

# **IUSA ELECTIONS CODE**

**Adopted 2/10/09**

## **Title I: Responsibilities of the Supreme Court**

### **Section 101: General Authority.**

No IUSA Election shall be considered valid until the Supreme Court certifies the results of the IUSA Election. The Supreme Court shall have the final authority over all properly appealed IUSA Election and referendum disputes.

### **Section 102: Authority to Reverse Disqualifications of the Elections Commission.**

The Supreme Court shall have the full and final authority over all properly appealed election disqualification decisions of the Elections Commission.

### **Section 103: Certification of the IUSA Election.**

The Elections Coordinator shall publicly post the unofficial vote totals of the election once he or she is reasonably certain of the accuracy of the count. The Elections Commission shall submit to the Supreme Court, once all financial statements have been verified, the results of the IUSA Election. The Supreme Court shall then certify the results of the IUSA Election. If the results of the Election Commission's decisions, hearings, etc. are properly appealed to the Supreme Court, the Supreme Court shall certify the results of the IUSA Election only after these complaints and appeals have been heard and resolved. Certification of the results shall not occur until at least 24 hours (24) have passed following the final deadline for properly filed complaints (Sections 1004 and 1005).

### **Section 104: Installation of new IUSA Officers.**

The Supreme Court shall install new IUSA officers as set forth in the IUSA Constitution and by-laws.

### **Section 105: New Elections.**

The Supreme Court shall have the authority to invalidate an entire IUSA Election, or a portion thereof, and order a new election of what has been invalidated. This shall occur only after the Supreme Court has reviewed a complaint, on appeal from the Elections Commission, which requests an entirely new IUSA Election, or a portion thereof, and the petitioner has demonstrated that either a serious violation of this Code has occurred, or that other rules and regulations grossly influenced the outcome of the results he or she is contesting.

## **Title II: Responsibilities of Congress**

### **Section 201: General Authority.**

Congress shall have the authority to amend this Code consistent with the dictates of the IUSA Constitution. Congress shall have the authority to make additional rules and regulations consistent with this Code in order to preserve the legitimacy of all IUSA Elections. Congress shall not have the authority to restrict any voter's right to endorse or assist any candidate, except for those voters who sit on the Elections Commission, the Supreme Court, or any individuals involved in conducting electoral procedures.

### **Section 202: Procedures for New Elections.**

Upon a determination by the Supreme Court that a new election will be held, Congress shall hold an emergency Congress meeting to establish new election procedures. The provisions of this Code shall apply for the new election, with the exception that any provision which states a deadline shall be superseded by the procedures established by Congress at the emergency meeting.

### **Section 203: Tie-Breaking Procedures.**

Congress shall have the authority to determine procedures in any situations consistent with Title V of this Code.

### **Section 204: Annual Congressional Evaluation of Elections Code.**

The IUSA Congress shall reevaluate this Elections Code on an annual basis no later than February 1, in order to address any inconsistencies, confusion, or undesirable effects caused by the Elections Code in the previous IUSA Election. As a part of the IUSA Bylaws, adopting changes to the Elections Code shall require a 2/3 vote of the IUSA Congress.

### **TITLE III: The Elections Commission**

#### **Section 301: Appointment of the Election Coordinator and Commissioners.**

The Election Coordinator shall be appointed by the Student Body President. The Student Body President shall present his nomination to the Congress for approval by a majority of the members present and voting by February 1 of the election year. The Election Commissioners shall consist of one (1) Union Board representative and three (3) individuals sitting on the University Judicial Board. The Elections Commission shall consist of five (5) individuals, including the Elections Coordinator. No individual currently holding any position within IUSA may serve on the Elections Commission.

#### **Section 302: Terms of Office.**

The Election Coordinator and Election Commissioners shall serve once appointed until certification of the IUSA Election results or until properly removed or resigned from office. The Elections Commission shall disband following the IUSA Supreme Court certification of election results.

