Order SO 2425-19 **20 November 2024**

Hunter Brooke, ***Judicial Council President***

AN ORDER TO BETTER CLARIFY THE NAMES OF JUDICIAL BODIES

Whereas, the Judicial Council is composed of several adjudicatory bodies, including the Student Union Ethics Commission and the Election Committee;

Whereas, the Election Committee has jurisdiction over all allegations, cases, and controversies arising from elections;

Whereas, the Student Union Ethics Commission has jurisdiction over all allegations, cases, and controversies arising from within the Student Union;

Whereas, despite performing the same adjudicatory function, the names of these bodies are not standardized, but are instead bizarrely differentiated;

Whereas, the lack of standardisation and naming convention has been a perpetual source of confusion for candidates and members of the Student Union, often resulting in a misunderstanding of the similar function but differing jurisdiction of these bodies;

Whereas, this confusion is clear in repeated uncertainty regarding the allegation filing process, or the receipt of allegations filed to the wrong adjudicatory body;

Whereas, these names should be standardized for the sake of clarity, readability, and accessibility;

Whereas, Article XV, Section 1(i) is now redundant given the use of online voting procedures; therefore, be it

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

That The Constitution of The Undergraduate Student Body is hereby amended as follows:

I. Article I, Section 3(b)(1)(A) is hereby amended to read as follows:

(A) If an individual is found to be not compliant, the Parliamentarian shall report the individual to the Student Union Ethics Council.

II. Article I, Section 6(b) is hereby amended to read as follows:

(b) Allegations of discriminatory activity shall be brought before the Student Union Ethics Council as misconduct under Article XIII, Section 1(b)(1) of this Constitution.

III. Article III, Section 3(f) is hereby amended to read as follows:

(f) The Senate shall review and address any allegation of misuse of undergraduate student organization funds or misconduct of undergraduate student organizations

and their members through the Financial Management Board and the Student Union Ethics Council, respectively.

IV. Article XIII, Section 2(a)(10) is hereby amended to read as follows:
(10) The Student Union Ethics Council.

V. Article XII, Section 3(b)(6) is hereby amended to read as follows:
(b) The Judicial Council President shall serve as the Chairperson of the Student Union Ethics Council. The Chairperson shall vote in the event of a tie.

VI. Article XII, Section 6 is hereby amended to read as follows:
Section 6. Student Union Ethics Council.

VII. Article XII, Section 6(a) is hereby amended to read as follows:
(a) The Student Union Ethics Council shall be in charge of reviewing and enforcing all attendance policies set forth in each Student Union organization's bylaws. Furthermore, the Student Union Ethics Council will oversee the faithful completion of the duties of each position enumerated in this Constitution. Should the Student Union Ethics Council be notified that any Student Union official is in violation of attendance policies and/or neglecting his or her duties as set forth in this Constitution and/or any applicable bylaws, the Student Union Ethics Council may take appropriate action outlined in this Section.

VIII. Article XII, Section 6(b) is hereby amended to read as follows:
(b) One member of each of the following groups shall be chosen at random to serve on the Student Union Ethics Council:

IX. Article XII, Section 6(b)(is hereby amended to read as follows:
Section 6. Student Union Ethics Council.

X. Article XII, Section 6(b)(8) is hereby amended to read as follows:
(8) The Parliamentarian shall serve as a non-voting member of the Student Union Ethics Council to impartially advise the council on all constitutional matters.

XI. Article XII, Section 6(d) is hereby amended to read as follows:
(d) When an allegation is brought forth against an individual from any Student Union organization, the Student Union Ethics Council representative from that organization will automatically be recused from the hearing, and that organization's position on the Student Union Ethics Council will be voided for that hearing.

