



# ASUCI JUDICIAL BOARD

*“The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General.”*

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**Ngaha**

**v.**

**Elections Commission**

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Petition presented by Mireille Kala Tempa Ngaha.  
Respondents not present.

**Ruling**

Dated April 29, 2024

BOLEK, C.; MARIN, R.; LEE, A.; MALANI, A.; MENG, S.; & MOVAHEDI, N. approve of what is written.



## Background

On April 15th, 2024, the ASUCI Judicial Board was requested to review Art. XIII § B of the ASUCI Elections Code, which deals with the qualifications individuals must hold in order to qualify for office in the Executive Cabinet. In the ensuing opinion,<sup>1</sup> the Board found that as winning candidates assume their office on the last day of Spring Quarter following election season, candidates for Executive Offices must be of Junior standing during Spring Quarter, and before grades are updated (ASUCI Constitution Art. 5 § 2(a)). Thereafter, the Board ruled that the requirements of this section apply to candidates and office-holders, precluding those “who have [not] attained junior standing at the time of assuming office” from running for said office.

On April 23rd, 2024, the ASUCI Elections Commission released an email under the auspices of this opinion disqualifying the Petitioner, as well as candidates for the Academic Affairs and Internal Vice President positions. On April 25th, 2024, the Petitioner appealed the Elections Commission's decision and submitted a Petition for Hearing to appeal the disqualification of her candidacy for the position of Student Services Vice President (SSVP), arguing that she would take the position of SSVP upon gaining Junior standing at the start of the next academic year, and, due to the belated timeline for disqualification, that this action violated a fundamental right to fairness in the elections process.

On April 25th, 2024, the Judicial Board received a Petition for Hearing and the following day notified all relevant parties of the Hearing to occur on April 29th, 2024. On that day, a Formal Hearing was held in consideration of the Petitioner’s arguments, to decide whether or not to overturn the decision made by the Elections Commission.

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<sup>1</sup>. Please see [Opinion on Elections Code Art. XIII](#)



## Issues Presented

1. Whether the disqualification of a candidate one day prior to the end of voting during Spring General Elections conforms with the governing documents;
2. Whether the term of office of members of the Executive Cabinet begin at the end of the Spring Quarter in which they are elected or at the beginning of the subsequent Fall Quarter;
3. Whether the petitioner's right to "run for elected office in ASUCI," to "transparency," and to "an ethical, fair, and effective student government" were infringed (ASUCI Const. Art. 3 § 1(b, p, q).);
4. Whether racial discrimination contributed to the decision of the Elections Commission, violating the petitioner's right to nondiscrimination. (ASUCI Const. Art. 2 § 4(b).)

## Remedies Sought

*The Petitioner seeks:*

1. The overturning of their disqualification by the Elections Commission.

## Ruling

- I. On choosing not to hold a Preliminary Hearing for this Petition for a Hearing:*

In Favor: 5 (Bolek, C.; Marin, R.; Lee, A.; Malani, A.; Meng, S.)

Opposed: 0

Not Present: 1 (Movahedi, N.)

- II. On overturning the disqualification of candidates due to lack of Junior standing by time of assuming office:*

In Favor: 6 (Bolek, C.; Marin, R.; Lee, A.; Malani, A.; Meng, S.; Movahedi, N.)

Opposed: 0



## **Discussion I**

On April 25, 2024, the Judicial Board voted unanimously not to hold a Preliminary Hearing for this Petition for Hearing and move directly to a Formal Hearing. Pursuant to Article VI § B(1)(a) of the ASUCI Judicial Board Policies and Procedures, the Judicial Board must give their reasoning for doing so within two (2) working days after the vote to do so.

The primary purpose of a Preliminary Hearing is to “hear arguments, vital evidence, and testimony concerning its jurisdiction in the matter” (ASUCI Judicial Board Policies and Procedures, Art. VI § B(1)). As the petitioner sought to appeal a decision made by the Elections Commission, the Judicial Board found that this petition fell under its power to “exercise appellate jurisdiction over any decisions of the Elections Commission” (ASUCI Const. Art. 8 § 2(d)) and had jurisdiction in the matter, rendering a Preliminary Hearing redundant. Thus, the Board found it appropriate to move directly to a Formal Hearing in this case.

