

ASSOCIATED STUDENTS JUDICIARY

Summary Report (Form 4)

December 17, 1968

Berens vs. Election Commission

It is the decision of the Court, that the Elections Commission did, on the 5th day of December, 1968, violate Chapter 4, Sections 2 A & 2 B, of the Elections Code of California State College at Long Beach. This section reads as follows: " A. A voter shall present current ASB card to the poll worker. B. Said voter shall sign his name as it appears on said ASB card."

On the basis of our findings, the Court declares the Associated Student Senate elections of December 5, 1968, to be invalid. . With the power vested in the Associated Student Judiciary according to Article 3, Section 6, Parts A & C of the Associated Students By-Laws, the Court directs the Associated Student Senate (hereafter referred to as the A.S. Senate) to fill the three contested seats. The following procedures will be observed:

1. On or before the 25th Day of December, 1968, the Elections Commissioner shall notify Don Alaimo, Bob W. McEwan Jr., and Larry Goldstein, that the elections have been invalidated.

2. The A.S. Senate shall, by the 25th Day of December, 1968, notify the candidates of the Election of December 5, 1968, (see attached list), by registered mail, to appear before the Senate on the 8th Day of January, 1969, for consideration of the three vacated seats.

3. On the 8th Day of January, 1969, the A.S. Senate, as the elected representatives of the Associated Student Body, will, at their regular meeting, interview the following candidates: (see attached list of candidates).

4. From these candidates, on the 8th Day of January, 1969, the A.S. Senate shall select 3 representatives to fill the corresponding 3 vacant seats of Senate-at-Large.

Roll Call Vote 4-0

*John R. Doney*  
*Harry M. Wickham*  
*Dave Campbell*  
*RSA*

Berens vs. Elections Commission

Opinion of the Court

It is the unanimous opinion of the A.S. Judiciary that the guilty party in this action is without question the Elections Commission. The Elections Commission committed the following:

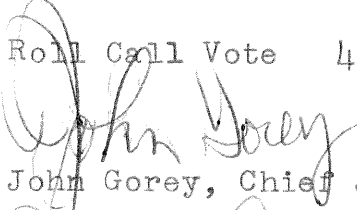
1. Accepted either of two or both existing valid student body cards. A valid white student body card was issued during pre-registration, provided the fees were paid at that time. A ~~second~~ valid pink student body card was issued to students who applied for deferred payments during pre-registration. The student who did not pay deferred fees by the deadline had to re-register, at which time he received a white student body card. The Elections Commission made no effort to distinguish between the white and pink cards meaning that several students may have voted twice.
2. The Commission also did not verify that the signatures that appeared on the register matched the one on the student body card. The Court can only conclude that there is no way to determine how many students voted more than once.
3. In addition, according to the Elections Commissioner's own testimony, there were thirty (30) more signatures than ballots. In short, thirty ballots were unaccounted for.

Considering the above facts it is inconceivable to us of the A.S. Judiciary how the Elections Commission could run a valid election for these Senate seats. The Court feels that the most logical and practical solution to this problem is for the A.S. Senate- as duly elected representatives of the student body- to fill the three vacancies as directed in the decision.

"In an era when faith or trust in government is on the decline, it is imperative that this trust be strengthened on the very local level. Reinforcement of this trust in this government can best be accomplished by the self-enforcement which can be performed by this judicial body. For the best credentials of a government is its ability to correct the mistakes of one of its agencies by the governing body itself."

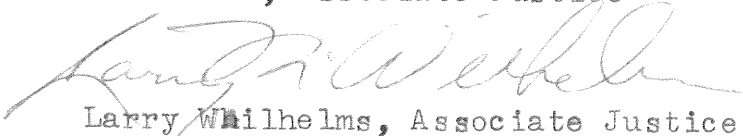
In the future the A.S. Judiciary recommends that the Elections Commission realize that the elections are the most vital link between the people and their government. The Commission should see to it that any violations and irresponsible actions will not be tolerated by the A.S. Judiciary or the student body it represents.

Roll Call Vote 4-0

  
John Gorey, Chief Justice

  
Dave Campbell, Associate Justice

  
Don Smith, Associate Justice

  
Larry Wilhelms, Associate Justice

Don Alaimo

Larry Goldstein

James Stuart Lester

Alexander Kolosow

Bruce Gabrielson

Bob W. McEwan, Jr.

J. Michael Sanft

Douglas John Polly

David E. Miller

Steve B. Watson

Cliff Kelly

Lauralynn Staton

Gil Nyerges