XII. Article XII, Section 6(h) is hereby amended to read as follows:
(h) The Student Union Ethics Council shall aid the Senate in the selection process of the Michael J. Palumbo Award as defined in Article XVII of this Constitution

XIII. Article XIII, Section 1(a) is hereby amended to read as follows:

If any Senator or elected member of the Senate finds that the Student Body President, the Student Body Vice-President, either of the Hall Presidents Council Co-Chairs, the Club Coordination Council President, the Class Officers, any Senator, the Off-Campus President, or any official appointed and approved by the Senate, should be removed from office due to their behavior or misconduct, they are obligated to report the issue to the Student Union Ethics Council. The Student Union Ethics Council shall then convene to review the allegation and provide a recommendation regarding further action.

XIV. Article XIII, Section 1(b) is hereby amended to read as follows:

If the Student Union Ethics Council finds that the Student Body President, the Student Body Vice-President, either of the Hall Presidents Council Co-Chairs, the Club Coordination Council President, the Class Officers, any Senator, the Off-Campus President, or any official appointed and approved by the Senate, should be removed from office due to their behavior or misconduct, a hearing to consider the Bill of Impeachment shall be conducted at the next regular meeting of the Senate or within one academic school week. In the event that a Senator disagrees with the recommendation of the Student Union Ethics Council, they may then submit a Bill of Impeachment directly to the Senate.

XV. Article III, Section 5(a) is hereby amended to read as follows:

(a) In the event of an appeal of an Election Council decision, in accordance with Article XV, the Senate shall convene within 48 hours to hear the appeal. The Judicial Council Vice-President of Elections shall be allowed to attend this meeting.

XVI. Article III, Section 5(c) is hereby amended to read as follows:

(c) Until such time as the Senate can hear the appeal, the decision of the Election Council shall stand.

XVII. Article III, Section 5(d)(1) is hereby amended to read as follows:

(1) The Election Council of the Judicial Council shall be represented by the Judicial Council President or the Vice President of Elections, who shall speak first to the Senate, stating the allegation made against the candidate(s), the Election Council's deliberations, and the sanction given. This shall take no more than five minutes.

XVIII. Article III, Section 5(f) is hereby amended to read as follows:

(f) The Senate may force the Election Council to reconvene within 24 hours for the purpose of reconsidering its decision by a three-fourths vote.

XIX. Article III, Section 5(g) is hereby amended to read as follows:

(g) If quorum cannot be reached to hear the appeal within the 48 hours, or a decision is not reached during the convened meeting, the decision of the Election Council shall stand.

XX. Article XII, Section 2(a)(8) is hereby amended to read as follows:
(8) Election Council.

XXI. Article XII, Section 3(c)(3)(A) is hereby amended to read as follows:
(A) The Judicial Council Vice-President of Elections shall coordinate the duties of the Hall Election Coordinators, Election Council, and the elections in accordance with the election stipulations in Article XV of this Constitution.

XXII. Article XII, Section 3(c)(3)(B) is hereby amended to read as follows:
(B) The Judicial Council Vice-President of Elections shall serve as the Chairperson of the Election Council of the Judicial Council.

XXIII. Article XII, Section 3(f) is hereby amended to read as follows:
(f) Election Council.

XXIV. Article XII, Section 3(f)(1) is hereby amended to read as follows:
(1) The Election Council shall review all allegations of potential election misconduct and all potential violations of electoral regulations.

XXV. Article XII, Section 3(f)(2) is hereby amended to read as follows:
(2) The responsibilities of the Election Council and the Judicial Council Vice-President of Elections include, but are not limited to, the administration of the functional aspects of elections.

XXVI. Article XII, Section 3(f)(3) is hereby amended to read as follows:
(3) The Election Council shall be composed of a minimum of seven voting members and no more than eleven members. The Election Council shall have seven voting members serving in its capacity to review allegations of potential election misconduct.

XXVII. Article XII, Section 3(f)(3)(D) is hereby amended to read as follows:
(D) The Election Council shall be selected before petitions are distributed for elections of First Year Class Council representatives.

XXVIII. Article XII, Section 3(f)(3)(E) is hereby amended to read as follows:
(E) To select the seven voting members, the Vice President of Elections will contact the entire Election Council through email and other means necessary, and the first seven members to reply stating they will be in attendance will become the voting membership for the duration of the entire allegation.

