

The Student Body Supreme Court of Indiana University

The Action Election Ticket v. The Crimson Election Ticket and The Unity Election Ticket
Docket Number 03-01 (2003)

Complaints were filed in the 2003 Indiana University Student Association Elections by The Action Election Ticket claiming a variety of violations by The Crimson Elections Ticket and The Unity Election Ticket of the Indiana University Student Association Elections Code (Indiana University Student Association Bylaws, Appendix A). The Action Election Ticket comes before this Court seeking redress from the Indiana University Student Association Elections Commission decision to reject their complaint against The Crimson Election Ticket and The Unity Election Ticket because of the Action Election Ticket's failure to properly file the complaint in time. The Court issued a writ of certiorari.

The Chief Justice Brian Clifford and Associate Justice Schuyler Geller delivered the opinion of the Court.

The Student Body Supreme Court of Indiana University recognizes its responsibility as the highest judicial body within the Indiana University – Bloomington student government system to preserve the integrity of the student government elections and to protect the rights and address the concerns of the student body. The *Indiana University Student Association Constitution* and the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A) are the mechanisms that protect these rights. The Indiana University Student Association Congress, acting within its constitutional prerogative, through the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A), only grants this Court appellate jurisdiction in matters of appeals from the Indiana University Student Association Elections Commission [*Indiana University Student Association Elections Code*, Title VIII, Sections 803 and 807 (Indiana University Student Association Bylaws, Appendix A)]. This Court, operating under the constraints aforementioned, cannot enter a judgment for the judicial remedy that The Action Election Ticket petitions us for.

The Indiana University Student Association Elections Commission is a sovereign body, granted authority for judicial review and designated as the fact finding body of election disputes under the *Indiana University Student Association Elections Code, Title I, Section 104.10* (Indiana University Student Association Bylaws, Appendix A). Under this authority, the Indiana University Student Association Elections Commission is empowered to accept or reject election complaints and contestments pursuant to *Indiana University Student Association Elections Code, Title VIII, Section 801* (Indiana University Student Association Bylaws, Appendix A) and *Indiana University Student Association Elections Code, Title VIII, Section 802* (Indiana University Student Association Bylaws, Appendix A). In regards to properly filed election complaints, the mandate to the Indiana University Student Association Elections Commission is clear; they are required to “hear **all** properly filed complaints [or contestments]” [*Indiana University Student Association Elections Code, Title VIII, Section 802* (Indiana University Student Association Bylaws, Appendix A) (emphasis added)].

The matter of dispute in this case centers on the discretion granted to the Elections Commission under the *Indiana University Student Association Elections Code* in ruling on improperly filed complaints and contestments. When faced with a question of statutory interpretation, it is commonly accepted legal doctrine that the Student Body Supreme Court of Indiana University must first look to the plain meaning of the language contained within the statute, and only if the language is unclear can the Court extrapolate further. A clear reading of the *Indiana University Student Association Elections Code, Title VIII* (Indiana University Student Association Bylaws, Appendix A) shows that nothing requires the Indiana University Student Association Elections Commission to reject improperly filed complaints *in totum*. This Court believes, as has been the commonly accepted principle in previous elections, that this signals the intent of Indiana University Student Association Congress to allow for the Indiana University Student Association Elections Commission to act on a case-by-case basis when deciding to hear improperly filed complaints.

Given this standard, this Court can only reverse such a determination on the basis of clear error, blatant abuse of discretion or personal bias. Nothing in the record before this Court shows that the Indiana University Student Association Elections Commission made a clear error in the determination that The Action Election Ticket complaint and contestment was improperly filed; indeed, The Action Election Ticket members themselves have at no point in their petition or arguments to this Court contested this determination. Additionally, there is nothing at bar to suggest blatant abuse of discretion or personal bias. Therefore, the Student Body Supreme Court of Indiana University finds that the Indiana University Student Association Elections Commission acted within their legitimate authority under the *Indiana University Student Association Elections Code, Title I, Section 104.10* (Indiana University Student Association Bylaws, Appendix A) in rejecting The Action Election Ticket complaint and contestment.

