

No. _____

In The
Judicial Board
of the
Undergraduate Students Association
of
UCLA

Navkaran Gurm
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

Navkaran Gurm



April 12, 2019

USAC Election Board
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, 11.4.3: “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 Election Code Article V, 5.2.a.iii: “The petition-filing deadline must be held on a school day.”

USA Election Code Article III, 3.2.3.d: “Signatures for a given petition may be collected over the course of consecutive quarters of an academic year. No signatures may be collected during finals week or over a quarter break.”

PART III: RAMIFICATIONS

Under USA Election Code Article V, 5.2.a.iii, the “petition-filing deadline must be held on a *school day*.” Yet, the selected petition-filing deadline – March 18 – violates this provision. Numerous superseding sources agree that a day without instruction — as is not permitted during finals week — is not in fact a “school day.” In addition, having the petition-filing

deadline on March 18 violates USA Election Code Article III, 3.2.3.d, which guarantees that “No signatures may be collected during finals week or over a quarter break.” Under such a deadline, students could feasibly still collect signatures during finals week between March 16 through the morning of March 18 — a violation of Election Code — and meet the deadline by noon on March 18. There is no way to check that signatures were not invalidly obtained during this period, making enforcement of this provision impossible with the current petition-filing deadline. There is little reason to believe the same logic should not apply to the petition-filing deadline for candidates for USAC office. It interferes with the premise at the heart of the Election Code that elections should not interfere with students’ finals schedules. Unfortunately, we can only remediate for this fact.

The definition of a “school day” among expert sources is unanimous, on and off campus. The calendar posted by the UCLA Registrar states the final day of instruction as being March 15, the final potential school day for Winter Quarter where the petition-filing deadline would be valid. Finals Week is listed as beginning on Saturday, March 16. To designate March 18 a school day would require *Saturday*, March 16 to be a school day as well, a proposition to which no reasonable person would agree.

The highest education officials in the United States agree that days without instruction are not school days, as is the case for the illegal petition-filing deadline of March 18. The U.S. Department of Education, which sets national standards for education policy, defines a “school day,” as “any day, including a partial day that children are in attendance at school for instructional purposes,” (34 CFR 300.11). The registrar’s calendar is clear that the final day of instruction was Friday, March 15, making March 18 (a day with no instruction) invalid as consideration for a “school day.” The Election Code’s follows this logic as well, making it illegal for students to collect signatures on a school day.

The use of an illegal date, March 18, as a filing forms deadline,

further harms potential candidates already affected by the seven Election Code and Constitution violations established in Judicial Board case 19-1. The petitioner, Navkaran Gurm, is a passionate advocate for good governance and bureaucratic procedure. He is highly involved in political space on campus, and therefore, would be a natural candidate for USA Council elections, or at minimum, have an impact on the election process. To deprive him of that right does a disservice not only to himself, but to the student body, particularly to new members to the UCLA community for the 2018-19 school year, such as freshman and transfer students. Yet, he did not join Facebook — the only platform where the 2018-19 USAC Election Board advertised — until April 1, making him unaware of the presence of an impending election.

As a freshman member of the UCLA community unaffiliated with USAC, Gurm, and any eligible students interesting running in the 2019 USA Council elections, were harmed by the Election Board’s failure to provide “equal opportunity” and a “fair and open” election, established in Judicial Board case 19-1. The Election Board’s malpractice inhibited Gurm’s capacity to know when and how to run, violating the guarantee of “equal opportunity” for all students. This invalid date for the petition-filing deadline further exacerbates these two established violations, in addition to being illegal in and of itself according to common definitions of a “school day.” The 2018-19 USA Council Election should not benefit students who can afford remaining on campus through the deadline over those who may need to leave, as instruction has already ended and doing so benefits certain more privileged student groups over others. It is the definition of *un*-equal opportunity. Failure to correct this egregious error approved by the 2018-19 USA Council and proposed by the 2018-19 USAC Election Board would continue the trend of this year’s election failing to meet the standards of “equal opportunity” and “fair and open” (USA Constitution Article III, Section B.1, USA Election Code Article I, 1.2).

PART IV: REMEDY SOUGHT

The petitioner requests that the Judicial Board institute an injunction temporarily preventing the uploading of the final ballot onto myUCLA until this case is resolved.

Because the 2019 USA Council Election was not “fair and open” per Judicial Board’s decision in case 19-1, because there was not “equal opportunity” between the candidates per Judicial Board’s decision in case 19-1, and because March 18 is not a school day, and therefore, an illegal deadline per Article V, 5.2.a.iii, **the filing period should be open for at least one more school day and up to five schools days** at the discretion of the 2018-19 USAC Election Board, in order to provide an appropriate remedy for its violations. Simply, the violations, and their damaging ramifications, can be rectified by altering the submission deadline in such a way that it adheres to the Election Code while providing “equal opportunity” to all candidates. As such, we request that the USAC Election Board re-open the petition-filing deadline by *at least one day*. Failure to “promote elections” has been determined to violate Article 2.6.1.a, as determined in Judicial Board case 19-1, and is a fundamental element of having “equal opportunity” in election. The new deadline must take place on a legitimate “school day,” a day of instruction not conflicting with finals nor quarter breaks, as stated in USA Election Code Article III, 3.2.3.d.

PART V: INFORMATION

Petitioner: Navkaran Gurm
[REDACTED]

Council: Jordan Nakdimon
[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:

Name
Petitioner

DATED:

Name
Counsel for Petitioner