

ASASU Supreme Court

Palmer 2020 Executive Ticket v. Leveque 2020 Executive Ticket

Chief Justice Walther, Opinion of the Court

Joined by Associate Chief Justice Haji, Justice Lombard, Justice Rios, Justice Murphy

Oral Proceedings heard on April 1st, 2020

Decision Filed on April 2nd, 2020

A. Fact Summary

On March 19th, 2020, the Leveque Executive Ticket published a complaint to the ASASU Elections Department with information related to potential infractions of campaigning rules by the Palmer Executive Ticket. After not hearing from the Elections Department for seven (7) days, Leveque followed up with another email on March 26th. On March 27th, the Elections Department responded to Leveque's petition and ruled in their favor on one (1) of their three (3) complaints, issuing three (3) infraction points to Palmer. This decision was rendered without holding a hearing on the Petition, as required by Undergraduate Student Government (USG) Election Code Chapter 8-5. Later that same day, the Elections Department retracted their decision, citing that it was unfair for them to punish Palmer, as they had not originally responded to Leveque's petition within the two (2) business days required by the Elections Code. On March 28th, Palmer appealed the original decision of the Elections Department to allot them three (3) infraction points to the Supreme Court.

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 one (1) business day after a decision is issued to appeal." 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, the Court has jurisdiction in this case.

C. Holding of the Court

Palmer presented two (2) main issues to the court:

1. The Palmer ticket claims to not have been in violation of the Campaigning Rules of the USG Election Code.
2. The Elections Department was negligent when they did not hold a hearing for the Petition before ruling on the case.

The Court sides with Palmer in this case. While the Court disagrees with Palmer's argument that they did not violate the Election Code, the Court contends that Palmer was unfairly treated by not being notified of the Complaint filed nor being notified of a scheduled hearing. The Elections Department did not follow the guidelines of the Election Code by:

- A. Violating Chapter 8-5 of the USG Election Code by not informing Palmer of the complaint within two (2) business days of the complaint being filed.
- B. Violating Chapter 3-1.7 of the USG Election Code by not scheduling a hearing for both Leveque and Palmer in regards to the petition within 48 hours of the complaint being filed.

As the Elections Department did not follow the guidelines outlined in Chapters 3 and 8 of the Election Code, The Court believes that Palmer was unfairly treated by not receiving due notification or hearing of the complaint filed against them by Leveque.

The Court understands that the Elections Department was not acting maliciously, however, due to the errors made on their part, Palmer was not given the appropriate due process in this matter.

Therefore, the Court orders that the original March 27th, 2020 ruling incurring three (3) infraction points to Palmer be nullified.

SIGNED BY THE ASASU SUPREME COURT

APRIL 1st, 2020 at 11:55 PM