICATIONS

At the November 5 council meeting, the Respondent [the USA Council (USAC)] took unprecedented steps to undermine the integrity of our USA Council elections. The actions by council should make every student in our association fear the trampling of the will of the voters and a blatant abuse of power.

Through the single transferrable vote process, the Petitioner was rightly elected General Representative 2. These results were certified on October 31 by former Election Board chair Kyana Shajari, and were read into the minutes by the chair at the November 5 council meeting.

This announcement closed the results of the election. At the time of the election results being certified, the Election Board had announced no pending sanctions nor violations. The USA Council has no authority to investigate sanctions nor set penalties, and the sole authority lies with the Election Board, as stated in

USA Election Code Article XII, Section 11.1.1 and USA Election Code Article XII, Section 11.1.2. In effect, by refusing to allow the Petitioner to take office, the USA Council is setting a completely unfound and illegal penalty with no investigation against the Petitioner. Thus, there is no reason that the Petitioner should not be immediately installed into office, and waiting further continues to ignore the will of the voters. All that is left for the Petitioner to be installed into office is the swearing in of the Petitioner by the Judicial Board chair.

The USA Council has no authority to determine the outcome of the election, nor who is inputted into office, as outlined in USA Constitution, Article IX, Section B, USA Election Code, Article 2, Section 2.1, and USA Election Code, Article 2, Section 2.3.

The independent authority of the Election Board and our elections must be protected. The election has now been completed and the results certified, making the status of the election closed. The Petitioner should be installed into office immediately and the will of the voters affirmed. The abuse of power by the USA Council is disturbing and each member failed to uphold their oath of office.

PART IV: REMEDY SOUGHT

As the actions taken by the USA Council on November 5 were a clear abuse of power, the Petitioner must be installed into office immediately and sworn in by the Chief Justice of the USA Judicial Board.

PART V: INFORMATION

Petitioner: Orion Smedley
SID: [REDACTED]

Council: (none)
SID: (none)

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: *Nov 6, 2019*

Orion Smedley

Name
Petitioner

DATED:

Name
Counsel for Petitioner