

# Rules violated but no new election, court decides

By Tammy Batey  
Oregon Daily Emerald

The ASUO Constitution Court won't order a new election despite its ruling Friday that the ASUO Elections Board violated elections rules by not informing students of the absentee voting process.

The elections board violated elections rules by not giving Oregon Institute of Marine Biology students enough time to vote and by not announcing in the *Oregon Daily Emerald* the absentee voting process, the court ruled.

In other business, the court overturned an election board decision and ruled Oscar Garcia should be given the Student Senate seat he won with 64 votes. The elections board had originally said write-in candidate Garcia was not eligible for the seat because he had not officially filed as a candidate.

The court also ruled Student Senator Michael Omogrosso's complaint was without merit. Omogrosso alleged the *Emerald* ran a write-in campaign for Editorial Editor Martin Fisher. On April 19, Fisher wrote in the *Emerald's* "Write Angles" column: "I am hereby announcing my write-in candidacy for an ASUO position. Any position. Every position."

The court heard the allegations at a hearing May 5. Leslie Warren and Mark Johnson, who lost the race for 1993-94 president and vice president, filed a complaint against the elections board for three infractions of election rules. They asked that the court "render the primary election null and void."

Warren and Johnson said students were not informed of the absentee ballot option and therefore were "unduly alienated" from the voting process.

The court denied Warren and Johnson's request for a new election, said Chief Justice Paul Loving in a court statement. Loving said the court wasn't sure the election board's compliance with the rules would have changed the results of the presidential race.

"We are unable to subject the orderly operation of government and the student body to what would be a tumultuous period based purely on a hunch," Loving said. "In this instance, the needs of the many outweigh those of the few, or of the one."

The Constitution Court found no violations of elections rules with two other complaints by Warren and Johnson. The pair's second complaint was that the elec-

tions board didn't act impartially when it allowed Saferide to operate a voting booth after the organization endorsed Eric Bowen and Diana Collins Puente.

"We believe the mere appearance of impropriety is insufficient to establish a violation," Loving said.

Warren and Johnson also alleged the elections board allowed non-students to vote. When students renew their identification cards, they are given a current fee term sticker even if they haven't paid the fee, Warren and Johnson said.

The court can't impose a duty on the elections board to carry out the responsibilities of another part of the University, Loving said. It is the responsibility of people who issue current term stickers to verify a student's status.

Warren said she and Johnson weren't surprised by the court's ruling.

"We went for our supporters," she said. "We went to show that we appreciated them supporting us."

Omogrosso, who lost his bid for re-election, said Fisher had an unfair advantage in the election because he had free access to the *Emerald* to forward his campaign.

Justice Will Portello said the fact that Fisher is a graduating senior and claims he had no intention of running for office seems to indicate Fisher was not a candidate.

Fisher's column was satire and so no misuse of student funds occurred. The Constitution Court determined that Omogrosso's case was without merit.

"The opinions of Mr. Fisher that accompanied the suggestions were mildly humorous and strongly indicated that Mr. Fisher was not actually running a serious campaign," Portello said.

However, the court reminded the *Emerald* in its ruling that the newspaper does receive student funds and is subject to the jurisdiction of the court. At the court hearing, *Emerald* Editor-in-Chief Pat Malach "respectfully declined" to respond to the case.

"Should the *Emerald* choose not to respond (in the future), then it will risk a default and will be sanctioned accordingly," Portello said.

Fisher said the Constitution Court had no authority to even hear Omogrosso's case because his case dealt with a First Amendment issue.

"The Constitution Court may only rule on matters

relating to the ASUO Constitution," Fisher said. "The First Amendment is beyond its jurisdiction."

Malach said the court only has jurisdiction over whether the newspaper spends its student fee allocation for printing costs, as stipulated in its IFC budget line item.

"The student money the *Emerald* receives pays for free distribution on campus," Malach said.

"As long as there is a paper in the boxes every morning, there is no complaint. The Constitution Court or any other ASUO body has no authority of any kind over what is in that paper."

Omogrosso said he still believed it was an issue of journalism ethics.

"I do appreciate the court saying they feel the *Emerald* should be under the court," he said. "Part of my endeavor was to instill in the *Emerald* a strong sense of responsibility."

