

Associated Student Government Judiciary ASGJ-2019-GC1

March 26, 2019



As *Semien Hagos* authoring for the Majority decision where the majority rules.

I. Introduction

The Majority has ruled on the general complaint ASGJ-2019-GC1, filed on March 14, 2019 by Complainant Arianna Kiaei (“Complainant”), who was a candidate in the 2019 General Election. The Complainant alleged that defendant Julianna Tidwell (“Defendant”), the ASG Chief Justice, has violated ASG Code Title VII, Section 7, Subsection E, 2019 General Election Packet excerpt from ASG Code Title VII, ASG Code Title IV Section 6, Subsection A, and ASG Code Title IV Section 1, Subsection A.

II. Facts of the Case

The ASGJ unanimously determined the Complainant’s expenditure report to be incomplete, which resulted in the Complainant’s disqualification from the 2019 General Election. The expenditure report was deemed to be incomplete due to no documentation being provided for estimated costs.

The Complainant submitted a general complaint on time detailing disappointment in the way ASGJ reviewed the incomplete expenditure report. The complaint states that ASGJ has ruled on the side of convenience and bias. The Complainant does not believe that the submitted expenditure report is incomplete, due to the “I already had” in parentheses on the excel table provided by the Complainant as Evidence A that is argued to be a written note serving as documentation.

The Complainant goes further into the definition of a note not being specified, and states in the complaint that due to the precedent set for itemized budgets in the 2019 Senate Elections, ASGJ should determine the Complainant’s itemized budget apart of the expenditure report in question as valid documentation. The complaint states that ASGJ should still consider the expenditure report complete even if ASGJ rules that the excel table is still not a note, due to the provided itemized budget.

The Complainant also states that ASGJ did not reach out after the expenditure report deadline to allow clarification, and only notified the Complainant after the decision. ASGJ is not required to reach out to candidates in regard to expenditure report clarification. The Complainant stated that ASGJ did not provide a complete example of an expenditure report, and the PowerPoint used during the campaign orientation session did not specify what documentation was.

III. Discussion

The Complainant alleges the Defendant violated ASG Code Title VII Section 7, Subsection E and the 2019 General Election excerpt from the ASG Code Title VII:

“ASGJ shall provide candidates with an example of a completed election expenditure report.”

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ASGJ determined that candidates were provided a complete example of the election expenditure report in addition to verbal examples given during the mandatory candidate orientation session. The expenditure report states that disqualification from the election will occur if documentation is not provided for estimated costs, and further explains the definition of documentation. The Expenditure Report Form read, “Documentation is defined as a note/letter, copy/screenshot of an email or text from yourself or the individual who donated a service or item to your campaign, expressing that they have given this service or item to your campaign. If no documentation is provided, your expenditure report will be considered incomplete, which will result in your disqualification from the election.” The completed expenditure report example and the orientation PowerPoint were sent out to candidates. The Complainant submitted the complete expenditure report as Evidence C to show that physical documentation wasn’t included in the completed expenditure report. However, the report clearly states that disqualification will occur if no documentation is received to make the report complete.

The Complainant stated that she referenced past expenditure reports that were from previous elections. ASGJ recognizes that the expenditure report has changed from previous years, and information has been altered to aid candidates in the completion of expenditure reports. Evidence D is an expenditure report from the 2018 General Election that was submitted by the Complainant to justify the validity of purposed documentation used in the Complainant’s expenditure report in the 2019 General Election. When asked why the Complainant did not ask Justice Tidwell for clarification instead of referencing past expenditure reports, the Complainant stated that there was no reason to think that the expenditure report was invalid, and alleged that a completed report was never provided to compare the expenditure report in question to.

In regard to Evidence B, ASGJ was able to determine where income, expenses, and estimated costs came from due to provided documentation in the 2019 Senate Election expenditure reports. The Complainant’s statement about precedents does not apply to the expenditure report in question, because it is never explicitly stated that a candidate will be disqualified for not including an itemized budget. However, it is explicitly stated that a candidate will be disqualified if they do not provide documentation for income, expenses, and estimated costs. The ASGJ determined that there is a distinct difference between an itemized budget and documentation. There is not a precedent set for candidate documentation, therefore the argument supported by Evidence B does not hold.

Evidence F was submitted to support an assumed precedent that only an itemized budget was submitted in the referenced 2019 Senate Election expenditure report. Evidence F is posted on the ASG website and was also sent to the Complainant by the Defendant following the notice of disqualification. When the link to the report is clicked, there is in fact documentation that supports the estimated costs stated in the itemized budget when

scrolling past the itemized budget on the first page. Therefore, Evidence F contradicts the Complainant's argument and does not support that ASGJ has/should consider itemized budgets as documentation. The Complainant also stated that the itemized budget on the excel table is also their note, when there is a clear distinction between documentation and an itemized budget.

