

Associated Students, Inc.  
California State University, Long Beach  
**JUDICIARY MINUTES**  
**Special Meeting #1**

**Date/Time:** Wednesday, April 06, 2016 / 2:30pm  
**Location:** USU-234, Senate Chambers  
**Chair/Office:** Chief Justice Jason Jose / USU-311

**1. CALL TO ORDER**

A. Chief Justice Jason Jose called the meeting to order at 12:02PM

**2. ROLL CALL**

Justices Present

Jason Jose (Chief Justice)  
Eduardo Vargas (Assoc. Justice)  
Justin Adofina (Assoc. Justice)  
Maximilian Salceda (Assoc. Justice)  
Yael Jimenez (Assoc. Justice)

Justices Absent

Amanda Olivas (Assoc. Justice)  
Cristian Cabadas (Assoc. Justice)

Non-Voting Members Present

Leah Sakacs (Court Clerk)  
Thomas Malizia (President Designee)  
Lindsay San Miguel (Interim Assistant Director of Student Involvement & Leadership)

Non-Voting Members Absent

Aili Malm (Faculty Advisor)

**3. PUBLIC COMMENT**

**4. ANNOUNCEMENTS FROM THE CHAIR**

**5. APPROVAL OF THE AGENDA**

A. Judiciary Special Meeting Agenda #1, April 06, 2016

**(M) Justice Adofina (S) Justice Salceda to Approve Special Meeting Agenda #1, April 06, 2016**  
**Vote on the Motion** **Motion Passes 5-0-0**

**6. APPROVAL OF MINUTES**

**7. OLD BUSINESS**

**8. NEW BUSINESS**

**9. REPORTS**

**10. DOCKET**

A. Judiciary Appeal Hearing #ASJ-1011, *Acevedo v. Board of Elections*  
1) Board of Election Violation #004

Mr. Acevedo has refused the services of Public Defender Yasmeen Gardner and has chosen to represent himself.

Attorney General Suzy Cuevas will be representing the Board of Elections.

All persons of both parties gave the following affirmation: "I, (State your name), affirm that the testimony that I am about to give is true to the best of my knowledge and belief."

Attorney General Cuevas affirms that the complaint is being contested.

Mr. Acevedo is asked to take the stand to present his case, evidence, and witnesses.

Mr. Acevedo gives the following points in his opening statement:

1. Voter Disenfranchisement: Board of Elections dismissed Mr. Acevedo as part of the election and, thus, nullified the votes and muted the voices of students.

Chief Justice Jose states this point as a moot point.

2. Section V.C.1 of the Elections Handbook encourages creative campaigning: Mr. Acevedo states that creative campaigning is not defined in the Elections Handbook. Attracting people to his campaigning table by handing out promotional items is creative campaigning and that Section V.C.1.J of the Elections Handbook authorizes him to hand out promotional items. Section V.C.2 lists prohibited campaign activities and does not explicitly state gift cards and coupons as prohibited items.
3. Fraudulent Voting: There is no wrong in showing students how to vote with their cellphones. Fraud is not defined in the Elections Handbook. Fraud is legally defined as the willful deception of others with injury and risk to others. Mr. Acevedo there was no willful deception in his campaigning; he was openly in front of LA5 and welcomed Government Elections Officer Vrinda Bhuta to video record. On March 23, 2016, the day following Government Elections Officer Bhuta's recording, he was asked to cease handing out coupons. Mr. Acevedo stated that he did cease handing out the coupons. Mr. Acevedo claims this fact was omitted from the Board of Elections minutes because Government Elections Officer Bhuta works with Presidential Candidate Marvin Flores in student government.

Mr. Acevedo further states that the rights of those who voted for him have been denied and that ample notice of his reinstatement is necessary for a fair election.

Mr. Acevedo is asked to call upon his witnesses.

First Witness: Michael Cortez: Mr. Cortez states that he assisted Mr. Acevedo in the campaign process. While handing out promotional items, Mr. Cortez explicitly stated he informed students that they did not need to vote for Mr. Acevedo. However, he did inform students as to why they should vote for Mr. Acevedo.

