



Decision by the Judicial Review Board October 7th, 2009

On October 6th, 2009, this Board received a formal request for judicial interpretation of the Undergraduate Association Constitution by a member of the undergraduate student body.

Request from Quentin Smith, UA Chief of Information Technology:
Evaluate the constitutionality of the Election Commission's decision to not release detailed results from the recent Fall elections.

Decision:

Our decision is that the election vote tallies shall be released publicly to the Association and in the same manner that they are counted. For example, if they are counted by dormitory, then the results per candidate should be delineated by dormitory. In addition, these tallies should be archived in the UA's public records. The Election Commission should do this by no later than midnight, Monday, October 12, 2009.

Explanation:

As it currently stands, the UA Election Code and UA Constitution do not have provisions for this question. Article 5.6.B and 5.6.C of the Election Code are the most relevant and they give the Election Commission the duty to count the votes, report the election winners, and declare the election invalid.

Considering the gravity of the last power and the responsibility of final oversight of the Election Commission wielded by the Senate in Article 5.1.D of the UA Constitution, the Judicial Board finds that releasing this data is necessary for Senate to fulfill its obligations in representing the Association.

Behind this argument is a question of transparency and legitimacy in government. For full faith in the elected representatives and the system they together embody, it is necessary to not only understand that they won the election, but by what margin as well.



Further, there is a future question of how to post the election results. Our judgment is that there should be no internal analysis done and the tallies should be detailed just as they are recorded. In the Senate election case, that method would break down the votes according to the senator's representation. But in the Executive election, this proviso should result in a further delineation by individual representation such as fraternity or dormitory. This information is necessary for the Senate to properly fulfill its obligations as representatives.

Because there is no legislation directly regarding this question, we cannot exercise our right to reverse such legislation. However, in this decision, we have exercised our right to reverse policy and strongly recommend that Senate amend the Election Code as our guidance dictates.

Cinjon Resnick '10, Chairman of the Judicial Review Board
Mitch Westwood '11, Member of the Judicial Review Board
Andy Kalendarian '12, Member of the Judicial Review Board