ASUCI Judicial Board

Joshua Wolfe,

v.

Duncan Sparks.

Ruling

Dated: April 27, 2020

Synopsis:

On April 14th, petitioner filed suit against defendant through the Elections Commission, alleging candidate Wolfe violated club policies by commenting on a discord server. The board held: (1) petitioner failed to provide adequate legal grounds to punish Wolfe and therefore (2) that the case was to be dismissed.

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

Justice Gandall delivered the opinion of the Board,

On April 14th, petitioner Sparks filed a complaint to the ASUCI Elections Commission, alleging that defendant Wolfe, as a candidate for office, had messaged members of the UCI Video Game Development Club (VGDC) through Discord to encourage members to vote for his campaign. Petitioner additionally alleges that Wolfe's actions were a "violation of club policies." Finally, petitioner contends that there is a "reasonable suspicion" that Wolfe may be attempting to "bribe our club into voting for him," of which constitutes a violation of "of [sic] club rules." Petitioner Complaint, ¶ 1.

The case before the Judicial Board potentially contains a number of factual questions, as well as constitutional inquiries. However, the majority finds these questions functionally unimportant; instead, as we explain, the petitioner fails to provide legal grounds to bring such a complaint forward.[1] Therefore, we reject both jurisdiction and sufficient grounds to issue any sanction.

While our ruling in *Knight et al. v. Elections Commission* requires a writ of certiorari for 2020 election complaints, Judicial Board policies §7.1.5 permits summary rulings prior to a preliminary trial if the Judicial Board believes "no facts are in dispute." As we explain, the majority believes a factual finding wholly irrelevant to our ruling. For this reason, we issue a summary opinion.

Accordingly, we find in favor of the defendant. The complaint is therefore dismissed.

I.

First, this complaint lacks sufficient legal grounds required by Judicial Board policies. Moreover, the Judicial Board policies require that all petitions cite the rule in contention: "The Petition must explain all charges and contentions, refer to all vital evidence, cite the rule, principle or constitutional clause at issue, and state the remedy sought." Judicial Board policies §7.1.2. While the allegations may or not have offended a rule contained in the VGDC rules, such rules, and their corresponding interpretations, are not within the jurisdiction of this board to determine; that is, the Judicial Board only holds the "final judicial authority for ASUCI" and not the final authority over UCI in general. ASUCI Constitution, Art. 8 §2. Clubs, as independent Registered Campus Organizations (RCOs) not under Student Government and Student Media (SGSM), are therefore distinct and independent in jurisdiction. Therefore, we reject any argument involving violation

[1] While the majority opinion simply dismisses the case on a lack of sufficient legal grounds, Justice Gandall, in his concurrence was quite verbose in his condemnation of alleged 'free speech' issues. For reasons pertaining to precedence, the majority declines to comment on such.

of a club's governing documents, and refer such back to the club itself, or to student conduct.[2]

II.

Perhaps more important than jurisdiction is the philosophical notion that one may not be charged for that of which is not prohibited. The legal maxim, *nullum poena sine lege,* or 'no punishment without law,' is a fundamental premise to a society under the rule of law: "the maxim nulla poena sine lege— which 'dates from the ancient Greeks' and has been described as one of the most 'widely held value-judgment[s] in the entire history of human thought.'" *Rogers v. Tennessee*, 532 US 451 (2001), Scalia dissent. Moreover, the parliamentary authority prohibits inventing rules not explicitly enumerated when other accordingly exist: "If the Bylaws authorize certain things specifically, other things of the same class are thereby prohibited." RONR (11th ed.), p. 589, ll. 33 - 35. In application to the case here, there is no rule within ASUCI prohibiting campaigning on a discord server, but there are rules prescribed to other behaviors and states enumerated in the constitution (e.g. the school-based rule for school-based Senators).

The context before the Board involves an alleged violation of election rules. However, even without analyzing such rules, our ruling in *Knight* requires we strike offenses against any of the standing and special rules involving AS elections, in part because the Gerald standard holds that unconstitutional provisions yield the entire document unconstitutional: "we are further required to overturn the entirety of R55-38 under the *Gerald* standard held In Re R54-38. Thus, we strike down the entirety of the Elections Code." For this reason, we do not look into the factual claims or that as applied to the elections code, but rather, dismiss such as irrelevant.

In summary, we reject claims against the defendant as they fail two vital necessary conditions of a proper charge: first, they are without basis in law; and second, even if prior law held such basis, the applicable statute is no longer enforceable, per our decision in *Knight*.

* * *

It is a fundamental maxim of American jurisprudence that people must be held under the law - no more and no less. It is inscribed on our historical institutions, it is repeated in the hallway of democracy to the altar of natural liberty: "Equal justice under law." It is upon similar reasons today that the Judicial Board finds in favor of the defendant.

The complaint is dismissed, and no further sanction shall be placed.

---

[2] This is not to say the Judicial Board has no authority in club matters, only that there must be a link directly to the jurisdiction of the board. For instance, the Judicial Board may take cases involving ASUCI funds being used for clubs.

Michelle Abundis
Chief Justice

Quincy Gerald
Vice Chief Justice

Kulsoom Naqvi
Associate Justice

Kimo Gandall
Associate Justice

Jeremy Bunda
Associate Justice