

INTERREGIONAL REPORTS

Upper Chantler v UCN Board of Elders [2018] Int RR 1

Case details	
Region	Union of Christian Nations
Date	7 August 2018
Claimant	Upper Chantler
Respondent	UCN Board of Elders (represented by Ecclesia)

1 Notes

Original case history can be found in Google Docs.

On the 21 June 2018, Upper Chantler contacted the Elders of the Union of Christian Nations (ie Ecclesia, Kriiv, and Christadelphians) informing them of their request to challenge the Elders at a tribunal.

He stated—

I would like to lodge a Tribunal regarding the recent election. I would like to note that no nation received a majority vote (2:2) and therefore I feel is in breach of the Charter which requires Elders to be ‘elected.’ As far as I see it, an election requires a majority winner. Using my right under the Charter, I’d like a Tribunal to investigate this dispute I have.

The matter was delegated to Kriiv.

Errors in transcription or formatting are mine.

Judgement was appealed against to the International Court of Law and Justice. It was overruled in *UCN Board of Elders v Upper Chantler*, [2018] CILJ App 1.¹

2 Ruling

Kriiv.

- [1] I must agree with Upper Chantler. The system of casting lots isn’t much democratic and isn’t allowing the citizens to have a excellent right of free speech. Lots may be efficient but not helpful in democratic referendums. Therefore, I end this tribunal here.

¹ See also related cases [2018] CILJ FB 1 and [2018] CILJ FB 2.

3 Documents

3.1 Upper Chantler I

- [1] I would like to thank the Board of Elders for preparing this Tribunal at my request and I apologise for the delay in presenting my argument. I can assure the Court that this will no longer happen.
- [2] The Charter says: 7.1 In addition to the Founder and Delegate, there shall be a maximum of 3 nations, elected by the residents, to serve as Elders for a term of no longer than 6 months.
- [3] In order to elect an Elder, a regional poll was held (link to the poll is here). The final result of the poll was a draw with Christadelphians on 2 votes and Arian Catholic Church on 2 votes. My argument rests on the fundamental understanding of what constitutes an ‘election’ in the democratic sense as I do not believe our Elder was properly ‘elected’. Due to this I believe we have a breach of the Charter.
- [4] It is obvious and goes without saying that the victor of a 2-way democratic election must win a majority (50% + 1) of the vote in order to receive a democratic mandate and therefore be validly ‘elected’. Due to the draw in this case, the nation with the highest ‘influence’ was deemed as the successful candidate. ‘Influence’ which ultimately decided the outcome of the election determined the successful Elder when 7.1 of the Charter states that ‘...there shall be a maximum of 3 nations, elected by the residents, to serve as Elders. . .’ Clearly, as the factor determining the successful candidate was influence and not an election by the residents, I argue that our electoral process was in breach of the Charter and that the election of Christadelphians to the position of Elder was invalid.

3.2 Ecclesia I

- [1] I can assure this Court and the Region that I too share Upper Chantler’s concern for the preservation of democratic governance in the Region. I do however differ with the argument presented by Upper Chantler. I agree that in most cases, the victor of a democratic election is when the candidate receives more votes than any other candidate and that the point is to

have the most endorsed person in the position of power.

- [2] Whilst rare, many democratic systems have provisions to determine who wins an election in the event of a tie. For example, the US Constitution explains how the President and Vice-President are to be elected if the Electoral College vote ends in a tie. In this case, the election isn't rendered null and void, the House of Representatives is responsible for voting for the President and the Senate is responsible for voting for the Vice-President. The constitution of Virginia also mandates that in the event of a tie, the winner is to be drawn by lot. This happened recently in Virginia as seen here.² As can be seen, it is not uncommon for a tie-breaking mechanism to be applied in democratic elections.
- [3] I would also like to draw the Judge's attention to the judicial history of this Region. Originally, Christadelphians started a Region called 'Christadelphia' which a number of us were a part of. Christadelphians then refounded the Region as 'The Christiadelphians' and it was then decided between Christadelphians and I to refound the Region as the 'Union of Christian Nations'. Christadelphia had the same Tribunal system where a case with similar facts was ruled on. The case of *Librerepublic v The Government of Christadelphia* (Tribunal, 2016) (Christadelphia) dealt with a similar issue. At this time, elections were based on a 2 round systems and if there was a tie, the nation who has spent the longest in the Region would progress to the next round. In this case, Librerepublic argued that this was unfair. Raer, the Judge of the Tribunal ruled that 'the rule is to be removed and replaced with another that better represents the Charter and allows fair and transparent elections. *Librerepublic v The Government of Christadelphia* (Tribunal, 2016) (Christadelphia). The legislation was subsequently changed after much discussion to make 'Influence' the determiner in a tie as Influence is the conflation of numerous factors on the game. This change was approved by Raer who then deemed the law as compliant with the new ruling. This I believe serves as a persuasive precedent. I would also ask the Judge, Kriiv, to indicate whether or not the ruling from Tribunals in Christadelphia serves as a binding precedent, persuasive precedent

