



DECISIONAL MEMORANDUM

Date: 4/3/2019

Re: Elections Committee v. RiseTU 2

ISSUES

- Whether RiseTU's failure to abide by an order of the Elections Commissioner constitutes a violation of the Elections Code.

I. STATEMENT OF FACTS

On March 22, 2019 I delivered an email to all Parliament and Executive campaigns and candidates which included an order. The email stated, "...I am here to inform you that each team is required to schedule a meeting with the Chief Judge before April 2nd! This is mandatory! Please reach out to the Chief Judge immediately!" On March 25, RiseTU reached out to the Chief Judge and a meeting was scheduled for April 1. RiseTU failed to arrive at that meeting and I ordered them to schedule a new one with the Chief Judge, or face disciplinary action. Another meeting was scheduled for April 3, 2019 and RiseTU again failed to meet with the Chief Judge at the time they agreed to.

II. CONSTITUTIONAL ANALYSIS

A.

According to the Temple Student Government Constitution, the Elections Commissioner shall "[m]aintain[...], interpret[...], and enforc[e] the Elections Code in all Temple Student Government elections" TSG V. ii. ii. iii. iii. Temple Student Government's Elections Code further states, "For all matters related to the elections for which there are no established provision within the Temple Student Government Constitution, Bylaws or supplementary elections materials, the Elections Commissioner shall have the authority to establish and maintain those provisions necessary to ensure a fair, honest and efficient elections" EC IV. iii. iv. As the Elections Commissioner and drafter of the Elections Code, it is my obligation to ensure that each

campaign team is in compliance with the Elections Code. Furthermore, it is my duty to ensure that action is taken when violations occur.

B.

As stated, *“For all matters related to the elections for which there are no established provision within the Temple Student Government Constitution, Bylaws or supplementary elections materials, the Elections Commissioner shall have the authority to establish and maintain those provisions necessary to ensure a fair, honest and efficient elections” EC IV. iii. iv.* Pursuant to this rule, I ordered all campaigns and candidates to meet with the Chief Judge in order to ensure that all prospective TSG members are well-versed in the Constitution and the functions of the organization. Because of Section 403.04, all orders of the Elections Commissioner are part of the Elections Code, and are thus binding on all campaigns. Failure to abide by order of the Elections Commissioner, including the one of subject, constitutes a violation of the Elections Code.

III. CONCLUSION

For the foregoing reasons, The Elections Committee finds that RiseTU acted in violation of the Elections Code. As stated in Section 501.3 of the Elections Code, since this is RiseTU’s second offense, they are hereby suspended. The Elections Committee considers this to be among the least egregious of derelictions, so RiseTU is hereby given one penalty point. As such, RiseTU is suspended for four days or until the end of the election, whichever comes first.



Rofiat Oseni, *Elections Commissioner*