

No. 16-1

In The
Judicial Board
of the
Undergraduate Students Association
of
UCLA

*Social Justice Referendum, Heather Rosen, & Trent
Kajikawa*
v.
USAC Election Board

**P E T I T I O N F O R
C O N S I D E R A T I O N**

Jazz Kiang jazzkiang@ucla.edu

May 3, 2016

USAC Election Board info@usacelectionboard.com

Signatures (official use only):

Chief Justice

Clerk

Part I: JURISDICTION

According to Article 11.4.1 of the USAC Election Code, “Election Board decisions may be appealed in writing to the Undergraduate Students Association Judicial Board.”

Part II: VIOLATIONS

Enumeration of Violations

Social Justice Referendum, et al. appeals the decision of the USAC Election Board in C04-S2016 on 5/1/2016 and CS08-S2016 on 5/2/2016 for the following reasons:

1. The Election Board has misinterpreted Election Code Article 9.3.5 by equating all referenda as non-executive candidates in their campaign expenditure limits, regardless of bundled nature of running a ballot proposition with 11 different entities.
2. The Election Board has further misinterpreted Election Code Article 9.3.4 by stating in previous communication that all referenda can spend an additional \$400 on their campaign, despite the lack of slate opposition.
3. The Election Board has requested that the Social Justice Referendum resubmit expense reports to reflect the campaign-spending limit and to deliver all goods purchased outside of the limit to the Election Board, an authority that is not given to them according to the Election Code.
4. The Election Board recommended to the USAC arbitrary campaign spending limits for referenda without properly considering: a) whether there is a bias in favor of USAC candidates and their campaigns versus referenda, b) the history of referenda spending, c) the amount of funding that it costs to properly educate students on student fee increases, d) whether the amount set would actually discourage participation, and e) whether what is now the lowest amount for referenda in UCLA history would actually prove to be

discriminatory against groups that do not typically participate in student government.

Part III: RAMIFICATIONS

The Social Justice Referendum requests a review of the following: USA Constitution Article II Section B.3.a; Election Code Article 1.2 Equal Protection; and Election Code Article 9.3.5 Slate/Political/Party Spending.

We, the petitioners, believe that:

A. The Election Board's campaign spending limit disenfranchises student voters.

For decades in this country, citizens have fought for the right to vote and to fully participate in the democratic process. Those currently in power in the Election Board are similarly interpreting the campaign spending limit rules to reduce student participation in an effort to prevent thorough, sufficient voter education. As a result, the Election Board has limited free speech to disenfranchise ballot propositions and, in turn, will favor candidates and slates. Campaigns for traditional electoral office can potentially outspend ballot propositions by a ratio of 17:1. With the spending limits in place this year, slates can spend up to a maximum of \$12,950 whereas a ballot proposition has a ceiling of \$750. Is this fair and equitable?

B. Ballot propositions should not be treated the same as individual candidates.

The Election Code does not clearly define whether ballot propositions should adhere to executive or non-executive candidate spending limits. It also does not differentiate whether referenda spending limits can be comparable to slate spending limits. Since the Social Justice Referendum is considered a "bundled referendum" funding 11 separate entities across campus, the Social Justice Referendum should have campaign-spending limits comparable to a slate. A "bundled referendum" is a coalition of organizations and entities who run together under one umbrella, similar to a slate.

C. The Election Board's behavior in issuing sanctions is inconsistent and dishonest.

The Election Board communicated varying spending limits to referenda representatives. The initial amount was \$750, then was changed to \$1,150 by e-mail clarification, and finally changed once more to \$750 on the sanction notice. The Election Board's communication with the Daily Bruin in the process of issuing sanctions to our group is unfair since they were notified before representatives of the campaign were. There was also an eight-hour delay in releasing the sanction notice.

D. The terms outlined in the Election Board's sanction is an overreach of their authority.

The Election Board's instruction to confiscate all election material over the spending limit is an egregious overreach of their authority. No policy in the Election Code authorizes the Election Board to take such action.

E. Last year's Election Board chair failed to justify major changes to referendum process and did not adequately consider potential discriminatory effect.

When 2014-2015 Election Board chair Shagun Kabra originally recommended Election Code changes to USAC, it appears he did not adequately consider the consequences of his recommendations. There were never any restrictions and there is no evidence that there was a need for such restrictions to be put in place. The limit created by Kabra, and continued under this year's Election Board, was arbitrary in nature and did not consider the costs related to the responsibility of informing students about student fee increases.

Part III: REMEDY SOUGHT

The Social Justice Referendum, et al. seek an immediate reversal of all sanctions; dismiss its interpretation for \$750 spending caps for ballot propositions; and add an additional six hours of on-campus leafleting activity for sanction one and nine hours for sanction two.

Part V: INFORMATION

Petitioner: Jazz Kiang
SID: 404196195

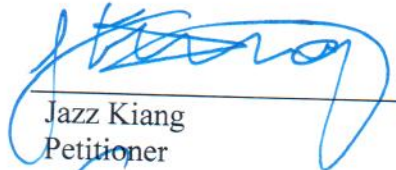
Council: Veronica Zamani
SID: 604146920

Part V: STATEMENT OF AUTHENTICITY

By signing below, I hereby attest that the above information is true to the best of my knowledge. Furthermore, I have read and understand the Judicial Board Procedure (Rules).

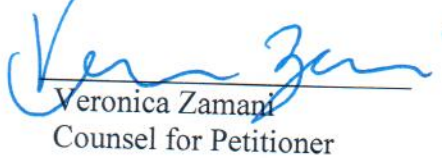
Respectfully submitted,

DATED: May 3, 2016



Jazz Kiang
Petitioner

DATED: May 3, 2016



Veronica Zamani
Counsel for Petitioner