#### **Section 303: Responsibilities of the Election Coordinator.**

The Election Coordinator shall:

1. Oversee the annual election of all IUSA elected positions;
2. Coordinate the election related activities of the individual Election Commissioners and supervise their conduct;
3. Execute the decisions of the Election Commission;
4. Report to Congress and Executives as appropriate and on a regular basis;
5. Make a sample ballot available for review by all candidates, and notify all candidates that the sample ballot is available for review no later than one (1) week prior to the election;
6. Personally direct the tabulation of all ballots, and preserve the results of the tabulation until the new IUSA officers are sworn into office;
7. Address all claims of voter fraud and software malfunction before releasing final vote counts;
8. Serve as official liaison with UITS in the management of the online voting system;
9. Act as a voting member and the Chair of the Elections Commission.

#### **Section 304: Responsibilities of the Elections Commission.**

The Elections Commission shall:

1. Organize, plan, and publicize all IUSA Elections and referendums, by following the time line in Section 401;
2. Begin publicity of all events stated in the time line in Section 201 no later than two (2) weeks prior to the event;
3. Act to enforce all rules and regulations contained within this Code;
4. Communicate reviewed cases of alleged violations by candidates of this Code to the Supreme Court;
5. Act as the overseeing body of all referendum procedures;
6. Issue advisory opinions to any individual or body requesting interpretation of this Code;
7. Verify that all candidates meet the requirements for candidacy, and notify each candidate in writing of his or her candidacy status within three (3) class days after receipt of the application;
8. Request from the IUSA Supreme Court certification of the IUSA Election Results;
9. Hear all properly filed complaints according to the guidelines set forth in Title X.

#### **Section 305: Removal of the Elections Coordinator or an Elections Commissioner.**

1. Any member of the IUSA Student Body Congress shall have the ability to petition Congress for the removal of the Elections Coordinator or any Elections Commissioner. Once this petition has been submitted, Congress shall have the authority to remove the Elections Coordinator or Commissioner with two-thirds (2/3) vote of those present and voting. Additionally, the Student Body President, at his or her discretion, shall have the authority to suspend the Elections Coordinator or a Commissioner from the point that the petition is submitted until the point that Congress determines whether or not the removal is appropriate.

2. It shall be grounds for dismissal from the Elections Commission if the Elections Coordinator or a Commissioner works, speaks, or performs publicly or privately for or against any candidate or referendum. It shall further be grounds for dismissal if the Elections Coordinator or a Commissioner fails to perform the responsibilities stated in Section 103 or 104.

3. Once appointed to the Elections Commission, the Elections Coordinator and Elections Commissioners shall not be eligible to run for an IUSA elected office for the election cycle for which they have been appointed.

**Section 306: Filling a Vacancy on the Elections Commission.**

If the Elections Coordinator or any Elections Commissioner leaves office for any reason, the President shall appoint a replacement, with approval of the majority of Congress present and voting. This appointment shall be made at the next regularly scheduled Congress meeting. If no Congress meeting is scheduled within one week of an Elections Commission vacancy, the President shall call an emergency Congress meeting to appoint a replacement.

**Title IV: Candidate Eligibility and Time Line**

**Section 401: General Eligibility.**

To be properly filed, a candidate must submit to the Student Activities Office and the IUSA office, prior to the deadline set by the Elections Commission, signed applications which list the IUSA office sought. The candidate will be listed on the ballot by his or her first and last name. If the candidate wishes to be listed by any other name, he or she must request the use of a particular name on this application subject to the approval of the Elections Commission.

**Section 402: Receipt of Application.**

Once the application is properly filed, the candidate shall be given a receipt that notes the date and time that the application was received. Any application received after the deadline shall not be accepted.

**Section 403: Residency Eligibility.**

Candidates for Student Senator seats must live in the district for which they are running during the fall and spring semesters immediately following the election. A Candidate will be required to provide proof that they will meet the residency requirement to the Elections Commission no later than five (5) calendar days prior to the IUSA elections. Candidates who cannot or choose not to provide this proof or written statement shall be disqualified and their names shall be removed from the ballot.

