

# THE STUDENT BODY SUPREME COURT OF INDIANA UNIVERSITY

Request for Appellate Hearing Concerning the 2017 Indiana University  
Student Association Executive Elections

**Engage with IUSA v. Election Commission**  
**Docket Number: SBSC-17-01 (2017)**

## *DENIAL OF REQUEST FOR WRIT OF CERTIORARI TO THE IUSA ELECTION COMMISSION*

*Associate Justice Dmitry P. Simakov delivered the opinion of the Court.*

### I.

**Engage with IUSA** (“Engage”) petitioned this Court for appellate review of the **IUSA Election Commission** (“Election Commission”) decision entered March 31, 2017. Engage filed a timely appeal (as judged by Associate Justice George Glass, Clerk of the Court) in response to the decision reached by the Election Commission wherein it did not deduct votes from the **Empower IU** (“Empower”) executive ticket’s final vote total for alleged violations of the *Procedural Election Code of the IUSA Election Commission* (“Procedural Election Code”) Title V, 509: Financial Disclosure, and Title VI, 605: Excessive Campaign Expenditures. Engage now petitions this Court for appellate review of this decision, requesting the disqualification of Empower. Comes now the Student Body Supreme Court of Indiana University and denies this petition for a *writ of certiorari*.

### II.

The Student Body Supreme Court of Indiana University has the authority to reject any appeal of decisions rendered by the Elections Commission pursuant to the Procedural Election Code, Title VII, Section 707. The Court has set forth clear precedent regarding its role in appellate review of Election Commission decisions. For this Court to overturn an Election Commission decision, “the petitioner must show clear error, blatant abuse of discretion, or personal bias in the resolution of their complaint or defense” [*The Crimson Elections Ticket & 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.

Any ticket running for executive office within the Indiana University Student Association has the ability to appeal a decision made by the Election Commission pursuant to the Procedural Election Code, Title VII, Section 707.

According to the evidence provided, the Election Commission was aware of the alleged violations against Empower and considered the facts presented before deciding that Empower would incur a 0% ballot penalty for its actions.

In this case, Engage has appealed the Election Commission's decision to assess a 0% ballot penalty against Empower because Engage does not feel that the penalty properly aligns with the severity of Empower's alleged misconduct. Engage believes that Empower intentionally attempted to mislead the Election Commission in the final financial disclosures, placing Empower over the acceptable ticket expenditure limit of \$3,000. If this scenario is true, Engage claims that the additional \$432.53 charge for campaign-related lighters could have affected final voter counts.

### IV.

In this situation, the Court leans on Title IV, Section 401 of the Procedural Election Code: "No single candidate or ticket shall be penalized for a vendor's inability to supply every or any candidate or ticket with goods or services used for campaigning." Empower falls into this category, as it was unable to control the outcome of the vendor's ability to supply the purchased goods. Since the lighters were never supplied, Empower **did not have the chance to distribute them and generate significant traction with potential voters.**

Additionally, this Court has not been provided with proof of existence or distribution of lighters purchased by Empower. Therefore, the simple readjustment of final financial disclosures, given changing circumstances for a ticket, **does not constitute an attempt at dishonesty and should not result in disqualification.**

### V.

The Student Body Supreme Court of Indiana University reviews all appeals thoroughly and in accordance with applicable procedures. Both the merits and shortcomings of each appeal are considered and debated in an attempt to reach the most appropriate conclusion. Decisions of the Supreme Court will consistently adhere to the Election Code and Procedural Election Code while demonstrating an unwavering commitment to providing the fairest elections possible.

When the petitioner fails to show that Election Commission decisions suffer from "clear error, blatant abuse of discretion, or personal bias in the resolution of their complaint or defense," the Court reserves the right to deny the appeal and should indeed do so. Failure to deny such appeals would be to encourage unsubstantiated future claims and to foster an environment in which parties routinely submit appeals, regardless of merit, to the Court.

These decisions of the Election Commission are hereby **AFFIRMED**, and this petition for a *writ of certiorari* is **DENIED**.

*It is so ordered.*

*Chief Justice J. Ryan and Associate Justices C. Dark, G. Glass, S. Gowda, D. Haymond, S. Munson, R. Solomon, A. Testin, and P. Yoon* join in this decision.

