The Judicial Council of the Associated Students, University of California, Davis
Majority Opinion of the Council

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HATEFI-DESHPANDE v. ELECTIONS COMMITTEE
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Decided: February 13, 2018

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

I
At the heart of this case is the question of whether or not the Hatefi-Deshpande ticket should have been disqualified from the Winter 2018 ASUCD Presidential Elections as a result of the Petitioners absence from the mandatory candidates workshop. The candidates workshop is mandated by ASUCD Bylaw 403(A)(a)(iv) which states:

“No student may run for an elected office if they do not attend the mandatory candidate workshop set by the Elections Committee. The Elections Committee Chair shall automatically disqualify any candidate(s) that does not attend the workshop. If a candidate arrives more than thirty (30) minutes late to the workshop, the Elections Committee shall automatically assign the candidate one (1) violation point. The meeting shall be recorded so that minutes will be available in the case that an appeal of disqualification is filed.”

Nowhere in the bylaws does it state exemptions must be made for any reason. Simply, if a candidate does not attend, they receive an automatic disqualification. However, everything in Chapter 4 is enforceable by the Elections Committee, and therefore, the Committee may chose to enforce this bylaw as they see fit. This includes potentially allowing exemptions for candidates that face medical challenges that prevent their participation. The current Elections Committee
did state, and make aware to all candidates, that “the only exception the Elections Committee will be making is for documented medical emergencies.” As such, should the Petitioners have provided evidence of a medical emergency as specified by the Elections Committee, enforcement of this bylaw could have been waived. In reviewing the evidence, we identified several key issues that have led us to believe this is not the case. A doctor’s note was submitted to the Elections Committee; however, none of the dates that the Petitioners claimed Deshpande to have seen her doctor aligned with the date of the mandatory candidate workshop, and testimony given by the Petitioners affirms that Deshpande was in Atlanta, GA during the workshop. For these reasons, we believe that the Elections Committee was justified in their decision to disqualify Deshpande from running.

Based on the time-frame provided by the Petitioners regarding Deshpande’s proclaimed doctor visits, Deshpande still could have attended the mandatory workshop, but instead chose to go to Atlanta, GA for non-medical reasons. In regards to a point made during the Petitioners’ testimony that the Elections Committee failed to respond to requests by Deshpande to allow for special accommodations, we find this irrelevant as we believe the nature of her absence fails to warrant such accommodations and the decision to issue such accommodations does in fact lie with the Elections Committee.

II

Despite our efforts to decipher the evidence presented, one must remember that this Judicial Council is not an investigative body, a prosecutorial body, nor a court of law. Our job is to hear the facts presented by both sides of a dispute and apply the ASUCD Constitution and Bylaws to the situation. Therefore, larger questions of judicial philosophy need not, and do not, apply to this Council.

Philosophy aside, we place an emphasis on ensuring all branches of government follow the bylaws set by this Association. In this case, Bylaw 403(A)(a)(iv) mandates all candidates attend a workshop in order to be eligible to run for any office. We believe, in this particular incident in question, the Elections Committee did in fact correctly enforce this bylaw.

Actionable Items

Let it be resolved, that the Judicial Council affirms the decision of the Elections Committee to disqualify the Hatefi-Deshpande ticket from the Winter 2018 ASUCD Presidential Elections.

OPINION RENDERED

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