

FROM THE IUSA SUPREME COURT
FOR IMMEDIATE RELEASE
APRIL 6, 2008

Bloomington, IN – On April 1, 2008, the Student Body Supreme Court of Indiana University denied the Kirkwood ticket's petition for *writ of certiorari* regarding the Indiana University Student Association elections. Today, the Court accepted the Big Red ticket's petition for *writ of certiorari*. The Court has accepted this petition by Big Red without judgment and has remanded the case to the Elections Commission.

The petition filed by Kirkwood on March 28 asserted that the Elections Commission had erred in its application of Sections 502 and 505 of the Elections Code. They asserted that the e-mail correspondence of Luke Fields, presidential candidate for the Big Red Ticket, did not constitute "campaign materials." However, the Court has upheld the Elections Commission's judgment that the improperly accessed e-mail correspondence indeed possessed electoral value as memos on Big Red campaign strategy. The Kirkwood ticket also asserted that Adam Pozza was not in violation of Section 502 because he "did not send any e-mails to multiple voters that did not have all e-mail addresses n the blind carbon copy line" (Kirkwood Appeal of March 27, 2008). However, the Court upheld the Elections Commission's judgment that Pozza's actions represented an improper use of e-mail, and, consequently, violated Section 502. The Court found that the Elections Commission did not err in its interpretation of these sections of the Elections Code. Thus, the Court has denied Kirkwood's petition for a *writ of certiorari*.

The Court also found conflicting statements within the Kirkwood ticket's argument. The Kirkwood ticket initially asserted that Adam Pozza's actions were not in violation of Section 502 and Section 505 of the Election Code. Yet, later, Kirkwood suggested Adam Pozza alone be held financially responsible for these violations of the code. The Court found fault in this logic.

A separate petition filed by Big Red on March 31, 2008 asserted that all necessary e-mail evidence, including a "full scan of network activity between the iufinance@gmail.com account and IU e-mail addresses," was not obtained by the Elections Commission prior to the hearing. The Court determined that the Elections Commission neglected to examine all facts relevant to this case by failing to seek all information available from University Information Technology Services. Thus, the Court has accepted Big Red's petition for a *writ of certiorari* without judgment and has remanded this case. The Court is obligated to remand the case to the Elections Commission for a new hearing in order for new evidence to be examined.

The Court combined its response to these two appeals into a single decision. The Court's judgment used precedent resting on the existence or absence of the following three factors in Elections Commission hearings:

- (1) Personal bias;
- (2) Blatant abuse of discretion; and/or
- (3) Error.

The Court's full decision regarding these petitions can be found at www.indiana.edu/~court.

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About the IUSA Supreme Court, or the Student Body Supreme Court of Indiana University:

The Supreme Court is the highest judicial body on the Indiana University-Bloomington campus. The Court consists of 1 Chief Justice and 10 Associate Justices who come from the undergraduate, graduate and professional schools of the University. The Court serves as the judicial branch of the student government, and fulfills various adjudication roles within the personal and academic misconduct procedures of the University. Associate Justices also serve on a variety of college advisory and policy boards.

For more information:

The Student Body Supreme Court of Indiana University's Web site can be found at www.indiana.edu/~court. The Court may be contacted by e-mail at court@indiana.edu.

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