

David Haungs, *Judicial Council President*

**AN ORDER TO AMEND THE CONSTITUTION'S PROCEDURES FOR  
ALLEGATIONS AND RESULTS**

*Whereas*, the Constitution, in Article XV, Section 1(j), lists a version of the procedure for adjudicating allegations of election misconduct which was already spelled out in depth in Article XII, Section 4, except that Article XV, Section 1(j) also specifies that “no election result may be released to the public while any allegation or appeal is pending” and that “the penalty imposed by the Election Committee shall stand” until any appeal is heard;

*Whereas*, the procedure for the release of election results fits more naturally in Article XV, Section 5, which details the procedure for results;

*Whereas*, the status of Election Committee penalties while appeals are pending fits more naturally into Article XII, Section 4, which details the appeals process;

*Whereas*, due to the requirement in Article XII, Section 4(a) that Judicial Council accept allegations until 11:59PM on the night of each election, the results of the Student Body President and Vice-President election were delayed this year by a [meritless allegation](#) submitted at 11:58PM;

*Whereas*, similar delays occurred in release of results in the 2020 Off-Campus Senate Elections (due to an allegation submitted at 11:59PM the night of the election), the [2020 Student Body Elections](#), the [2018 Student Body Elections](#), the [2017 Student Body Elections](#), the [2013 Student Body Elections](#), and the [2011 Student Body Elections](#);

*Whereas*, the regulations pertaining to confidentiality of allegations of election misconduct counterintuitively permit the release of the decision-making process behind the Judicial Council's resolution of meritless allegations, but not the decision-making process behind the Election Committee's determination that a meritorious allegation failed to demonstrate a constitutional violation;

*Whereas*, clarifying the power of the Judicial Council to release the holdings and reasoning of allegations which lack substantial confidentiality concerns, as it started to do last term, will continue to increase the transparency of the elections process;

*Whereas*, though its official approval does not appear on this document due to a change in procedural posture, the Committee on the Constitution voted in favor of the substance of these changes; therefore, be it

***Ordered by the Student Senate of the University of Notre Dame du Lac,***

That the Student Union Constitution is hereby amended as follows:

Order SO 2122-05

29 April 2021

- I. Article XV, Section 1(j) is hereby repealed and all subsections and references thereafter and thereof are renumbered accordingly;**
- II. Article XV, Section 5(d) is inserted into the Constitution, reading as follows:**

(d) No election result may be released to the public while any allegation or appeal related to that election is pending.
- III. Article XII, Section 4(i) is amended to read as follows:**

(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. Any penalties imposed by the Election Committee shall stand until the appeal is heard. 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.
- IV. Article XII, Section 4(a) is amended to read as follows:**

(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 within one hour of the end of voting, whichever is sooner.
- V. Article XII Section 4(e) is amended to read as follows:**

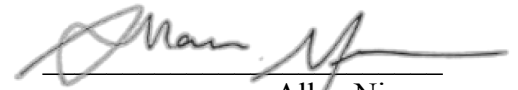
(e) Any time an allegation is resolved, the Chair of the deciding body shall write an opinion explaining the reasoning behind the result, which shall be reviewed by the Judicial Council President and Advisor to Judicial Council before being released.

  - (1) In the event that a constitutional violation was found, they shall release the result, including any sanctions imposed, to the alleging and alleged parties and to campus media, and may also publicize the opinion with the alleging party's name redacted.
  - (2) In the event that no constitutional violation was found despite a hearing of the Election Committee, they shall release the result to the alleging and alleged parties, and may also publicize the opinion with all names redacted after the conclusion of the pertinent election.
  - (3) In the event that the allegation was found to lack merit to proceed to a hearing of the Election Committee, they shall release the result to the alleging party, and may also publicize the opinion with all names redacted after the conclusion of the pertinent election.
  - (4) All other information pertaining to allegations and hearings shall remain confidential, and they may withhold the reasoning behind any decision in light of the confidentiality concerns it implicates.

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It is so ordered.



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Allan Njomo  
*Student Body President*