

The Student Body Supreme Court of Indiana University

Request for Appellate Hearing Concerning the 2002 Indiana University
Student Association Elections

The Steel Election Ticket v. The Kirkwood Election Ticket

WRIT OF CERTIORARI TO THE IUSA ELECTION COMMISSION

Justices Clifford and Riley, delivered the unanimous opinion of the Court.

Whereas the Student Body Supreme Court finds that the Steel election ticket appeal has sufficient procedural and substantive standing, we hereby grant the petition for a writ of certiorari.

The Court, pursuant to the Indiana University Student Association Election Code, IUSA Bylaws, Appendix A, Title IX, Section 901, which states “The Supreme Court shall review all properly appealed IUSA Election and referendum disputes”, must determine when an election appeal has been properly filed.

An appeal shall be determined to be properly filed when the requirements of procedural standing and substantive standing have been satisfied.

Procedural standing is established by the Indiana University Student Association Election Code, IUSA Bylaws, Appendix A, Title VIII, Section 803. Section 803, subsection 3 states that “The appellant(s) must submit the appeal no later than twenty-four (24) hours after the challenged Election Commission decision was revealed to the appellant(s) to the IUSA Office [sic].” In this case, the Election Commission rendered its decision at approximately 12:30 a.m. A literal reading of this clause would establish a deadline for filing an appeal of the Election Commission decision that is impossible to meet, as the IUSA Office is not open between the hours of 5:00 p.m. and 9:00 a.m. Since this literal reading fails, the Court must rely on the intent of the legislature in enacting this statute, which is to provide for fair election results. The Indiana University Student Association Election Code, IUSA Bylaws, Appendix A, Section 804 states that “The Supreme Court shall determine whether an appeal has been properly filed...” The Court therefore defers to its own internal procedures, as stated in IUSA Bylaws, Appendix F, Section 604, to make this determination. Based on the established internal standing rules of the Court, the Chief Justice decides all deadlines and timelines for Court procedures not specifically delegated to other members of the Court. All parties to the suit tacitly agreed to a 5:00 p.m. deadline for appeals of the Election Commission decision set forth by the Chief Justice. All other informational sources pertaining to procedural standing do not constitute the position of the Court. Therefore, 5:00 p.m. was the official deadline for an appeal of the Election Commission decision to be made to the Student Body Supreme Court.

Wherefore, the appeal submitted by the Steel election ticket is ruled to have procedural standing, as it fulfills the technical requirement of the Indiana University Student Association Elections

Code, IUSA Bylaws, Appendix A, Title VIII, Section 804, subsection 1, and was submitted prior to the 5:00 p.m. deadline established by the Chief Justice.

Procedural standing having been established, we now turn to a want of substantive standing.

Substantive standing is established in this case by the Indiana University Student Association Elections Code, IUSA Bylaws, Appendix A, Title VI, Section 607. Section 607 states that “It shall be a violation of this Code to deliberately cause any ticket...to be in violation of this Code or any applicable regulation under Section 601. This violation shall be grounds for contestment.” In this case, each party submitted to a legally binding contract that requires adherence to the Indiana University Student Association Elections Code. An alleged violation of this Code by any party has an adverse effect on the election process for all parties. Therefore, any violation of the Elections Code by any party is a violation of Section 607 when the violation inhibits the exercise of implied positive rights of any other party. The proper administration of justice compels this Court to enjoin all parties in suit subjected to this alleged restriction of such positive rights. Since Section 607 enjoins all parties to this suit, the Steel election ticket has a direct interest in the outcome of this case, and therefore has established substantive standing.

Therefore, procedural and substantive standing having been established, we hereby grant a writ of certiorari in this case, as required by the Indiana University Student Association Elections Code, IUSA Bylaws, Appendix A, Title IX, Section 901 and by our obligation to serve the best interests of the constituent members of the Indiana University Student Association in maintaining fair and legitimate elections of student representatives.

Also, though the Court was not petitioned by the Synergy Election Ticket in this case, we conclude that they have substantive standing in this matter; however, the ticket failed to prove procedural standing by not properly filing an appeal of the Election Commission decision to the Court, and therefore waives its right of judicial remedy in this suit.

It is so ordered.

Joining in the opinion are the Chief Justice Cioffi, Justice Heard, Justice Aquila, Justice Mindel, and Justice Geller.

Justice Buckley, Justice Dumas, Justice Pittman, and Justice Balash took no part in the decision.