**Section 404: Academic Eligibility.**

Candidates for Student Representative seats must be a member of the school whose students they shall represent during the fall and spring semesters immediately following the election. A Candidate will be requested to provide proof that they will meet the academic eligibility requirement to the Elections Commission no later than five (5) calendar days prior to the IUSA elections. Candidates who cannot or chose not to provide this proof or written statement shall be disqualified and their names shall be removed from the ballot.

**Section 405: Congressional Seats.**

Congressional seats shall be allocated as directed by the IUSA Constitution and by-laws and shall be verified, in writing, prior to the candidates' review of the ballot by the Elections Commissioner.

**Section 406: Enrollment Requirements.**

All candidates must be IUSA members (IUSA Constitution Article II), and if elected, must remain IUSA members for the duration of their term in office. IUSA members are defined as all students who are enrolled in Indiana University at the Bloomington Campus.

**Section 407: Academic Requirement.**

No candidate may be on academic probation or on university suspension and be a candidate for an IUSA office. All candidates must possess a college grade point average above 2.5 on a four (4) point scale.

**Section 408: Candidacy for more than one office.**

No person shall simultaneously be a candidate for more than one elected position in IUSA. No elected members of Congress shall simultaneously hold appointed positions in the IUSA executive branch or judicial branch.

## **Section 409: Running mates.**

The President, Vice President, Vice President of Congress, and Treasurer shall be running mates. These candidates must run as a group, where each candidate for the above executive offices has stated an affiliation with a candidate for each of the other three executive offices. No individual may run for an IUSA executive position without the aforementioned running mates. Executive Groups must also run as a ticket (see Section 410).

## **Section 410: Tickets defined.**

An executive ticket shall be defined as any group of executive running mates plus a minimum of one (1) Congressional candidate. No group of candidates shall be recognized other than those that meet this requirement.

## **Section 411: Candidate Time line.**

Each of the events in the following time line must occur in each election cycle.

1. **Call-Out.** There shall be one campus-wide call-out for the IUSA Election to occur no later than February 1 of the election year. This call-out shall serve as a general introduction to the IUSA Election, including a time line of events for the IUSA Election. It shall also give all who are interested in becoming candidates an opportunity to ask questions about the IUSA Elections.
2. **Applications.** Applications shall be made available to the Student Body no later than one (1) week after the call-out meeting.
3. **All-Candidate meeting.** There shall be at least one All-Candidate meeting, and the first shall be held the week after the applications are due. Attendance at the first All-Candidate meeting is mandatory, but the Elections Commission has the authority to excuse an absence only if the candidate has given the Elections Commission notice prior to the All-Candidate meeting that he or she cannot attend the meeting. A proxy, as appointed by the absent candidate(s), may attend the meeting in place of the candidate(s) whose absence is excused. One person can serve as a proxy for more than one candidate. If a candidate has not received an excused absence from the Elections Commission and does not attend the All-Candidate meeting, that candidate shall be disqualified as a candidate. Attendance for all other All-Candidate meetings shall be optional.
4. **Debate.** A debate shall occur during the campaign period. All groups of executive candidates shall be given the opportunity to and shall be required to participate in the debate. The Elections Commission will have full authority over the planning, rules, and procedures of this debate.
5. **Proof of residency and proof of academic eligibility.** Candidates will be requested to provide proof of residency or proof of academic eligibility in accordance with Sections 403 and 404 to the Elections Commission no later than five (5) calendar days prior to the IUSA elections.
6. **Withdrawal of name from ballot.** Candidates wishing to withdraw their names from the ballot must request a withdrawal, in writing, from the Elections Commission by 4:00 p.m. seven (7) calendar days before the IUSA Election begins.
7. **Review of ballot.** Each candidate shall have the opportunity to review the official ballot no later than five (5) calendar days prior to the beginning of the IUSA Elections, and shall have no less than twenty four (24) hours to approve of his or her name on the ballot. Unless otherwise directed by the Elections Commission, no other ballot review requests may be honored.
8. **IUSA Elections.** The IUSA Election shall be held in the Spring Semester, on a Tuesday and Wednesday at least two weeks after the All-Candidate Meeting. The Student Body President shall select and publicly announce election dates at least four (4) weeks in advance.

