Candidates wait for ruling

■ Jacobson and Cook get their case heard before the ASUO Constitution Court

By Jeremy Lang
Oregon Daily Emerald

Ever since their disqualification on the night of the primary election, Executive candidates Bret Jacobson and Matt Cook have been saying they never broke election rules.

But on Friday, they finally had a chance to plead their case to the ASUO Constitution Court — the group with the power to restore the pair to the ballot.

During the matinee of four hearings Friday, Jacobson also said the ASUO Elections Board violated their right to due process.

Jacobson and Cook admitted distributing campaign fliers in residence halls before the primary election, but they said a resident let them into the halls and accompanied them while they distributed.

The board used elections and University Housing rules barring campaigning in the residence halls to make its decision, but Jacobson pointed out to the court that University Housing never convicted the pair of breaking any rules.

JACOBSON

COOK

But vice presidential candidate Jeff Oliver, who filed the grievance that led to the disqualification, said regardless of Housing rules, the Jacobson campaign broke equal-access rules because the residence halls are locked.

"I don't feel they needed to be cited by Housing," Oliver said. "There's a lot of stuff that's unfair, but you've got to follow the rules."

Jacobson also criticized the board for not informing them of the grievance after Oliver filed it two days before the primary.

But ASUO Elections Board member Emily Sedgwick, who investigated Oliver's accusations, said she contacted Jacobson the night before the primary ended.

"They didn't have the actual grievance in their hands, but they knew," she said.

Jacobson told the court the few hours he had to respond before the board disqualified them was not enough time.

ASUO Elections Rules do not designate that a specific person or group has to serve a party with a grievance, and Justice Alan Tauber wondered if it was legal for someone such as Oliver to file a grievance, and if the board could rule and remove a candidate without the candidate ever knowing about the grievance.

If the court overturns the Election Board's decision, Jacobson and Cook will advance to the general election, set to begin sometime spring term. Jacobson and Cook placed second in the primary, but third-place finishers Eric Bailey and Oliver advanced after the disqualification.

Chief Justice Rob Raschio originally said the court would release a ruling by Monday, but said Friday the deadline might be pushed to during or after spring break.

Case dismissed for lack of witness

■ Absent its key witness , the case against Brooklyn and Nair was dropped on the spot

By Beata Mostafavi
Oregon Daily Emerald

While the other three hearings during Friday's ASUO Constitution Court marathon lasted for at least an hour, the case against Executive candidates Nilda Brooklyn and Joy Nair was over before it even began.

Chief Justice Rob Raschio dismissed the case not even five minutes into the hearing because the key witness involved wasn't present. Freshman business major Jarrett White had filed a grievance accusing the candidates of using ASUO phones to make campaign calls. Although White hadn't personally witnessed the incidents, ASUO Constitution Court Clerk Scott Austin had signed an affidavit that said the two were introducing themselves on the phone as candidates and then reminding students to vote.

Austin had left before the trial began, and Raschio said that legally, Austin needed to be present for the hearing to proceed.

"Everyone has the right to address accusers and cross-examine them," he said after dismissing the case. "We need to get on with this election."

After several seconds of stunned silence from the audience, Brooklyn and Nair supporters broke into loud applause.

BROOKLYN

NAIR

Although the candidates said they hadn't spoken to Austin regarding his accusations, both again firmly denied his claims, and said they had done nothing wrong.

"The allegations against us were completely untrue," Brooklyn said.

Following the hearing, Austin said he didn't know the case would be dismissed without his presence, and said he had no comment about why he left or his reaction to the hearing's outcome.

But White, who didn't get the chance to present the case he'd prepared, said he wished the hearing could have proceeded, so the court could hear both sides and make a fair decision.

"I'm sorry we could not go through with the proceeding and find the real truth," he said.

White added that although he blamed himself for not knowing the rule, he was also disappointed with Austin for leaving.

"Scott Austin has let the student body down by not attending," he said. "Democracy has been let down today."

MCC

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book, which are the rules governing the ASUO, they said.

Members of the MCC, on the other hand, argued that ASUO rules grant the senate the right to allocate funds, but they do not prevent other student groups from exercising a similar authority.

Madden and Sen. Jennifer Greenough, who helped present the senators' case, said that fee money should be allocated by elected representatives only. Allowing the MCC to distribute a large amount of funds as it sees fit "will be allocation of student fee money without a voice of students," Madden said. "There is no way to ensure the intention of the students will be fulfilled once the MCC has this money."

Glen Banfield, a member of the MCC and the group's primary speaker during the hearing, said that the rules only confer that right to the senate.

"Nowhere does it say the student senate has exclusive authority to allocate student incidental fee money," Banfield said. He added that once the MCC or any other group is given money, it is theirs to do with as they wish.

At the University, fee money is given without consideration of a group's views — the process is "viewpoint neutral."

The senators said that because the MCC is a student group with a viewpoint of its own, it would not be able to distribute funds on a neutral basis, and so giving the MCC the power of allocation would put the fee system into jeopardy.

Banfield said the idea of viewpoint neutrality is directed only at the PFC, the senate, the ASUO Executive and the President's office. A student program has the right to distribute funds based on its own views.

Justice Alan Tauber said the Green Tape Notebook gives the senate the right to act on all fee allocations, a comment that seemed to question the validity of the ballot measure system for some cases.

"It's only fair that we allow the students as a whole to be able to vote on what they want their money to be spent on," Banfield said, his voice raising. "I think it's ridiculous for student senate and elected officials to say 'If I say no, then no is the word.'"

Another portion of the senators' argument targeted the measure's language, which the senators contend was inaccurate and misleading.

Madden argued the measures wording was "ambiguous at best," because it gave no specific explanation of where the $18,555 would be spent.

But Banfield pointed out that the court is supposed to approve wording that fits within established guidelines. The measure's wording was approved earlier this month.

"The court did not believe the measure was misleading," Banfield said. "Any problem after is not the fault of the MCC."

Madden and the others also argued the MCC measure provided inaccurate information about the funding it receives from the fee.

Ballot measures must include the group's current amount of funding. MCC's measure provided its budget from this year, but Madden said it should have included next year's budget amount.

The MCC had rewritten versions of the measure to submit if necessary, Banfield said, but he argued against removing the measure from the ballot completely.

"There is only one decision before the court that is to lift the injunction and continue the election, Banfield said. "That is the only equitable and the only legal remedy that is available to the court at this time."

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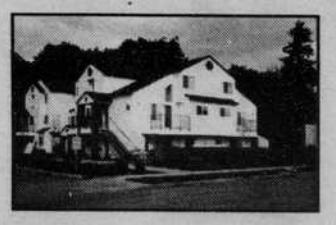
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