This Court recognizes the legitimate and troubling concerns brought forth in the body of The Action Election Ticket's complaint and contestment as it relates to the legitimacy of this year's Indiana University Student Association elections process. However, since this Court has no original jurisdiction in matters of appeal from the decisions of the Indiana University Student Association Elections Code, these matters must be addressed in the Indiana University Student Association Elections Code itself, a concern that this Court clearly identified in its decision in the matter of *The Steel Election Ticket v. The Kirkwood Election Ticket*, 02-01 (2002) or through a direct challenge to the constitutionality of the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A), in whole or in part, which would fall under the original jurisdiction of this Court [*Indiana University Student Association Elections Code, Title VIII, Section 808*]. The failure of the Indiana University Student Association Congress to fulfill their mandate under the *Indiana University Student Association Elections Code, Title X, Section 1001* (Indiana University Student Association Bylaws, Appendix A) in ensuring the creation of "rules and regulations consistent with this Code in order to preserve the legitimacy of all IUSA Elections", has once again led to an election marred in controversy, delayed in dispute, and questioned in fairness. The legitimacy of the Indiana University – Bloomington student government system has again suffered in the eyes of the citizens of our campus. Therefore, though under the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A) as currently enacted the Student Body Supreme Court has only appellate jurisdiction and cannot order the remedy The Action Election Ticket requests, this Court shall issue an order demanding action on the part of the Indiana University Student Association to rectify the problems of the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A) so that future elections may be respected by the students of Indiana University – Bloomington.

The decision by the Indiana University Student Association Elections Commission is hereby affirmed.

It is so ordered.

Associate Justices Riley, Dumas, Brown, McVicker, and Buckley join in the opinion.

Associate Justice Bennett, concurring with the decision.

The question presented to the Student Body Supreme Court of Indiana University is whether the Indiana University Student Association Elections Commission overstepped its authority in refusing to hear The Action Election Ticket complaint. The Indiana University Student Association Elections Commission based their decision on The Action Election Ticket's perceived failures in all three categories of *Indiana University Student Association Elections Code, Section 801* (Indiana University Student Association Bylaws, Appendix A): technical requirements, substantive requirements, and the deadline requirement. While I agree with the Indiana University Student Association Elections Commission's decision that The Action Election Ticket blatantly failed to meet both the technical and deadline requirements, I believe that it was not within the Indiana University Student Association Elections Commission's authority to dismiss the complaint on perceived failures of substantive requirements.

The Indiana University Student Association Elections Commission asserts that "the evidence presented was not well organized." I feel The Action Election Ticket's complaint does meet the criteria of Section 801.2 of the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A), as it provided a Table of Contents which linked evidence to portions of the *Indiana University Student Association*

Elections Code (Indiana University Student Association Bylaws, Appendix A). In addition, the Indiana University Student Association Elections Commission was formed in order to further the purposes of the Indiana University Student Association, which works to “protect student rights, enrich student life, and improve Indiana University.” Ignoring all of the evidence located in The Action Election Ticket complaint because of organizational technique denies the rights of the student body, and I believe that the substantive requirement of *Indiana University Student Association Elections Code Section 802* (Indiana University Student Association Bylaws, Appendix A) was wrongly utilized by the Commission as a tool to dismiss the complaint. Furthermore, the acceptance of the complaint filed by Ms. Jackie Pirnat on behalf of the Willke Resident Association, et al., despite its failure to meet the technical requirements, further emphasizes the poor judgment of the Indiana University Student Association Elections Commission, yet I believe this authority to make such discretionary decisions is granted to the Indiana University Student Association Elections Commission through the *Indiana University Student Association Elections Code Section 801* (Indiana University Student Association Bylaws, Appendix A).

It cannot be denied that The Action Election Ticket failed to meet the other two requirements, which are clearly described in the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A) and the Indiana University Student Association Election Commission’s dismissal of the complaint for these reasons has precedent from previous elections. This Court is not authorized to repair the faults of the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A), which neglects to prioritize substantive evidence over minor technical requirements and therefore harms the credibility of the entire election process. These failures also hurt the student body, who once again were possibly subject to illegal campaigning techniques because the *Indiana University Student Association Elections Code, Section 801* (Indiana University Student Association Bylaws, Appendix A) grants the Indiana University Student Association Elections Commission the right to dismiss entire complaints if they fail to meet any of the requirements. It is under these conditions that I concur with the decision of the majority decision and affirm the authority of the Indiana University Student Association Elections Commission to dismiss The Action Election Ticket’s complaint and contestment based on violations of the *Indiana University Student Association Elections Code, Section 801* (Indiana University Student Association Bylaws, Appendix A).

