

**ASUU Case No:** 20180200

**Type of Filing Grievance/Appeal/Impeachment:** Appeal

**Plaintiff(s):** Kaden Madson

**Defendant(s):** ASUU Elections Board

**Issue:**

The Plaintiff Kaden Madson has appealed a discrepancy between official election documents pertaining to prospective candidates for executive office in ASUU. The defendant in this case is the ASUU Elections Board, which decided that the Plaintiff was ineligible to run for executive office in the coming ASUU elections cycle. The appealed discrepancy lies between Article IV, Section 1, line 1.2 of the Constitution of ASUU, hereafter referred to as Redbook, which states “The President shall have completed forty-five (45) credit hours (or equivalent) prior to the ASUU Elections filing deadline.” However, page six (6) of the Executive 2018-2019 Candidate Packet explicitly states a filing deadline of January 25th, 2019 at 5:00 pm. The Plaintiff Kaden Madson has appealed this discrepancy to the Supreme Court, given authority from Bylaws Article III, Section 3, Clause 2.1, which allows Plaintiff’s who have suffered “substantial injury” to approach the Supreme Court with a case.

**Ruling of Supreme Court:**

The presiding court has ruled 4 - 2 that Plaintiff Kaden Madson not be allowed to run in the upcoming executive ASUU election during the 2019 election cycle.

**Reasoning of Majority Opinion:** The 5 justices (Cameron Owen, Tanvi Singh, Dillon Clark, Chandler Blount, Mihali Sergakis) and Chief Justice (Ariel Flores MenaMena) presided over the court and were able to make quorum.

In the majority opinion, Justice Cameron Owen wrote for the court that based on the disagreement of both parties on the exact date of the executive candidate filing deadline, the court has the discretion to preside over this appeal with authority from Article V, Section 1, 3.1.1 of ASUU’s Redbook. The primary reason for the court’s decision against the Plaintiff is an interpretation of Bylaws Article III, Section 3, Clause 2.1, which the Plaintiff employed as their reason for appeal. With regard to the exact “substantial injury” suffered by the Plaintiff, it is merely the inability to run for executive office during the current executive election cycle. This decision by the Elections Board does not permit the Plaintiff from running for executive office in future election cycles. Furthermore, the exact “substantial injury” can only be interpreted on the given information provided to the Court, which affirms the previously stated effect. Lastly, if the “substantial injury” clause were to be applied to other potential executive candidates, a filing deadline in January would push back the election cycle by approximately a month. This is concluded as the December 7th date was decided upon by the Elections Board to provide a month of time for deliberation upon, and allocation of campaign funds for the candidates. Pushing back the filing deadline would prohibit executive candidates from preparing for the election period through purchase of various campaign items.

Either party may appeal the Court's decision as outlined by ASUU's Redbook Article III, Section 3, Paragraph 5 to the Committee on Student Affairs.

### **Reasoning of Minority Opinion:**

The minority reasons that the plaintiff was, indeed, substantially injured. Mr. Madson had his presidential running rights stripped from him due to the irresponsibility of the Elections Board. The defendant's self-proclaimed erroneous action bestows the privilege of running for ASUU Executive office on Mr. Madson through the elections packet. This document, that requires Supreme Court approval for any modifications holds great finality, and should not be taken lightly. A mistake that was not corrected, regardless of the intention of the governing body that issued it, should be held as published truth. This is why it is illogical for the majority to reason that Mr. Madson has not been substantially injured. He was promised the ability to run for the presidential position and the Elections Board has denied his claim to file by January 25, 2018. A date that was reviewed and confirmed by multiple ranking ASUU members and directors.

The Elections Board's ability to determine the dates and deadlines regarding campaigning and elections is given to them by Redbook Bylaws Article II.I, Section 13, Clause 2.1.8. Additionally, the only requirement for the filing deadline is that it be "on or before January 31" (Bylaws Article V Section 2 Clause 1.1). The constitutional powers provided to the Elections Board would make it reasonable for Mr. Madson to assume that the filing deadline is on January 25, 2018, as it has come from the Elections Board and does not violate any Redbook codes. It is not Mr. Madson's responsibility to differentiate between the two supplemental filing dates provided by the Elections Board, as both should hold equal weight. The minority also reasons that the usage of any marketing materials as evidence of an unequal distribution of date validity has no ground. Not only have these documents been created by the Marketing Board, but they hold no potency in a dispute of an official elections packet created directly by the ranking Elections Board member. This is because there is no date that should be held in higher esteem than the other, both filing dates were issued in this official electoral document. Since there was no attempt to modify the date that was allegedly a mistake, it is the minority opinion that January 25, 2018, should be heeded as just as valid as December 7, 2018.

This decision also calls into question the power spectrum of the Elections Board. Ruling in favor of the Elections Board gives them massive power to reason that intention is more powerful than actions. This could prove detrimental to future cases, as the precedent has been set that as long as the defendant can prove that there was no intent to harm the plaintiff, then the defendant has no claim to mollification.

Finally, the minority would like to remind the majority that it is not the responsibility of the court to weigh the personal and occupational repercussions of ruling in one party's favor. If a party has been wronged, which Mr. Madson has displayed that he has been, the court should rule in the damaged party's favor. Political efficacy, in this case, should not have been the Justices' burden to consider; but should have been pondered by the Elections Board before erroneous actions were committed and not corrected.

**Recommendations:**

The Court would like to recommend the Elections Board approach the Court to make amendments to the future executive and legislative elections packets at the moment of recognition of any errors or typos. This issue could have avoided exacerbation if the Elections Board was willing to approach the sitting justices, who were confirmed prior to publication of aforementioned packets and able to hear such as case prior to the Plaintiff's appeal. The Court recommends increased diligence in reviewing and editing official, governing documents with regard to election cycles. Furthermore, the Court also recommends an increase in consistency with regard to the binding language provided in the executive and legislative elections packets and the ASUU Redbook. This last point is brought forth with regard to the discrepancy in language between "filing deadline" and "filing closing" in the two documents, respectively.

Chief Justice, Ariel Flores Mena Concurring Opinion

On the day the court met to decide Case No: 20180200, it was up to my interpretation that as justices we were deciding, using the preponderance standard of evidence, whether or not the ASUU Elections Board made a reasonable mistake by mixing the dates between December 7th, 2018 and January 25th, 2019. Based on the latter date, plaintiff Mr. Madson would be eligible to run, as decided on the former, the plaintiff finds himself ineligible. While I believe Mr. Madson and his counsel made a compelling argument, quoting the matching of vocabulary between past election packets, based on the evidence provided by both parties, I do not find it to be sufficient evidence. Starting with the fact that in private meetings Mr. Madson was told the correct date would be on December 7th, 2018, followed by the fact that all marketing material has the date December 7th, 2018, and ultimately with the Defense team being able to show the Justices the yearly planned schedule (which was produced before the school year started), I believe it is reasonable and appropriate to assume the Election Board made a mistake when printing the Executive Elections Packets. Furthermore, even as I believe that the Election Board should be held accountable for their mistake, based on my reasoning on what as a Court we were deciding on, I believe any punishment would have been out of our jurisdiction. In the future, I strongly recommend all ASUU bodies to come to the Court as soon as any schedule mistake arises.