

ADVISORY OPINION 2017-3
UNCONTESTED AND UNDECLARED
ELECTED POSITIONS

Justice MOORHEAD for the Court

This Court has jurisdiction over Advisory Opinions requested by the Supervisor of Elections (SOE), in regard to the Election Code, pursuant to Student Body Statute 703(F).

On October 4, 2017, this Court received the following request for Advisory Opinion from the SOE, “[a]m I, as Supervisor of Elections, able to move...candidates [contesting the same seat] to other undeclared seats in Undergraduate Studies with the students (sic) permission, or do these candidates need to run against one another regardless of the availability of other seats?”

At this time, this Court advises the candidates be placed on the ballot under the seat which they declared their candidacy for, even though it may result in undeclared seats.

Reasoning:

This Court looks primarily to Section 703(Q), 706.3, and 712.1(C) of the Student Body Statutes in coming to its advisory opinion. Section 703(Q) outlines one of the powers of the SOE is the ability to declare a candidate as being “elected by acclamation if an election is uncontested at the deadline of declaration of candidacy filing.” Section 706.3 echoes this sentiment, allowing for victory by acclamation. At this time, we think this section does not appear to give any specific language that would allow the SOE to fill undeclared seats with candidates who are contesting a different seat within

the same division. Moreover, section 712.1(C) (outlining the “Official Ballot”) states, “Candidates shall be listed *by seat* in alphabetical order of their last names and the name shall be printed in the same form *as requested at the time of filing.*” (Emphasis added). This Court advises this language should be construed to mean that the Official Ballot shall list candidates under the specific seat which they declared their candidacy for; even if that would mean having some contested seats, and leaving others undeclared.

Conclusion:

While the SOE does have broad discretion in the administration of the University’s elections, based on the foregoing reasoning, we advise that the SOE place candidates on the Official Ballot under the specific division and seat which they had declared, at the close of the candidacy filing period.