

The Student Body Supreme Court of Indiana University

Request for Appellate Hearing Concerning the 2015 Indiana University Student Association Elections

Amplify for IUSA vs. The IUSA Election Commission Docket Number: SBSC-15-04 (2015)

WRIT OF CERTIORARI TO THE IUSA ELECTION COMMISSION

Associate Justice Brennan Murphy delivered the opinion of the Court.

I.

The Amplify for IUSA ticket (“Amplify”) petitioned this Court for appellate review of the IUSA Election Commission (“Election Commission”) decision entered April 11, 2015. Amplify filed a timely appeal in response to the decision reached by the Election Commission wherein it disqualified Amplify from the 2015-2016 electoral race for violation of the *Indiana University Student Association Election Code* (“Election Code”) Title IV, Section 401: Campaign Expenditures Defined; Title IV, Section 402: Contributions for IUSA Elections; and Title VI, Section 602: Excessive Campaign Contributions. Amplify now petitions this Court for appellate review of this decision, requesting that the disqualification be reversed. Comes now the Student Body Supreme Court of Indiana University and grants this petition for a *writ of certiorari* in part.

II.

All decisions of the Election Commission may be appealed to the IU Supreme Court, with the substantive requirements that each appeal contains “a statement of the specific decision made by the Election Commission, reasons for why the decision should be overturned, and a specific request for relief,” pursuant to *Indiana University Student Association Election Code*, Title VIII, Section 804. Fulfilling all other substantive requirements, Petitioner’s appeal of disqualification provided numerous reasons as to why the decision should be reversed. The Court determines that only one of these reasons, the alleged application of an advisory opinion contradictory to the Election Code, to be worthy of appellate review based on a precedent of containing the potential to demonstrate “clear error, blatant abuse of discretion, or personal bias in the resolution of [a] complaint or defense.” *The Crimson Elections Ticket and The Fusion Elections Ticket v. The Big Red Elections Ticket*, SBSC-04-02 (2004), citing *Action v. Crimson, et al.*, SBSC-03-01 (2003).

III.

In its appeal, Petitioner notes that its disqualification was dependent upon three violations found within Title IV and Title VI of the Election Code, regarding allegedly missing information on its final financial statements. Petitioner claims that the decision not to include this information

stemmed from its interpretation of an advisory opinion from a member of the Election Commission. Title IV, Section 401 of the *Indiana University Student Association Election Code* states, “Any particular candidate may request from the Election Commission an advisory opinion as to whether a particular purchase would constitute a campaign expenditure and what value it would be assessed.” The advisory opinion in question was interpreted in a way potentially contradictory to the bylaws laid out in *Indiana University Student Association Election Code*, Title IV, Section 403, which assert that “documentation of expenditures must include the fair market value of the expenditure.” The fact that the Election Commission’s decision does not address its own advisory opinion merits discussion in a public hearing. Additionally, the Court finds the Election Code silent on the responsibilities of tickets after receiving an advisory opinion. Petitioner seems to claim that simply obtaining an advisory opinion and following any interpretation of that opinion is sufficient defense from violations of the Election Code. The Court believes that this claim should be resolved through a public hearing. Therefore, the Court is willing to hear arguments based on the interpretation and weight of the advisory opinion in an appellate hearing.

IV.

Other reasons proposed by Petitioner as to why its disqualification should be overturned were not found to be of substantial judicial merit.

Petitioner’s argument of disparate treatment from the Election Commission does not merit appellate review. During this election season, all tickets have lodged violation complaints, and had complaints filed against them. The Election Commission has followed a defined, yet undisclosed, practice in reviewing all properly filed complaints. There is not enough evidence from Petitioner to indicate disparate treatment, so the Court dismisses this argument. In regards to allegations that the INtouch election ticket may have also violated the same sections of the Election Code, the Court makes no judgement, as Petitioner is asking for the Amplify ticket’s disqualification to be overturned. Potential violations by another ticket would have no bearing on this decision, and thus will not be considered.

Petitioner’s argument of personal bias on behalf of Ms. Caroline Dusenberry, Finance Chair of the Election Commission, does not merit appellate review. The same Court ruling cited by the Petitioner, *iUnity v. The IUSA Election Commission*, SBSC-2010-02 (2010), clearly states, “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.” Failing to support the claim of personal bias beyond the fact that Ms. Dusenberry is in the same sorority as a candidate from another election ticket, the Court dismisses the claim, and will not hear discussion of it.

