

# **THE JUDICIAL BRANCH OF THE STUDENT GOVERNMENT ASSOCIATION OF THE UNIVERSITY OF TENNESSEE, KNOXVILLE**

Case No. 2016-2

## **INTERPRETATION OF THE 2016 ELECTION PACKET MANDATORY MEETING ATTENDANCE REQUIREMENT**

Requested 14 February 2016 – Decided 15 February 2016

### **I**

This case was brought to the attention of the Judicial Branch by the Election Commissioner who pointed out that there was a discrepancy between the timeline and the body of the 2016 Election Packet. The timeline on page two indicates that on Wednesday, 17 February 2016 from 7:30 to 8:30 PM a “Mandatory Meeting for all Student Body President, Student Body Vice President, Student Services Director, GSS President, GSS Vice President, and independent senatorial candidates, as well as all campaign managers and campaign treasurers” will be held. However, on page five of the election packet in Section A, Subsection II, Paragraph B it is stated that “A mandatory meeting for all potential candidates and executive committee members will be conducted from 7:00 - 8:00 PM in Haslam Business Building 302...”. The Election Commission asked the Judicial Branch to provide an interpretation of the packet, and decide whether or not all potential candidates for office would be required to attend the meeting, or just those specifically laid out in the timeline.

### **II**

The Judicial Branch believes its duty is to rule on the intent of the Election Packet, not whether the Election Packet is morally or ethically in line with the stated mission of SGA or how SGA elections have transpired in the past. In order to perform our duty of ruling on its intent, we referenced the language found in the body of the Election Packet rather than the timeline – which is not a supplement to the body of the packet but should be considered a compliment for quick reference. In order to interpret the intent, we searched the body of the document. Specifically, we cited the language found in the “General Information” section (Section A, Subsection II, Paragraph B) on page five and the language found in “Election Procedures” (Section B, Subsections I and II) on page sixteen. Using the language from these sections, it is our belief that the intent behind the Election Packet was to require that all potential candidates must attend the Mandatory Meeting on 17 February 2016. As a result, as the packet is now, any potential

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candidate for the upcoming SGA election who is not at the Wednesday meeting will be ineligible to have their name placed on the official ballot for the upcoming election.

### III

It is the view of the Judicial Branch that the Student Government Association should be as inclusive and transparent as possible. All students should have equal access and opportunity to partake in the election process and if the discrepancies are left unchanged, this will likely result in a large number of potential candidates being ruled ineligible as participants within the Student Government Association.

The Court also notes egregious errors that are currently present within the election packet. For example, on the Timeline on page two, the time and location of the Mandatory Meeting is different than the time and location of the Mandatory Meeting that is found in the “General Information” section (Section A, Subsection II, Paragraph B) on page five.

It is our recommendation that the Election Commission and Senate review the Election Packet in its entirety and correct any and all errors within. A new Election Packet should be submitted for review and approval to the Senate in a timely fashion, while still upholding all rules of parliamentary procedure and precedent. To accomplish this, we urge the Student Senate to hold an emergency Senate meeting this upcoming Tuesday as a chance to review and vote on the new packet for the first time, and use the next regularly scheduled senate meeting to finalize and approve the packet. This way, the new packet is passed as quickly as parliamentary possible while still allowing necessary time to review the packet and debate its contents.

### IV

In summary, the Court finds that, as written, the 2016 Election Packet requires that all candidates for office must attend the Mandatory Meeting scheduled for Wednesday, 17 February 2016. However, requiring all Senate candidates to be present at the Mandatory Meeting does not render the most beneficial outcome for the Student Body as a whole, and the court recommends changing this. It is also obvious that the packet was not properly reviewed in its entirety by either the Election Commission or the Student Senate, yet the Election Packet was approved twice by the Senate without any notice of the numerous discrepancies within the packet.

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The Judicial Branch finds that the Election Packet currently requires all candidates, regardless of office, to attend the Mandatory Meeting scheduled for Wednesday, 17 February 2016 from 7:00 - 8:00 PM in Haslam Business Building Room 302 as is stated in Section A, Subsection II, Paragraph B. Therefore, if the 2016 Election Packet remains unchanged, any individual who is not in attendance at the Mandatory Meeting and does not submit a valid excuse, will be ineligible to

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run for any office within the Student Government Association at the University of Tennessee, Knoxville.

*It is so ordered.*

CROSS, C.J., NIEHAUS, CLEVELAND, and MCNICHOLAS delivered the opinion of the Court, in which WHITE joined.