

SUMMARY REPORT  
ASSOCIATED STUDENTS JUDICIARY

ASJ 30

DECLARATORY JUDGMENT The authority to regulate campaigning for the election to Associated Student offices by means of advertisements in off-campus newspapers as established in the Associated Students Elections Code, Revised March 8, 1966.

AUTHORITY OF THE JUDICIARY TO DISQUALIFY

The Associated Students Judiciary has authority to disqualify candidates for Associated Student offices for violations of the Elections Code in charges brought either by the Elections Commission (hereafter referred to as Commission) or any member of the student body. However, in the absence of any rule, as set forth in the Elections Code-Revised, March 8, 1966 (hereafter referred to as Code), relating the campaign regulations to advertisements in off campus newspapers, this court has no basis to disqualify any candidate for unapproved campaigning by this means.

AUTHORITY OF THE COMMISSION TO REGULATE

1. The intent of the Code is to define explicit instances where the Commission can regulate campaigning which is conducted off-campus. Only two instances are so defined in the Code-Rule I c, which allows the Commission to regulate the posting of signs in off-campus, College-approved housing, and Rule II B, which bans off-campus campaigning in automobiles.
2. In the absence of any general rule banning off-campus campaigning altogether or which allows the Commission to regulate all off-campus campaigning, and in the absence of any specific rule which bans or allows Commission regulation of campaigning in off-campus newspapers, the Commission has no authority to regulate campaigning in off-campus newspapers.
3. Since the Commission does not have any general or specific authority to regulate off-campus newspaper advertising, the Commission has no basis to include the expenses of such campaigning under the limits established in Rule II A which is enforced by the Commission.
4. If the Code was amended to ban or permit the Commission to regulate campaigning in off-campus newspapers, the Commissioner's power under Rule I 4 to remove illegal campaign material could not be exercised since the Commission would be no longer acting within the bounds of the corporation, the Associated Students of the California State College of Long Beach. The enforcement of such an amendment could only be exercised by the disqualification of the candidate in violation pursuant to rules III c and IV B.