

Per Curiam

**THE ALL-CAMPUS JUDICIAL COUNCIL OF THE  
UNIVERSITY OF ROCHESTER STUDENTS' ASSOCIATION**

ANNA CZAPLA, et al., PETITIONERS v. SENATE ELECTION COMMITTEE

[March 24, 2002]

PER CURIAM

For the 2002 spring semester elections, the Senate Election Committee created a two-tiered meeting schedule for students interested in running for the Students' Association Senate. First, candidates were invited to attend one of three 'interest meetings.' At those meetings, students were instructed to attend a final candidate meeting that would be their last opportunity to sign paperwork and submit their platforms.

The Committee held this final meeting at 7pm on Monday, March 18. The Petitioners (Anna Czaplá, Steven D'Amico, Danielle Friedman, Ilana Kaplan-Shain, and Thomas Marples) and several other students (Megan Treanor, Nafees Nuruddin, and Matthew Markowitz), who had not attended the interest meetings, arrived after the meeting ended. The students claimed that they were not aware of either the interest meetings or the final candidate meeting until they received an e-mail from a friend at 7:30pm. Although they submitted the requisite paperwork that night, the Senate Election Committee denied them positions on the ballot because they had not submitted it before the final meeting ended.

The Petitioners appealed the decision of the Senate Election Committee on two grounds: that the deadline established by the Committee was arbitrary and unfair, and that the Election Committee violated the SA bylaws by failing to publicize that deadline. As Article VI, §1.H of the SA bylaws clearly requires that candidates submit their nominations "at or before the official candidates meeting," ACJC denied certiorari based on the Petitioners' first contention, but granted it based solely on the second.

The Senate Election Committee derives statutory authority to set meeting dates and other rules from Article VI, §1.D.6 of the bylaws: "The Election Committee shall have complete administrative responsibilities for the election..." Such dates and rules are established by the Committee from year to year and are thus not available by reading the bylaws. The Election Committee is therefore required to make election information public by §1.D.1: "[the election committee shall] publicize the election schedule and balloting dates." The Petitioners' argument revolves around the meaning of the word *publicize* and the nature of the publicity the Committee provided. It is their contention that the Committee violated §1.D.1 in four ways:

1. Failure to post flyers in all residential areas (specifically Hill Court and GLC)
2. Failure to post flyers sufficiently in advance of the interest meetings
3. Failure to put notices in the *Campus Times* and *The Buzz*
4. Failure to inform students that the meetings were mandatory

As publicity in this context is not defined within the SA bylaws, the Council evaluated each of these claims based on how a 'reasonable person' might interpret §1.D.1. (*Webster's Unabridged Dictionaries* definition of *publicize*: "to announce publicly, especially in the newspaper; to make publicly known.")

Based on the testimony we received, the first assertion appears to be valid only in reference to Hill Court and GLC. For most of the Petitioners, who live on the Freshman Quad, the issue is immaterial: had flyers been posted in Hill Court and GLC, the Petitioners would have been no more likely to see them, and thus no remedy would be required for this oversight [The noted exception is Mr. Marples, who does live in GLC.]

The second has merit. Testimony from the Committee revealed that it set the election schedule, including meeting dates, on Sunday, March 3. On Monday, the Senate distributed flyers to its members to post to advertise the interest meetings that were scheduled for the three following nights (March 5-7), and then distributed additional flyers later in the week. This left only 12 hours notice for the first meeting, and two and a half days notice for the third meeting. Spring break intervened after that week, and then the final meeting (which one could not find out about without going to the first meetings) was held the first day back, providing a window of less than one class week to obtain information about the election schedule: dates had not even been decided before, and the deadline immediately followed

The Petitioners' third concern is not valid. While it ignored the *CT*, the Election Committee did provide a notice for the March 4 edition of *The Buzz*. Except for the temporal issues, we find that this would ordinarily be sufficient advertising in terms of campus publications.

Fourth, we find that the Election Committee failed to sufficiently explain the meeting schedule in its advertising. The notices in *The Buzz* and on some flyers did not indicate the interest meetings were mandatory, and did not specify the deadline for nominations. Some flyers indicated that it was mandatory to either attend interest meetings or send e-mail to the election committee chair, but none provided a deadline.

Individually, none of the Petitioners' claims constitute a failure to publicize the election schedule. Taken together, however, we find that a reasonable person would be forced to conclude that the Election Committee violated Article VI, §1.D.1 of the bylaws.

Having found the Committee in violation of §1.D.1, the Council is faced with the task of determining the severity of the infraction. The infraction has not resulted in a disqualification of the Petitioners from running for office, only from having their names listed on the ballot. In light of the fact that no one in recent memory has won a write-in campaign, however, this seems to be a severe disability.

The right to select one's representatives is an issue of fundamental importance to the Students' Association. Without question, the members of this Council are conscious of the limits upon judicial authority, especially regarding elections. But when conflicts occur in the administration of elections, it is our responsibility to resolve such questions and restore the confidence of the student body in our governmental processes. To that end, we find that this case demands a remedy.

The Petitioners' appeal is hereby sustained, and the Election Committee is directed to take the following action:

- ❖ Immediately instruct the Student Association's VOTE programmer to add the names and platforms of the Petitioners to the appropriate sections of the ballot without prior inspection and with all possible speed.
- ❖ If and only if the Petitioners cannot be added to the ballot before the election is scheduled to begin, the Committee is to delay the election only until such time as the revised ballot is prepared. The Council finds that the incongruities in the election caused by adding the Petitioners to the ballot are insubstantial, and that beginning the entire election procedure anew would conflict with §1.E and create harmful and unnecessary disruptions.

The Council hopes that this opinion will resolve some ambiguities in the responsibilities of the Election Committee, and encourage the Senate to clarify its bylaws to provide for a transparency in future elections that all can find reasonable.

*It is so ordered.*