XXIX. Article XII, Section 3(f)(3(F) is hereby amended to read as follows:

(F) The remaining members of the Election Council, if applicable, not serving in a voting role during the allegation, will be given priority in the event of a new allegation. The remaining voting member spots will be filled from those Election Council members having already served in an allegation following the same procedure outlined in Article XII, Section f(3)(E) of this Constitution.

XXX. Article XII, Section 3(f)(3(G) is hereby amended to read as follows:

(G) This procedure will continue for as many allegations as are necessary during the term of the Election Council.

XXXI. Article XII, Section 3(f)(4) is hereby amended to read as follows:

(4) The Parliamentarian shall serve as a non-voting member of the Election Council to impartially advise the council on all constitutional matters

XXXII. Article XII, Section 3(f)(5) is hereby amended to read as follows:

(5) The Judicial Council President shall serve as a non-voting member of the Election Council *ex officio*.

XXXIII. Article XII, Section 3(f)(6) is hereby amended to read as follows:

(6) The Vice-President of Elections will serve as the chair of the Election Council.

XXXIV. Article XII, Section 3(f)(7) is hereby amended to read as follows:

(7) Voting members of the Election Council hold an enumerated position and may not hold any other enumerated position concurrent with their time of service on the Election Council, in accordance with Article I, Section 3(c) of this Constitution.

XXXV. Article XII, Section 3(f)(8) is hereby amended to read as follows:

(8) Election Council members may not campaign for any ticket while holding this position.

XXXVI. Article XII, Section 3(f)(9) is hereby amended to read as follows:

(9) If at any time a member of the Election Council is unable to give an unbiased judgment regarding an allegation of election misconduct, either by his or her own estimation or the decision of the Council by majority vote, that member must recuse him or herself from the proceedings of the Council which regard that particular allegation. The Vice President of Elections may choose one of the additional members of the Election Council to serve as a replacement for this particular allegation using the same procedure outlined in Article XII, Section f(3)(E) of this Constitution.

XXXVII. Article XII, Section 4(b) is hereby amended to read as follows:

(b) The Vice-President of Elections along with the Judicial Council President and the advisor to the Judicial Council shall decide if the allegation has merit and shall proceed to the consideration of the Election Council. If the allegation is

determined to have merit, the Vice-President of Elections must then call together the members of the Election Council to review the allegation

XXXVIII. **Article XII, Section 4(c) is hereby amended to read as follows:**
(c) The Election Council will then meet in a private forum for discussion and debate.

XXXIX. **Article XII, Section 4(c)(1) is hereby amended to read as follows:**
(1) The Election Council must obtain a two-thirds quorum.

XL. **Article XII, Section 4(c)(2) is hereby amended to read as follows:**
(2) The Election Council will decide whether the campaign, candidate, or ticket in question is in violation of electoral or campaign rules.

XLI. **Article XII, Section 4(c)(3) is hereby amended to read as follows:**
(3) If a violation has occurred, the Election Council shall determine appropriate sanctions and penalties.

XLII. **Article XII, Section 4(c)(4) is hereby amended to read as follows:**
(4) Both decisions require a majority vote of the Election Council. In the event of a tie, the chair will vote.

XLIII. **Article XII, Section 4(d) is hereby amended to read as follows:**
(d) All verdicts, motions, votes, and decisions are to be recorded by the Election Council for the purposes of notification and appeals.

XLIV. **Article XII, Section 4(e)(2) is hereby amended to read as follows:**
(2) In the event that no constitutional violation was found despite a hearing of the Election Council, they shall release the results to the alleging and alleged parties.

XLV. **Article XII, Section 4(e)(3) is hereby amended to read as follows:**
(3) In the event that the allegation was found to lack merit to proceed to a hearing of the Election Council, 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.

XLVI. **Article XII, Section 4(f) is hereby amended to read as follows:**
(f) The Election Council must convene within 36 hours of the submission of the allegation to the Vice-President of Elections.

