

Dear Chair of ASG Elections Committee,

Below is my attempt to respond to your five questions as best I can. However, I think it very unfair for the committee to withhold explanation for my disqualification as I requested on May 6th, or provide me with the specific allegations of elections violations the committee used to make its decision.

I have sought the advice of several student and faculty advocates and they are helping me stand up for my rights. At no time did I violate any ASG bylaws during my campaign. What is clear is that your committee has violated my rights and ASG bylaws in its haste to disqualify me without first conducting the open due process hearing specified in Article V. Your violation of my rights has done irreparable harm to my candidacy resulting in the disenfranchisement of the students who intended to vote for me and spoiled the election as a whole. As ASG senator you have a constitutional duty to enforce all ASG bylaws, not just the ones that suit your immediate purpose. As such I believe you and the committee have acted in bad faith and shown itself to be biased in its proceedings.

Your assertion that the short personal phone conversation we had together on May 5<sup>th</sup> served as my open due process hearing is absurd and disingenuous, and I must say dishonest. At no time during your phone call did you inform me that you considered it as much. My teachers have taught me that the right to due process is a cornerstone of any essential democracy as well as the American justice system, and I will fight to uphold this right for me and all other students.

So here is my response to your request. Many of your questions lack specifics and I am asking for clarification in my responses. Note that my response does not constitute anything other than my good faith effort to cooperate with the committee, follow its directives, and receive the document you promised. It in no way fulfills my right to due process or remedies your violations of my due process rights. I do feel that your need to ask me these questions only after summarily issuing judgment is an attempt for the committee to justify its poor decision and displays it's bias. A fair process would require judgment to follow investigation and consideration of evidence, not the other way around.

## **Response to Your Five Questions**

### First Question

1. At any time during your campaign, did you refer to the **Special Rules form** that was emailed to you on **April 7, 2011**? All of the Candidates received this document, as it served as a hard copy.

Yes, I received the Special Rules form via email and referred to it during my campaign. I also contacted you numerous times asking for clarification in order that my campaign be compliant with elections rules and avoid violations. But I do not know what it means when you say an emailed attachment to "served as a hard copy." What is your point?

### Second Question

2. Are you fully aware that numerous times you were notified and spoken to verbally requesting your compliance, outside of email and any type of electronic communication?

No. Excepting your May 5<sup>th</sup> phone call, I am not aware that neither you nor anyone else on the committee ever contacted me requesting my compliance on anything involving my campaign. I am aware that I contacted you numerous times to clarify elections rules in order that my campaign be compliant and avoid potential violations. My right to ask you for clarification is in the election rules, and I assumed you were acting in good faith in your responses. These requests for clarification *should* have demonstrated to the committee my genuine desire to conduct my campaign in accordance with the letter *and* the spirit of the rules and guidelines. Instead, the committee appears to have taken the stance that I have been running my campaign with blatant disregard for the rules, and you are now insinuating I was out of compliance

numerous times and contacted by the committee. Please specify each instance in which I was contacted by the committee or found to be out of compliance so I can better respond (other than the May 5<sup>th</sup> phone call you made to me about expenditure receipts.)

#### Third Question

3. On **Thursday May 5, 2011**, when I called you to ask you about why you didn't submit your physical Expenditure receipts, did you have an understanding that our phone call was your chance to redeem yourself and use the opportunity as an open due process hearing?

You never made it clear to me that you considered your phone call to me to be an expression of my right to an open due process hearing or an opportunity to "redeem" myself. This is an absurd and disingenuous interpretation of ASG bylaws. At the time of our conversation I felt you were acting in good faith to help me comply with the rules set forth under the Special Election Rules.

#### Fourth Question

4. Do you understand that the Election Committee emergency meeting that was held on **Friday May 6, 2011** before the commencing of Election Voting week, and witnessed by Advisor Koch, was conducted to rescue you from falsely campaigning only to be later disqualified?

No, I don't understand anything about the meeting because I was not invited to it nor was I told about it. I do not understand how a meeting I was not invited to or told about could be conducted to "rescue me from falsely campaigning." Please tell me how I was "falsely campaigning" so I can better respond. I do recognize that in conducting a closed hearing without my presence is a violation of my Due Process rights, and I recognize that any advisor from the OSA had an obligation to enforce the committee's compliance.

#### Fifth Question

5. Are you fully aware that you have been given an abundant amount of time on several occasions during your campaign and the leniency the Committee has allowed you to correct your mistakes?

No, I am not aware that the committee at any time or occasion showed me "leniency" or "allowed me to correct my mistakes." Please specify the exact "mistakes" I am now being accused of making and each time the committee provided an opportunity for me to correct these "mistakes."

#### Finally

Your answers will not be used against you since they aren't violations. They only serve as proof that you acknowledge fair and equal treatment of the Election process.

I do not recognize that your email is proof of fair and equal treatment of the Election process. Fair and equal treatment required an open due process hearing where I could have had the opportunity to hear the complaints against me and respond to them prior to any decision being made. You have denied me that opportunity.

#### Your Promise

As per your request, I am in the process of organizing a document that will explain everything that we, as the Election Committee, have witnessed and discussed during your campaign. I will send it to you upon completion. Foremost, before I can send it you, I have some questions regarding several issues.

Now that I have answered your questions, please provide the clarifications I requested and the document you promised.

Thank You,  
Alberto Nunez