Second Witness: Eyendili Alcantar: Ms. Alcantar stated that she is a supporter of Mr. Acevedo and that Mr. Acevedo spoke to her about his stances before offering her the gift card. She has not used the gift card nor did she feel that she was bribed. Ms. Alcantar stated that Mr. Acevedo informed her that she did not need to vote for him.

Chief Justice Jose asks if Ms. Alcantar voted before or after she received the gift card.

Ms. Alcantar stated that she voted after because she had procrastinated.

Third Witness: Adam Karajah: Mr. Karajah stated that he assisted Mr. Acevedo in campaigning throughout the week of the day in question. He assisted by informing students on Mr. Acevedo's policies. If students had already voted when they approached the campaigning table, the students were

thanked and offered a promotional item. Mr. Karajah states the items were only meant to bring attention to the campaigning table, not for bribery.

Fourth Witness: Michael Dare: Mr. Dare stated that he informed people walking by about Mr. Acevedo's stance with sexual assault on campus. Mr. Dare would ask students if they voted and would provide a coupon to students even if they had already voted. He would instruct students on how to vote using their phones, but he did not instruct anyone to specifically vote for Mr. Acevedo. The incentive was to vote in general, not as a form of bribery.

Mr. Acevedo resumes the stand and speaks after his witnesses providing the following points in his defense:

1. The email presented as evidence to Board of Elections was not presented to Mr. Acevedo and, therefore, should be considered inadmissible hearsay. Mr. Acevedo states the email is unreliable and untrustworthy also because the correspondence was between Governmental Elections Officer Bhuta and the anonymous sender. Further, since the anonymous sender was not present at the hearing, it should be considered inadmissible as part of possible conspiracy and coercion.
2. The audio evidence that was presented as evidence at the Board of Elections hearing does not prove anything because it was a set-up. The audio is a recording of one party presenting the words and Mr. Acevedo only offering one word responses.
3. Mr. Acevedo stated that when he tried to present evidence at the Board of Elections hearing he was not permitted to do so and that the evidence he did present was excluded from the hearing minutes.

Attorney General Cuevas is asked to take the stand to present her client's case, evidence, and witnesses.

Attorney General Cuevas gives the following points in her opening statement:

1. Board of Elections is governed by the Elections Handbook. All candidates are required to attend a mandatory candidates meeting about general campaigning procedures. All candidates are given a copy of the Elections Handbook. Section IV.A.6 of the Elections Handbook states that all candidates are responsible for complying with all materials contained in the Elections Handbook.
2. The hearing conducted by the Board of Elections found that Mr. Acevedo was in major violation of Sections VII.G.4 and VII.G.5 based on the evidence and witnesses provided at that hearing. The first violation resulted in Mr. Acevedo being sanctioned with the loss of his campaign deposit and the loss of two campaigning days. The second violation resulted in Mr. Acevedo being dismissed from the presidential election. Attorney General Cuevas states that Mr. Acevedo continued to campaign and, thus, failed to uphold the Board of Elections decision, which must be upheld until otherwise overruled by the Judiciary.

Associate Justice Jimenez asked Attorney General Cuevas her personal definition of fraud.

Attorney General Cuevas responded that her personal definition of fraud is when someone asks a student to vote for someone they would not otherwise vote for; that the vote is not based on the students' individual opinions; that the vote is based on someone harassing and coercing a vote.

3. Attorney General Cuevas responded to Mr. Acevedo's point on voter disenfranchisement. She stated that because Mr. Acevedo was disqualified as a candidate his votes do not count because he was removed from the ballot; he is no longer part of the presidential election.

4. Attorney General Cuevas responded to Mr. Acevedo's point on creative campaigning. Campaigning is defined in the Elections Handbook in Section V.A.1. Arbitrary acts can be considered campaigning; and, if those arbitrary acts disrupt the equity of the playing field, the election cannot be fair and impartial.

Associate Justice Adofina asked about other promotional items given out by other candidates and that the line being drawn is based on the monetary value of Mr. Acevedo's promotional items.

Attorney General Cuevas responded that promotional items should not be items that compensate a student for voting for a certain person.