XLVII. **Article XII, Section 4(g) is hereby amended to read as follows:**
(g) In the event that the full Election Council has not yet been assembled at the time of an allegation, or if the Election Council cannot reach quorum within the 36 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.

XLVIII. Article XII, Section 4(h) is hereby amended to read as follows:

(h) The decision of the Election Council 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 Council shall stand until the appeal is heard. Appeals of the decision of the Election Council 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.

XLIX. Article XII, Section 4(i) is hereby amended to read as follows:

(i) If the Senate overturns the decision of the Election Council, the Council must reconvene within 24 hours to reconsider the allegation in light of the Senate's decision. This decision of the Election Council, which must be informed by the written report of the Senate and may not be identical to the original decision, is final.

L. Article XV, Section 1(c) is hereby amended to read as follows:

(c) Candidates are expected to behave ethically at all times. Involvement in or instruction of others to engage in any unethical behavior will be determined and penalized by the Election Council of the Judicial Council.

LI. Article XV, Section 1(f)(2) is hereby amended to read as follows:

(2) No Student Union Organization; Judicial Council Officer; Member of the Election Council; member of the Senate apart from Executive Cabinet Department Directors; or University department, office, or official may endorse a candidate/ticket for office, and no candidate/ticket shall seek or claim to have received any such endorsement.

LII. Article XV, Section 1(g)(2) is hereby amended to read as follows:

(2) "Social Media," as a rapidly developing and changing field, shall be interpreted by the Election Council on an ongoing basis. In the event of new or changing policies, candidates will be informed before the release of petitions.

LIII. Article XV, Section 1(h)(2) is hereby amended to read as follows:

(2) A campaign limit is set for all elections. All outside contributions count toward the limit. All donations shall be assessed towards the limit at their fair market value with the sole exception of an individual's labor which shall not be assessed against the limit. The Judicial Council shall make available funds to reimburse the candidates/tickets for expenses incurred for the purpose of campaigning. These expenses must have been presented to the Election Council.

Reimbursements shall not exceed the campaign spending limit, and the Judicial Council President shall approve these reimbursements.

LIV. Article XV, Section 1(h)(4) is hereby amended to read as follows:

(4) Receipts for all election materials purchased or donated must be presented to the Judicial Council prior to any use of the materials. All receipts must be accompanied by a list of materials purchased.

LV. Article XV, Section 1(i) is hereby repealed, and all subsections and references thereafter and thereof are renumbered accordingly.

LVI. Article XV, Section 2(c) is hereby amended to read as follows:

(c) Campaigning may begin as soon as a candidate/ticket has turned in a fully signed petition and it is verified and approved by the Election Council.

LVII. Article XV, Section 2(d) is hereby amended to read as follows:

(d) No petition shall be accepted after the deadline without prior written approval of the Election Council. A new member on a ticket without approval by the Election Council must get new signatures. Only official petitions as distributed by the Judicial Council may be used. An official list of candidates shall be posted outside the Student Government Office.

LVIII. Article XV, Section 2(e) is hereby amended to read as follows:

(e) Copies of all physical campaign materials, including but not limited to posters, flyers, and table tents, must be submitted to the Election Council and stamped for approval by a member of the Election Council before posting.

LIX. Article XV, Section 2(f)(2) is hereby amended to read as follows:

(2) The Election Council shall not undertake the responsibility of informing the student body of write-ins' placement on the ballot.

LX. Article XV, Section 2(h)(2) is hereby amended to read as follows:

(2) A first-year shall submit to the Election Council a petition of no less than 10% of his or her residence hall's first-year residents to be considered an eligible candidate.

LXI. Article XV, Section 3(a)(2) is hereby amended to read as follows:

(2) Each Hall Election Coordinator is responsible for following the guidelines set forth by the Judicial Council.

It is so ordered.

Dawson Kiser
Student Body President

Thomas Musgrave, Student Union Parliamentarian
SO 2425-19, 20 November 2024
32 Affirmative; 0 Negative; 2 Abstain