

ASASU Supreme Court

Waxelbaum v. Elections Department

Chief Justice Walther, Opinion of the Court

Joined by Justice Haji, Justice Lombard, Justice Murphy

Justice Rios recused himself from this case

Decision Filed on April 23rd, 2020

A. Fact Summary

On April 22nd, 2020, the Elections Department received a case regarding the two (2) Executive Tickets taking part in the run-off election on the Tempe campus. While the results for the elections were to be released at 12:00 PM MST that day, the outcome of the case was likely to cause a change in the Elections outcome. Due to that, the Elections Department sought an injunction from the ASASU Supreme Court, barring them from releasing the Executive Ticket results. The Court ordered an injunction against the Elections Department at 10 AM on April 22nd, leading to the Executive Ticket results from remaining unpublished. Waxelbaum challenged this decision, which is now before the Supreme Court.

B. Dismissal of the Case

The Injunction and subsequent withholding of election results was based on a decision of the Court by the request of the Elections Department. However, as the action was taken by the Supreme Court, this decision cannot be challenged, and furthermore, no complaint against the Elections Department on this action shall be viewed as valid.

This Injunction was filed as a measure to protect the integrity of the elections and as well to ensure all actions taken were out of equity and fairness to all parties involved. The Elections Department stated in their public statement that the results of this case have the possibility of changing the results of the election, and therefore, it was more equitable and fair to all parties involved to withhold the results pending the conclusion of the case currently in the Elections Department.

While the power of Injunction is not specifically granted to the Court, it is also not prohibited to the Court by the Constitution, Bylaws, Election Code, or Rules of the Court. The Court chose to invoke Rule 26 of the Rules of the Court to grant this injunction, as the current situation is unprecedented, and decisions needed to be made that were the most equitable and fair

course of action given the circumstances. The Elections Code prohibits a postponement of General Elections for a case, however, it does not prevent the postponement of election results, especially given the circumstances. Injunctions are to be used very sparingly, and as stated in the Injunction itself, this shall not be used as precedent for future Courts, but rather as a response to the given circumstances surrounding this specific case.

Therefore, the Court orders:

1. The Injunction ordered by the Court remain in place until the conclusion of the case in the Elections Department and all subsequent appeals. Once concluded, the Court will issue an order for the Injunction to be lifted, at which point, final vote tallies will be made available.
2. This complaint be dismissed with prejudice.

SIGNED BY THE ASASU SUPREME COURT

APRIL 23rd, 2020 at 9:00 AM

Justice Rios recused himself from this decision