

ASUCSB Judicial Council Petition for Hearing

We the undersigned: Nawar Nemeh, Mayela Morales

Bring attention to the actions of: Associated Students Elections Board

Email: elections@as.ucsb.edu Phone: (805) 893-4296

And draw the attention of Judicial Council to the following:

During the 2018 Associated Students election, Mayela Morales declared candidacy for External Vice President of Statewide Affairs with the Isla Vista Party. Her candidacy was approved by the A.S. Elections Board and her eligibility approved, as required by legal code, by A.S. career staff. During Winter quarter, Mayela experienced a personal emergency that forced her to leave Isla Vista for a period of a time, and as a result, she had to appeal her academic standing when she returned. Her appeals process was duly shared with Elections Board when requested.

After a period of discussion, Elections Board did not communicate with Mayela requiring further documents and decisions. In a blatant violation of Elections code, the Elections Board took the extreme measure of disqualifying Mayela as a candidate *ex post facto*. Essentially, the Board did not simply disqualify her from taking the position she was elected to serve in, but rather took the extra measure of disqualifying her initial presence on the ballot. The Board is claiming that Mayela is not a registered student and therefore cannot be EVPSA.

While we understand the need for strict measures on candidate requirements, Mayela has shown time and time again that she will be a student by the time she is sworn into office. Additionally, the Elections Board cannot declare a candidate eligible, have them go through the emotionally, mentally, and financially straining process of A.S. Elections, and then disqualify them based on an issue that the Board should have told her about earlier. Students across the campus fear A.S. elections because of a history of arbitrary decision-making, and this continuously furthers the notion that the Elections Board did not respect the democratically-cast votes by students.

There is also a peculiarity about the Board choosing to focus on the case of Mayela: When elected officials came from different parties, their registration status was never scrutinized. In 2014, the sitting EVPSA was not a registered student for at least a full quarter of his tenure, and in 2015, a sitting A.S. Senator held the same status. While we do not believe mistakes in the past warrant mistakes in the present, the context of these allegations and the refusal to accept any evidence provided by the defendant leaves the Association's integrity in grey areas at best.

Additionally, the A.S. Elections Board violated A.S. Elections Code by not contacting or informing Mayela of their decision in any way, but rather announcing it abruptly before a Senate meeting she was attending and opening the door for all kinds of questions about her personal life in Corwin Pavilion. A.S. Elections Code specifically requires the Board to contact candidates about their decision and allow them time for an appeals process through the Elections Board. None of these requirements were followed. The A.S. Elections Board has shown a deep disrespect for

Mayela's person, the Isla Vista Party, and the voters on campus who overwhelmingly chose her as their next External Vice President of Statewide Affairs.

Under Associated Students By-law, policy, or constitutional clause:

The behavior of the Elections Board is unprecedented and thus cannot be tied to specific clauses, but below are some of the policies violated by the Elections Board in this process:

- I.** Article XVIII, Section 3, Subsection G-3: Disqualification of Candidates.
- II.** Article XVIII, Section 3, Subsection G-4a: Notification for disqualified candidates.
- III.** Policy 1 of the Associated Students Standing Policies and Procedures.
- IV.** Article XVIII, Section 9, Subsection A: Approval of Ballot.

THEREFORE, *we request that the Judicial Council*

- I.** Overrule the disqualification issued by the A.S. Elections Board
- II.** Establish a process for which Mayela Morales can provide proper documents proving her student status at least twenty-four (24) hours prior to her swearing in as EVPSA.
- III.** Investigate the reasoning behind the Elections Board scrutinizing the registration status of Mayela as opposed to all candidates on the ballot.

I hereby acknowledge that the statements herein are true to the best of my knowledge.

Signature,

Nawar Nemeh

Mayela Morales

Wednesday, May 30, 2018

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University of California, Santa Barbara

University of California, Santa Barbara

nawarnemeh@umail.ucsb.edu

moralesmayelag@gmail.com

(619) 757-4792

(805) 229-9136