## **Discussion II**

The main question the Board responds to today is not whether the prior Judicial Board Ruling of Art. XIII § B on April 17th should be upheld, but rather whether the ruling should be applied in the recent general elections.

Art. 3 of the ASUCI Constitution defines Students Rights within the organization. Pertaining to this case, the Board focused on Art. 3 § 1(b) and Art. 3 § 1(p-q) as these clauses guarantee Students Rights to run for office, transparency in the organization, and an ethical and fair government. The Board finds that changes to the substantive interpretation and application of elections-related sections of the Governing Documents after the ratification of the Elections timeline by the Senate infringes upon the Petitioner’s Art. 3 rights. As the Senate ratified the timeline for this general election in [R59-56](#) on February 15th, 2024, we find the application of this new



interpretation of the pertinent section of the Elections Code must be delayed until the next election for which the timeline is ratified after April 17th. In general, we hold that all changes to the substantive interpretation and application of elections-related sections of the Governing Documents may only be enforced in a given election in the event that such changes are made — either legislatively or via interpretation of the Judicial Board — before the ratification of said election by the Senate.

Within the email sent to the disqualified candidates, the Elections Commission stated, “...the commission followed many years of precedent in allowing students to run for Executive Office with Sophomore standing with the expectation that they become a Junior after Spring quarter...” (ASUCI Elections Commission), demonstrating that the previous interpretation of Art. XIII § B of the Elections Code allowed those who would attain Junior standing at the beginning of the successive Fall Quarter to still seek an Executive Officer position during the Election. The issue arises that the Board was asked to interpret the aforementioned clause on April 15, 2024, well into the electoral process. As previously stated, the case at hand is not addressing this interpretation, rather its enforcement during an ongoing election cycle.

The Judicial Board finds that the application of the ruling in this election cycle is a violation of students’ Art. 3 rights. Art. 3 § 1(b) states that “All UCI undergraduate students have the right to run for elected office in ASUCI.” The Judicial Board finds that as the Election Commission’s decision was significantly belated and disruptive of the Petitioner’s previously considered right to run for elected office, it is in violation of the Petitioner’s Article 3 rights. While the legal argument remains, the Election Commission’s enforcement infringed upon the rights of both the Petitioner and UCI undergraduate students in their right to engage with the elections process.



We furthermore extend this ruling to those of all three candidates disqualified under the ruling issued by the Elections Commission on April 23rd, 2024. In considering the specific appeal received by the petitioner, the Board recognizes the implications of the constitutional arguments made on the results of all three candidates. Despite not receiving an appeal by the other affected candidates, we find two bases by which the Board finds it indeed possesses the jurisdiction to make this decision.

First, the kind of infringement with which we deal in this case is identical to that experienced by the other affected candidates, therefore limiting the scope of such a ruling to just the petitioner would create a clear constitutional absurdity.

Second, and perhaps more important in the context of our jurisdiction, the Election Commission's decision to disqualify the petitioner was handed down alongside their decision to disqualify the other two candidates. As a consequence, we view overturning the decision made in regard to all three candidates as overturning one decision made by the lower jurisdiction, which falls within the scope of our authority to "exercise appellate jurisdiction over any decisions of the Elections Commission." (ASUCI Const. Art. 8 § 2(d).)

On a conclusory note, the petitioner made reference in the course of oral arguments to alleged instances of racially discriminatory language on the part of the Elections Commission. However, as no evidence was provided in support of this allegation beyond hearsay, the Board does not feel qualified at this time to rule on whether such motivations were material to the ruling issued by the Elections Commission and, therefore, whether the petitioner's right to nondiscrimination under Art. 2 of the ASUCI Constitution was violated. (ASUCI Const. Art. 2 § 4(b).) This does not, however, impede on the reasoning and the ruling established above.



