

THE STUDENT BODY SUPREME COURT OF INDIANA UNIVERSITY

Request for Appellate Hearing Concerning the [Date] Indiana
University Student Association Executive Elections

**Voice IUSA v. IUSA Election
Commission Docket Number: SBSC-
18-04 (2018)**

RESPONSE TO REQUEST FOR WRIT OF CERTIORARI TO THE IUSA ELECTION COMMISSION

Associate Justice Sophie Lahey delivered the opinion of the Court.

I.

Voice IUSA (“Voice”) petitioned this Court for appellate review of the Indiana University Student Association (“IUSA”) **Election Commission** (“Election Commission”) decision[s] entered 3 April 2018. Voice filed a timely appeal (as judged by Associate Justice Stephen Browne, Clerk of the Court) in response to the decisions reached by the Election Commission wherein the Election Commission, responding to Complaint 3, found that Voice submitted their financial statements prior to the designated window “between twelve (12) and fourteen (14) days before the IUSA Election” (Procedural Code Section 504), resulting in a 10% deduction of votes for Voice. Voice now petitions this Court for appellate review of this decision, requesting injunctive relief against the Election Commission’s ruling on Complaint 3. Comes now the Student Body Supreme Court of Indiana University, **immediately overruling the Election Commission’s assessment of a vote deduction.**

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. 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 the IUSA **Bylaws**, Appendix A, Title II, Section 201. Furthermore, “The Supreme Court shall have the full and final authority over all accepted appeals of the Election Commission decisions,” pursuant to the IUSA **Bylaws**, Appendix A, Title III, Section 302 (Authority to Reverse Decisions of the Election Commission).

III.

It is the Court’s opinion that a reasonable candidate for IUSA would believe the Chair of the Election Commission’s assurance made at the Candidate Conduct Meeting on 28 February 2018 that no penalty would result from turning in intermediate financial statements before the time

period stated in the Procedural Election Code. Further, it is the Court's opinion that Voice IUSA did not act with "the lack of due care that is expected of a reasonable person," which is the intent standard for violations that result in ballot deductions, pursuant to Procedural Election Code Section 502. Thus, the Court finds that the Election Commission acted with clear error in its assessment of a vote deduction to Voice IUSA in response to Complaint 3.

IV.

"If clear error is found the court will institute the finding that would be reasonable in accordance with the code" (Procedural Election Code Section 707). It is the Court's finding that Voice IUSA should not be assessed this ballot deduction. Thus, the Election Commission decision on Complaint 3 is hereby **overruled**.

It is so ordered.

Chief Justice R. Solomon and Associate Justices S. Browne, S. Harrington, B. Haxel, D. Haymond, and S. Lahey join in this decision.