

Halena Hadi, *Judicial Council President*

Thomas Davis, *Parliamentarian*

A RESOLUTION TO AMEND THE CONSTITUTION OF THE UNDERGRADUATE STUDENT BODY TO REVISE THE POSITIONS EMPOWERED TO DETERMINE THE MERIT OF AN ELECTION VIOLATION ALLEGATION

Resolved by the Student Senate of the University of Notre Dame du Lac,

That the Constitution of the Undergraduate Student Body, pursuant to Section I (5) of the same, is hereby amended as follows:

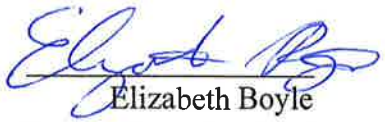
I. Article XIII Section 4 is hereby amended:

- (a) All allegations of election misconduct are to be submitted to the Vice-President of Elections. All potential violations must be reported within 48 hours of the time committed or by 11:59PM on the day of the election, whichever is sooner.
- (b) The Vice-President of Elections along with the Judicial Council President and the advisor to Judicial Council shall decide if the allegation has merit and shall proceed to the consideration of the Election Committee. If the allegation is determined to have merit, the Vice-President of Elections must then call together the members of the Election Committee to review the allegation.
 - (1) The Vice-President will present the allegation.
 - (2) The accused party and the accusing party will both be permitted to speak and to call witnesses on their behalf.
 - (3) Where not outlined in the Constitution or its bylaws, the hearing shall follow the procedures outlined in *The Standard Code of Parliamentary Procedure*.
- (c) The Election Committee will then meet in a private forum for discussion and debate.
 - (1) The Election Committee must obtain a 2/3 quorum.
 - (2) The Election Committee will decide whether the campaign/candidate/ ticket in question is in violation of election or campaign rules.
 - (3) If a violation has occurred, the Election Committee shall determine appropriate sanctions and/or penalties.
 - (4) Both decisions require a majority vote of the Election Committee. In the event of a tie, the chair will vote.
- (d) All verdicts, motions, votes, and decisions are to be recorded by the Election Committee for the purposes of notification and appeals.
- (e) Any time the Election Committee finds a candidate/ticket in violation of the elections regulations or guilty of misconduct, the Vice-President shall issue a written decision on



behalf of the Judicial Council to be released to the campus media, which shall include the violation, the sanction given, and a brief explanation for the decision. The Vice-President of Elections shall provide the candidate a full statement, in writing, of the Election Committee's decision; the statement shall explain the process leading to the decision as best as possible and is for the candidate's use only. All other information pertaining to hearings and appeals shall be considered confidential.

- (f) The Election Committee must convene within 24 hours of the submission of the allegation to the Vice-President of Elections.
- (g) No new allegations may be submitted after 11:59PM on the day of the election.
- (h) In the event that the full Election Committee has not yet been assembled at the time of an allegation, or if the Election Committee cannot reach quorum within the 24 hours of the submission of the allegation, the Judicial Council President and Vice-President of Elections shall issue a decision and appropriate sanctions based on their judgment of the facts of the allegation.
- (i) The decision of the Election Committee can only be appealed if there existed a procedural defect in the allegation hearing or if there is new evidence to present. Appeals of the decision of the Election Committee based on procedural defects or new evidence must be filed within 12 hours of the hearings and shall be addressed directly to the Senate. The Chairperson of the Student Senate and the Judicial Council President along with the advisor to the Student Senate shall decide if the appeal has merit and shall proceed to the consideration of the full Senate.
- (j) If the Senate overturns the decision of the Election Committee, the Committee must reconvene within 24 hours to reconsider the allegation in light of the Senate's decision. This decision of the Election Committee, which must be informed by the written report of the Senate and may not be identical to the original decision, is final.
- (k) Any allegation or appeal submitted may be withdrawn in writing before the appropriate meeting is called to order.


Elizabeth Boyle
Student Body President