

Dear All:

**After discussing the issues Mr. Leppo has raised, we have included our answers below:**

**Point 1:** If I am reading the Constitution correctly, the UJ "may order an election to be re-run if it finds that the Constitution or other elections rules have been violated so as to unfairly negatively impact the campaign of one or more candidates, or if an election rule itself is found to have unconstitutionally negatively impacted the campaign of one or more candidates. An order to re-run an election must be issued within five academic days of the original election." Does this mean that you guys are going to have a "finding" by noon and order the election be rerun. In order to bring the issue to the floor, I think Signer may have to contest either the Secretary election or the Aboard election. Do you have a different reading? I'm guessing you guys already thought about this.

**Answer:** Mr. Singers filing of this case at the time that he did made it a constitutional impossibility for us to consider reruning all but two of the Round 1 Elections. The constitution grants us 5 days to hear a case and 5 days after hearing said case to make a decision as per Article IV. In that Mr. Brandzel filed this case on the 3rd day after the certification of the elections, and that the constitution states that we only have five days to order a re-run of an election, the Union Constitution forces us to consider this matter only for Round II elections. This complaint was filed at around 1:15 on Tuesday morning, allowing the Union Judiciary until noon today, to grant cert, hear the case, and render a decision. We have deemed that such a process would have been impossible, and our decision to do so is demanded by our constitutional constraints. Relative to the possibility that the elections of Union Secretary and Allocations Board could be rerun, it is our opinion that to rerun these elections, in light of the fact that they have been run twice already, would adversely affect all candidates in these elections equally. The Union Judiciary's purpose is to prevent such an adverse affect where it can, not to foster it. To clarify our reasoning for granted cert, we did so in light of the fact that this is a matter that requires judicial clarification, in that the constitution is silent on the matter of voting eligibility. As such, we will consider Mr. Singers complaint relative to Round II Elections only.

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**Point 2:** I think it would be better for both sides if we followed the Constitution in that "The Clerk of the Court is responsible for all pre-trial duties including but not limited to: collection of evidence, establishing and coordinating dates, collection of all pre-trial documents. S/he is required to present all material to the Chief Justice by 5:00 p.m., the class day prior to the hearing." The UJ can ask her to forward the evidence to both sides. I am still not entirely convinced that all evidence was presented to both sides in the last case. Perhaps the clerk, who is doing far less than any of the 5 Justices, could handle this.

**Answer:** In Amendment of my earlier email regarding the hearing of this matter, please place seven copies of all witness lists and all evidence in Clerk of the Court Marissa Jaffe's box in the Student Union Office by 5:00 PM on Friday, and provide all such materials to opposing counsel. Article IV Section 2 of the Constitution states that, " The Chief Justice shall be responsible for proper conduct of all business of the Union Judiciary, including the calling of and presiding at all sessions." In accordance with this constitutional requirement and to ensure that all evidence is presented to both sides, I will provide one of the seven packets provided to the Union Judiciary by both sides in advance of the hearing of this matter to counsel for the Elections Commissioners and Mr. Brandzel.

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**Point 3:** No Round II elections (each senate election, UJ, etc...) can happen until this matter is resolved. If any specific Round I election were to be rerun, an unsuccessful candidate should have the right to have equal campaign time in a Round II election. Can all sides stipulate that the results of this decision will only affect future elections. If not, the ECs will open themselves up to a possible UJ case for giving one candidate a longer campaign period than another.

**Answer:** In that it is the sentiment of the UJ that we can reasonably hear and decide this case before the voting period for Round II elections begins, as per the amended timetable sent out a few days ago. In that we have decided not to consider Round I elections, candidates from Round I elections will still be able to sign up

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**Point 4:** I sent the Chief Justice two emails that he has yet to respond to. If a response is not received, there may be a chance the Chief Justice could be needed. We are contacting all those who argued the Tansey/Tapper case and would probably like to speak with Cecil. If he is absolutely opposed, no one would ever demand it. I would defer to lead counsel on that matter.

**Answer:** Mr. Leppo's emails questioned my refusal to serve as a witness in this case, in the event that I had recused myself. I believe I made it clear in the email stating my decision not to recuse myself that I would not have served as a witness in this case even if I had recused myself. This, however, is a moot point, in that I have not recused myself from the hearing of this case, and therefore cannot serve as a witness.

Related to the issue of recusal, however, Justice Landesman has recused himself from the hearing of this case, in that he will be a candidate for the position of UJ in Round II elections.

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Relative to Mr. Leppo's final point regarding taking a break-

well said!

it is the hope of the UJ collectively that such an opportunity to "play" and "go outside" will soon be made available to all of us.

Very Truly Yours,

Chief Justice Cecil Thomas

on behalf of the Union Judiciary