The Judicial Council of the Associated Students, University of California, Davis
Majority Opinion of the Council
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BUTT ET AL. v. HUERLIN
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Decided: February 17, 2018

Judicial Council Chair RYAN GARDINER, Judicial Council Member SYDNEY HACK, Judicial Council Member ARIA AGHALARPOUR, and Judicial Council Member JASON “J.J.” HSU deliver the majority opinion.

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This case asks our Council to answer the question: was the Elections Committee, in not taking action to disqualify senatorial candidate Colin Huerlin for failure to physically attend the mandatory candidates workshop, bylawfully justified.

The Judicial Council Oversight Committee, on February 15th, 2018, decided in its decision not to hear an appeal brought forward by the Hatefi-Deshpande ticket, that the ticket was not eligible to run in the ASCUD Presidential Election because of the absence of vice presidential candidate Deshpande from the mandatory candidates workshop. In the decision, it was stated that:

“JCOC has found that it is clearly un-bylawful for a vice presidential candidate to miss the mandatory candidates meeting. To reiterate, JCOC will not hear this case because the bylaws clearly state candidates not physically in attendance at the mandatory candidates workshop should be disqualified by the Elections Committee.”

This decision by the Judicial Council Oversight Committee holds provides clarity to Bylaw 403(A)(a)(iv), mandating physical attendance at the mandatory candidates workshop. Candidates not attending the meeting are not eligible to run for office. This is why the
Hatefi-Deshpande ticket was ruled ineligible, and why Judicial Council has ruled in favor of the Petitioners and decided the Respondent, Colin Huerlin, is ineligible to run.

In Judicial Council’s ruling in the case *Hatefi-Deshpande v. Elections Committee*, we established that exemptions to Bylaw 403(A)(a)(iv) can be made by the Elections Committee, as was the case with absence being excused for documented medical situations. However, these exemptions must be made available to all candidates running, and the power to issue exemptions cannot be retroactively applied to situations such as this. In this particular incident, Elections Committee made clear the only exemption for the Winter 2018 Mandatory Candidates Workshop would be documented medical situations that prevented candidate participation in the meeting. Had Elections Committee made the decision, and publicly released its ruling, to waive enforcement of this bylaw in situations where academic circumstances, such as running a campaign from the University of California, D.C. campus, prevented participation, then it is likely the Respondent would be eligible to run for Senate.

It could very well be true that the academic restrictions of the Respondent's situation should, from a policy perspective, merit exemptions from Bylaw 403(A)(a)(iv), however, that is not what is at question in this case. Matters of policy are decided by the ASUCD Senate and interpreting the policy they set is the job of Judicial Council. The discussion about whether academic exemptions should be made must occur at the Senate table, and not within deliberation of the Judicial Council.

**Actionable Items**

Let it be resolved, that Colin Huerlin is not eligible to run as a candidate for ASUCD Senate in the Winter 2018 ASUCD Senate Elections. Elections Committee shall be responsible for ensuring the enforcement of this ruling.

**OPINION RENDERED**

Aria Aghalarpour, Jason “J.J.” Hsu, Sydney Hack, and Ryan Gardiner concurring.