

# **ASASU Supreme Court**

## ***20-2: Hostal v. Elections Department***

Chief Justice Lombard, Majority Opinion of the Court

Joined by Vice Chief Justice Bhat and Associate Justices Hedges and Gordon

Associate Justice Shenker Abstained

No Oral Argument was requested

Decision Filed on March 29<sup>th</sup>, 2021

## A. Fact Summary

On March 22<sup>nd</sup>, 2021, the Hostal Ticket received an email notifying them of the issuance of a Level One (1) Violation, incurring three (3) violation points, to their ticket. The Hopkins Ticket filed the complaint to the Elections Department, citing the Elections Code Chapter 5-2.3 as the source of the violation. The Elections Department issued a Level One (1) Violation to the Hostal Ticket for a violation of Elections Code Chapter 5-2.1. The Hostal Ticket filed an appeal against the Elections Department's decision to the Supreme Court on March 24<sup>th</sup>, 2021.

## B. Jurisdiction

According to Chapter 11-1 of the USG Election Code, "a candidate has the right to appeal a decision by the Elections Department to the Supreme Court via the appropriate online form. The candidate has two (2) business days after a decision is issued to appeal. The conditions Chapter 11-1 were met within this case. Per Rule 10 of the Undergraduate Student Government (USG) Supreme Court Rules, the appeal must include a "copy of the Election's Department decision and the complaint which was originally filed," and must challenge the "Election Code as applied, or the Election Code's Constitutionality." The Rule 10 conditions were also met in this case. Furthermore, according to Chapter 11-2 of the USG Elections Code, "the final decision regarding the disqualification of a candidate or interpretation of the USG Elections Code is reserved for the Supreme Court." Therefore, with all of the above conditions met, the Supreme Court maintains jurisdiction in this case.

## C. Holding of the Court

The Hostal v. Elections Department matter comes before this Court, in its current form, for a myriad of the wrong reasons. The original complaint featured an argument on an Elections Code 5-2.3 matter, noting that the Hostal Ticket failed to adequately list their campaign staff

manager on the official Campaign Staff Roster. While this Chapter 5-2.3 complaint may have held water, the Elections Department wronged the original complainant in rendering a decision utilizing Elections Code 5-2.1. By invoking Chapter 5-2.1, the Elections Department rendered a decision based on a different clause and disrupted the complaint process with flawed adjudication, and obstructed this Court from deciding the questions brought forward by the original complainant.

A Chapter 5-2.1 complaint is far different from the Chapter 5-2.3 version. Similarly to the latter, the former requires that each candidate or ticket provide a "list of their campaign staff" and "update this list immediately" when changes occur. Yet, Chapter 5-2.1 differs in that a candidate or ticket must provide a staff list to the Elections Department, and that list constitutes a "Campaign Staff Roster" upon receipt. Chapter 5-2.1 does not cover how, if a Campaign Staff Roster is a different document entirely, who must translate the original list to that Roster. In that vein, the Hostal Ticket met the Chapter 5-2.1 requirement to provide a list with the staffer's name in question, Jyoti Nagra, when they listed it on their application seeking office. For that reason, this Court may have reasonably found for the Hostal Ticket on a Chapter 5-2.1 complaint because they provided a list, and their ticket had no duty to translate it to a separate document.

By forgoing the Chapter 5-2.3 complaint, the Elections Department deprived the original complainant of their case. Chiefly, Chapter 5-2.3 does establish a duty of listing on and updating the Campaign Staff Roster upon the candidates and tickets, and delineates that the Elections Department uses a single Roster by noting a list of staffers goes in "the Campaign Staff Roster." In Chapter 5-2.1, whether there is a single Roster is ambiguous by using the term "this" about the Roster after discussing a particular staffer list. Bearing those differences in mind, while the Hostal Ticket had provided a list initially, Chapter 5-2.3 clearly says an extra step of translating the list to the Roster was necessary. This analysis of Chapter 5-2.3 should not be construed to provide justification that such a complaint should be decided one way or another, the issue of proving a violation and injury still remains to be fully evidenced and properly decided.

Unfortunately for the original complainant, the Elections Department improperly invoked a Chapter 5-2.1 argument and interrupted the challenge to the Hostal Ticket's actions. This decision by the Elections Department violated the process of dispute resolution for all involved

by subjecting the complainant to a failed complaint attempt at no fault of their own and the Hostal Ticket to an injured reputation on account of assessed points for improper application of Chapter 5-2.1.

The decision by the Elections Department, at its core, is flawed and improper. Hostal v. Elections Department is hereby reversed and remanded back to the Elections Department to decide this matter on the basis of a Chapter 5-2.3 complaint. The Department is instructed to decide that complaint using the Elections Code 8-4, 8-5, and 8-6 standards, which outline how injury must be substantiated and proven via a preponderance of evidence.

Therefore the Court orders:

1. The Elections Department must reverse the current Level One (1) Violation against the Hostal Ticket since the violation was issued utilizing a different section of the Election Code than the original complaint recommended.
2. The original complaint filed by the Hopkins Ticket is remanded back to the Elections Department to be re-evaluated. The Court expects the Elections Department to use the 8-4, 8-5, and 8-6 standards set in the Elections Code to evaluate the complaint as a Chapter 5-2.3 matter as brought forth by the complainant.

***SIGNED BY THE ASASU SUPREME COURT***

***MARCH 29<sup>th</sup>, 2021 at 6:31 PM***



Chief Justice Amanda Lombard



Vice Chief Justice Shakki Bhat



Associate Justice Chase Gordon



Associate Justice Madison Hedges