



May 1, 2006

Mr. Randazzo,

This letter serves to outline the Judicial Board's decision concerning case number EC06042606, as heard by the Board on April 26, 2006. The hearing was chaired by me, Emilio Perez.

Based on your hearing request, the Board convened to consider the appropriateness and validity of the Rules and Elections Committee's (RNE) decision to hold a run-off election. You also contended that the current version of RNE's voting ballot violated Article IX, Section 3 of the Union Constitution which states that voting will be done by secret ballot. The hearing request was accepted on the grounds that the Judicial Board is the body responsible for interpreting the Union Constitution as well as administering civil hearings.

Based on the evidence presented at the hearing, it was the Board's determination that RNE's procedures for handling ballots ensured that a voter's right to a secret ballot was never breached. However, the Board does recognize that there is room for improvement in the design of the ballot and mandates that RNE look into new designs for the ballot, focusing on separating the verification information from the voting information sections of the ballot.

Your second point of contention was that the Union Constitution does not grant the authority to the Student Senate to preside over the election of Grand Marshal, specifically the authority to hold a runoff election in the event of the appearance of voting irregularities. While the Constitution never *explicitly* grants the Student Senate this authority, it is the Board's decision that this authority is *implicitly* granted throughout Article IX. There is no other body mentioned in Article IX with respect to the operation of elections and as such, it is the Board's interpretation that the Student Senate is *implicitly* given the authority to run the elections and all that is implied therein. The Board also determined that while Article IX, Section 9 does not *explicitly* cover the matter of inconclusive elections or run-offs in that case, the Rules and Elections Committee, acting on behalf of the Student Senate, was still within its constitutional authority to call for such a run-off.

The Board also disagrees with your contention that Article IX, Section 7 applies in this case. It is the Board's determination that the position for Grand Marshal is not vacant. The elections held by RNE, as stated above, were not unconstitutional and are thus valid.

Therefore the position of Grand Marshal is not vacant and Article IX, Section 7 of the does not apply.

This decision may be appealed by yourself or the Student Senate within five business days. Any such appeal must be sent to the Senior Judicial Administrator, Travis Apgar, within five business days of this decision's issuance.

Vote: 6-0-0

Regards,

Emilio Perez
Judicial Board Chair
cc: Christopher Gearns