

**ASUO CONSTITUTION COURT
PETITION FOR REVIEW FORM**

Name: Laura Powers

Student ID:XXX-XX-XXXX

Date Filed: 4/17/2008

Phone: work:(XXX)XXX-XXXX cell:(XXX)XXX-XXXX

email:XXXXXXXX@XXXXXXXX.XXX

Address: XXXX XXXXXX XXXX, XXXXXX XX XXXXX

YOUR BRIEF SHOULD INCLUDE THE FOLLOWING INFORMATION

(pursuant to Constitution Court rule 10.1)

- Name of person(s) against whom this complaint is filed
 - The question presented for review
 - The specific constitutional provision, rule, policy, or resolution relevant to the controversy. Please cite not only the section, but the language of the provision, rule, policy, or resolution verbatim.
 - A brief statement of facts giving rise to the complaint. Please be specific and complete, but concise.
 - The remedy requested--what you want the Constitution Court to do.
 - Any exigent circumstances that require the Constitution Court to hear this complaint with dispatch
- You may also attach any relevant documents, materials, or other evidence you feel may aid the Court in its deliberations.*

Place 5 copies of these materials (the attached forms and your petition) in the Constitution Court box in the EMU and deliver one additional copy to each of the person(s) against whom this complaint has been filed.

signature of petitioner

print name

date

PROOF OF SERVICE FORM

PETITIONER

I, the undersigned, certify that I have served the opposing party (or parties) with this petition. They received this petition by (choose one): ____ mail; ____ in person; ____ other (please specify): _____.

I realize that in order for the Constitution Court to hear my case or controversy, this procedure must be followed.

signature

print name

date

CERTIFICATION OF CONFORMITY

I, the undersigned, certify that I have read the Condensed Rules of the Constitution Court and that this Petition comports with said Rules.

signature

print name

date

April 17, 2008

Dear Chief Justice,

I request a review of the Court's opinion in 16 C.C. (2007/08). The holding in 16 C.C. contains a fact error in that it incorrectly states that the Oregon Daily Emerald is a University facility or resource. Rule 6.12.6 states that "no elector shall employ, for any purpose relating to such election or ballot measure, any University facility or resource to which other electors do not have equal access." The Oregon Daily Emerald is an independent corporation that rents space in the Erb Memorial Union and carries no structural or operational affiliation with the University. The ASUO has a contract with the Emerald for a subscription, and pays for that subscription using the student incidental fee. In exchange for that subscription fee, the papers are distributed free of charge throughout campus. Like Lane Transit District, another group that the ASUO contracts for a specific service, the Oregon Daily Emerald is not a University facility or resource.

Additionally, the court's decision misconstrues the Emerald's advertising policies. The Emerald has the right to accept or reject advertising, but only rejects advertising on the basis of legality, truth, or obscenity. Rejecting political advertising on the basis of content would violate the Emerald's advertising policy against taking any political stance.

Finally, it is inaccurate to state that all electors do not have access to the Emerald as a means of disseminating campaign information. Even if some electors' cannot utilize advertising as a means of reaching the Emerald's readership, all electors are encouraged to submit opinion pieces for publication on the Emerald's Opinion page. This allows all electors to reach the Emerald's readers with their message, ensuring that all electors have free and equal access to the Emerald.

Desired Relief: I seek reversal of 16 C.C.

Constitutional Provisions, Rules, and Policies:

1. Elections Rule 6.12:

“In order to provide fair and equal access to University facilities and resources for proponents of all views during an election or ballot measure, no elector shall employ, for any purpose relating to such election ballot measure, any University facility or resource to which other electors do not have equal access.”

2. Constitution Court Opinion 16 C.C. (2007/08), Section III:

“The Oregon Daily Emerald newspaper is a publication produced with student funds and as an independent paper has the right to run only the ads it wishes to, making it not necessarily accessible to all electorates. Therefore, Election Rule 6.12 bars any electorates from employing the Oregon Daily Emerald newspaper.”