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 Members, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council"

JUDICIAL RULING ON Baranwal v. Elections Commission ex rel. Natoolo.

Justice Shantharaj writing for the majority, in which, Justice Anderson, Justice Menter and Justice Bokaei join. Justice Shin abstains.

In the case of *Baranwal v. Elections Commission*, petitioner Siddarth Baranwal requests the Judicial Board to review and overturn the decision reached by the ASUCI Elections Commissions to reject Baranwal's complaint, requesting that Lydia Natoolo be disqualified, that the ties between ASUCI President Tracy La and the 'slate' Committed to Change be investigated, and that the New University issue an official letter of apology to the 2017 ASUCI Elections candidates for various stated reasons.

Baranwal names four alleged violations of ASUCI Elections Code, each of which will be briefly discussed below with the associated ruling and decision by the Judicial Board:

> The first violation Baranwal names is one of collusion between ASUCI President Tracy La and the Candidate Lydia Natoolo's campaign. Baranwal alleges that La " [supported] a candidate directly enough to influence voter opinions and essentially [ran] the candidate's campaign with services provided to them from their position in ASUCI." Baranwal's complaints do not constitute one of merit. Baranwal's allegations do not state facts on which relief can be granted, i.e. nothing the petitioner has brought forth in the original complaint constitute a violation of any part of the elections code. The Judicial Board does not find fault with the decision reached by the ASUCI Elections Commission, and upholds the decision reached.
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> The second violation Baranwal names is that of a "conflict of interest between the New University school newspaper and the ASUCI President Tracy La regarding the New University endorsement." Baranwal alleges that because President La used an "endorsement on her facebook page publicly endorsing the New University fee referendum, Measure U" and the New University publicly endorsed Candidate Lydia Natoolo in it's newspaper, a conflict of interest arises between the parties. The Judicial Board does not recognize any conflict of interest arising from this situation, as violations

such as collusion and conflict of interest are not subjected to degrees of separation. Endorsements are not transitive through multiple degrees of separation, and as such an endorsement is only considered as such when done so directly and publicly. The Judicial Board upholds the ASUCI Elections Commission's decision that La's endorsement of the Measure U referendum had nothing to do with the New University's endorsement of Candidate Natoolo.

The third violation Baranwal names is that of "intentional partisanship and favoritism by the New University towards Candidate Natoolo." In his original complaint, Barnwal makes a connection between the writing of the official, public endorsement of certain candidates in the Spring 2017 Election taking place before the Elections Commission received an official endorsement form informing it of the endorsement on the part of the New University. The Judicial Board rules that in line with ASUCI Elections Code, Article XIV Section G, which states "...No publicity of an endorsement can be made until the Elections Commission has acknowledged receipt of the endorsement," the New University's endorsement of Candidate Natoolo does not constitute a violation of the ASUCI Elections Code. The New University's endorsement of the candidate was made official at the time of publishing the edition of the newspaper in which the endorsement article was printed, and not the time at which the article endorsing the candidates were written nor the time at which the New University privately decided to to endorse the candidates. The endorsement took place after the Elections Commission received the endorsement form, which is considered the time the Elections Commission acknowledges receipt of the endorsement. As such, the Judicial Board upholds the Elections Commission's decision in ruling that this incident does not constitute a violation of Elections Code.

The fourth violation that Baranwal names is Candidate Natoolo's use of a private Facebook group page "ASUCI Senate 2016-2017" to post publicize her campaign. Baranwal cites Article XVII, Section G of the ASUCI Election Code, which states that "*The use of ASUCI and/or University equipment purchased or funded by student funds allocated to ASUCI e.g.(telephones, computers, printers, papers, copy machines, fax, scanners, cameras, projectors, tables, chairs, canopies, etc.) or any other property not available to the entire student population for campaigning is prohibited."* The Judicial Board rules that, as an electronic forum owned and moderated outside of control or influence of both ASUCI and the University, Candidate Natoolo's use of this page does not constitute a violation of Elections Code. The Facebook group in question is not owned or operated by ASUCI, but is rather constituted as a shared network between individual members of ASUCI, and as such is controlled in a capacity separate from ASUCI or the University. Baranwal also names in this violation the creation (and supposed posting) of a graphic asserting her endorsement by the "New University", as

opposed to the "New University Editorial Board". The New University Editorial Board is an an entity that makes all final decisions in content published in the New University, and is virtually and legally indistinguishable from the New University paper itself. An endorsement decided by the New University Editorial Board is to be construed as the same as an endorsement by the New University. Additionally, the New University, while being a student funded resource, is equally accessible to all candidates. Therefore there was no unprivileged access granted to any candidates endorsed by the New University, as it was free to make the decision to endorse any candidate(s). The Judicial Board upholds the decision by the Elections Commission that none of the actions specified in the fourth complain constitute violations of the Elections Code. Additionally, the Judicial Board rules that a necessary requisite to be considered ASUCI or University equipment or property is being controlled by either, and subject to their policies.

In summary, the Judicial Board upholds all decisions made by the Elections Commission brought forth in *Baranwal v. Elections Commission ex rel. Natoolo* in the 2017 Spring ASUCI Elections. None of the specified actions were legally constituted violations of the Elections Code, and no investigation into any ties between the parties requested in the original complaint shall be conducted. Finally, it is not the will of the Judicial Board to elicit an apology from any involved party, nor is it specified within the powers assigned to the Judicial Board, Elections Commission or ASUCI to request such a letter of apology from any unassociated party.

IT IS SO ORDERED

Suchith Shantharaj, Chief Justice

Aviel Menter, Associate Justice

Roxana Bokaei, Associate Justice

Laura Anderson, Vice Chair