Garcia was disqualified as a write-in candidate because he didn't file for official candidacy status with the ASUO.

The Constitution Court found the elections board's disqualification of Garcia was not in the best interests of the student body, said Justice Michael O'Leary.

Garcia was unavailable for comment. But Greg Dotson, a law student who wrote in Garcia, said he was pleased with the Constitution Court's ruling.

"I'm happy that my vote wasn't taken away," Dotson said.

**'We are unable to subject the orderly operation of government and the student body to what would be a tumultuous period based purely on a hunch. In this instance, the needs of the many outweigh those of the few or of the one.'**

— Paul Loving,  
chief justice

## Council passes budget after debate

By Meg Dedolph  
Oregon Daily Emerald

Most of the 42 area residents who spoke at the Monday night Eugene City Budget Committee hearing supported the public access cable program and criticized the proposed budget cuts, which would eliminate public and educational cable access.

The programs broadcast on public access cable include political programs featuring the Libertarian, progressive and conservative points of view as well as programs on local citizens and artists.

"Cable is a growth industry," said Matt Hall of Eugene. "It's like a flower opening. Cutting funds is closing the petals back on itself."

Debbie McManman of Springfield said that while the city wants to cut funding for public access cable, it also wants to increase the amount of city government coverage.

"Which of you city councilors is willing to take studio equipment away from an 11-year-old child producing his own program? Do you want a channel devoted to government that's originally for the public," McManman said.

The suggestions offered by citizens for retaining public access television included trimming upper administrators from the program, as suggested by Sheldon High School student Eric Blankenbeckly.

Others suggested that if the

program had to be cut, an additional year be allowed so other sources of funding could be found.

"The money that's been used prosecuting me — nearly \$50,000 — could have funded cable access," said Frog, a local merchant. "I think cable access is a very good thing."

Other concerns with the proposed city budget included requests that money be set aside for a homeless car camp for fall and winter, like the Centennial car camp scheduled to close over Memorial Day weekend.

"We need to make room in the budget for the camp in the fall and winter," said Wayne Ford, of the Eugene-Springfield Homeless Action Coalition.

### ET ALS

#### MEETINGS

**Returning Student Association** will meet today at 5 p.m. in EMU Room 27. For more information, call 346-4305.

**El Salvador Sister University Project** will meet today at 5:15 p.m. in EMU Century Room C. For more information, call 343-9624.

**Student Senate** will meet tonight at 6 in EMU Century Room A. For more information, call 346-0630.

**Students For Choice** will meet tonight at 7 in Room 112 Willamette. For more information, call 346-0649.

**Amnesty International** will meet tonight at 7 in EMU Cedar Room D.

**Alpha Kappa Psi Court of Honor** will meet today at 5:15 p.m. in Room 221 Law. For more information, call 346-9923.

**Asklepiads/PHSC** will meet tonight at 6 in EMU Cedar Room D. For more information, call 687-8266.

**Phi Beta Kappa** will meet to elect new members today at 3 p.m. in Room 202 Chapman. For more information, call 346-2221.

**Science Fiction Reading Group** will meet today at 12:30 p.m. in Room 448 PLC.

#### RELIGION

**United Methodist Campus Ministry** will present Bishop William Dew to speak at the Wesley Foundation Spring Meeting and Celebration tonight at 7 at the Wesley Foundation, 1236 Kincaid St. For more information, call 346-4694.

#### MISCELLANEOUS

**Academic Advising** will make individual advising appointments for undeclared freshmen through today Thursday from 9:30 a.m. to 12:30 p.m. and from 4 to 7 p.m. in Room 164 Oregon Hall. Drop by to make an appointment for Wednesday or later this week. For more information, call 346-3211.

**Southeast Asian Studies program** will present Thanit Kunkhajonphan, researcher and lecturer at Thailand's Payap University, to speak on "Community Forestry in Thailand" today from 12:30 to 1:30 p.m. in EMU Century Room F. For more information, call 346-1521.

**College of Business Administration** will sponsor a group advising session today at 5 p.m. in Room 128 Chiles. For more information, call 346-9923.

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