

ASASU Supreme Court

Waxelbaum v. Naranjo

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 20th, 2020 at 3:44 PM, The United Voices for ASU (UVA) Senatorial coalition received an endorsement from Planned Parenthood Generation Action (PPGen). Carla Naranjo serves as the President of PPGen. On April 21st, the Petitioner, Judah Waxelbaum, filed a complaint with the Elections Department, on the grounds of there being a conflict of interest with Naranjo serving as President of PPGen and serving as Election Commissioner. Amanda Andalis, Assistant Commissioner for the Tempe campus, replied stating that all complaints against the Election Commissioner must be directed to the Supreme Court. On April 22nd, Waxelbaum filed a complaint to the Supreme Court.

B. Jurisdiction

Per the Elections Code Chapter 10-2.1, “All complaints against the USG Elections Commissioner, Assistant Elections Commissioner, or Department must be submitted via the corresponding online form, and will be reviewed by the Supreme Court.” Therefore, the Court has jurisdiction over the case.

C. Holding of the Court

Waxelbaum presented one (1) main issue to the Court:

1. Elections Commissioner Carla Naranjo showed a conflict of interest through the endorsement of UVA by PPGen.

The Court sides with Naranjo in this case. Through the evidence submitted into the record by Naranjo, it is shown that Naranjo took all the necessary steps to prevent a conflict of interest from arising in this case.

On April 19th, Naranjo sent a message to the members of PPGen, stating that if they so wished to move forward with an endorsement of the UVA coalition, she would have to recuse herself from all discussions due to her role as Elections Commissioner. Therefore, Vice President of PPGen Isabel Gonzalez acted in the capacity of interim President during the time in which PPGen considered and executed an endorsement of UVA. Gonzalez reached out to UVA, with Naranjo having no stake in the conversation itself.

The Court holds that PPGen reserved the right to endorse Senate and Executive Tickets even though Carla Naranjo served in the capacity of President of PPGen and Elections Commissioner of USG.

Student Leaders often hold many different positions on campus. It is unrealistic for all clubs, that have USG candidates or staff running for/holding office, to recuse themselves from endorsing candidates. The Court acknowledges that the Position of Elections Commissioner needs to be an inherently unbiased role, however, it is unrealistic for all organizations in which Naranjo is a leader to withhold endorsement of candidates, so long as Naranjo took the appropriate steps to recuse herself from such discussions and decisions. In this case, the Court believes Narnajo acted appropriately, and thus, no conflict of interest has been shown.

The Court believes that Naranjo has acted appropriately in allowing Gonzalez to serve as Interim President during the discussion and endorsement of UVA, and as such, has shown no measurable conflict of interest in any capacity that would warrant her removal as Election Commissioner.

Therefore, the Court orders:

1. Naranjo remain in her position as Election Commissioner
2. The case be dismissed with prejudice.

SIGNED BY THE ASASU SUPREME COURT

APRIL 23rd, 2020 at 8:20 PM

Justice Rios recused himself from this case