



## **Associated Students of the University of California, Merced**

October 21, 2014

ASUCM Court  
5200 North Lake Road, KL 167  
Merced, CA. 95348

Undergraduate Students of UC Merced,

The following is an accurate account of the events that transpired during the Associated Students of the University of California, Merced Fall 2014 Elections, written by the ASUCM Court.

Bobcats United Candidates:

Fall 2014 Elections took place on October 16th - 17th. At this point in time twelve candidates were in the running for the five open Senator positions for the 2014-2015 academic year. Complaints were filed against the four Bobcats United candidates shortly after they had set up a table in front of the Lantern with two open computers on it. All complaints that were filed against Bobcats United were submitted by students who were not running during the Fall 2014 Elections. Students were encouraged to use the open computers provided by Bobcats United to vote for the candidates that they wished to elect as Senators. It is unclear if the thirteen students that voted at these computers were pressured in any way regarding their decision. Multiple Bobcats United candidates admitted that there was a polling station<sup>1</sup> set up and that their slate was responsible for the operation of this polling station. Additionally, there is no dispute regarding the fact that there were Bobcats United members as well as Bobcats United candidates near this polling station and at times were within 15 ft of this polling station. The ASUCM Court is aware that multiple Bobcats United members were wearing Bobcats United apparel and handing out campaign materials, along with Bobcats United stickers and it is unclear

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<sup>1</sup>Polling station, polling booth and polling location are synonymous in meaning and are defined as “any location on or off campus where a student may vote for candidates or ballot question. Offered for student convenience, but ballots are also available online,” (Election Bylaws, Article I, Section 2, Q).

whether these materials were visible on the polling station or not. As soon as the Elections Commissioner realized what was occurring, she asked that the polling station be immediately shut down. All Bobcats United candidates willingly and promptly shut down their polling station.

The events described above are a violation of the following Elections Bylaws:

The Commission organizes and runs official polling stations (if any), (Elections Bylaws, Article II, Section 4, B).

Violations of Elections By-Laws shall be one or more of the following acts: Campaigning or the presence of campaign material within fifteen (15) feet of a polling place, (Elections Bylaws, Article VI, Section 1: Violations, A and 5).

The following Elections Bylaw may have been violated:

Violations of Elections By-Laws shall be one or more of the following acts: Interfering or attempting to interfere with the voting of a student, (Elections Bylaws, Article VI, Section 1: Violations, A and 3).

In response to the complaints filed on Elections Day, the Elections Commission held hearings for each candidate affiliated with the Bobcats United slate. These hearings were conducted independently of the ASUCM Court. Following the hearings and extensive discussion between Elections Commissioners, it was suggested that all Bobcats United candidates be removed from the Fall 2014 Elections. At this point in time, all candidates removed by the Elections Commission were given 48 hours to argue their case at an appeal hearing with ASUCM Court.

Chris Montes requested to opt-out of the appeal process and accept the ruling made by the Elections Commission. Montes was immediately removed from the Fall 2014 Elections following the submission of this request. Candidates Hunter Drobenaire, Kathleen Emerson, and Andrew Nguyen chose to continue with the appeal process. All appeal hearings were held on the night of Monday, October 20th.

Leading up to the appeal hearings, Bobcats United members and candidates began collecting petition signatures from students in support of the reinstatement of all four Bobcats United candidates in the Fall 2014 Elections. Over 300 signatures were gathered. The petition referenced the polling station stating that, "These laptops are being used by other candidates as grounds to disqualify all four Bobcats United candidates." This claim was written based on assumptions made by Bobcats United members and is false. All complaints filed against Bobcats United during the Fall 2014 Elections were filed by UC Merced Undergraduate Students that are not current candidates in the Fall 2014 Elections. With the exception of the Elections Commission, ASUCM Court, and the ASUCM Advisor, no individual will be given the names of the students that were responsible for filing the complaints against Bobcats United. Any information regarding the identity of the students responsible for filing complaints was nothing more than speculation by Bobcats United members. This fact disproves claims made in the petition and due to this information the petition signatures were inadmissible as evidence.

This action may have been in violation of the following Election Bylaw:

Violations of Elections By-Laws shall be one or more of the following acts:  
Intentionally falsifying or reporting complaints about a campaign or candidates  
actions that are known to be untrue or incorrect, (Elections Bylaws, Article VI,  
Section 1: Violations, A and 7).

The ASUCM Court has decided to uphold all decisions suggested by the Elections Commission. All bylaws in question are very serious and any single violation of the mentioned bylaws is grounds for dismissal. It can be concretely proven, by admission of some Bobcats United candidates as well as evidence collected, that multiple bylaws were broken and additional bylaws are in question. Based on the ruling of the ASUCM Court as well as the Election Commission; Bobcats United candidates Hunter Drobenaire, Kathleen Emerson, and Andrew Nguyen have been removed from the 2014 fall elections.

Luke Wilson:

Complaints were filed against Luke Wilson after he was seen campaigning in campaign free zones and offering his laptop to students to be used as a method of casting votes during the Fall 2014 Elections. The Elections Commission held a hearing for Luke Wilson and suggested his candidacy be terminated.

An appeal hearing was held for Luke Wilson on the night of Monday, October 20th. At this hearing Wilson admitted that his actions were in direct violation of the Elections Bylaws and withdrew his candidacy from contention. Wilson suggested that the Elections Bylaws be made clearer in the future to help minimize the types of misunderstandings that took place this year. Based on the suggestion proposed by Luke Wilson to uphold the decision of the Elections Commission, Wilson was removed as a candidate. The resignation of candidacy stated by Luke Wilson during the ASUCM Court appeal hearing prompted this decision. The ASUCM Court appreciates that Wilson took ownership for his actions and made honest recommendations to the ASUCM Court regarding how we should proceed and what changes in the Elections Bylaws should be made.

Following the events that transpired, the ASUCM Court suggests that the results of the Fall 2014 Elections and all future elections should include the status, ranking, number and percentage of votes received by each candidate. This will increase transparency regarding elections and allow the results prior to the disqualification of candidates to become public knowledge. Additionally, the ASUCM Court and Elections Commissioner, Lora Spielman, will begin rewriting the Elections Bylaws prior to the Spring 2015 Elections. Current members of Senate will be included in this process in order to ensure that a set of bylaws will be created that is far less vague and open to interpretation. Members of the undergraduate student body, including students that have run in and lost this elections, will be invited to participate in the revision process.

Lastly, the ASUCM Court would like to state that this decision was made solely based on the Elections Bylaws and the evidence and testimonials that were provided. It

was decided that bylaws were broken and the only possible form of punishment this late in the elections is removal of candidates. Violations of bylaws are a serious offense and should not be overlooked, even if it means candidates must be removed from the elections.

If you have any questions, comments, or concerns please send an email to any Court Justice indicating such. Furthermore, Court Justices will be holding extended office hours this week in order to allow students to come to the office and meet with us in person regarding this decision. Office hour times will be posted on the ASUCM Court Facebook page for those who wish to speak with a Court Justice in person.

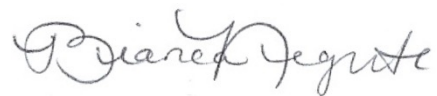
Respectfully,



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