

To: Derek Molter, Elections Commissioner and Commission

Re: Complaint filed by the Kirkwood Ticket

On Behalf of the College Ticket and the Connect Ticket

Submitted: 28 February 2005

Violation:

Plausible Student Mandate for Executive Candidates, Section 403, IUSA Elections Code, “Executive candidates shall receive either at least forty percent (40%) of all valid votes... If no single group of executive candidates achieves at least one of the stated conditions, there shall be a runoff election between the two groups of executives with the most votes cast within ten (10) class days after the regular IUSA Election” has not been met. The Elections Commission has the responsibility to enforce this rule. A lack of enforcement results in a violation of Title III, Section 2.1.8 of the IUSA Bylaws “act to enforce all rules and regulations contained in the elections code” and Section 104.3 of the IUSA Elections Code “act to enforce all rules and regulations contained within this code” against all the parties involved in the 2005 IUSA election and the Indiana University student body as a whole.

The Election Code was adopted by the IUSA Congress on January 13, 2005, in accordance with Article II, Section 2 of the IUSA Constitution “The Congress will serve as final policymaking authority within IUSA” and Title X, Section 1001 of the IUSA Elections Code “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”.

In an e-mail to the Presidential candidates on February 17, 2005, the Elections Commissioner expressed his decision to omit this rule, admitting that “there was no record kept at the time of the Congressional meeting”. Congress in 2005 approved the version of the code posted on the website which includes said rule. Neither the opinion of the current IUSA

Administration, the Commission, nor the objections from UITS has the authority to overrule the code as approved by the IUSA Congress.

According to Section 803 of the IUSA Elections Code “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”. This gives the Elections Commission authority to accept the complaint even if it finds it to be filed after the deadline. The precedent set forth by the IUSA Elections Commission last year shows that it can hear complaints filed after the deadline.

The Kirkwood ticket requests that the IUSA Elections Commission hold the mandated run-off election at the earliest possible time and within the regulations established within the IUSA Elections Code for such event.

Bryan Strawbridge
President, Kirkwood

On behalf of:
Shane Merriweather
President, College

John Palmer
President, Connect