

ASUCI JUDICIAL BOARD

Judicial Board Ruling

“All Judicial authority of ASUCI shall be vested in the Judicial Board. The Judicial Board’s authority shall extend to all judicial cases arising under [the ASUCI] Constitution; the various by-laws of ASUCI; all official actions of the Executive Officers, Legislative Council members, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council.”

Chief Justice De La Vega delivers the ruling of the Judicial Board, in which Justices Rastad, Reid, and Venkitaramanan joins.

The case of Go v. Elections Commission concerns the disqualification of Vice President of Student Services candidate Tiffany Go. The disqualification is solely based on her campaign’s alleged connection to the campaign of Presidential candidate Kevin Kaveh. Since complaints were filed against Kaveh’s campaign, and since the evidence used also seem to implicate Go, the Elections Commissioner concluded that the two campaigns must have the same result. The Elections Commission has disqualified Go from the race citing no ASUCI governing documents, but rather looked to her connection to Kaveh. Petitioner, Tiffany Go, has filed an appeal with the Judicial Board with the request that the decision by the Elections Commission be overturned and that Go not be disqualified from the election.

Evidence provided with the appeal by Go in the form of a flier for her candidacy shows no connection to the Kaveh campaign. Information concerning any part of Kaveh’s campaign does not appear on the flier. Furthermore, the two candidates did not share an endorsement nor is there any tangible proof that they ran or claimed to run as a joint ticket.

In terms of the complaints filed against Kaveh’s campaign that alleged aggressive campaign tactics, the Election Commissioner’s decision disqualifies Go based only on her connection to Kaveh’s campaign without making the direct connection between her and the alleged harassment. Since this is a point that Go discussed in her appeal, and since the lack of evidence concerning any type of connection to Kaveh’s campaign existed, the board finds that Go sufficiently addressed and refuted the points of her disqualification and also that the Election Commissioner failed to sufficiently defend his points and refute her evidence and testimony. There is also no possibility of negligence

(as per Kaveh's instance) since Go was never contacted by the Elections Commissioner concerning the complaints.

Whereas the points of Go's disqualification were properly addressed, and whereas the Elections Commissioner failed to defend his decision with substantial testimony or evidence after Go's submission of counter evidence, and whereas no connection between the campaigns of Go and Kaveh was presented as tangible or substantial evidence, let it therefore be stated that Tiffany Go, Vice Presidential of Student Affairs candidate, be allowed to continue her candidacy. The action by the Elections Commission is overturned with prejudice. While the Judicial Board recognizes that intimidation and harassment has occurred, and while that behavior will no longer be tolerated, the Elections Commissioner should maintain a consistent standard of proof when considering the disqualification of candidates.

The Judicial Board of the Associated Students of the University of California, Irvine, on this day, May 8, 2007 has ruled on this issue.

It is so ordered.

Mark de la Vega
Judicial Board Chair

Brett Reid
Associate Justice