

THE STUDENT BODY SUPREME COURT OF INDIANA UNIVERSITY

Request for Hearing Concerning the 2022 Indiana University
Student Government Congressional Elections
Wolak v. IUSG Election Commission
Docket Number: SBSC-2022-01 (2022)

GRANT OF REQUEST FOR WRIT OF CERTIORARI TO WOLAK & DECISION

Per curiam.

The petition for a writ of certiorari is granted. The election of six candidates for IUSG Congress, given leniency by the Election Commission beyond the scope of the IUSG Bylaws, is voided.

On Tuesday, September 20th the Fall 2022 Congressional Election officially opened. Wednesday, September 21st voting in the aforementioned election ended. Per IUSG bylaws (**R.B. § 3-6-6**) "No later than seventy-two (72) hours after the conclusion of the voting period, each ticket shall submit to the election commission a cumulative final financial statement that conforms to section 4 of this article. The reporting period for the final financial statement is the period of time ending at 11:59 p.m. ET on the date occurring two (2) days after the second day of the voting period." However, when the 72 hour period ended, the Election Commission had 15 candidates fail to submit financial statements, and the Election Commission extended the 72 hour window. The Election Commission instituted leniency standards with which candidates could be included in the extension of the 72 hour window. These standards include, A. If a candidate was in an Uncontested Election, or B. The district was contested, but fewer than 50% of the candidates in that district submitted their financial statements by the deadline. These leniency standards opened the window for 13 fitting candidates to submit their financial statements by 12pm on September 26th (having opened 12pm September 25th.) 6 candidates both met the leniency standards and submitted financial statements by 12 pm September 26th. These 6 candidates were not disqualified for having committed Class A Campaign Finance Offenses. Monday, September 26th the court received the 2022 Fall Congressional Election official results. Tuesday, September 27th the court received the Writ of Certiorari filed by Brink Wolak.

The following decision summarizes the ultimate will of the Court on all questions presented in the Writ of Certiorari.

1. Did the Election Commission alter and selectively enforce IUSG bylaws?

With regard to the request for injunctive relief, the court decided that injunctive relief was neither necessary nor appropriate in this case. Injunctive Relief is applied in cases where there is a considerable and immediate threat of harm if one party is allowed to continue with their actions. In this case, the Election Commission has no further business with this election, and the Court has no official legislative power, we thereby **deny the request for injunctive relief.**

2. Did the Election Commission exceed their authority in adjusting the initial policies dictated by the IUSG bylaws and Fall of 2022 Campaign guide?

The Court decided that the Election Commission did act beyond its means in allowing the extension of the deadline for submitting financial statements. To remedy this, the court has decided that the Election Commission is to remove the names of any candidates that failed to report their financial statements within the initial time period established by the Bylaws. **Any candidate that failed to submit their financial statement by Saturday, September 24th at 10:00 p.m., may not be considered for election.**

The Supreme Court granted a writ of certiorari with a limited scope to solely address the discrepancies between the bylaws. In resolving the above issues, the court does not seek to undermine the authority of the Election Commission, solely to correct discrepancies from the Bylaws. Following the granting of the writ of certiorari, the court issued a summary reversal. Based on the statements supplied by the Election Commission, it admits wrong-doing having operated outside of the scope of the IUSG Bylaws (even if the decisions were all made with a positive intent in rectifying its initial mistakes with regard to dissemination of information). Therefore, the Court issued a decision without requiring briefs or a hearing: summary reversal.

The petition for certiorari is *granted*, and the judgment of the Election Commission is *reversed*.

It is so ordered.