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."

Austin Pierce

v.

Elections Commission

Petitioner represented by AUSTIN PIERCE.
Respondents represented by JUN JANG.

Ruling

Dated April 29, 2025

MALANI, A.; FARNWORTH, J.; KARATAS, Z.; MARIN, R.; RINGDAHL, N.; and VISWANATH, G. approve of what is written.[1]

---

[1] BOLEK, C., having recused himself pursuant to Art. VIII of Judicial Board Policies and Procedures, took no part in the deliberation or decision of this case.

Background

On April 23th, 2025, the Elections Commission, pursuant to Art. 10 § 2 of the ASUCI Constitution, issued *D-06: Decision of the Elections Commission Regarding ASUCI Presidential Candidate Austin Pierce* to disqualify ASUCI Presidential Candidate Austin Pierce's elections campaign.

On Friday, April 25th, 2025, the Judicial Board received a Petition for Hearing from former ASUCI Presidential Candidate Austin Pierce, seeking to overturn D-06. Per Art. 8 and Art. 10 of the ASUCI Constitution, which establishes the Board's jurisdiction over any decision of the Elections Commission, the Board unanimously chose to forgo a Preliminary Hearing in this case.

Furthermore, as all Judicial Board rulings for any issue pertaining to the 2025-26 Elections cycle must be deliberated and published by April 30th, at 3 p.m. for the 2025-2026 ASUCI General Election, per Art. XIV § D(2) of the Elections Code, the Board waived the typical ruling timeline stipulated in the Judicial Board Policies and Procedures, asking the respective parties to submit their Briefs, Authorization of Representation, and availability by Sunday, April 27th at 5:00 pm.

The Board received Mr. Pierce's Formal Brief on Friday, April 25th, which he updated with additional evidence on Sunday, April 27th. Additionally, on Monday, April 28th, Mr. Pierce requested to submit an additional petition to amend the original brief he submitted for *Pierce v Elections Commission* to include a new witness. Upon considering arguments presented by Petitioner and Respondent regarding the motion, the Board rejected the motion on the basis that the deadline to submit briefs had elapsed and that the Board was acting in appellate capacity, conferring on witnesses a less dispositive role in this case.

The Elections Commission, represented by 2024-2025 Elections Commissioner Jun Jang, submitted its Formal Brief on Sunday, April 27th. That same day, the Judicial Board notified both parties of the formal hearing's date, time, and location.

On Tuesday, April 29th, a Formal Hearing was held to decide whether or not to overturn the decision made by the Elections Commission.

Issues Presented

1. Whether Mr. Pierce violated the Level 4 sanction placed against his campaign.
2. Whether the Elections Commission misapplied their "administrative" authority under the circumstances of this case.

Remedies Sought

The Petitioner seeks:

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

Ruling

1. *On choosing to forgo a Preliminary Hearing for this Petition for a Hearing:*

   In Favor: 6 (Malani, A.; Marin, R.; Karatas, Z.; Viswanath, G.; Ringdahl, N.; and Farnworth, J.)
   Opposed: 0

2. *On choosing to overturn the Elections Commission's decision to levy a Level 5 sanction on Candidate Pierce's Campaign*

   In Favor: 0
   Opposed: 6 (Malani, A.; Marin, R.; Karatas, Z.; Viswanath, G.; Ringdahl, N.; and Farnworth, J.)

Discussion I

On April 25th, 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 § D(1)(b) 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

Our discussion begins with a clarification of the distinction elucidated in the Board's previous opinion: *Opinion on Investigative Authority in Elections-Related Cases*. The opinion – originally intended to clarify overlapping investigational powers afforded to both the Elections Commission and Office of the Student Advocate General – identified a general dual-purpose structure of the Elections Commission. That is, to *administer* all ASUCI elections and to *adjudicate* electoral disputes, "including allegations of Elections Code violations." ASUCI Constitution Art. 10 § 2(a)(p). Indeed, the Elections Commission is granted within itself a full judicial body, meant to exercise primary jurisdiction in electoral disputes and violations subject to the Board's appellate jurisdiction granted in Art. 8 § 2(d) of the ASUCI Constitution. Meanwhile, Chief Justice Bolek writes that when acting in its administrative capacity, the

