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JUDICIARY CASE FILE SPECIAL NOTE

ASJ-52

In the process of the review for retyping of the Case Compilation, done during August, 1976, it was discovered that all documents except the Minority Opinion and Notice of Decision had been removed by person(s) unknown from the case file.

In witness thereof:

Craig S. Landa

Craig Landa
Chief Justice
A.S. Judiciary
1976-77

ASSOCIATED STUDENTS JUDICIARY

California State College at Long Beach

MINORITY OPINION - Steven Edgell vs. Elections Commission

The case for the plaintiff, as delivered by Mr. Edgell, is based upon the supposed illegality of the Supplementary Regulations passed by the Elections Commission on the 14th day of March, 1969. These regulations, as defined in the Elections Code "are those regulations applying to a specific election to be null and void thereafter" (Elections Code, Chapter I, Section 2, Letter A). The supplementary regulations were passed as the only means to continue the election already in progress and ordered by this Court to be held at the preset dates. The Commission was placed in a difficult and uncompromising position. On the one hand, an Order of the Court had been issued directing them to continue the already scheduled elections with no changes in the dates or other specifics. On the other hand, a new Commissioner and Commission had been appointed to take over what seems by this Court, to be a well planned and deliberate disruption of campus and Associated Students affairs by the previous Elections Commissioner. This new Commission was forced to institute certain emergency and supplementary regulations concerning specifics of the upcoming election. A closer examination of each of the three Supplementary Regulations passed is in order at this point.

Supplementary Regulation number one reads, "Use a rubber stamp instead of a stylus to mark the ballots. This is because the Code is set up

for an IBM election and due to the time factor in the setting up of a new commission, the IBM system could not be implemented." This Justice can see no possible bearing on the outcome of the elections caused by this regulation. Due to a mix-up in computer ballots (keys) and machines, the former method of using a rubber stamp had to be initiated. In addition, it may be worthy to note that Associated Student Senate minutes report only a word change of "stylus" for "rubber stamp" and "key" for "ballot." Therefore, this denotes only a change in methods, not policies.

Supplementary Regulation number two reads, "The ballots must be printed and on display for examination by the candidates prior to the day of balloting. This supplements the regulation that states they must be done 24 hours prior to the first day of campaigning." This is the regulation of major contention in this case. However, this Justice sees a cloudy motive and possible conflict of interest on behalf of the plaintiff. As the Court understands the dates involved in this case, Mr Edgell withdrew from the election on the 13th day of March, 1969, his formal withdrawal dramatically published the next day in the Forty-Niner newspaper, along with a long list of other former candidates on the grounds the election was illegal under Chapter I of the Bylaws of the Associated Students. Unfortunately, Mr. Edgell and his fellow candidates who withdrew refused to wait for the verdict of this Court relating to this question. The original Court reached a decision of "legal" and, when appealed, was again upheld in a unanimous vote of this Court. Therefore, this Justice sees Mr. Edgells withdrawal inconsistent with his demands that the Supplementary Regulations passed on 3-14-69 forced the loss of his campaign

when in actuality, he withdrew a day before these regulations were even passed.

Supplementary Regulation number three states, "There will be three polling places: at the flagpole, the library, and in front of the P.E. buildings. The library and P.E. polling areas will be open from 10:00 A.M. to 5:00 P.M. on the 17 and 18. The flagpole poll will be open from 10:00 A.M. to 8:00 P.M. on the 17 and 18. On the 19, all of the polls will be open from 10:00 A.M. to 4:30 P.M." The Court finds this regulation as totally within the legal jurisdiction and authority of the Elections Commission as stated in Chapter IV, Section 4., Letter B, of the Elections Code which reads, "The Election Commission shall determine the number, location, and hours of the polls, as listed in the Supplementary Regulations." I therefore dismiss this regulation from consideration.

In so far as the printing of the ballots is concerned in this case, again I must refer to the time element involved in setting up a new Commission, scratching last minute withdrawals, and switching voting methods.

In fairness to all candidates - those who won, lost, or withdrew - let me say the election was poorly run. But this was not the fault of the Elections Commission alone. Indeed, partial blame lies with former Commissioner Jerry Bereas, the Court, and the Associated Students Administration. However, based on the points presented to the Court in this case, I could not vote with my colleagues to void the elections of any School and certainly not the entire election. It is my feeling that, due to the inconsistencies in the dates by the plaintiff, this case should never have been accepted. After acceptance, it should have been dismissed

and not ruled upon. Therefore, in lieu of the fact that the case was accepted, heard, deliberated, and decided, I find for the Defendants on the grounds that the plaintiff failed to present to this Court sufficient evidence and/or proof of harm or injury in the dispatching of said Supplementary Regulations and declare the election for Senator, School of Letters and Sciences fully valid and legally binding.

Done this 18th day of April, 1969.

Robert C Bland, Jr.

Robert C. Bland, Jr.
Associate Justice, dissenting