The Complainant alleges the Defendant violated Section 6, Subsection A and Section 1, Subsection A of the ASG Code Title IV:

"Justices shall act in a fair and impartial manner in regards to any matter that is considered by the ASGJ."

"Prior to being empowered as an ASGJ Justice, each Justice-appointee shall take the following Oath of Office at the completion of his or her training: "I, (insert name), do solemnly swear (affirm) to uphold the Constitution and Code of the Associated Student Government, to exercise my office without prejudice or predisposition, and to faithfully execute my duties as a Justice of the ASGJ."

The decision made by ASGJ was a majority decision that was not made in comparison to other expenditure reports. The expenditure report in question was deemed to be incomplete due to the standards upheld by ASGJ that are stated within the 2019 General Election expenditure report. ASGJ stands behind the original decision that was based solely on the guidelines that were also provided to the candidates, not by convenience. The Complainant alleges the Defendant violated the Oath of Office in reference to prejudice and predisposition, while the Majority unanimously voted that the Defendant was not in violation.

The composition of ASGJ consists of new and veteran agents who may have never reviewed an expenditure without documentation before, therefore encompassing ASGJ as an entity to be predisposed and bias does not stand according to the Court, because there are agents that potentially don't have anything else to compare the expenditure report in question to.

The Court would also like to note that the Complainant submitted Evidence B, D, and F for ASGJ to review and use to validate the expenditure report in question in the interest of fairness and impartiality. The complaint stated that the expenditure report in question should not be judged based on predisposition, yet the Complainant requests ASGJ to consider past evidence and precedent to validate the expenditure report in question.

The Complainant was asked if they are aware of the expenditure report review process, due to the complaint stating:

"I personally find it discouraging that when a question is raised regarding a perceived minor technicality in my expenditure report, ASGJ is willing to deliberate for hours and come to the conclusion that my candidacy is worthy of being disqualified."

The expenditure report has a final hard deadline, at which no further information may be submitted. ASGJ is not required to request clarification on matters that are final on the expenditure report. It is stressed upon candidates at the mandatory orientation and on the physical expenditure report that an incomplete report will result in the immediate disqualification from the election. Candidates are given the Chief Justices contact information in the event they have questions or concerns before the final deadline.

The Complainant stated that they did not see the need to contact the Chief Justice because

there was not a question about the completeness of the expenditure report upon submission.

ASGJ ruled the expenditure report to not have documentation supporting the estimated costs, and considered the excel table to be the Complainant's itemized budget as stated in the complaint and in the hearing.

There was not a question raised by ASGJ, because the report was deemed unanimously incomplete, therefore the option to request clarification was not necessary. ASGJ was able to make a fair decision based on the incompleteness of the report that was not determined to be a "minor technicality", but in fact a lack of documentation that hindered ASGJ to trace evidence for estimated costs.

ASGJ believes documentation is necessary and does not take the matter lightly, because it ensures financial fairness between all candidates, preventing candidates from using goods or services that exceed their allotted spending limit. ASGJ deliberates for long periods of time to ensure decisions are fair and uphold rules that are meant to benefit the entire student body. In accordance with ASGJ's impartiality, no documentation means warranted disqualification for any candidate.

IV. Conclusion

The general complaint submitted against the Defendant, alleging the violation of ASG Code Title VII, Section 7, Subsection E and the 2019 General Election Packet excerpt from ASG Code Title VII, ASG Code Title IV Section 6, Subsection A, and ASG Code Title IV Section 1, Subsection A was determined to not reverse the opinion of ASGJ. It is the conclusion of the Majority that a violation did not occur, thus the Complainant's disqualification will be held.

V. Decision

ASGJ voted in the majority (1 in favor, 4 against) against ruling that Chief Justice Julianna Tidwell is in violation of ASG Code Title VII, Section 7, Subsection E, which reads, "ASGJ shall provide candidates with an example of a completed election expenditure report."

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ASGJ voted unanimously against ruling that Chief Justice Julianna Tidwell is in violation of ASG Code Title IV, Section 6, Subsection A, which reads, "Justices shall act in a fair and impartial manner in regards to any matter that is considered by the ASGJ."

ASGJ voted unanimously against ruling that Chief Justice Julianna Tidwell is in violation of ASG Code, Title IV, Section 1, Subsection A, which reads, "A. Prior to being empowered as an ASGJ Justice, each Justice-appointee shall take the following Oath of Office at the completion of his or her training:

a. "I, (insert name), do solemnly swear (affirm) to uphold the Constitution and Code of the Associated Student Government, to exercise my office without prejudice or predisposition, and to faithfully execute my duties as a Justice of the ASGJ."

IT IS SO ORDERED

Authored by Assoc. Justice Semien Hagos

Joined by Assoc. Justice Brandon Turner

Joined by Assoc. Justice Josiah Prock

Joined by Assoc. Justice Justyce Yuille

Joined by Assoc. Justice Dana McGee