## **TITLE V: Voting and Voters**

### **Section 501: Voter Eligibility.**

Only IUSA members (IUSA Constitution Article II) shall be eligible to vote in the IUSA Election. IUSA members are defined as all students who are enrolled in Indiana University at the Bloomington Campus. Each voter shall cast one and only one vote, and that vote shall only be on his or her behalf. Each voter shall have the option to cast a vote for one Executive slate, for as many Senators as there are vacancies in the district where the voter resides at the time of the IUSA Election, and for as many Representatives as there are vacancies in the school where the voter is registered at the time of the IUSA Election. Residency and school registration shall be defined as what the Office of the Registrar has on record for the semester in which the IUSA elections take place. No qualified elector may vote unless the elector can verify eligibility to vote as a student through an electronic method of voter verification

### **Section 502: Voting Locations.**

All polling locations for IUSA elections shall remain open from 7:30 A.M. to 8:00 P.M. on each designated day of the election. Voting will be conducted at a number of polling stations throughout campus. Congress shall approve the number and location of polling stations no later than 4 weeks before the IUSA elections.

### **Section 503: Alternative Voting Processes.**

No voting process shall be allowed that is contrary to the provisions provided in 502 or 509.

### **Section 504: Internet Online Voting.**

“Internet Online Voting” means a voting system that allows voters to cast ballots from any computer connected to the internet, rather than from polling locations. Internet Online Voting may be utilized in the IUSA Elections. An official “polling computer” is defined as any *university owned* computer in any computer lab, any *university owned* computer that is available for public use, or any computer certified by the IUSA Elections Commission for use by IUSA Elections workers at approved IUSA polling locations.

### **Section 505: Election Day Campaigning.**

Only informational material may be distributed by a candidate or ticket on the days of the election. Distribution of goods on the days of the election will constitute a violation under Section 801, and may serve as grounds for disqualification. Campaigning is prohibited within fifty (50) feet of any polling station.

### **Section 506: Plausible Student Mandate for Executive Candidates.**

Executive Candidates shall be elected by a simple plurality vote. In the case of a tie, the Student Body President shall call for an emergency Congress meeting within five (5) days of the public release of the election results. Congress shall designate procedures to select a winner, to be enacted by the Elections Commission within five (5) calendar days following the public release of the results.

### **Section 507: Plurality Vote Required for Congressional Candidates.**

Candidates for Congressional seats shall be elected by a simple plurality vote. In the case of a tie, the Student Body President shall call for an emergency Congress meeting within five (5) days of the public release of the election results. Congress shall select the winning candidate by a two-thirds (2/3) vote of members present and voting within five (5) calendar days following the public release of the results.

### **Section 508: Ballots.**

The ballot for the IUSA Election shall include Executive Candidates and Congressional Candidates. The ballot shall not favor any one candidate over any other candidates. Each candidate shall be listed on the ballot by his or her first and last name only, unless the Elections Commission has approved the use of a nickname. Each candidate shall have the option to place his or her ticket affiliation next to his or her name. Executive candidates must designate ticket affiliation.

### **Section 509: Provisional Voting.**

Any member of IUSA may choose to cancel their ballot and submit a provisional vote via e-mail to the elections commission. The IUSA office will make publicly known the appropriate e-mail address for provisional voting no less than two (2) weeks before the IUSA elections. Provisional ballots will be accepted from two (2) weeks before the IUSA elections through the designated time in which polls close. The Elections Commissioner will certify the eligibility of the voter and that no previous vote has been submitted for this user. Provisional votes will be counted, once approved by the Elections Commission, in the general election vote total.

