



2023 Elections Grievance 001

Written Opinion

Plaintiff(s): Jacob Jones on behalf of the ASUU Elections Board

Defendant(s): Craig (“CJ”) Reid

Issue:

The basis of this controversy lies with the Plaintiff, Jacob Jones, bringing forth a grievance against the Defendant, Craig (“CJ”) Reid. The Plaintiff asserts that the Defendant, “used a loophole in the Canvas software to compile a running spreadsheet of (a) candidate positions, and (b) distributed this list to candidates. These actions fall in clear violation of the Elections Packet clauses listed [in grievance 001], as they provide an advantage to both Craig and the recipients of these documents.” 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 Redbook Judicial Branch Bylaws Article III. Section 2 1.2, Article III. Section 3 2.1, and Article V. Section 5.

Ruling of Supreme Court:

The presiding court has ruled 5 – 1 that the actions undertaken by the Defendants in regard to the Plaintiffs are not within the bounds of election procedures outlined in Redbook or the elections packet. Chief Justice Mitchell Kirkham and Associate Justices Januel Alexander Gomez, Sergio Vasquez Leon, Audrey Glende, and Avari Russell voted in the majority opinion, with Associate Justice Ryleigh Hertzberg in dissent.

Analysis and Reasoning of Opinion:

Majority of 5 Justices (Justice Hertzberg dissenting)

In the majority opinion, written by Associate Justice Avari Russell, the Defendant was primarily in direct violation of campaigning guidelines, defined by the authority of Redbook Bylaw Article V. Section 1, 1: “‘Campaigning’ shall be defined as all operations and actions that are both meant to advance the electoral interests of a registered candidate or political party; and directed by, coordinated with, encouraged by, or undertaken with the consent of the same candidate or political party.” See also Redbook Bylaw Article V. Section 1, 1.1: “All actions taken by candidates in relation to an election, including but not limited to discussing the elections process, shall be considered campaigning.” The primary reason for the Court’s decision stems from the Supreme Court’s power to preside over cases concerning “any member or members of the ASUU,” which includes ASUU elections. The Supreme Court has jurisdiction over elections via the authority of Article III. Section 2, 1.2.1.1-1.2.1.3, and has thus decided to extend judicial authority to posting guidelines that specifically reference campaigning constraints about the election. In reference to Jacob Jones’ grievance against CJ Reid, we have come to a conclusion based on the following logic: (1) CJ Reid was advised of a loophole in the security in the potential names of elections candidates, (2) CJ Reid was advised that this information should not be accessed, downloaded, transcribed, or otherwise circulated to anyone on the basis that it was privileged and confidential election information, (3) CJ Reid accessed that privileged election information after being advised of said loophole and that he should not access, download, transcribe, or otherwise circulate that privileged information, (4) CJ Reid converted that information into a more accessible Excel sheet with various other identifying factors for each of the names listed, including, but not limited to, what college the candidates are from, as well as party/ticket affiliation, (5) CJ Reid shared that list with at least one other individual, Muskan Walia, who, like the Defendant, has standing in the election.

The Court hereby finds CJ Reid to be liable for violating the following, in addition to the above:

1. Redbook Article V Section 2, 4.1 “The date on which candidates are permitted to begin campaigning and post all campaign materials shall be named ‘Posting Day,’” where

“campaigning” is previously defined by Redbook Bylaw Article V. Section 1, 1.1, CJ Reid engaged in activities directly pertaining to discussing the elections process, thus violating this provision. The Court found unanimously that the Defendant was at fault.