Petitioner’s argument of the purchasing power of the contributions cap does not merit appellate review. Petitioner claims that the hard \$3,000 cap to contributions described in *Indiana University Student Association Election Code*, Title IV, Section 402 is subject to adjustments to inflation based on the model of the United States Federal Election Code. Nowhere in the Election Code is there any explicit mention of inflation, let alone the Code’s immediate subjectivity to inflation. Following the Election Code as it is written, the Court dismisses this argument. Furthermore, in Amplify’s appeal, it is stated that inflation would result in a budget of over

\$4,000. This claim is without citation, and the Court finds it to be incorrect. Even if inflation adjustments were made, despite there being no legislative evidence of this being allowed, Amplify would still have violated Title IV, Section 402 with their spending. All arguments regarding purchasing power adjustments are not to be heard by the Court.

Petitioner's argument of the materiality of its violations does not merit appellate review. Petitioner claims that its "ideals, experience, and initiative" were the major factors in its victory in the election, and violations based on financial documents should be considered immaterial to this victory. However, *Indiana University Student Association Election Code*, Title VI, Section 605 grants the Election Commission freedom to determine if any violations were material to the outcome of an election, and the Court respects the Commission's decision to assert clearly defined grounds for disqualification laid out in Title VI, Sections 602 and 603. The Court believes that upholding the fairness of the IUSA Elections is among its highest duties, and thus any act which may have violated a fair election is worthy of consideration of disqualification as shown in *The Crimson Elections Ticket and The Fusion Elections Ticket v. The Big Red Elections Ticket*, SBSC-04-02 (2004).

Therefore, the Supreme Court is unwilling to hear arguments based on disparate treatment, personal bias, purchasing power, or materiality in the appellate hearing of this case.

V.

The Court takes its role as the highest judicial body at Indiana University with due responsibility. The Justices understand their fundamental obligation to fully consider all appellate petitions, with particular weight given to IUSA election disputes. The Court is vigilant for any instances of bias, blatant abuse of discretion, or clear error in the decisions of the Election Commission, to which we would certainly grant a *writ of certiorari*. In this case, the possibility of clear error in regards to an advisory opinion is enough to warrant a *writ of certiorari* for an appellate hearing.

The Indiana University Student Association Election Commission is hereby ordered to send all records concerning this matter to the Clerk of the Supreme Court (court@indiana.edu) by 5:00 p.m. on Monday, April 20th, 2015.

The Amplify for IUSA ticket may file a petitioner's brief under the guidelines of the Supreme Court's "Universal Procedures for Public Hearing" and *Indiana University Student Association Elections Code*, Title VIII, Section 806 prior to 4:00 p.m. Friday, April 17, 2015.

The IUSA Election Commission may file a reply brief under the guidelines of the Supreme Court's "Universal Procedures for Public Hearing" and *Indiana University Student Association Elections Code*, Title VIII, Section 806 prior to 4:00 p.m. Friday, April 17, 2015.

Also, any person may submit an amicus curiae brief to the Court under the same technical requirements prior to 4:00 p.m. Friday, April 17, 2015. Members of the aforementioned election tickets may not submit amicus curiae briefs. A public hearing on this matter will be held on Thursday, April 23, 2015 at 6:30 p.m. in the Moot Court Room of the Indiana University - Bloomington Maurer School of Law (LAW Room 123). The procedures controlling this hearing

are detailed in the Supreme Court's "Standing Rules for Public Hearings." By stipulation of the Court:

The members of each party to the complaint shall have forty (40) minutes in which to present their arguments before the justices. Justices may interject questions or comments at any time during this period. A maximum of three members shall be allowed at the bar for each party; however, if a question is asked by a justice of the Court which none of these three members feel qualified to answer, they may redirect the question to a qualified member of the audience upon obtaining the Court's permission.

No other stipulations to the standing rules for the hearing have been authorized. The docket number assigned to this matter is *Amplify for IUSA v. Election Commission*, SBSC-15-04 (2015).

It is so ordered.

Chief Justice Manon