## **Title VI: Campaign Spending**

### **Section 601: Campaign Expenditures Defined.**

Any purchase or donation which is used for promoting any candidate or ticket shall be considered a campaign expenditure. For the purposes of this section, fair market value shall be defined as the ability of interested parties to secure the same goods or services in question. In determining the value of an expenditure, individual candidates or tickets shall be assessed the fair market value of the goods or services used to campaign. 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. The Elections Commission shall have the authority to determine whether any purchase is a campaign expenditure and what the fair market value of the expenditure is as defined in this section. Any candidate may request from the Elections Commission an advisory opinion as to whether a particular purchase would constitute a campaign expenditure and what value it would be assessed. Advisory opinion requests must be answered and returned within five (5) calendar days. Expenditures must include vendor information, appropriate contact information (a minimum of telephone number and physical address), a purchase date, and a description of the item.

## **Section 602: Contributions for IUSA Elections.**

Candidates for IUSA Office appearing on the election ballot may contribute up to one-thousand dollars (\$1,000.00) of their own funds to their campaign or ticket that they are affiliated with. Any individual or organization not appearing on the ballot may contribute up to two hundred and fifty dollars (\$250.00) in any one IUSA election. Any AID funding board candidate is precluded from contributing more than one hundred dollars (\$100.00) in any one IUSA Election for his or her own campaigning expenditures. Total campaign expenditures may not exceed total campaign contributions.

## **Section 603: Financial Statements.**

A financial statement is defined as an itemized list of all campaign expenditures, including receipts and appropriate documentation for each campaign expenditure listed. A signed financial disclosure affidavit must accompany all financial statements. For this section, an affidavit shall consist of an itemized list of all contributions and their respective signature(s), date of contribution, and candidate or ticket affiliation.

## **Section 604: Submissions of Intermediate Financial Statement to the Elections Commissions.**

Each individual candidate or ticket must submit unified intermediate financial statements, along with appropriate receipts to the IUSA Executive Secretary no later than 4:00 p.m. on every other Friday after applications are due, beginning the week applications are due and up to and including the last Friday before the IUSA Election. These financial statements must be cumulative and shall state all expenditures and financial disclosure affidavits made to date. The Elections Commission may grant an extension, not to exceed four (4) hours in length, provided the request for the extension is made prior to the deadline. All financial disclosure affidavits and financial statements will be made public the following Monday and can be viewed and duplicated during normal IUSA office hours (available by contacting IUSA at 812-855-IUSA).

## **Section 605: Submission of Final Financial Statement to the Elections Commission.**

Each individual candidate, executive group, or campaign ticket shall submit a unified final financial statement and financial disclosure affidavit, along with appropriate receipts, to the IUSA Executive Secretary, no later than 5:00 p.m. on the day after the IUSA Election. A financial statement must be submitted, even if the statement reflects that no expenditures were made. This final financial statement must be cumulative and shall state all expenditures and contributions made or given during the course of the IUSA Election. The Elections Commission may grant an extension, not to exceed four (4) hours in length, provided the request for the extension is made prior to the deadline.

## **Section 606: Disclosure of Financial Statements.**

All financial statements of individual candidates or tickets shall be public information, and shall be stored for no less than five years in the IUSA office.

## **Title VII: General Campaign Violations**

### **Section 701: Distribution of Campaign Materials on Campus.**

Flyers and other written materials posted on wooden kiosks or posting boards shall not exceed four (4) in number on any individual kiosk per individual candidate (if the candidate is running independently) or campaign ticket. No campaign materials shall be taped to the sidewalk nor shall there be any chalking on any sidewalk.

### **Section 702: Improper Use of E-mail.**

Any email sent to multiple voters soliciting votes that does not have all email addresses in the blind carbon copy line shall constitute a violation of this code.

### **Section 703: Damage to Property.**

Stealing, removing, destroying, damaging, or defacing University or private property shall constitute a violation of this code.

### **Section 704: Affirmative, Deliberate Act to Cause Another's Violation.**

It shall be a violation of this Code to deliberately cause any candidate, executive group, or campaign ticket to be in violation of this Code.

**Section 705: Interference with Campaign Materials.**

No candidate, ticket, or anyone acting on their behalf shall deface, destroy, remove, alter, or otherwise change any candidate's campaign materials.