² Sarah McCammon, 'Virginia Republican David Yancey Wins Tie-Breaking Drawing', *NPR* (4 January 2018) <https://www.npr.org/2018/01/04/573504079/virginia-republican-david-yancey-wins-tie-breaking-drawing>.

or otherwise. I argue that it should be binding however failing that argue for it to be persuasive at the least. If this is so, I would think that the current case is in fact legal and does constitute a valid election from the common practice of having a tie breaking mechanism in democratic elections and from previous judicial history and practice of this Region.

- [4] It is important to recognise the practicality aspect of having a tie-breaking mechanism. As Regions are often quite small and voter turnout is low, ties in elections are quite common. From an administrative perspective, having a tie-breaking mechanism not only speeds up the process of governance in the Region, it is also more efficient than having to have a new election which ultimately holds up the Region and delays governance which can be difficult at the best of times. Section 4.1 of the Charter says '4.1 The Founder shall be responsible for the general welfare of the Region'. As the Founder, I believe it is in the best interest of the Region to have an efficient and effective Governance structure and believe that doing so fulfills my requirement of looking after the Region's general welfare.

3.3 Upper Chantler II

Verbatim.

- [1] I will respond to the points from Ecclestia.
- [2] I am very much employing a literal reading of the Charter. It says that the Elders must be 'elected' and not decided by another process. Whilst tie-breaking mechanisms may be common in other jurisdictions, without any express mention, I think that it doesn't fit into the strict meaning of 'elected'.
- [3] I too bought a case forward in a Tribunal in 'Christadelphia'. I would argue that the cases in that Region should be persuasive not binding as whilst it was very much a continuation of this Region, I think that it physically being a different Regions puts forward challenges in it being binding.
- [4] Whilst the arguments on efficiency may be true, I am merely going with a literal meaning of the Charter and think it to be important for the Charter to trump all other authority.

3.4 Ecclestia II

Verbatim.

- [1] I will respond to the points from Upper Chantler.

[2] I understand that Upper Chantler is employing a literal interpretation however this was a point settled by the case of *Upper Chantler v Government of Christadelphia* (Tribunal, 2016) (Christadelphia) which was between both of us. The Judge of that Tribunal, Anfra, ruled that ‘The meaning of the word should be taken to be broad in context... [and that] and future readings of regional legislation should take into account broad meanings of language used in order to keep with the spirit of law.’ There is a link to the Judgement here. This was confirmation that Judicial interpretation of the Charter and legislation was to be broad in context and interpreted with regard to the ‘spirit of the law’. The Charter clearly balances the need for democracy, elections and efficiency in governance as mentioned in my argument previously.

[3] I will add that this tie-breaking provision is both consistent with other democracies as well as with many electoral processes. In the telegram I sent out to the Region informing them of the election, I noted that the election would use influence as a tie-breaking provision. The unsuccessful nation, Arian Catholic Church mentioned on the RMB that they were fine with this outcome.

[4] I will therefore reiterate that a broad interpretation of the language is essential. Such a reading would determine that by having the Elders as ‘elected’ would mean that a proper electoral process was followed, in this case by a democratic election followed by a tie-breaking mechanism.

3.5 Upper Chantler III

Verbatim.

[1] I have little more to argue on these points.

[2] I have argued that the previous ruling should be persuasive and not binding and therefore think that the ‘broad’ method of legal interpretation is incorrect and that a literal one should be employed.

[3] I hereby conclude my argument for this case.

3.6 Ecclestia III

Verbatim.

[1] I have little more to add however note that even if the past Tribunals are only persuasive and not binding, it lend itself more to interpreting the provisions as broad in scope and nature and that there was no error of law

in the judgement Anfra handed down in *Upper Chantler v Government of Christadelphia* (Tribunal, 2016) (Christadelphia).

[2] I also note that biblically, methods used for appointing Apostles and Elders included casting lots ‘Then they cast lots, and the lot fell to Matthias; so he was added to the eleven apostles.’ (Acts 1:26) and appointment ‘appoint Elders in every Church’ (Acts 14:23). Elders and Deacons were also appointed democratically ‘Brothers and sisters, choose seven men from among you who are known to be full of the Spirit and wisdom.’ (Acts 6:3). This method combines elections (Acts 6:3) with a form of lot drawing (Acts 1:26) by using influence. I also see this method as consistent with biblical principles as well as the Charter.

[3] I hereby conclude my argument for this case.