Justice Mindel, dissenting.

The general purpose of the Indiana University Student Association is clearly discussed in the preamble of the *Indiana University Student Association Constitution* that was approved in March of 2002: “The Indiana University Student Association will work to protect student rights, enrich student life, and improve Indiana University.” Through this declaration of duty is placed upon the Indiana University Student Association to protect the interests of students, enrich their lives and improve the quality of the Indiana University – Bloomington campus.

This Court has a duty to interpret the *Indiana University Student Association Constitution* and to ensure that the rules given within that document and its bylaws are followed. In addition, however, the Court has a duty to further the over-arching goals of the Indiana University Student Association, meaning that we have an obligation to protect student rights and interests.

The procedural and substantive rules set forth in *Indiana University Student Association Elections Code, Section 801* (Indiana University Student Association Bylaws, Appendix A) of were created for many compelling reasons. Among other reasons, the Indiana University Student Association Elections Commission wants to ensure that briefs are filed in a timely fashion, properly formatted and substantively valid to ensure that there are no falsified claims of *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A) violations. We believe that these procedural rules are important, and that in the case of The Action Election Ticket’s brief, both technical and deadline requirements were missed. We find, however, that these procedural rules are not the most important interest of either the Indiana University Student Association Elections Commission or this Court.

The substantive requirements of *Indiana University Student Association Elections Code, Section 801* (Indiana University Student Association Bylaws, Appendix A) were created to ensure that claims of violations are valid and that the brief is organized and understandable for the Indiana University Student Association Elections Commission. In the case of The Action Election Ticket brief, the Indiana University Student Association Elections Commission found that there were four elements of the brief that did not meet the substantive requirements of *Indiana University Student Association Elections Code, Section 801* (Indiana University Student Association Bylaws, Appendix A). First, they found that the evidence was not well organized, second, the Indiana University

Student Association Elections Commission found that the evidence was not presented in a way that specifically links it to the violation committed, third, they found that The Action Elections Ticket did not provide the names of the candidates allegedly involved and finally, the request for relief was not proportionate to the violations alleged.

We find that while there were portions of the brief that did not meet all of the above named requirements, there were others, namely evidence and description of e-mail violations, which did meet the substantive requirements. Not all of the alleged violations may have been valid but there were, however, certain allegations that did hold merit and validate review. Additionally, we find that the request for relief was proportionate to the violations alleged. If the evidence of e-mail violations was accepted by the Indiana University Student Association Elections Commission as valid, the fines, compounded by the number of e-mails sent would have amounted to several hundreds of thousands of dollars, which would have necessarily exceeded any tickets' budget for the election.

One of the primary purposes of the Indiana University Student Association Elections Commission is to ensure the integrity and fairness of the elections process. We find that the Indiana University Student Association Elections Commission has failed to ensure such integrity this year. Last year, in *The Steel Election Ticket v. The Kirkwood Election Ticket [02-01 (2002)]* decision, the Student Body Supreme Court found that the sending of mass electronic mail messages for the purposes of campaigning was in violation of the *Indiana University Student Association Elections Code* (Indiana University Student Association Bylaws, Appendix A) and University Information Technology Services guidelines. This year, again, there were mass electronic mail messages sent. Last year, hundreds of students complained about the unsolicited electronic mail messages they received and this year more students have been upset for the same reason. The interest of students should be the most important consideration when it comes to the student government elections, and the interest of students to be free from unsolicited electronic mail messages (again, in violation of the *Indiana University Student Association Elections Code* [Indiana University Student Association Bylaws, Appendix A]) has been ignored.

We find the duty of this Court to protect the interests of students and improve Indiana University more important than our duty to ensure all procedural requirements for filing complaints are met. The use of unsolicited electronic mail messages in campaigning is an issue that needs be addressed by the Indiana University Student Association Elections Commission. We disagree with the assessment of the Indiana University Student Association Elections Commission that the brief did not meet the substantive requirements provided in *Indiana University Student Association Elections Code, Section 801* (Indiana University Student Association Bylaws, Appendix A) and finally, we find that the duty of this Court dictates that the complaints of The Action Election Ticket be heard by the Indiana University Student Association Elections Commission. We therefore dissent from the judgment of the Student Body Supreme Court of Indiana University that the decision of the Indiana University Student Association Elections Commission be affirmed.

Associate Justices Carter and Dwyer join in the dissent.