**Section 706: Campaigning in the Residence Halls.**

No candidate, ticket, nor any person acting on behalf of any candidate or ticket, shall campaign in any area of a university dormitory not open to the unescorted public. For the purposes of this section, the term "campaign" does not include emailing, posting material, or wearing campaign clothing. For the purposes of this section, campaigning is meant to include "door-to-door" soliciting, "cold-calling" dorm rooms, or any other activity that is reasonably disruptive to students.

**Section 707: Additional Residence Hall Restrictions.**

Any candidate, ticket, or any person acting on behalf of any candidate or ticket found in violation of policies or guidelines established by Residential Programs and Services (RPS) and/or the Residence Halls Association (RHA) regarding conduct within a dorm, shall constitute a violation of this code.

**Section 708: Campaigning in Study Areas.**

Campaigning within fifty (50) feet of any university library or computer lab at any time, or campaigning within fifty (50) feet of any official "polling computer" (Section 504) during the time that online voting is available during the IUSA elections, shall constitute a violation of this code. For the purposes of this section, the term "campaign" is not meant to include emailing, posting material, or wearing campaign clothing. It is meant to include any activity that is disruptive to students, such as person-to-person solicitation or distribution of materials.

**Section 709: Financial Disclosures.**

Any candidate or ticket failing to meet the requirements laid out in Sections 602, 603, 604 and 605 shall constitute a violation of this code.

**Title VIII: Campaign Violations Eligible for Disqualification****Section 801: Voter Fraud.**

Voter fraud shall be defined as, but not limited to, any act that prevents a voter from casting a vote in any IUSA election, any act that attempts to remove a voter's right to cast a vote for himself or herself, any act that attempts to purchase the ability to vote for a voter, any act in which anyone attempts to cast a vote for another voter, or any act that violates the Internet Online Voting restrictions of Section 504. Examples of voter fraud include, but are not limited to, the following: creating lists of student information that gives the ability to vote for that voter; intimidating a voter; offering a voter money, goods, or services in exchange for casting a ballot in a certain way (Section 505); preventing a voter from casting a vote; preventing a voter from casting a vote for the candidate he or she desires; changing a vote once it has been cast; and using false information to cast a vote. Violations of the section by any candidate, ticket, or anyone acting on their behalf will be eligible for disqualification.

**Section 802: Excessive Campaign Contributions.**

Any candidate, ticket, or any person acting on their behalf found in violation of campaign contribution limits as defined Section 602 shall be found in violation of this code and eligible for disqualification.

**Section 803: Candidate Cooperation**

Any attempt on behalf of a candidate or ticket to deceive, mislead, or manipulate the Elections Commission, or an inquiry or investigation of the Elections Commission, shall constitute a violation of this code. Candidate honesty and cooperation are of the utmost importance in conducting a free and fair election, as well as in resolving any election disputes. Thus, any action contrary to Section 803 will provide sufficient grounds for disqualification.

**Section 804: Material Violations.**

Any candidate or ticket found in violation of at least three (3) expressed violations may qualify for a material violation of this Code. The Elections Commission, after determining initial violations, shall decide if the violations were materially contributory to the outcome of the election. If the Elections Commission finds the violations to be materially contributory to the outcome of the election, the individual candidate or ticket may be disqualified.

## **Title IX: Penalties for Violations**

### **Section 901: Penalties Explained.**

1. The Elections Commission shall determine that a violation has occurred once a meeting of the Elections Commission has been called, all members are present, and a majority of those present and voting agree that a violation has occurred.
2. Violations of this code shall be classified as general violations or violations eligible for disqualification.
3. Any general violation shall be subject to financial penalties at the sole discretion of the Elections Commission. The Election Commission may determine financial penalties, concurrent with each separate incident of violation. The maximum of all assessed penalties may not surpass 75% of the final financial expenditures reported by the candidate or ticket in question. Failure to pay any fine will prevent indebted candidates from being allowed to serve in any IUSA position. All monetary fines shall be allocated by a majority vote of Congress by the members present and voting at the next, regularly scheduled Congress meeting.
4. If students are running as part of a campaign ticket, the Elections Commission shall have the authority to determine whether penalties will be imposed upon an entire ticket, or instead upon only one or more individual candidates. A single candidate for an executive office cannot be disqualified. If any executive candidate is penalized with disqualification, the entire executive ticket shall be ineligible to hold an IUSA position. The Elections Commission reserves the ability to allow congressional candidates running with a disqualified executive ticket are eligible to hold their respective position. The Elections Commission shall base such a determination on its judgment of whether the evidence presented indicates that a ticket conspired to commit a violation, or conversely that a single candidate, or small group of candidates, failed to adhere to this code without the knowledge of the ticket's leadership.

