

THE STUDENT BODY SUPREME COURT OF INDIANA UNIVERSITY

iUnity v. IUSA Elections Commission

Docket Number: SBSC-2010-02

A petition filed on March 2, 2010 by the iUnity ticket alleged that election commissioner Tyler Coward had a conflict of interest in the 2010 IUSA election. Specifically, the iUnity ticket argued that a conflict of interest existed because Commissioner Coward and Justin Kingsolver, presidential candidate for the Kirkwood ticket, are members of the same fraternity. The iUnity ticket asserted that this was a violation of Section 101 of the *IUSA Elections Code*. On March 3, 2010, the Indiana University Student Body Supreme Court accepted this petition. Since this was not an appeal of a decision made by the Elections Commission, the Court allowed five days for the parties to submit briefs, in accordance with Article IV, Section 5 of the *IUSA Constitution*. On March 6, 2010 the Court received a brief from the Elections Commission. The Court, *sua sponte*, dismisses this case without prejudice due to the failure of the plaintiff to state a claim upon which relief can be granted.

Chief Justice Maloney delivered the opinion of the Court.

The iUnity ticket in its initial petition failed to set forth any claim upon which relief could be granted. The Court then allowed five days for briefs to be filed. In this time, iUnity could have submitted a more formal complaint providing specific factual information supporting its claim. The ticket did not do so. Thus, the Court holds that this case should be dismissed because the plaintiff has failed to set forth any evidence demonstrating that Commissioner Coward has acted in a biased manner. Merely being a part of a fraternity with an IUSA executive branch candidate is not in and of itself sufficient to establish a conflict of interest.

Furthermore, in order for the issue to be brought before the Court, there must be an actual conflict of interest that affects a decision made by the Elections Commission. Otherwise, Section 108 of the *IUSA Elections Code* outlines the proper procedure for removal of an election commissioner. The Court, *sua sponte*, dismisses this case without prejudice for failure of the plaintiff to state a claim upon which relief can be granted.

It is so ordered.

Joining in the opinion are Justices Bhargava, Chernesky, Hall, Kelley, Macklem, and Martin.

Justices Carpenter, Chapman, Hines, and Pittman recused themselves from this case.