

Cole McCubbins
ASUU Attorney General
200 S Central Campus Drive #234
Salt Lake City, UT 84112

ASUU SUPREME COURT

Kaden Madson,)
Plaintiff,)
v.)
ASUU Elections Board,)
Defendant)

Case No.: 20180200

MOTION TO DISMISS

Pursuant to Redbook Rules, Defendant hereby moves the Court to dismiss Plaintiff's Complaint. The bases for this Motion are set forth in the accompanying Memorandum and Evidence.

Dated this 19th day of November, 2018



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ASUU SUPREME COURT

Kaden Madson,)	Case No.: 20180200
Plaintiff,)	
v.)	
ASUU Elections Board,)	MEMORANDUM IN SUPPORT
Defendant)	OF MOTION TO DISMISS

FACTS

Plaintiff Kaden Madson is a freshman student who filed to run for ASUU President during the 2018-2019 elections cycle. Article IV of the Redbook Constitution mandates that presidential candidates have completed 45 credit hours (or equivalent) before the filing deadline. Because the Plaintiff has not met this requirement, his filing for office was rejected by the ASUU Elections Board.

In one place within the Executive Elections Packet, the filing deadline was erroneously listed to be the same as in the Legislative Packet. Instead of December 7th - as is listed on the elections calendar in the packet and every piece of marketing material - the date was mistakenly listed to be January 25th. As per Redbook Bylaws Article V, Section 3, Clause 2.1, the Elections Packet could not be corrected and re-published. The Plaintiff had been informed that the one spot with the incorrect date listed was a mistake, and he had been informed of the true date. It was made clear to the Plaintiff that his filing for office would be denied because he would not be in compliance with the credit hour requirement based on the correct date. The Plaintiff decided to file anyways, fully understanding that he would be rejected by the ASUU Elections Board and intending to contest the decision.

ARGUMENT

I. Plaintiff's Complaint Fails To State a Claim Upon Which Relief Can Be Granted

Plaintiff's claim must be dismissed because it fails to meet the burdens required for a Supreme Court Case. According to Redbook

Bylaws Article III, Section 3, Clause 2.1, a student filing a complaint to the Supreme Court must meet standing before the court based on meeting each of the following criteria:

1. That they've been "substantially injured"
2. That the injury was directly caused by an action of the defendant
3. That the defendant's action is not mandated by Redbook and the defendant's discretion to take the action either wasn't committed to them by Redbook or they have abused their discretion by taking the action

The Plaintiff's claims must be dismissed on the following grounds:

1. Mr. Madson has not been "substantially injured". Rather, he is upset because he is being subjected to the same standards that every student desiring the office of President before him has. Mr. Madson is merely trying to use a small mistake made by an ASUU officer to allow him to run for an office for which he does not meet the requirements. Further, Mr. Madson is not restricted from running for office on a timeline consistent with that of every other presidential candidate before him. Unless failure to give the Plaintiff an exception that other students will also not receive counts as a "substantial injury," we must conclude that the first burden has not been met.
2. The Elections Board's ability to determine the dates and deadlines regarding campaigning and elections is committed to them by Redbook Bylaws Article II.I, Section 13, Clause 2.1.8., which reads,

"In addition to those other powers and responsibilities vested in the Elections Director by these Bylaws, the Elections Director shall have the duty and responsibility to issue rules regarding campaigning and elections, which elaborate and clarify, but do not contradict, the Constitution, the Bylaws, and the rulings of the Supreme Court." [Emphasis added]

Further, because the only requirements for the filing deadline are that it be "on or before January 31" (Bylaws Article V Section 2 Clause 1.1), it is completely within the discretion of the Elections Director to set the Legislative and Executive

filing deadlines to dates they deem appropriate - this year being January 25th and December 7th, respectively. In fact, the filing deadlines for last year and the year prior were both before those of this year; therefore, we can conclude that the decision of the Elections Board to set and enforce these as the deadlines is not an abuse of discretion.

CONCLUSION

Should the Court hold that the Plaintiff fails to meet any of the burdens, the Defendant's Motion to Dismiss should be granted.

Dated this 19th day of November, 2018



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ASUU SUPREME COURT

Kaden Madson,)	Case No.: 20180200
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ASUU Elections Board,)	EVIDENCE IN SUPPORT
Defendant)	OF MOTION TO DISMISS

I hereby submit the following evidence to the Court:

1. 2018-2019 Executive Elections Packet
2. 2018-2019 Legislative Elections Packet
3. 2017-2018 Executive Elections Packet
4. 2017-2018 Legislative Elections Packet
5. 2016-2017 Elections Packet
6. 2018-2019 Elections Marketing Material
7. 11-12-2018 Correspondence Between Abby Feenstra and Kaden Madson (Received from Abby Feenstra on 11-16-2018)

Dated this 19th day of November, 2018



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