### **Section 902: Procedures for Disqualification.**

Any candidate or ticket found in violation of any section of Title VI shall be eligible for disqualification. Once a candidate or ticket is found to be in violation of any section of Title VIII, the Elections Commission must reach, by majority vote, a decision as whether or not to disqualify the individual or ticket. In the case of an Elections Commission disqualification, The Student Body President shall call for an emergency Congress session to be held within five (5) calendar days of the Elections Commission's decision. Congress must establish a two-thirds (2/3) quorum to hear a case of disqualification. In the event Congress does not establish a two-thirds (2/3) quorum, the commission's decision shall be automatically upheld. In the event that Congress does not uphold the decision of the Elections Commission, the disqualification will be dismissed and the decision of the Election's Commission automatically overturned. Decisions of the Election Commission, and the subsequent reversal or upholding by Congress, may be appealed to the Student Body Supreme Court, per Article 4, Section 2 of the IUSA Constitution.

## **Title X: Appellate Procedures**

### **Section 1001: Properly Filed Complaints.**

The Elections Commission must hear all properly filed complaints and will have discretion as to whether or not to hear improperly filed complaints. A complaint has been properly filed when the following requirements have been met:

1. Technical Requirements: Each complaint must be typewritten, double spaced, with one-inch margins. Twelve (12) point, Times New Roman font must be used. No complaint can exceed ten (10) one-sided pages in length, excluding accompanying pieces of evidence or exhibits. All complaints must be signed by the complainant(s).
2. Substantive Requirements: Each complaint must include specific allegations, the names of those allegedly involved, the dates the alleged violations occurred, citations to the specific portion of this code that the complainant(s) believes was violated, and a specific request for relief. The complainant(s) may attach exhibits to the complaint that serve as documentation necessary to support the allegations stated in the complaints. However, these exhibits cannot contain new allegations or arguments to support the allegations not articulated previously.
3. Deadline: A complaint may be submitted to the IUSA Elections Commission in the IUSA Office at any time during the election until 4:00 PM on the day following the IUSA Election. The complainant(s) must provide five (5) copies of the complaint, along with one copy in digital form (floppy disk, email attachment, or any other form approved by the Elections Coordinator) and all supporting documentation to the Elections Commission, who shall keep one copy and then distribute one copy to each of the following individuals: the Supreme Court, the Assistant Dean of Students, and the Director of Student Activities. The remaining copy shall be posted for public view on the bulletin board outside the IUSA Office.

### **Section 1002: Appeal of Decisions of the Elections Commission.**

All decisions of the Elections Commission can be appealed to the Supreme Court. Following any decision or action of the Elections Commission, any party involved in the decision or action may petition the Supreme Court for a *writ of certiorari*.

1. Technical Requirements: Each appeal must be typewritten, double spaced, with one-inch margins. Twelve (12) point, Times New Roman font must be used. No appeal can exceed ten (10) one-sided pages in length. All appeals must be signed by the appellant(s).



2. Substantive Requirements: Each appeal must contain a statement of the specific decision made by the Elections Commission, reasons for why the decision should be overturned, and a specific request for relief. The appellant(s) may attach exhibits to the appeal that serve as documentation necessary to support the allegations stated in the appeal. However, these exhibits cannot independently contain arguments.

