ASUCI JUDICIAL BOARD

"All Judicial authority of ASUCI shall be vested in the Judicial Board. The Judicial Board's authority shall extend to all judicial cases arising under [the ASUCI] Constitution; the various by-laws of ASUCI; all official actions of the Executive Officers, Legislative Council member, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council."

Ruling on *Klauschie v. ASUCI Elections Commission*

Chief Justice Kunitskiy delivers the decision of the ASUCI Judicial Board, in which Vice-Chair Nguyen and Justices Bastos and Siddiqui joined. Let it be understood that the following decision is final.

In the case of Klauschie v. ASUCI Elections Commission, petitioner Kamrin Klauschie has requested the Board to review and overturn the decision reached by the ASUCI Elections Commission to disqualify her as a candidate for the Spring 2011 ASUCI Elections. Her claim rests on two main prongs. The first is that the Elections Commission ("the Commission" from here on) did not present the adequate evidence necessary to show that Ms. Klauschie violated Article XX, Section G of the Elections Code governing use of University Equipment. The second is that said violation, if proven to have occurred, would nonetheless fail to warrant disqualification. Both of these claims were found to be false by the Judicial Board.

After carefully reviewing all the submitted evidence and the testimony in the case, the Board has found that the Commission has done due diligence to prove beyond reasonable doubt that Ms. Klauschie violated Article XX, Section G of the Elections Code. The Board has found Ms. Klauschie culpable of misusing the ASUCI Shuttle roster/email contact list, which is accessible only through the ASUCI internal website.

Each case requires a different evaluation of what counts as reasonable proof. In a case like this, no smoking gun, fingerprints or photographs can be produced by either side, and none have been. Nevertheless, the Board finds that two convincing reasons prove beyond reasonable doubt Ms. Klauschie's culpability. The first is the incredible match with which the emails coincide with the shuttle roster. Each address on Ms. Klauschie's email matches those listed on the roster. Ms. Klauschie's testimony claiming that she obtained those emails through facebook and the online campus directory prove inconsistent. Most people do not list their UCI email addresses on facebook, and one would often have to go to the directory to obtain those emails. Where the inconsistency lies is the claim that she used *both* facebook and the directory. By using *only* the directory, Ms. Klauschie would have obtained only UCI email addresses and by using *only* facebook she would have obtained a much more jumbled mix of UCI and non-UCI email addresses. The Board finds it inconceivable that Ms. Klauschie's combination of using facebook alongside with the directory would yield a list that would, by pure luck, be exactly the same combination of UCI and non-UCI email addresses as are listed on the shuttle roster.
The second reason is the fact that the Board has found it highly unlikely that Ms. Klauschie would have gone through the effort to alphabetize the email list in the same way as it is alphabetized on the roster. This would require unnecessarily inputting each name into an excel

document instead of only their email addresses. The Board is wholly unconvinced that Ms. Klauschie would go through the trouble of recreating the shuttle roster to the degree to which she has done so. There are numerous alternatives which would not have taken nearly the same amount of time and which would have been equally or more effective than the course of action Ms. Klauschie claims to have taken.

Because of the aforementioned reasons, any reasonable observer would conclude that Ms. Klauscie took the easiest path and used the email roster to which she had access due to her ASUCI position.

Lastly, in one of the Board's capacities to act as a jury of peers, the Board has deemed that Ms. Klauschie was lying when she claimed not to have used the email list. Her dodgy, inconsistent, and pugnacious testimony have done her a disservice and have further reinforced the Board's opinion that she is, in fact, guilty of the charges she faces.

The last thing to be addressed is Ms. Klauschie's claim that even in the case that she were found to have violated the Elections Code, her violation would have been minor enough not to warrant disqualification. The Board finds that this is mistaken. The use of ASUCI equipment (in this case, a document stored on an ASUCI server) is a serious violation, one that impedes the equal opportunity of other candidates to solicit votes. Furthermore, it infringes on students' rights by indirectly using student funds to support the candidate in violation. Moreover, in this particular case, no "good faith" can be ascribed the Ms. Klauschie, who was in direct, willful and knowing violation of the Elections Code.

It is, therefore, the Board's decision to uphold the lower ASUCI Elections Commission decision in Bondi v. Klauschie to disqualify Kamrin Klauschie as a candidate in the Spring 2011 ASUCI Elections.

The Judicial Board of the Associated Students of the University of California, Irvine, on this day, April 29th, 2011, has taken action on this issue.

It is so ordered.

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Dmitriy Kunitskiy
Judicial Board Chair