# THE STUDENT BODY SUPREME COURT OF INDIANA UNIVERSITY

Request for Appellate Hearing Concerning the 2017 Indiana University  
Student Association Executive Elections

**Engage with IUSA v. Election Commission**  
**Docket Number: SBSC-17-03 (2017)**

## *DENIAL OF REQUEST FOR WRIT OF CERTIORARI TO THE IUSA ELECTION COMMISSION*

*Associate Justice Scott T. Munson delivered the opinion of the Court*

### I.

The **Engage with IUSA** executive ticket (“Engage”) petitioned this Court for appellate review of the **IUSA Election Commission** (“Election Commission”) decisions entered March 31st, 2017. Engage filed a timely appeal (as judged by Associate Justice George Glass, Clerk of the Court) in response to the decision reached by the Election Commission for Complaint 24. In this decision, the Election Commission unanimously decided that no vote deductions would be imposed on the **Empower IU** executive ticket (“Empower”) for allegedly violating *Procedural Election Code of the IUSA Election Commission* (“Procedural Election Code”) Title VI, 603: Voter Fraud, by distributing a direct link to the election ballot through an email and/or notification that included Empower’s campaign logo. Engage now petitions this Court for appellate review of this decision, requesting the disqualification of Empower. Comes now the Student Body Supreme Court of Indiana University and denies this petition for a *writ of certiorari*.

### 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, an argument for why the decision should be overturned, and a specific request for relief,” pursuant to the *IUSA Election Code* (“Election Code”), Title II, Section 201. The Student Body Supreme Court of Indiana University has the authority to reject any appeal of decisions rendered by the Elections Commission pursuant to the Procedural Election Code, Title VII, Section 707. The Court has set forth clear precedent regarding its role in appellate review of Election Commission decisions. For this Court to overturn an Election Commission decision, “the petitioner must show clear error, blatant abuse of discretion, or personal bias in the resolution of their complaint or defense” [*The Crimson Elections Ticket & 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 to the Supreme Court, Engage notes that Complaint 24 deals with violations of Title VI, Section 603 of the Procedural Election Code. This section of the Procedural Election Code offers numerous examples of actions that might constitute voter fraud; for convenience, the two examples cited by Engage are reproduced below:

- Pressuring a voter to vote one way or another while they are in the immediate process of voting.
- Providing technology of any sort to a voter through personal solicitation – essentially serving as a polling station.

In their written request for a *writ of certiorari*, Engage contends: “In their ruling, the Election Commission erred on investigating Complaint 24 by referring to a nonexistent email [Exhibit C]. Complaint 24 never referenced any emails, instead it focused on technology use and link distribution. From the evidence, it is apparent that 144 members of Empower IU essentially served as polling stations while influencing voters by using a hyperlink which linked voters directly into the ballot, constituting voter fraud.”

### IV.

While Engage fulfilled all other substantive requirements in petitioning this Court, its appeal of the Election Commission’s decision fails to provide apt arguments in support of its contention that the Election Commission erred.

The petitioner claimed that the Election Commission “erred on investigating Complaint 24 by referring to a nonexistent email.” The sentence referenced in the Election Commission’s decision is worded: “Empower IU’s *email* does not constitute behavior that incites intimidation by the voter.” The insignificance of this mistake renders this issue moot. While “email” is an incorrect description of the medium (i.e. “Thunderclap”) used by Empower to distribute the ballot, the intent of Thunderclap and comparable applications is to spread messages and pertinent information to interested parties; emails serve the same purpose in this context.

Engage claims that “144 members of Empower IU essentially served as polling stations while influencing voters by using a hyperlink which linked voters directly into the ballot, constituting voter fraud.” The Court firmly disagrees. A link to the election ballot does not serve as a “polling station” and does not pressure one to vote. Rather, the link serves as an opportunity for one to vote if he or she decides to do so. To “[serve as a] polling station,” as alluded to by the Engage, would be analogous to a student distributing his or her computer for others to vote on, thus utilizing technology to personally solicit votes under pressure. Simple dissemination of the election ballot link does not constitute the creation of a “polling station” and does not violate any relevant statute, regardless of whether or not a campaign ticket’s logo appears alongside or in conjunction with the message.

## V.

The Student Body Supreme Court of Indiana University reviews all appeals thoroughly and in accordance with applicable procedures. Both the merits and shortcomings of each appeal are considered and debated in an attempt to reach the most appropriate conclusion. Decisions of the Supreme Court will consistently adhere to the Election Code and Procedural Election Code while demonstrating an unwavering commitment to providing the fairest elections possible.

When the petitioner fails to show that Election Commission decisions suffer from “clear error, blatant abuse of discretion, or personal bias in the resolution of their complaint or defense,” the Court reserves the right to deny the appeal and should indeed do so. Failure to deny such appeals would be to encourage unsubstantiated future claims and to foster an environment in which parties routinely submit appeals, regardless of merit, to the Court.

These decisions of the Election Commission are hereby **AFFIRMED**, and this petition for a *writ of certiorari* is **DENIED**.