3. Deadline: The appellant(s) must submit the appeal no later than 4:00 p.m. on the first day of class following the day when the Elections Commission posts its decision for public review. The appellant(s) must provide five (5) copies of the appeal, along with an additional copy in digital form (floppy disk, email attachment, or any other form approved by the Chief Justice), to the Supreme Court; who shall keep one hard copy and the digital copy, and then distribute one copy to each of the following individuals: the Elections Coordinator, the Assistant Dean of Students, and the Director of Student Activities. The remaining copy shall be posted for public view on the bulletin board outside the IUSA Office.

### **Section 1003: Acceptance of Complaints and Appeals.**

The Elections Commission shall determine whether a complaint has been properly filed. Once the Elections Commission determines that the complaint was properly filed, the complaint is accepted and shall be heard. If the Elections Commission determines that the complaint was not properly filed, the Elections Commission shall have the discretion to determine whether or not to accept the complaint. The Supreme Court shall set its own guidelines for determining whether to accept an appeal, regardless of whether the appeal is filed properly or improperly. If the Supreme Court chooses not to hear an appeal, the decision of the Elections Commission shall stand.

### **Section 1004: Procedure for Complaints after Acceptance by the Elections Commission.**

The following procedure shall apply to all complaints accepted by the Elections Commission:

1. The Elections Commission shall provide copies of the complaints to all candidates affected by the complaints immediately after acceptance. Also, a copy of the complaint shall be posted for public view on the bulletin board outside the IUSA Office.
2. Anyone wishing to submit a reply brief must do so by 4:00 PM of the first day of class following receipt of the copy of the complaint. In order to be properly filed, reply briefs must satisfy the technical requirements stated in Section 902.
3. The Elections Commission shall set and advertise a date, time, and location for the complaint hearing. This complaint hearing must occur within one (1) class days of the deadline for submission of reply briefs. The complaint hearing shall be open to the public.
4. At the hearing, each person who filed a complaint or a reply brief shall have the opportunity to make an initial statement to the Elections Commission. Then, the Elections Commission shall have the opportunity to ask questions of the speaker(s). After the question and answer period, each person who made an initial statement shall have the opportunity to make a closing statement.
5. The Elections Commission shall issue a written decision within twenty four (24) hours of the end of the hearing, providing a copy of the written decision to the President, the Supreme Court, the complainant(s), and all those whose reply briefs were accepted. Also, a copy of the decision shall be posted for public view on the bulletin board outside the IUSA Office.

### **Section 1005: Procedure for Appeals after Acceptance by the Supreme Court.**

The following procedure shall apply to all appeals accepted by the Supreme Court. In hearing appeals, the Supreme Court shall be confined to the evidence presented in front of the Elections Commission when it made its determination, the petition submitted by the appellant(s), the reply briefs, and the statements made during the appeal hearing.

1. The Supreme Court shall provide copies of the appeal to the Elections Coordinator within one class day of granting a *writ of certiorari*.

Also, a copy of the appeal shall be posted for public view on the bulletin board outside the IUSA Office.

2. Anyone wishing to submit a reply brief must do so by 4:00 p.m. of the first class day following receipt of the copy of the complaint. In order to be properly filed, reply briefs must satisfy the technical requirements stated in Section 902 and must be submitted in digital form.

3. The Supreme Court shall set, and then advertise, a date, time, and location for the appeal hearing. This appeal hearing must occur within four (4) class days of the deadline for submission of reply briefs.

The appeal hearing shall be open to the public and conducted as governed by the internal rules of the Supreme Court.

4. The Supreme Court shall issue a written decision within forty-eight (48) hours of the end of the hearing and provide a copy of the written decision to the President, the Elections Coordinator, and all other parties to the dispute. Also, a copy of the decision shall be posted for public view on the bulletin board outside the IUSA Office.

### **Section 1006: Procedure for Appeals of a Disqualification.**

In the event an individual candidate or ticket is disqualified by the Elections Commission, an appeal to the Student Body Supreme Court may be filed, consistent with the guidelines established in Section 1002. The Student Body Supreme Court shall follow guidelines under Section 1005 for procedures in hearing disqualification appeals. The decision of the Student Body Supreme Court will become final and will not be submitted to Congress for approval.