

ASASU Supreme Court

Robinson v. Elections Department

Chief Justice Walther, Opinion of the Court

Joined by Associate Chief Justice Haji, Justice Lombard, Justice Rios, Justice Murphy

Oral Proceedings heard on April 15th, 2020

Decision Filed on April 16th, 2020

A. Fact Summary

On April 14th, 2020 it was discovered that Clay Robinson, a candidate for the Senate race representing The College of Liberal Arts and Sciences (The College), was left off the ballot due to technology issues. At 6:30 A.M. on the morning of April 14th, the Elections Department fixed the issue, however, this was after 243 votes from The College had already been submitted. When the issue was resolved, all 243 students that had voted from The College had their ballots reset to allow them to vote again. They were all notified via an email sent directly to them, as well as through social media.

B. Jurisdiction

According to Chapter 11-1 of the USG Election Code - "A candidate has the right to appeal a decision by the Elections Department to the Supreme Court via the appropriate online form. The candidate has one (1) business day after a decision is issued to appeal." Furthermore, according to Chapter 11-2 of the USG Elections Code - "The final decision regarding the disqualification of a candidate or interpretation of the USG Elections Code is reserved for the Supreme Court." Therefore, the Court has jurisdiction in this case.

C. Holding of the Court

Robinson presented two main issues to the Court:

1. The remedy implemented by the Elections Department was insufficient
2. His campaign sustained injury due to being left off the ballot originally

The Court sides with Robinson in this case. While the Court believes that the decision of the Elections Department to reset the ballots was acceptable, it did not go far enough to ensure that Robinson did not sustain injury from this mistake, as he lost 6.5 hours of time in which to gather votes.

Robinson potentially sustained injury due to the technology issue, as there were 243 votes already. We do not believe, as stated in his fact statement, that candidates for Barrett Senators and Executive tickets would have been significantly impacted by this issue. It is unfair for him to have received 6.5 hours less time for voting, however, this was no fault of the Elections Department or the candidates involved.

Therefore, the Court orders:

1. An investigation into the election results be conducted
2. A special election be conducted if the following conditions are met:
 - a. The election results show a probable disadvantage to the Robinson campaign
 - b. The investigation yields results that show Robinson may have won a seat, as evidenced by loss of a seat by less than 243 votes
3. If a special election is needed, it shall be done at the same time as an Executive Ticket run-off, if applicable. If not applicable, a date and time for the election shall be decided by the Elections Department, and announced and publicized 72 hours prior to the election.
 - a. The Special Election shall only pertain to candidates from The College, and all Senatorial candidates from The College will be part of the special election.
4. If neither of the conditions for Order 2 are met, a special election shall not be held.

SIGNED BY THE ASASU SUPREME COURT

APRIL 15th, 2020 at 7:33 PM