5. Attorney General Cuevas responded to Mr. Acevedo's point on the definition of fraudulent. Section IV.C.3 of the Elections Handbook states that campaigning cannot occur in the vicinity of someone who is or may be voting.
6. Attorney General Cuevas responded to Mr. Acevedo's point on ceasing the distribution of promotional items when asked by Government Elections Officer Bhuta. There is evidence of Mr. Acevedo passing out promotional items in the library the following day after being asked to cease the distribution of promotional items.

Mr. Acevedo objects to the presentation of the new evidence.

Chief Justice Jose overrules the objection.

Mr. Acevedo chose not to see the new evidence.

Attorney General Cuevas is asked to call upon her clients' witnesses.

First Witness: Government Elections Officer Vrinda Bhuta: The first violation hearing held against Mr. Acevedo was on Thursday, March 24, 2016 at 10:00AM. Government Elections Officer Bhuta states that she submitted the violation after receiving complaints from students and after having investigated the cause of the complaints. The video she took at Mr. Acevedo's campaigning table was submitted as evidence at the violation hearing. She originally took the video for informational purpose.

The video recording was introduced as evidence at 12:47PM.

Mr. Acevedo objected to altered evidence being produced because the video was not showing; only the audio was playing.

Chief Justice Jose called for a recess to resolve the technical issues so that the video can be played.

The hearing was reconvened at 12:57PM.

Second Witness: Huy Le

Chief Justice Jose asked if Mr. Le is involved with student government.

Mr. Le responded that he holds a volunteer position within student government as a member of the Academic Senate.

Mr. Le states that Government Elections Officer Bhuta asked him to investigate Mr. Acevedo's campaigning table on her behalf. Mr. Le states that he spoke to Mr. Acevedo's campaign workers, one of which who insisted Mr. Le open his phone and vote. Mr. Le refused and noted that there were gift cards on the campaigning table. He also witnessed Mr. Acevedo looking over students who were voting on their phones. Mr. Le also states that he witnessed Mr. Acevedo providing a phone to a student to vote.

The video recording was reintroduced as evidence with both video and sound. The video was recorded on March 22, 2016 and was submitted as evidence at the Board of Elections hearing.

Attorney General Cuevas discusses video.

Mr. Acevedo is asked to take the stand and to begin cross-examination.

First Witness for Cross-Examination: Government Elections Officer Vrinda Bhuta

Mr. Acevedo asks what her position entails.

Government Elections Officer Bhuta responds that her position requires her to inform candidates about the Elections Handbook; to ensure candidates abide by the Elections Handbook; and that she be available to clarify any questions about the Elections Handbook and process.

Mr. Acevedo states that at the last two mandatory candidate meetings he recalls the witness telling the candidates to not worry about violations; violations will happen. She also mentioned that the elections are an educational process that is not meant to be adversarial.

Government Elections Officer Bhuta states that this was inaccurate; that she went through the violations and hearing procedures.

Mr. Acevedo states that this statement contradicts his testimony and that the witness is lying. Mr. Acevedo asks if the witness checked other candidates' campaigning tables that day and if she had filed complaints against other presidential candidates.

Government Elections Officer Bhuta stated that it is her job to ensure an equitable playing field.

Associate Justice Adofina reminds those present that the hearing is a professional setting.

Mr. Acevedo asks the witness about checking other campaigning tables and what other promotional items she had seen. He also asks where in the Elections Handbook does it states that gift cards, t-shirts, and coupons cannot be given away.

Government Elections Officer Bhuta responds Section VII.G.5 of the Elections Handbook.

Mr. Acevedo asks if there is explicit statement of items of monetary value in the Elections Handbook.

Government Elections Officer Bhuta responds that the Board of Elections opinion included bribery because a fraudulent vote could have been cast.

Second Witness for Cross-Examination: Huy Le

Mr. Acevedo asked for clarification of the word “insisted”.

Mr. Le described “insisted” as verbal force.

Discussion ensued.

Mr. Acevedo asked Mr. Le who he voted for in the elections.

Mr. Acevedo asked that Mr. Acevedo refrain from asking the question because there was no relevance.