Elections Commission makes "preliminary quasi-judicial decisions to enforce the elections procedures it has been charged to uphold and, if necessary, [defend] them in full courts of law." *Opinion on Investigative Authority in Elections-Related Cases*. The Board continues to affirm this interpretation and distinction; however, we seek to clarify when the Elections Commission is required to act within either its administrative or adjudicative authority, and moreover, what evidentiary standard is required within either capacity.

The Elections Commission, in its decision to disqualify Mr. Pierce, deemed that an "administrative approach" was appropriate due to lack of a proper "Petitioner and Respondent." *D-06*. The ASUCI Elections Code establishes that in handling complaints, the Elections Commission shall call separate Evidentiary Hearings of both the petitioner and the respondent, notably requiring that should the former fail to appear, the complaint shall be dismissed. ASUCI Elections Code Art. XIV § A(3)(b)(i). The Elections Commission writes that it had received numerous complaints levied against Mr. Pierce, claiming various violations of the Level 4 sanction placed on his campaign. One such complaint included photographic evidence included alongside an anonymous complainant's testimony of Mr. Pierce's presence near individuals campaigning on his behalf and distributing campaign-materials featuring his likeness and promoting his candidacy. The Elections Commission was unable to obtain the attendance and testimony of said complainant in an Evidentiary Hearing, forgoing the adjudicative authority normally required of complaints and further requiring the dismissal of the complaint outright. However, the Elections Commission exercised its Constitutional authority to investigate, "*on their own initiative,*" the possibility of a violation of the Elections Code. ASUCI Constitution Art. X § 2(o). In doing so, the Commission argued that its administrative authority required solely a preponderance of the evidence and further utilize the photographs obtained from the complaint to find Mr. Pierce in violation of the Elections

Code. *D-06*. The Board declines, at this time, to comment on the Elections Commission's use of its administrative or adjudicative capacities in this case, and indeed sees no issue with the Commission's use of its investigative authorities nor its acting in an administrative capacity in this case *per se*. However, the evidentiary standard exercised by the Elections Commissions in this case is improper, regardless of the capacity in which the Commission acted.

Although there are no strict provisions within the Elections Code detailing the proper use of evidentiary standard in elections related investigations and administrative decisions, the Board finds a preponderance of evidence standard to be inappropriate in this case. As similarly held in *Ogbonnaya*, the Board maintains the view that the Association has a substantial government interest in maintaining the Elections Commission's authority to administer and adjudicate as it sees fit; however, this must not come at the expense of the Commission's mandate to promote free and fair elections and should similarly reflect reasonable application of laws and evidence. Consequently, in levying the most severe sanction afforded to the Commission, the Board seeks to clarify the evidentiary standard heretofore required in such severe cases as clear and convincing, regardless of administrative capacity. In litigating and investigating cases that are chiefly connected with students' Art. 3 rights, primarily the right to "run for elected office in ASUCI," the Board is deeply concerned with improper applications of due process. ASUCI Constitution Art. 3 § 1(b). Indeed, the Elections Commission is tasked with requirements that at times appear untenable in conjunction. Ensuring both free and fair elections, student's rights to due process, and a strict timeline is no simple task, yet regardless of the Constitution's delineation between administering and adjudicating, the Elections Commission is held to producing clear and convincing evidence in light of the severity of the sanction. The Board at this time declines to precisely delineate the exact point at which the evidentiary

standard required to level a particular sanction moves from the preponderance of the evidence to clear and convincing; however, cases that are concerned with disqualification are heretofore required to such a standard.

Moreover, the Board would like to further clarify its appellate jurisdiction mandate. Although the Petitioner and Respondent made arguments relating to matters of fact in the case, the Board is primarily concerned with arguments of law and the application of law by the lower court. Similarly, on such matters we find the Elections Commission application of the law in this case to be improper for reasons previously discussed. Regardless, in hearing such arguments of fact, the Board is compelled to maintain the Elections Commission's ruling based on evidence presented in the hearing. We now turn to the discussion of Mr. Pierce's violation.

