

UCSU APPELLATE COURT
DECISION IN THE MATTER OF:

SEVEN DISQUALIFIED CANDIDATED AND GRAVY
v.
THE ELECTION COMMISSION
Decided April 9, 2000

I. DISQUALIFICATION -- This court finds that the Procedural Due Process rights of the Seven Disqualified Candidates were violated in the decision made by the election commissioner on April 7, 2000 to disqualify the candidates because they were not given notice or a fair hearing. Therefore, that decision is overturned. The issue is remanded to the Election Committee which is now acting in place of the Commissioner to give the Candidates fair notice and hearing in accordance with their Procedural Due Process rights.

II. USE OF GRAVY ON THE TICKET --This Court also finds that the Procedural Due Process rights of the Candidates were violated in the decision made by the election commissioner on April 7, 2000 to disassociate the Candidates from Gravy. As the Candidates were not given fair hearing or notice to defend the allegations of inappropriate behavior, the ruling was a violation of due process. The issue is remanded to the Election Committee to give the candidates a hearing in accordance with their Rights. The hearing on this issue is to be held BEFORE THE BALLOTS ARE DISTRIBUTED ON MONDAY, APRIL 10, 2000 in order to avoid prejudice that may result from improper inclusion or exclusion of the (G) on the ticket. We take judicial notice that notice for the purpose of Due Process has already been given for this hearing.

Associate Chief Justice Cohen, Justice Van Nice, Justice Barash, and Justice Lewis join in this decision.
Justice Gardner-Wood dissents to this decision in its entirety.
Chief Justice Welling and Justice Martinez took no part.