2. Elections Packet 2022-2023 (pg. 21, “Candidate Expectations” Clause, bullet point 2): “DO NOT ASSUME Clause” where CJ Reid asked for and received guidance from a trusted advisor and did not accept or apply that guidance to his subsequent actions. The Court found unanimously that the Defendant was at fault.
3. Elections Packet 2022-2023 (pg. 21, “General Violations” Clause, bullet point 21): “Campaigning in any manner prior to the dates determined by Section (2) with any further restrictions clarified by the Elections Registrar,” where the Court applies the definition of campaigning pursuant to Redbook Bylaw Article V. Section 1, 1.1. Per this definition, where CJ Reid discussed the names of each candidate in the election with at least one other candidate, he undertook discussing a part of the elections process violating the specifications outlined in this subsection. The Court found unanimously that the Defendant was at fault.
4. Elections Packet 2022-2023 (pg. 19, “Online Activity” Clause, 10th bullet point) “Violating any regulation regarding party websites, social-networking, or other online activity which may be issued by the Elections Registrar,” where CJ Reid engaged in online activity accessing protected candidate information and sharing that information via email, both of which constitute online activity.
5. Elections Packet 2022-2023 (pg. 21, “Obstruction” Clause, bullet point 2): “Personal attacks and other obstructions of the elections process will not be tolerated and may result in punitive action including disqualification from the election.” Where the direct disobedience of an advisor led to this leak of privileged information, and where that information directly and pertinently relates to the election, CJ Reid is in violation of this provision of the Elections Packet. The Court found 4-2 that the Defendant was at fault, with Justice Hertzberg and Justice Glende dissenting.

We do not make this decision lightly, but we have come to this conclusion in order to hold participants in a violation of Redbook Bylaws and the Elections Packet accountable. We would like to emphasize that regardless of whether a wrongdoing, violation, or otherwise has been committed historically, to repeat that wrongdoing on the assumption that since no one has been caught prior does not make the wrongdoing acceptable. Our decision was made to close any loopholes and emphasize our interpretation of Redbook and the Elections Packet by virtue of the explicit and implicit acceptance candidates give when they agree to campaign and adhere to all applicable campaign rules and procedures.

Dissenting Opinion:

In the dissenting opinion, Associate Justice Ryleigh Hertzberg found CJ Reid liable of violating all the policies cited in the majority opinion except for the following:

1. Elections Packet 2022-2023 (pg. 21, “Obstruction” Clause, bullet point 2): “Personal attacks and other obstructions of the elections process will not be tolerated and may result in punitive action including disqualification from the election.”

In the opinion of Associate Justice Ryleigh Hertzberg, the evidence provided did not demonstrate that CJ Reid’s (1) obtainment of privileged election information, (2) conversion of that information into an Excel spreadsheet, and (3) sharing of that spreadsheet with at least one other individual was a “personal”, or exclusive, attack – or, used to launch one. Nor did the evidence indicate that CJ Reid had executed general aggressive actions against other candidates or that his actions had served as an “obstruction” to the elections process. The compiling and charting of candidate information and associated speculations merely suggests intent to launch personal attacks but does not provide evidence for such; what CJ Reid’s actions do indicate is a violation of those policies previously cited and agreed on unanimously by the Court. In addition, CJ Reid’s actions did not at all impede the continuation of the elections process, except for his own continuation in said processes given the ruling of the majority.

Associate Justice Ryleigh Hertzberg, like her peers, does desire to hold participants in violation of Redbook Bylaws and policies within the Elections Packet. Nevertheless, as she did not perceive CJ Reid as having launched any “[personal] attacks [or] other obstructions of the elections process”, she did not disqualify CJ Redi from the election. Rather, she voted that the Defendant be allowed to remain on the ticket but not be allowed to campaign, given his violation of those campaigning policies aforementioned.

Recommendations:

The Court ruled 5-1 that CJ Reid be disqualified from the 2022-2023 Election, effective immediately.

Where there were allegations made as to this loophole being exploited in previous election cycles and the integrity of the SLI Staff brought into question, we recommend that (1) There be an alternative method rather than a Canvas page where staff does not have the administrative capabilities to block the access of privatized information via Canvas Inbox, so as to prevent any issues arising from this in the future, and (2) That any members of ASUU or potential candidates adhere strictly to the Elections Packet “DO NOT ASSUME” provision, indicating that when in doubt, candidates should always ask before assuming they have permission to engage in a given activity.