Discussion III

While the Board contends that the Elections Commission should have used clear and convincing evidence as the appropriate evidentiary standard in this case, evidence and testimony from the formal hearing indicate that Mr. Pierce would have nonetheless been disqualified due to violation of the Level 4 Sanction levied against his campaign.

Mr. Pierce was levied a Level 4 Sanction against his campaign on April 23, by the Elections Commission in *D-06: Decision of the Elections Commission Regarding ASUCI Presidential Candidate Pierce*. When a Level 4 Sanction is levied against a campaign, that campaign shall be "[f]or the duration of the sanction … prohibited from conducting any campaign-related activities, including speaking directly to pedestrians."

The Elections Commission contended that Mr. Pierce specifically violated his sanction by conducting

"campaign-related activities" during the period for which the sanction was levied. *D-06: Decision of the Elections Commission Regarding ASCUI Presidential Candidate Austin Pierce* ¶ 8. During both the formal hearing and in briefs for the Petitioner, Mr. Pierce admitted to being within 20 feet of his campaign's booth. While the time of this matter is contested, such contestation is irrelevant. At the time at which Mr. Pierce arrived at his campaign's booth, campaign materials related to his slate, "Anteater Rising," were on open display. Additionally, as admitted by Mr. Pierce and his witnesses, materials with Mr. Pierce's name and likeness were on open display. While Mr. Pierce did deconstruct these campaign materials after he arrived at his campaign booth, Mr. Pierce still violated the Level 4 Sanction levied against his campaign by virtue of the materials being out to begin with.

Conclusion

The Judicial Board finds that in the Elections Commission's choice to act within the scope of its administrative, rather than adjudicative, authority in selecting an evidentiary standard, the Commission erred in the application of a disproportionately lenient standard – preponderance of evidence – given the gravity of the alleged violation and the severity of the sanction following. However, the Board declines to overturn the Commission's decision to levy a Level 5 sanction against Presidential Candidate Austin Pierce, finding that the version of events as described by Mr. Pierce, under any applicable standard, establishes a clear violation of the Level 4 sanction previously leveled against his campaign.

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 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.

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:

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

ARTICLE 10. Elections Commission

Section 2. Authority and Powers

The Elections Commission has all authority for ASUCI elections and related activities,

and under this authority has the power:

(a) To plan and manage all ASUCI elections;

(p) To adjudicate electoral disputes, including allegations of Elections Code violations, subject to appeal to the Judicial Board;

(o) To investigate, on their own initiative, possibilities of electoral nonfeasance, misfeasance, and malfeasance, including any action that could affect the outcome of an election;

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 XIV. COMPLAINTS AND SANCTIONS

Section A. Complaint Process

3. Once a complaint has been received, the Elections Commission shall have (3) days to release their findings and their ruling.
    b. To assist with the process of determining an appropriate ruling, the Elections Commission may request the presence of the Petitioner(s) and the Respondent(s) at separate Evidentiary Hearings to receive various perspectives on the complaint at hand.
        i. Should a Petitioner(s) refuse to attend an Evidentiary Hearing, the Elections Commission shall dismiss the complaint, subject to appeal to the Judicial Board.

Section D. Appeals

2. Once an appeal has been requested, the Judicial Board shall have until Wednesday of Spring Week 5 at 3:00 pm to release their ruling.
    a. All rulings of the Judicial Board regarding these appeals shall be released by Wednesday of Spring Week 5 at 11:59 pm at the latest on the Judicial Board page of the ASUCI website.

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.

Appendix D.

Relevant Judicial Board Case Law

Opinion on Investigative Authority in Elections-Related Cases

Appendix E.

Relevant Elections Commission Case Law

D-06: Decision of the Elections Commission Regarding ASUCI Presidential Candidate Austin Pierce