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ASUU SUPREME COURT

Kaden Madson,)	Case No.: 20180200
Plaintiff,)	
v.)	
ASUU Elections Board,)	DEFENDANT WRIT
Defendant)	

Pursuant to Redbook Rules, Defendant hereby files these written arguments to the Court and delivers them to the Plaintiff. These opening arguments are not necessarily all those which may be put forth in favor of the Defendant, but are those upon which the initial proceedings of the case rest.

Dated this 5th day of December, 2018



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INTRODUCTION

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.

The Plaintiff has made plain his intentions to run for office throughout this semester. On September 6th, prior to the Elections Packet being published, a joint bill for which Mr. Madson was the Senate sponsor was introduced before the ASUU Assembly. This legislation aimed to change the wording of Redbook to a form which would make him eligible to run for office. Although it was later concluded that the legislation would be unable to effectively alter this year's election requirements due to the lengthiness of codifying Redbook changes, it was evident that the Plaintiff knew he was ineligible and intended to find a way to run for office.

The Executive and Legislative Elections Packets were created at the same time and from the same template. Because of this, in one place within the Executive Elections Packet, the filing deadline was erroneously listed to be the same as in the Legislative Packet. The correct date had been listed in some places, but had not been corrected on page 6. 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 by the ASUU Legislative Advisor that the one spot with the incorrect date listed was a mistake, and he had been informed of the true date. It was made known 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. This has resulted in the case before us today.

ARGUMENT

I. Lack of Harm to Plaintiff

The Plaintiff has displayed their knowledge of the fact that, under normal circumstances, they would not be eligible to run for Executive office. The case before us relies on a single clerical error, which exhibits no intention and ought to have no bearing on the circumstances of this year's election. The Plaintiff has effectively

conceded that they are ineligible under normal application of the law, and are using this error in an attempt to sidestep the barriers to office which every student before them has overcome. Should the Court rule in favor of the Defendant, the Plaintiff would only be subject to the same rules and conditions as each Executive candidate before them. The Plaintiff would still be entitled to later campaigning for the office they desire, potentially with even more leadership and university experience than they currently possess. Should the Plaintiff seek to do good for the university community, they'll still be capable of doing so on a timeline consistent with that of every other Executive candidate before them. A campaign for office is not immediately necessary, and any benefit which the Plaintiff may offer could also be had in future years. A later campaign, though, would come without the detriments outlined in the following arguments.

II. Jurisdiction and Discretion

The Elections Director is entitled to set the filing deadline as per Redbook Bylaws Article V, Section 2, Clause 1. The filing dates for the last two years have been earlier than this year's, evidence that the Elections Board is not acting audaciously by setting the deadline for a date before that which would allow the Plaintiff and those students in similar situations to be eligible to run for office. The Election Board's responsibility to issue rules regarding these elections is committed to it by Redbook Bylaws Article II.II, Section 13, Clause 2.1.8. As such, it was completely within the jurisdiction of the Elections Director to reject the Plaintiff's filing in accordance with this year's Executive Elections Calendar. Because the Elections Director is prohibited from re-publishing the Elections Packet and because the Plaintiff was informed of the correct deadline, there is no more cause which could have been taken by the Elections Director to alleviate the situation.

The codified language of Redbook and its Bylaws give the Elections Board the ability to set dates and decide on basic election rules, which is what has happened here. For the Court to rule in favor of the Plaintiff would suggest otherwise, rendering the ordinary decisions of the Elections Board futile and opening up even the most mundane future decisions to scrutiny by the Court. The result of this would be potential overreach by the Supreme Court and backlog of frivolous disputes, neither of which serve to benefit the students of our university.

III. Injustice to Executive Candidates

The Executive elections cycle is far more labor-intensive and time-consuming than the Legislative cycle; previous candidates can attest to this. As such, the Executive filing deadline is typically earlier than the Legislative filing deadline to allow political parties to create and order a broader range of marketing materials. Further, it's important that this date be early so that parties can know the amount they'll be allotted for campaigning and plan their budgets accordingly (See Bylaws Article V, Section 4).

If the Court were to rule in favor of the Plaintiff, the Executive Filing Deadline would be extended to January 25th, allowing the Plaintiff to file. This same courtesy must be extended to other potential candidates to ensure equal treatment and protection under the law. However, this would cause multiple cases of injustice for Executive candidates, including the Plaintiff:

1. Inability to Fully & Adequately Campaign

Marketing materials like lawn signs, pens, stickers, buttons, phone wallets, etc. all must be ordered for candidates through the ASUU office. Pushing out the Executive filing deadline would require the office to wait significantly longer to allot campaign funds to political parties. The parties would have to wait until the funds are allotted in order fully plan their campaign marketing strategy. Further, according to the Interim Director of Student Leadership and Involvement, Jessica Ashcraft, this campaign delay would result in an inability of ASUU to order any marketing materials in time for Executive candidates, limiting them to just the posters that can be printed in the ASUU office. This significantly limits candidates and their campaigns.

2. Larger Candidate Pool

Ruling in favor of the Plaintiff would allow a larger pool of applicants to run for Executive office than in years past. This puts this year's candidates at a disadvantage due to higher levels of competition and more limited funds than ever before. More candidates running results in the Total Executive Allotment being split more ways, lowering each campaign's individual effectiveness.

3. Unequal Application of the Law

All of this year's filed candidates have waited for their time to run for office. They've all worked their way through school until this year when they're finally be eligible. They've

followed the same path and same rules as every candidate before them. However, if the Court rules in favor of the Plaintiff, they allow candidates who would have otherwise had to wait like every other student before them to run earlier. This is simply unfair and unacceptable. To rule in favor of the Plaintiff would be to skirt years of equal application of elections rules, and for a typo. One typo. A fair and just Court cannot subject some individuals to a rule but not others, let alone for something so trivial.

IV. Injustice to the Student Body

It ought to be known by the Court that those acts which negatively affect Executive candidates and this year's election also negatively affect the student body of our university. Without the lost venues of marketing, many of the students of our university may not have the opportunity to get to know this year's candidates. In addition, ineffective campaigns caused by decreased funding result in less awareness. This can lead to uninformed voting, which would negatively affect the university and its students for years to come should a less-qualified candidate win. If we as a student government aim to promote democratic ideals, then we must aim to promote informed decision-making.

Further, an unequal application of the law would affect future elections as well. If the Court were to rule in favor of the Plaintiff, those students who benefitted from the ruling would continue to benefit in future elections from the experience and exposure they may gain by running. Other candidates may not have had the same opportunity, resulting in a clear case of inequity.

CONCLUSION

The Defendant beseeches this Court to take into consideration the negative effects of ruling in favor of the Plaintiff, as well as the lack of positive effects that are unique to running for office now instead of later. Should the Court rule in the Plaintiff's favor, a number of injustices would occur, injuring this year's campaign, the Plaintiff, and the student body. The Defendant further urges the Court to uphold equal application and treatment under the law, to protect our Constitution's intent, and to rule in their favor.