



## Judicial Council of ASUCR

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### Majority Opinion - W17-JR-05 Regarding the Filing Deadline of the ASUCR Elections, and Alleged Unfair Political Practices Regarding Such

VICE CHIEF JUSTICE HAYDEN JACKSON delivered the opinion of the Judicial Council:

Soon after the deadline for filing for candidacy in the 2017 ASUCR Elections, a prospective candidate filed a case with the Judicial Council, asking for an extension to the filing deadline due to unfair political practices by one of the political parties, causing this petitioner and several others to be unable to feasibly meet the deadline.

The Judicial Council accepted the case with a 5-0-0 vote, and decided to hear it quickly, due to the nature of the case.

After a review of the evidence and arguments from the petitioner, the Judicial Council decided to extend the filing deadline, effective immediately, until Friday, March 17, 2017 at 5pm, and to disband the party which participated in these unfair political practices, with a 4-0-1 vote. Furthermore, with a 3-0-2 vote, the Judicial Council decided to ban the use of political parties altogether in the 2017 ASUCR Elections.

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Though in normal circumstances, the Judicial Council would not be responsible for any extension of the ASUCR Elections candidacy filing deadline, this case presented unusual circumstances that were a primarily judicial matter, and had to be dealt with by the Judicial Council.

The petitioner of the case was offered a position on the Executive Cabinet of the party in question. In order to retain this position and continue with the slate building process, the petitioner had to sign a noncompete/nondisclosure agreement. The petitioner did this, and as evidenced by communications between the petitioner and an individual on the leadership of the party, was assured a position in the party (though, notably, the communications never mentioned *which* position). The individual even went so far as telling the petitioner that they would gather petition signatures for him.

However, on Monday, at 1:33pm, judging from time stamped communications, the petitioner was informed that he no longer had a position on the party.

Another witness also gave testimony. This witness was also offered a position on the party, and provided time stamped communications asking her on Tuesday, February 28 at 10:51am to meet “around the office” at 5pm and to “bring cash please” and that the same individual who communicated with the petitioner would “have the contracts ready”.

The petitioner further clarified that the cash referenced in the communications referred to a security deposit which the party leadership asked for, in the amount of \$500 (five hundred dollars).

The petitioner stated that she prepared the cash and intended to keep the meeting, but that the individual kept pushing the meeting back. Finally, on Friday, March 3, the Friday before the deadline, she was informed she would not have a position on the party.

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The Judicial Council finds these actions to be egregious and to necessitate corrective action, in order to protect campus elections from these unfair electioneering practices.

In order to correct the injustice caused by the party, the Judicial Council finds it to be in the best interest of all undergraduate students of UC Riverside to extend the filing deadline. This is in an effort to give all students, including but not limited to the petitioner and the witness, a chance to run for office without the use of any intimidation tactics, such as security deposits or sham contracts.

In order to sufficiently punish the party which used these unfair practices, the Judicial Council finds it appropriate to disband the party, and not allow it to run as one cohesive unit. The individual candidates will still be able to run for office.

The Judicial Council recognizes that not all of the members of the political party may have participated in these unfair practices; in fact, it is highly improbable that all even knew about these practices. It recognizes that it may be an undue punishment to ban a former party's members from forming a new party while allowing other candidates to form a party, creating an imbalance of resources and ability to run as a cohesive unit. Still, the Judicial Council believes it would be nearly, if not completely,

impossible to get to the bottom of those responsible for the case, as it does not have the power to subpoena text messages, emails, or hold in contempt of court or convict of obstruction of justice and send to jail those who destroy evidence or choose not to comply. It strongly believes that there would be deletion of evidence, perjury, refusal to comply, or other poisons to a judiciary that it does not have the ability to correct, if this case was pursued further. Additionally, sufficient evidence was presented to the Judicial Council that provides a baseline truth value of these statements, and strong suspicion that the situation is actually worse than this baseline truth. Therefore, it would also be unfair to simply extend the deadline and allow the party to continue, unscathed.

To strike a balance between these two extremes, the Judicial Council decided it is in the best interest of all concerned to ban the use of political parties, common slates, or any of these types of practices for the 2017 ASUCR Elections altogether. This is the only way to set a level playing field for all involved, while taking sufficient corrective action for elections to continue without being unduly poisoned by unfair practices. To be clear, all candidates will run as independents, and if they so choose, must purchase, and register the purchase, of any campaign materials on their own, and not in common with any other candidate.

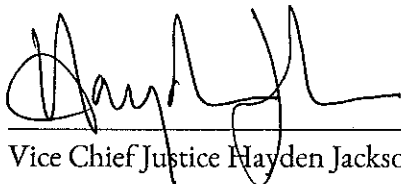
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Finally, the Judicial Council strongly rebukes any students who voluntarily involve themselves in these sorts of unfair political practices. They tarnish the name of our student government. They turn people away from wanting to participate in student advocacy. Student government officials should be expected to be a cut above the rest in their maturity, morality, and ethics. Those who participate in these unfair political practices are severely deficient in these qualities.

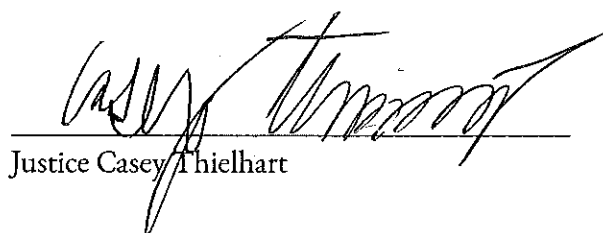
The Judicial Council hopes elections will continue without any more of these unfair practices.

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Justice Fuentes concurs with the first two counts but did not vote in the affirmative on the last count. Her signature represents concurrence with the first two counts only.

  
Vice Chief Justice Hayden Jackson

  
Justice Samanta Fuentes

  
Justice Casey Thielhart

  
Justice Matthew Whiles