

Petitioner(s): Andrew Stender, Tracey Mai, and Lexy Nestel (the Nestel ticket)

Respondent(s): Jacob Paul, Ethan Cuello, and Olivia Teerlink (the Paul ticket)

Issue:

The basis of this controversy lies with the petitioners, the Nestel ticket, bringing a complaint of campaigning prior to Posting Day 2021. The respondents in this case are the Paul ticket, who have been involved with a group messaging chat as part of their campaign. The Court decided to hear this case because the factors of standing outlined in Redbook were adequately met in the filing documents. Factors of standing are clearly defined under the Judicial Branch Bylaws in Article III Section 3.

Ruling of Supreme Court:

The presiding court has ruled 6 – 0 that the actions undertaken by the respondents in regard to the group messaging chat are within the bounds of election procedures outlined in Redbook.

Reasoning of Opinion:

Quorum comprised of five Justices (Anna Kaufman, Audrey Gallegos, Ben Battistone, Tanvi Singh, and Sinndy Rios) and Chief Justice (Sabah Sial).

In the majority, unanimous opinion, Chief Justice Sabah Sial wrote for the court that, based on the disagreement of both parties on the actions taken by the respondent, the court has the discretion to preside over this appeal with authority from Article V, Section 1, 3.1.1 of ASUU’s Redbook. The primary reason for the court’s decision for the respondents is an interpretation of Bylaws Article V, Section I, Clause 1.2, which states that “Campaigning does not include approaching potential running mates or Core Committee members.” Conflicting interpretation of this clause was employed by both the petitioners and the respondents. The petitioners argued that the creation of a group message comprising of over 70 individuals was a form of campaigning

that breached the Core Committee requirements. However, Redbook Bylaws are silent on the matter of how many members are included in a Core Committee. Furthermore, the group messaging chat clearly indicates that the purpose of the chat since its inception was to expand the Core Committee, with members of the chat stating that the chat would not include people beyond the Core Committee. With that being the case, it is not the place of the Court to determine what specific numerical value is assigned to a Core Committee.

Recommendations:

The Court would like to recommend that the legislative bodies of ASUU clearly define Article V, Section I, clause 1.2. Whereas the Bylaws do state that campaigning doesn't include approaching potential running mates or Core Committee members, there is no explicit indication of the characteristics of a Core Committee. The addition of limits on the Core Committee is a matter to be decided by the legislative bodies.