

Advisory Opinion of the Indiana University Student Government Election Commission

Issued: March 1, 2019

On February 28, 2019 the Election Commission received the following two questions:

Will tickets know what a complaint has been filed against them before a ruling? Will they know what the specific complaint is before the ruling? Will the ruling state how many points are deducted, or will we not know until the end of the election?

We would like to request an advisory opinion regarding the repercussions that will occur when violations result in a number of points but are not worthy of disqualification? Essentially, is there a difference between one team having 3 points and another team having 9 once the results of the popular election are in? We know you mentioned you would address the points system more in depth at the call-out meeting, but we feel this is necessary information for the immediate future. Thank you for your help.

We will go through the complaint procedure and point system at the upcoming all-candidate meeting, but here is the response to some of your immediate questions.

In regards to complaints, please refer to the complaint procedures posted in the Point System document on the website:

Complaint Procedure:

1. Election Commission receives complaint form from ticket/candidate with documented evidence. The complaint is for a violation occurring in the last 48 hours.
2. Election Commission decides if there is clear and convincing evidence for the possibility of a violation. If there is not, then the complaint is dismissed.
3. If there is a possibility for a violation, the Election Commission will publish the complaint and ask for reply briefs within 24 hours.
4. Once reply briefs are given, they will be forwarded to Supreme Court and IUSG advisors.
5. Election Commission will determine if a violation has occurred. 70% of EC must agree that a violation has occurred.
6. Election Commission will publish reply briefs and final determination as to whether a violation occurred.
7. If there is a violation, Election Commission will tell ticket/candidates the number of points that they received due to the violation. The point total will only be known to that ticket.
8. After election, final complaints and reply briefs are submitted by appropriate deadlines.
9. Appeals: Candidates have 24 hours after all complaints are finalized to appeal all complaint decisions.
10. Points not released until after the election is certified, unless someone gets to 10 points before then.

If the complaint is dismissed, it will also be posted on the website with the note that it is dismissed. In step #3, if the Election Commission has decided to accept the complaint, then it will be published to the website and the other ticket will be notified so that they can provide reply briefs or other documentation in response to the complaint before the ruling. Therefore, you will know the specific ruling because you will have an opportunity to reply to the complaint. As stated in step #7, the ticket who is receiving points will know how many but the other ticket who submitted the complaint will not. The total points of each ticket will not be released until after the election is certified, unless someone gets to ten points before then.

When there is a violation of points, the ticket is notified in order to allow prevent the ticket from continuing this action and receiving future violations. There are no other repercussions if the ticket receives points less than 10 points throughout the election process. Instead, the points acknowledge that this is a learning process instead of “punishing” a ticket as vote deductions did in past years. Therefore, it would not matter if a ticket has 3 points and another has 9 points at the end of the election season.

Best,
IUSG Election Commission
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