ASUCI Judicial Board

Rasul Safa

v.

Fund the Clubs

Ruling

Dated: April 17, 2020

Gerald, Q. delivered the opinion of the Board, in which Abundis, M., 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 opinion of the Board,

In the petitioner's submitted complaint, it is alleged that the Fund the Clubs slate during the 2020 ASUCI Spring elections recruited people to run for certain positions on their slate under the premise that if they did so, they would receive financial compensation. However, upon examination of the facts, the Judicial Board has determined that there isn't sufficient evidence of this being the case and that even if it were true, the practice is not prohibited under any of ASUCI's governing documents.

I

As part of the petitioner's complaint, evidence is attached which is a screenshot of an individual admitting that they were approached by a representative of the Fund the Clubs slate who proposed that they run for senator in the 2020 ASUCI Spring election and would receive monetary payment for doing so. However many details are unknown that prevents the Board from concluding that the Fund the Clubs slate is guilty of paying the individual to run for senator. There are many possible interpretations of the screenshot shared which prevents it from being explicitly clear what the circumstances of the conversation were. The money promised to the individual could have been in reference to the stipends that ASUCI senators receive, it is impossible to determine what money the representative of the Fund the Clubs slate was referring to. Many details are simply lacking which prevents the Judicial Board to come to the definitive conclusion that the Fund the Clubs slate is guilty of the charge alleged against them and it would be a gross violation of justice to make a myriad of assumptions about the situation. In light of the lack of concrete evidence, the Judicial Board cannot state that the Fund the Clubs slate recruited people to run for positions on the premise of receiving cash payment in return. However it is worth noting that if this was the case, the Judicial Board rules that no punitive action could be taken against the Fund the Clubs Slate.

II

If the slate in question were truly guilty of what is alleged against them, the governing document that the action could possibly be in violation of would be the Elections Code. However, as ruled in *Knight v. Election Commissioner* case, the Elections Code as defined in R55-38 was unconstitutional because it imposed extra-constitutional requirements on a student in order to run for office in ASUCI meaning that the Elections Code is not applied to the 2020 Spring elections. However even if the code was in effect, the practice of a slate paying individuals to run for a position is not prohibited. In the now defunct Elections Code, §12.4 of that document which regulates slates states that slate activities include "sharing resources [amongst candidates part of the same slate], creating flyers and/or media,

posting on any type of forum, attending any official meeting, [and] boothing". Besides this, there are no provisions that explicitly state what a slate can and cannot do. The only section within the Elections Code that prohibits certain actions is §11 which details campaign restrictions and after examining them, none of the actions prohibited include a slate paying an individual to attach their name to said slate. Therefore while the Elections Code are not in effect, even if they were, they wouldn't prohibit the action alleged against the Fund the Clubs Slate. As such, the Judicial Board has decided that no action can or will be taken against the Fund the Clubs Slate.

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