

Navkaran Gurm *v.* USAC Election Board, Undergraduate Student Association
Council (erroneously titled)

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

Syllabus

Navkaran Gurm. *v.* USAC Election Board,
Undergraduate Student Association Council
(erroneously titled)

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

[No. 19-5] Argued April 19, 2019—Decided April 19, 2019

On April 17, 2019, Navkaran Gurm (“Petitioner”) filed a Petition for Consideration alleging that the Election Board and Undergraduate Students Association (“Respondents”) violated Election Code Article 13.1.3 when USAC voted to change the date of slate and candidate registration packets from March 18th, 2019 to April 1st, 2019.

Held:

1. This Board has jurisdiction to consider the merits of this case based on the claims of jurisdiction listed in the Petition for Consideration, which is satisfied.
 - (a) The claim first of jurisdiction made by the Petitioner is that of USA Constitution Article 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.”
 - (b) The third claim of jurisdiction made by the Petitioner is that of USA Constitution Article B.3 “The Judicial Board shall serve as a board of appeals to decisions of the Elections Board.”
2. The Election Board and the Undergraduate Students Association Council did not violate Election Code Article 13.1.3

CHAPMAN, A., delivered the opinion of the Board, in which GIBBS, J., Pham, L., AND SCHAEFFER, J., joined.

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CHIEF JUSTICE CHAPMAN delivered the opinion of the Board.

This case requires The Judicial Board to determine if the Election Board and the USA Council violated Election Code Article 13.1.3 which requires that the Election Board present all proposed amendments to the Election Calendar before Week 7 of the quarter preceding a quarter in which an election is held.

The Petitioner argues that the Respondents violate Article 13.1.3 because the USA Council changed the deadline to turn in slate and candidate registration packets from March 18th, 2019 to April 1st, 2019, after Week 7 of the quarter preceding the 2019 Spring USAC Election.

The burden of proof falls on the Petitioner to prove the allegations.

I. Background

On April 12th, 2019 the Judicial Board ruled, in Case 19-1, Brandon J. Broukhim *v.* USAC Election Board, that March 18th 2019 is the legitimate deadline to turn in slate and candidate registration packets as it was the only deadline approved by the USA Council.

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During its April 16th, 2019 council meeting, the USA Council approved, 6-1-2, a change in the Election Calendar to reflect April 1st as the deadline to turn in registration packets.

On April 17th, 2019, the Judicial Board accepted the Petition for Consideration.

The Judicial Board chose to evaluate only the second remedy sought by the Petitioner, that the Judicial Board order that the April 16th, 2019 vote to change the registration deadline, be invalidated.

II. Discussion

A. Legitimacy of the Change in Deadline

Election Article 13.1.3 requires that the Election Board present amendments to the Election Calendar by Week 7 of the Quarter preceding an election.

As such, only the Election Board, not USA Council, is held to the same deadline.

The motion to change the deadline was brought by Jamie Kennerk, USA Council External Vice President, and then voted on by council. The Judicial Board holds that the USA Council does not violate Article 13.1.3.

The Petitioner argues that the Election Board presented the deadline change to Council, and thus violated Article 13.1.3.

The Judicial Board rejects this claim. The Respondents make several arguments about the interpretation of the word “present” that make the claim unable to be proven based on a preponderance of evidence.

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First, that the word “present” would require the Election Board to speak publicly at the USA Council meeting. No member of the Election Board spoke about the change in deadline at the meeting. The Respondents demonstrate precedence of this understanding based on the fact that Richard White, former 2018-2019 Election Board Chair, spoke at council when presenting the 2019 Spring USAC Election Calendar.

Second, the USA Council created the document for the Election Calendar reflecting the changed registration deadline.

The Respondents admitted that there was communication between the USA Council and the Election Board about the change in deadline. However, the Judicial Board does not believe that this constitutes “presentation” based on a preponderance of evidence.

The Judicial Board holds that the vote taken by the USA Council to change the deadline for slate and candidate registration from March 18th 2019 to April 1st 2019 was not in violation of Election Code Article 13.1.3.

III. Conclusion

The Judicial Board finds that the USA Council and Election Board do not violate Election Code Article 13.1.3.

It is so ordered.