ASUCI Judicial Board

Nikita Patel,

v.

Hannah Quach.

Ruling

Dated: April 23, 2020

Gerald, Q. delivered the opinion of the Board, in which Abundis, C.J., Gandall K., Naqvi K. and Bunda J. joined. Anayat T., took no part in the consideration or decision of the case.

Justice Gerald delivered the unanimous opinion of the Judicial Board,

The petitioner's election complaint alleges that Hannah Quach has violated ASUCI governing documents when she posted statements on social media that belong to ASUCI, which would be in violation of the election code as defined in R55-38. Candidate Quach made posts to the IVP Core Staff 2019-2020 group chat discussing her departure from the Fund the Clubs slate during the 2020 spring election which the petitioner claims is in violation of the elections code as it prohibits election discussions in official ASUCI space which the petitioner claims includes the group chat. But as ruled in *Knight v. Election Commissioner,* that election code, nor the one that preceded it, are in effect because they were ruled unconstitutional on the grounds that they violated student's constitutional rights to run for student office by imposing extra-constitutional requirements. Because of this, the only governing documents that regulate the 2020 spring election are Robert's Rules of Order.

II.

Upon examination of Robert's Rules of Order, nothing that Candidate Quach has done would make her be in violation of Robert's Rules of Order as there is no verbiage that explicitly outlaws any action of what's occured. Given this and the fact that no election code is in effect which is what the petitioner bases their whole argument on, no punitive action can be taken against Candidate Quach.

III.

The petitioner as before stated claims that all election discussions are not allowed on ASUCI property. But this is not the case as it is campaigning that is prohibited, not mere discussion as enumerated in §11.1.4 of the the now defunct elections code which states that the use "of ASUCI and/or University equipment purchases or funded by Associated Students is prohibited" in regards to campaigning. The question of whether the group chat counts as official ASUCI property and whether Candidate Quach's statements count as campaigning or mere discussion. None of these questions will be answered by the Board as the Elections Code is not in effect but it is a distinction worth noting.

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The Judicial Board rules as follows, upon the recommendation of the Elections Commissioner:

Hannah Quach, the subject of the submitted Elections Complaint is not to be punished for discussing the election on the IVP Core Staff 2019-2020 group chat.

It is so ordered.

Michelle Abundis
Chief Justice

Quincy Gerald
Vice Chief Justice

Kulsoom Naqvi
Associate Justice

Kimo Gandall
Associate Justice

Jeremy Bunda
Associate Justice