Chief Justice Jose asked Mr. Le to explain Academic Senate, of which Mr. Le is a member.

Mr. Le responded that the Academic Senate is comprised of faculty, staff, and administration.

Mr. Acevedo stated that there is no proof that the “insisting” campaign worker at his campaigning table was not just a supporter.

Mr. Le stated that the “insisting” campaign worker was standing on the opposing side of the campaigning table; the side opposite passers.

Attorney General Cuevas is asked to take the stand and to begin rebuttal and cross-examination.

Attorney General Cuevas states that Section VI.E of the Elections Handbook states that each person or group campaigning in favor of an issue must abide by the Elections Handbook, whether a campaign worker or not.

First Witness for Cross-Examination: Adam Karajah

Attorney General Cuevas asks the witness what being a campaign worker entails.

Mr. Karajah responded that it involves promoting Mr. Acevedo’s campaign and informing students on Mr. Acevedo’s position. Mr. Karajah would ask students if they had voted and offer promotional items. He would also inform students on how to vote, but no phones were used to show students how to vote.

Second Witness for Cross-Examination: Michael Dare

Mr. Dare stated that he is a supporter of Mr. Acevedo's. He did not read the handbook. Mr. Acevedo had instructed Mr. Dare to speak about his platform. Even if students stated that they had already voted, he would give a promotional item to that student. Mr. Dare stated that he handed out \$10 coupons for a sushi restaurant. Mr. Dare also stated that if students had not yet voted, he would show them how to vote after discussing Mr. Acevedo's campaign. He would inform students that student government had sent out an email for elections.

Attorney General Cuevas asked Mr. Dare to clarify his earlier statement that he "knew students wouldn't do it on their own".

Mr. Dare responded that a way to involve students is by handing out coupons and to inform them on the voting process.

Discussion ensued.

Attorney General Cuevas stated that she could not cross-examine other witnesses because Mr. Acevedo had dismissed them from the hearing.

Mr. Acevedo is asked to take the stand to give a closing statement.

Mr. Acevedo gives the following points in his closing argument:

1. Voter Disenfranchisement: Students votes were nullified.
2. The Elections Handbooks does not list gift cards as a prohibited item.
3. The Elections Handbook does not define fraud nor is explaining the online voting process or giving promotional items fraudulent. The legal definition of fraud is willful deceit to alter a person's position to injury or risk.
4. All members of Board of Elections are coworkers of Government Elections Officer Bhuta and Presidential Candidate Flores in student government.
5. It is not possible to monitor the actions of all supports.

Associate Justice Adofina stated that it is Mr. Acevedo's responsibility that his supporters follow the guidelines and procedures.

6. No one was forcing votes.
7. The evidence is biased and "putting words in [his] mouth".

Attorney General Cuevas is asked to take the stand to give a closing statement.

Attorney General Cuevas gives the following points in her closing argument:

1. Mr. Acevedo did not comply with the Board of Elections' sanctions and disregarded the Elections Handbook and the procedures put in place for a fair election.
2. Mr. Acevedo's claims do not rely on facts, only on the hearsay of his witnesses.
3. The Board of Elections' voting members are not members of student government.
4. Any persons at the campaigning table that spoke about Mr. Acevedo's campaign were acting as campaign workers.
5. The evidence has Mr. Acevedo stating his name and instructing a student on his/her phone who to vote for with the incentive of a gift card.

#### **11. DELIBERATIONS**

- A. Closed deliberations pursuant to Education Code TITLE 5. (CHAPTER 55.1 SUBCHAPTER A. Sec. 551.001)
  - 1) The Judiciary adjourned to closed deliberations at 1:31PM.
  - 2) The hearing was reconvened to open session at 1:53PM.
  - 3) Chief Justice Jose stated that pursuant to Section 40.A.4 of the Judiciary's Working Rules, the Judiciary will recess before a final judgement is delivered. There will be a halt to the presidential run-off elections until a final decision is made.

#### **12. VOLUNTARY CLOSING COMMENTS**

#### **13. ADJOURNMENT**

- A. Without objection Chief Justice Jason Jose adjourned the meeting at 1:56PM.