

Associated Student Government Judiciary

Interpretation Request

April 10th, 2019



Associate Justice Brandon Turner authoring for where the majority (8-0) decision rules.

I. Introduction

On March 7th, 2019 the Associated Student Government (ASG) Judiciary received an interpretation request that was submitted by requestor Drake Moudy at 3:50pm. The requestor's request for interpretation stemmed from the fact that an alleged campaign violation submission for the 2019 ASG General Election had been denied on grounds that the filing deadline had passed. Mr. Moudy has requested for the ASG to consider the weight of two important election-related documents: the 2019 General Elections Packet and ASG Code of Laws.

II. Facts of the Case

Following below is the verbatim detailed nature of the interpretation request as filed by the requestor, Drake Moudy:

“According to the ASG Code Title VII, Section 8, subsection A, the time to file a campaign violation is “by the close of the first (1st) business day following the alleged violation.” However, according to the 2019 General Election Packet, the deadline for filing violations was noon, March 7th, 2019 and thus was refused for hearing. The question is, when the ASG Code and the Elections Packet conflict, which document holds greater power and efficacy over the other? While the ASG Code is by nature codified into law, as described by the Constitution, the Elections Packet is not. The Elections Packet is a tool comprised of guidelines for the elections process so that candidates can clearly understand the process as it only cites existing Code and Constitution in a synthesized manner. Yet neither the Code nor the Constitution give the Elections Packet the weight of law. Furthermore, the Constitution does not grant the Judicial Branch of ASG to preemptively author documents pertaining to the election with the weight of official opinion, unless a request is submitted and a verdict of ASGJ is reached. Because the ASG Constitution gives authority to the ASG Code and neither the Code, nor the Constitution, give authority to the Elections Packet, if a violation were to be discovered, should it not be granted the same timeline of reporting of one business day as per the ASG Code?”

The requestor lists ‘ASG code Title VII, Section 8, A versus ASG General Elections Packet—Elections Calendar page 5’ as the proposed sections of law that is now in question.

ASG Code Title VII, Section 8, A is quoted as follows:

“Any member of the University community wishing to file a complaint against a candidate, an official ticket, a campaign, or multiple candidates, official tickets, or campaigns must do so in person with the OSA by the close of the first (1st) business day following the alleged violation.”

ASG General Elections Packet—Elections Calendar page 5 is quotes as follows:

*“**Election Violation Complaints** must be received by **12:00 pm (noon)** to the Office of Student Activities.”*

The requestor submitted into evidence, and presented to the ASG Judiciary, a PowerPoint presentation on this request. On slide four (4) of the interpretation presentation the requestor states that the General Elections Packet is “No apparent statement or decision”. This statement is in conjunction with his description filed on his interpretation request in which he states that:

“neither the Code nor the Constitution give the Elections Packet the weight of law. Furthermore, the Constitution does not grant the Judicial Branch of ASG to preemptively author documents pertaining to the election with the weight of official opinion, unless a request is submitted and a verdict of ASGJ is reached.”

These arguments are the main focal points of our discussion that is to follow in the next section of this official opinion.

III. Discussion

The basis for the Judiciary’s deliberations on the issue is the determination of which document supersedes in election related matters. We began by looking at the precedent of the ASGJ in what document the Judiciary has consistently looked to for guidance during an election cycle. Associate Justice Pierce Teeuwen referenced his own experience in ASGJ referring to the General Elections Packet when questions arise regarding timelines, dates, etc. Justice Teeuwen held a position that was reflective of many ASGJ member’s view in regards to issues at question to this request—whether the “noon deadline” for campaign violation filings as listed on page five (5) of the General Elections Packet is precedent for our decision, and he felt that it was.

