

Date: 11/06/2013

Attendees: Chief Justice Haack, Justice Carviou, Justice Canilho-Burke

Motion to start meeting – Justice Canilho-Burke

Second – Justice Carviou

Begin meeting at: 5pm

First order of business: Student Senate meeting & Spring 2014 Election Rules review
5pm-5:45pm

Justice Canilho-Burke attended the Student Government Senate meeting on 11/04/2013 and presented the Senators' and Executive Board's inquiries and reactions to the Spring 2014 Election Rules Draft to the Student Court. See the 11/04/2013 Student Senate minutes for further reference.

The Student Court saw that the following issues required formal address:

Section II, Subsection C – Write-in Candidates

Previously read: Write-in candidates must meet all candidacy requirements that are listed above. In order to be elected to Student Senate, a write-in candidate must receive 100 votes. In order to be *elected* as either the Presidential or RHAA ticket, a write-in ticket must receive 200 votes.

- The use of the word “elected” in the second sentence was contested during the Student Senate meeting. The word implied immediate victory for any write-in Student Government or RHAA Presidential ticket.
- The Student Court agreed that the wording was at fault.
- Justice Canilho-Burke and Justice Carviou concurred in a 2-0 vote to omitt “elected” and insert “nominated”.

The clause currently reads: Write-in candidates must meet all candidacy requirements that are listed above. In order to be elected to Student Senate, a write-in candidate must receive 100 votes. In order to be *nominated* as either the Presidential or RHAA ticket, a write-in ticket must receive 200 votes.

Section V – Infractions, Subsection C – Complaints

Currently read: All complaints must be submitted on the Student Court’s authorized complaint form no later than 24 hours from the time of the incident. *The Student Court will review each claim within two (2) business days.* The Court is the sole venue of remedy for any challenge, problem or discrepancy with the ballot, vote, tally, or certification of SGA election.

- The question was raised as to whether the Court will address complaints and have a verdict within the two business days stated above.
- The Court unanimously concurred that complaints will be made aware to the Court via emails and direct communication between justices. The Chief Justice can send an email message to the Associate Justices' individual accounts which will suffice as formal acknowledgment of a

- complaint.
- The Court will formally state whether further investigation or action pertaining to a complaint is necessary in the minutes of the next Student Court meeting.

Section V – Infractions, Subsection A

Previously read: Due to campaign improprieties' intention to garner votes illegally, the Court may impose a penalty of percentage of votes cast for or against a referendum position or ticket. Penalties impacting the voting totals must be based on a demonstrated willful disregard of elections rules contained herein, and may only be enacted through a unanimous vote of the Student Court in the course of a proper investigation. *The penalty structure shall be a 5%, 15%, or 30% reduction in the vote count for a ticket or referendum position.*

- An issue of vagueness was raised as to how the Student Court will implement its infraction system.
- The Court concurred that added language was necessary.
- The Court was divided on wording.
- **Justice Carviou:** percentage deductions should be at the discretion of the Student Court to provide adaptiveness for unique campaign infraction scenarios that a set-procedure would be unable to address.
- **Justice Canilho-Burke:** percentage deductions should follow a specific procedure to mitigate the Student Court's power over election results.
- 1-1 vote.
- **Chief Justice Haack** votes to break the tie in concurrence with **Justice Carviou**.
- 2-1 vote to add, "depending on the severity of the infraction, left to the discretion of the court." at the end of the passage.

Currently read: Due to campaign improprieties' intention to garner votes illegally, the Court may impose a penalty of percentage of votes cast for or against a referendum position or ticket. Penalties impacting the voting totals must be based on a demonstrated willful disregard of elections rules contained herein, and may only be enacted through a unanimous vote of the Student Court in the course of a proper investigation. The penalty structure shall be a 5%, 15%, or 30% reduction in the vote count for a ticket or referendum position *depending on the severity of the infraction, left to the discretion of the court.*

Meeting adjourned – 5:45pm