*It is so ordered.*

*Chief Justice J. Ryan and Associate Justices C. Dark, G. Glass, S. Gowda, D. Haymond, D. Simakov, R. Solomon, A. Testin, and P. Yoon join in this decision.*

# THE STUDENT BODY SUPREME COURT OF INDIANA UNIVERSITY

Request for Appellate Hearing Concerning the 2017 Indiana University  
Student Association Executive Elections

**Focus for IUSA v. Election Commission**  
**Docket Number: SBSC-17-04 (2017)**

## *DENIAL OF REQUEST FOR WRIT OF CERTIORARI TO THE IUSA ELECTION COMMISSION*

*Associate Justice Cameron Dark delivered the opinion of the Court.*

### I.

**Focus for IUSA** (“Focus”) notified this Court of its dissatisfaction with the **IUSA Election Commission** (“Election Commission”) decisions entered March 31, 2017. Focus did not file a timely appeal (as judged by Associate Justice George Glass, Clerk of the Court) in response to the decisions reached by the Election Commission wherein it rendered five separate vote deductions totaling ~33.5% of Focus’s final vote total. These penalties were assessed due to violations of the *Procedural Election Code of the IUSA Election Commission* (“Procedural Election Code”) Title IV, 403: Financial Statements; Title IV, 404: Submission of Intermediate Financial Statement to the Election Commission; Title IV, 401: Campaign Expenditures Defined. Focus was also in violation of Student Life and Learning policy regarding Complaint 23 filed with the Election Commission. Focus now notifies this Court of its concern regarding these decisions, indicating desire for a reconsideration of the decisions made for Complaints 9 and 10 and a complete reversal of the Election Commission decisions made for Complaints 11, 19, and 23. Comes now the Student Body Supreme Court of Indiana University and denies this petition for a *writ of certiorari*.

### II.

The Student Body Supreme Court of Indiana University has the authority to reject any appeal of decisions rendered by the Elections Commission pursuant to the Procedural Election Code, Title VII, Section 707. The Court has set forth clear precedent regarding its role in appellate review of Election Commission decisions. For this Court to overturn an Election Commission decision, “the petitioner must show clear error, blatant abuse of discretion, or personal bias in the resolution of their complaint or defense” [*The Crimson Elections Ticket & 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.

Any ticket running for executive office within the Indiana University Student Association has the ability to appeal a decision made by the Election Commission pursuant to the Procedural Election Code, Title VII, Section 707.

However, it is Focus's submission of its appeal after the stated deadline and its lack of a specific request for relief (see *IUSA Election Code*, Title II, Section 201) that require this Court to deny review of the Election Commission's decisions. The submission deadline set for appeals of Election Commission decisions was April 1, 2017; Focus did not file its appeals for review of the Election Commission decisions until April 2, 2017. Furthermore, Focus's complaints are just that: complaints. At no point does Focus demonstrate evidence in support of its claims, nor does it indicate any action that the Court might take to rectify any errors. Therefore, no review shall be granted. Had Focus complied with the appropriate procedures in submitting their request for review, the Supreme Court may have considered Focus's complaints.

### IV.

Through the properly enacted statutes of the student body Congress, the IUSA Election Commission is recognized as the body of general electoral jurisdiction, whose decisions will only be reversed by this Court with the greatest of caution. It is always the presumption of this Court that the determination of the Elections Commission, in regard to all matters under its authority, is correct [see *The Crimson Elections Ticket & The Fusion Elections Ticket v. The Big Red Elections Ticket*, SBSC-04-02 (2004)]. Focus failed to follow the procedural guidelines for appealing the decisions of the Elections Commission and failed to request any specific relief from the penalties imposed in those decisions.

### V.

The Student Body Supreme Court of Indiana University reviews all appeals thoroughly and in accordance with applicable procedures. Both the merits and shortcomings of each appeal are considered and debated in an attempt to reach the most appropriate conclusion. Decisions of the Supreme Court will consistently adhere to the Election Code and Procedural Election Code while demonstrating an unwavering commitment to providing the fairest elections possible.

When the petitioner fails to show that Election Commission decisions suffer from "clear error, blatant abuse of discretion, or personal bias in the resolution of their complaint or defense," the Court reserves the right to deny the appeal and should indeed do so. Failure to deny such appeals would be to encourage unsubstantiated future claims and to foster an environment in which parties routinely submit appeals, regardless of merit, to the Court.



These decisions of the Election Commission are hereby **AFFIRMED**, and this petition for a *writ of certiorari* is **DENIED**.

*It is so ordered.*

*Chief Justice J. Ryan and Associate Justices G. Glass, S. Gowda, D. Haymond, S. Munson, D. Simakov, R. Solomon, A. Testin, and P. Yoon join in this decision.*