There was a suggestion by Associate Justice Dana McGee to change the expenditure report to reflect a 5pm filing deadline. The Judiciary pondered this thought throughout the deliberations, however we were unable to act upon it because this complaint did not warrant a filing deadline change enforced directly by the ASGJ at this time. The record reflects that many members of ASGJ showed support for this move, but recognized that the two ways to change the deadline would be in the new edition of the General Elections Packet that ASGJ will author in the next term for the 2020-2021 General and Senate Elections. *The ASGJ did not rule on this topic.*

The point was briefly brought up, yet is expounded upon in this opinion, that the ASG Code gives the ASGJ authority over the General Elections Packet in ASG Code Title VII, Sec. 2, b-d and it is quotes as follows:

B. The ASGJ shall be responsible for the enforcement of all rules and regulations contained in this Code and the ASG Constitution for all elections within Senate and during the Executive Officer Elections.

C. The ASGJ shall author an Official Statement on Elections with expanded guidelines establish in this Code and the ASG Constitution.

D. The ASGJ shall set the date for all elections within its jurisdiction within the timeframe established in this Code and the ASG Constitution.

The ASGJ argues that the General Elections Packet does not find itself in conflict with, and yet should also not supersede, the ASG Code of Laws. The excerpt from ASG Code Title VII, Sec. 2, b-d shows in the plain text of the Code of Laws that the ASGJ is codified to have the authority to author official statements on elections which include expanded guidelines on things pertaining, but not limited in scope as to: election dates, rules, and procedure, which may therefore be considered the equivalent in weight to that of the ASG Code.

IV. Conclusion

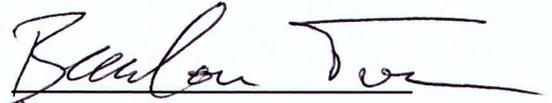
Under the consideration of the requestor's interpretation request, in conjunction with the ASGJ's a priori knowledge of the ASG Code of Laws and Constitution, a quorum of the ASGJ has balanced the power of law found within the ASG Code of Laws and the General Elections Packet. Hereafter, it shall be known that the ASG General Elections Packet and all synthesized information must be in concurrence with the ASG Code and must not be in conflict with the ASG Code. Furthermore, if there is to be any instance of conflict between the ASG Elections Packet and ASG Code, it is now known that the ASG Code supersedes the ASG General Elections Packets. Noted that this official opinion does not revoke the right of any ASG member, agent, or general campus community member the freedom to file an interpretation request or general complaint with question to a portion or all of either quoted documents of this opinion.

V. Decision

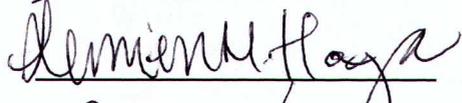
A quorum of the Associated Student Government Judiciary voted on Monday the 8th of March 2019 to rule unanimously (8-0) that the ASG General Elections Packet and all synthesized information must be in concurrence with the ASG Code and must not be in conflict with ASG Code. Additionally, it is ruled that in any instance of conflict between the ASG General Elections Packet and ASG Code, the ASG Code supersedes the ASG Elections Packet. As the decision was ruled in favor of the Majority, the Majority rules. The decision stands as is.

IT IS SO ORDERED

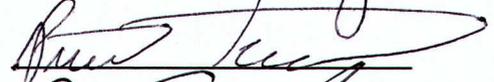
Authored by Associate Justice Brandon Turner



Joined by Associate Justice Semien Hagos



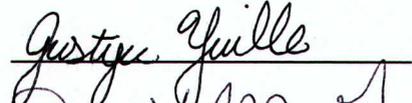
Joined by Associate Justice Pierce Teeuwen



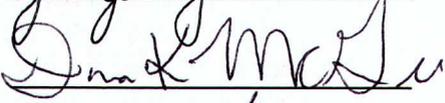
Joined by Associate Justice Daniel Marsh



Joined by Associate Justice Justyce Yuille



Joined by Associate Justice Dana McGee



Joined by Associate Justice Zana English



Joined by Associate Justice Proxy Josiah Prock

