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ASSOCIATED STUDENTS JUDICIARY  
California State College, Long Beach

11161 Noel St.  
Los Alamitos  
Calif. 90720

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

PHONE: (213) 596-1036

To: Associated Students Judiciary  
From: W. ERNEST GAWTHORNE III  
Date: 4-23-71

The undersigned requests a review of the rights and duties pursuant to:  
ELECTIONS CODE - CHAPTER V, SECTION 3C

Cause for request: THE ELECTIONS COMMISSION FAILED TO  
CARRY OUT INSTRUCTIONS CONCERNING CHAPT. V, SEC. 3C,  
REGARDING THE COLLEGE UNION OPERATING BOARD RACE (OR CAMP  
AND THE CANDIDACY OF W. ERNEST GAWTHORNE III

Briefly explain the substance of your issue: THE BALLOT POSTED  
24 hrs BEFORE THE CAMPAIGN WAS NOT THE SAME BALLOT  
THE VOTERS RECEIVED <sup>DURING</sup> THE 3 ELECTION DAYS, ~~AS~~ FAR AS  
THE COLLEGE UNION OPER. BRD. RACE WAS CONCERNED, W. ERNEST  
GAWTHORNE III OBSERVED THAT THE "POSTED" BALLOT CONTAINED  
A BOX NEXT TO EACH CANDIDATE'S NAME. ALL BOXES WERE

The undersigned does hereby request a judgment on the preceding issue.

Signed W. Ernest Gawthorne III

ASSOCIATED STUDENTS JUDICIARY  
CALIFORNIA STATE COLLEGE LONG BEACH  
DECLARATORY JUDGEMENT

Plaintiff: W. Ernest Gawthorne III

This action concerns the Associated Students of California State College Long Beach 1971 Spring General Election for the office of Associated Students Representative to the College Union. In said election, Plaintiff Gawthorne's name appeared upon the ballot, but next to his name there appeared no square, enabling one to vote for Mr. Gawthorne. Plaintiff contends that the absence of said square adversely affected his chances for victory. Plaintiff requests, as remedy, that his name be included on the run-off election ballot for the office of Associated Student Representative to the College Union.

At the time of the actual voting, after less than 200 students had voted, the omission of the voting square next to the name of Mr. Gawthorne was discovered by the Elections Commission. At that time, the Election's Commission inscribed on each of the remaining ballots a square next to the name of the plaintiff.

In the final tabulation of votes for the office of Associated Students Representative to the College Union, plaintiff received 97 votes out of a total of 5859 cast for said office.

To carry this case, plaintiff must show that the number of improper ballots used for voting in addition to the original 97, equals or exceeds the number of votes needed by plaintiff to gain entry to the run-off election. Since that number of additional votes needed by plaintiff to enter the run-off is 1103, and since only less than 200 improper ballots were cast, plaintiff has no grounds for action in this case.

CASE IS REJECTED:  
Vote: 4-0-0 Unanimous

Adjudicated this 27th day of April, 1971.

Gordon Park  
Gordon Park, Associate Justice

Gayle Alaimo  
Gayle Alaimo, Associate Justice

David Schmidt  
David Schmidt, Associate Justice

George Salmas  
George Salmas, Chief Justice

(cont.)

MADE IN THE SAME COLOR INK — BLACK.

THE BALLOT THAT SOME VOTERS RECEIVED FOR THE COL. UNION OPER. BOD. DID NOT HAVE A BOX NEXT TO EACH CANDIDATE'S NAME, IT DID NOT HAVE A BOX NEXT TO W. ERNEST GAUTHORNE III'S NAME,

THE BALLOT THAT ALL OTHER VOTERS RECEIVED FOR THIS RACE DID HAVE A BOX FOR EACH NAME, BUT, THE BOXES WERE NOT ALL OF THE SAME COLOR INK, APPARENTLY, ALL BALLOTS FOR THIS RACE HAD NO BOX NEXT TO GAUTHORNE'S NAME, BUT IN MOST CASES, A BOX WAS MADE IN BLUE INK NEXT TO GAUTHORNE'S NAME, STILL, ALL BOXES WERE NOT UNIFORM BECAUSE ONE BOX WAS A DIFFERENT COLOR INK THAN THE OTHERS — UNLIKE THE BOXES THAT WERE ON THE "POSTED" BALLOT.

THEREFORE, BECAUSE OF THE ABOVE-MENTIONED 2 POINTS PROVING INCONSISTENCIES AND THE FAILURE OF THE ELECTIONS COMMISSION TO MEET THE SAID ELECTION CODE REQUIREMENT, IT IS REQUESTED THAT W. ERNEST GAUTHORNE III BE INCLUDED AS A CANDIDATE IN THE RUN-OFF OF THE SPRING-1971 ELECTION OF THE COLLEGE UNION OPER. BOD., THUS INSURING JUSTICE AND EQUALITY FOR ALL.