## **Conclusion**

The Judicial Board rules to overturn the disqualification of all candidates affected by the Elections Commission's decision — namely, the disqualified candidates in the races for Internal Vice President, Academic Affairs Vice President, and Student Services Vice President — but that the decision and its legal reasoning be considered in all future elections, in which due process and proper notification is mandated.

*It is so ordered.*



## **Appendix A.**

### *Relevant Sections of the ASUCI Constitution*

As of the writing of this opinion, the cited sections of the ASUCI Constitution read as follows:

#### **ARTICLE 2.**

##### Section 4. Nondiscrimination

- (b) All members of ASUCI meeting the requirements set in this Constitution are eligible and encouraged to seek, obtain, and hold office without discrimination or abridgment because of race, ethnicity, color, religion or creed, national origin, caste, ancestry, age, genetic information, marital status, family or parental status, pregnancy, sex, sexual orientation, gender, gender identity, gender expression, economic status, political affiliation, physical or mental disabilities, and any additional protected classes as specified by University or campus policy or by state or federal law.

#### **ARTICLE 3. Student Rights**

##### *Section 1.*

We, the Associated Students of the University of California, Irvine (ASUCI), hold the following to be the basic rights of students. It is the binding responsibility of ASUCI to recognize these rights, and where necessary, protect and nurture them.

- (b) All UCI undergraduate students have the right to run for elected office in ASUCI.

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- (p) Students have the right to transparency and freedom of information from their student government and student leaders, free of cost.
- (q) Students have the right to an ethical, fair, and effective student government.





**ARTICLE 5. ASUCI Officer Qualifications, Terms of Office, and Stipends**

*Section 2. Terms of Office*

- (a) The terms of office for all elected officials of ASUCI is one academic year, beginning the last day of the Spring Quarter in which they were elected and ending the second to last day of the following year's Spring Quarter.

**ARTICLE 8. Judicial Board**

*Section 2. Authority and Powers*

The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General. Under this authority, the Judicial Board has the power:

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- (d) To exercise appellate jurisdiction over any decisions of the Elections Commission;

:



## **Appendix B.**

### *Relevant Sections of the ASUCI Elections Code*

As of the writing of this opinion, the cited sections of the ASUCI Elections Code read as follows:

#### **ARTICLE XIII. CANDIDATE REQUIREMENTS**

- A. A candidate shall be defined as any member of the Associated Students of UCI (ASUCI) who has filed a Declaration of Candidacy with the Elections Commission and has met the following criteria:
  - 1. Must have a cumulative GPA of 2.0 or higher on a 4.0 scale.
  - 2. Must not be on University disciplinary probation and must be in good standing with the University in compliance with the UCI Code of Student Conduct.
- B. Candidates for Executive Officer shall have attained junior standing at the time of assuming office.
- C. Any candidate for an ASUCI school-based Senate seat must be majoring in the academic unit for the school that they are running to represent.
- D. Any candidate may withdraw from an election by presenting a letter of withdrawal to the Elections Commission.
- E. No candidate may file a Declaration of Candidacy for more than one (1) position.



## **Appendix C.**

### *Relevant Sections of the ASUCI Judicial Board Policies and Procedures*

As of the writing of this opinion, the cited sections of the ASUCI Judicial Board Policies and Procedures read as follows:

#### **ARTICLE VI. PROCEDURES FOR HEARINGS**

##### *Section B. Terms of Office*

1. Upon receiving a Petition for Hearing Form, the Judicial Board Chair shall convene a preliminary hearing where the Judicial Board can hear arguments, vital evidence, and testimony concerning its jurisdiction in the matter, and the Judicial Board shall then make its own determination whether or not to hold a formal hearing.
  - a. The Judicial Board, by a unanimous vote, may choose not to hold a preliminary hearing for a specific Petition for Hearing. If this is done, they must make their reasons for this accessible publicly within two (2) working days of the vote.