

## Associated Student Government Judiciary ASGJ-2019-GC1



March 25, 2019

*Associate Justice Josiah Prock authoring for the Minority (4-1) decision where the majority rules.*

### I. Introduction

On March 14, 2019, ASGJ received a complaint from Treasurer candidate Arianna Kiaei contesting the ruling of an incomplete expenditure report that resulted in her disqualification from the 2019 General Election. The complaint cites four violations that Chief Justice Tidwell of ASGJ allegedly committed. The first violation states that Chief Justice Tidwell did not provide an example of a completed expenditure report in violation of ASG Code, Title VII, Section 7, Subsection E. The Second violation states that by not providing an example of a completed expenditure report, ASGJ was in violation of the 2019 General Election Packet Excerpt from Code Title VII. The third violation states that the justices did not act in a fair, and unbiased manner, in violation of ASG Code Title IV, Section 6, Subsection A. The final violation claims that ASGJ failed to uphold their oath of office in violation of ASG Code, Title IV, Section 1, Subsection A.

### II. Facts of the Case

ASGJ informed Complainant that she was disqualified from the 2019 General Election on Wednesday, March 13 at 2pm. Chief Justice Tidwell explained that Complainant was being disqualified due to “an incomplete expenditure report”. The expenditure report was deemed incomplete because Complainant did not show documentation for estimated costs. The 2019 General Election Packet’s Expenditure Report Guidelines state “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.”

The Complainant claims that she was unable to provide proper documentation for her estimated costs because ASGJ failed to provide a proper example of a completed expenditure report. She said that the term “note” is not defined in the General Election Packet, and therefore, her documentation on her itemized budget stating that she already owned the items referenced under estimated costs, is appropriate documentation. ASG Code Title VII, Section 7, Subsection E states that “ASGJ shall provide candidates with an example of a completed election expenditure report”. The Complainant alleges that the ASGJ failed to provide a proper example of a completed election expenditure report in violation of ASG Code.

Complainant also alleges that ASGJ acted in a manner that is impartial and unfair. ASG Code Title IV, Section 6, Subsection A states “Justices shall act in a fair and impartial manner in regards to any matter that is considered by the ASGJ”. The Complainant states that Chief Justice Tidwell explained that other candidates have had no trouble interpreting what is expected to be considered proper documentation for estimated costs on the expenditure report. Complainant urges that the board cannot have interpreted her report with

impartiality while considering the reports of other candidates at the same time.

It is the Complainant's belief that the ASGJ and Chief Justice Tidwell failed to provide an example of a completed expenditure report and did not uphold its oath of office acting in an unjust manner. Therefore, the decision to disqualify her from the 2019 General Election should be overturned and she be reinstated in the election.

### **III. Discussion**

Complainant listed four violations of the ASG Code. In order to determine if the Complainant's alleged violations held merit, ASGJ deliberated each of the four.

1. The first and second complaints allege that Chief Justice Tidwell did not provide candidates with an example of a completed expenditure report in accordance with ASG Code Title VII, Section 7, Subsection E. The example of a completed expenditure report that was given to the candidates did not provide any specific examples of documentation that is required to be submitted along with the candidate's itemized budget. ASGJ discussed that because the code does not specify how the examples of the completed expenditure report must be presented, the candidates were given many examples of proper documentation during the 2019 Executive Candidate Orientation Session. The Majority determined that the examples given in the Candidate Orientation Session included examples of proper documentation which are also protected by the Code as "an example of a completed election expenditure report". However, it is the Minority's opinion that the candidates were not given a proper example of a completed expenditure report. The Chief Justice distributed what she referred to as an "example of a completed expenditure report" to the candidates. If a candidate were to turn in their expenditure report that was modeled after the example given to them, it would be considered incomplete. This is due to the fact that there are no specific examples of documentation attached for any of the expenses that the campaign incurred. Therefore, it is the Minority's opinion that the Chief Justice failed to uphold ASG Code ASG Code Title VII, Section 7, Subsection E by not providing the candidates with an example of a completed expenditure report that included examples of documentation that the General Election Packet requires.
2. The third and fourth complaints allege that the ASGJ Justices did not act in a manner that could be considered fair or impartial. This behavior violates ASG Code Title IV, Section 6, Subsection A which states, "Justices shall act in a fair and impartial manner in regards to any matter that is considered by the ASGJ". The complaints also allege that ASGJ violated ASG Code Title IV, Section 1, Subsection 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: "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 complaint alleges that because ASGJ acted in an impartial manner by referencing other expenditure reports to determine if the Complainant's is valid, the Justices are also in breach of their Oath of Office.

However, ASGJ did not reference other candidate's expenditure reports when determining the validity of Complainant's report. The review was made independently and hers was the only report discussed and reviewed at the time. Therefore, ASGJ agrees that a violation did not take place and the process maintained its fairness and impartiality.

#### **IV. Conclusion**

It is the conclusion of the Minority that Chief Justice Tidwell is in violation of the ASG Code Title VII, Section 7, Subsection E. The candidates were not provided with an example of a completed expenditure report. The report did not include any examples of documentation that is required for an expenditure report to be considered complete. I must dissent with the Majority when considering the examples given during the Candidate Orientation Session as "an example of a complete expenditure report". All candidates were given the same document with the express instruction that the document given to them is the example of a completed report in accordance with the Code. ASGJ failed to provide the candidates with specific examples of documentation in this document, therefore, the example cannot be considered a complete expenditure report. ASGJ and Chief Justice Tidwell acted in violation of ASG Code Title VII, Section 7, Subsection E and the 2019 General Elections Packet. The disqualification of Complainant should be overturned.

#### **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."

ASGJ voted in the majority (1 in favor, 4 against) against ruling that Chief Justice Julianna Tidwell is in violation of 2019 General Election Packet excerpt from ASG Code Title VII, which reads, "ASGJ shall provide candidates with an example of a completed election expenditure report."

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 Josiah Prock**