



Election Committee Decision on the Prior Written Approval of Petitions Signed After the Deadline

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The Election Committee heard the requests of two petitioning tickets, Chisholm-Hutchison and Siegel-Holland, seeking written approval of the Election Committee to accept their respective petitions after the previously specified petitioning period deadline for the Student Body President and Vice-President election.

I. Factual Background and Procedure

Throughout the academic year, the Election Committee has had to adapt to changing circumstances caused by the global pandemic, COVID-19. In addition to writing a motion suspending certain parts of the *Constitution*, which was passed by the Senate as Senatorial Order 2021-11, the Committee also had to change its petitioning format. Rather than using paper petitions, which would be difficult or impossible to sign without breaking University and CDC regulations and recommendations about touching common surfaces and maintaining physical distance, the Committee opted for a virtual petitioning form through Google Forms. Each petitioning ticket co-owned such a petitioning form with the Judicial Council.

Throughout the process, Judicial Council received complaints from petitioning tickets that petitioning was unduly arduous due to the novel process amid campus health protocol. However, the Council chose to wait until the Senate had the opportunity to consider addressing the issue before responding. On Wednesday, February 10th, the Senate voted not to consider a proposed constitutional suspension adjusting the minimum of 700 signatures to qualify a petitioning ticket for candidacy. Thereafter, the Judicial Council relayed this information to all of the petitioning tickets, reminding each of them about the constitutional provision in question today, which authorizes the Election Committee to accept petitions submitted after the deadline through prior written approval, and inviting them to submit requests for such approval by 4pm on Thursday, February 12th.



Judicial Council received two such requests, which are outlined later in this opinion in more detail. The Council then proceeded to call a hearing of the Election Committee, arising under exigent circumstances per Section IV.4 of the Statute of the Judicial Council, to decide whether to grant the requests. In order to maintain the impartiality of the process, the members of the Committee were not allowed to know which petitioning tickets submitted the requests, how many signatures the petitioning tickets had, or whether any of the petitioning tickets were likely to receive 700 valid signatures. All identifying information was redacted from the requests throughout the entire deliberation of the Committee.

II. Jurisdiction

The petitioning tickets' requests find a textual basis in Article XV, Section 2(d) of the *Constitution of the Undergraduate Student Body of the University of Notre Dame du Lac*, which states in part that:

“No petition shall be accepted after the deadline without prior written approval of the Election Committee.”

The plain-text interpretation of this clause clearly states that petitions submitted after the previously specified petitioning period deadline are invalid unless the petitioning ticket had requested written approval saying otherwise. Thus, should a petitioning ticket make this request prior to the previously specified petitioning period deadline, the Election Committee may issue written approval of a petitioning ticket's request to have their individual deadline extended beyond that of the previously specified petitioning period deadline. The Committee chooses to apply this clause on the basis of individual requests for approval by individual petitioning tickets, and not across all currently petitioning tickets. This is because its authority to grant late petitions consists of the power to “approve,” a word which implies the existence of a specific, tangible request to which the Committee is bound, rather than the power to rewrite generally applicable deadlines whenever it so pleases. Therefore, the Election Committee's jurisdiction is limited to consideration of the requests of the petitioners before it and a judgement about whether to accept late petitions from those specific aforementioned petitioners, and if so, for how long.



III. Requests

Chisholm-Hutchingson based their argument for the approval on the assertion that due to the “novel nature of [virtual petitioning] and the faultiness of electronics, we have been unfairly set back.” The Committee acknowledges the novelty of the petitioning process it has employed for this year’s election season and accepts that technological difficulties and constraints imposed by the need for physical distancing and limits on gatherings make petitioning unusually difficult. The Committee notes that the very use of virtual petitioning was a pure result of the global pandemic, and under normal circumstances these instances of technical difficulties could not arise during paper petitioning.

Siegel-Holland similarly based their argument for approval on the basis that the University’s health protocols in response to the global pandemic “significantly restricted our ability to go out and get signatures.” They claimed the necessary campus health guidelines have “resulted in larger gatherings and public meetings being discouraged and are not an option that was once used in the past.” Furthermore, Siegel-Holland claims that their request should be granted due to the Committee’s error in publishing an incorrect time for the previously specified petitioning period deadline in which it indicated the deadline would be at 8pm rather than 12pm, as outlined in Senatorial Order 2021-11. This error was present in the information session given at the start of the petitioning period. The Committee acknowledges this error and accepts responsibility for the eight (8) hour discrepancy, which Siegel-Holland claims “proved to be disruptive to say the least.”

IV. Decision

Due to its past error and the difficulties presented by the health protocol designed to contain the spread of COVID-19, the Committee finds merit in the arguments presented by both Chisholm-Hutchison and Siegel-Holland and grants their requests for prior written approval under XV(2)(d).

In choosing an appropriate length of time for accepting late petitions, the Committee immediately turns its attention to the authority of the *Constitution*. As prescribed by Article XV, Section 2(g)(3), under normal circumstances and absent the suspension and impositions of Senatorial Order 2021-11 in response to the



University's delay to the start of the 2021 Spring Semester, the petitioning period in this election should last 240 hours. However, the current length of the petitioning period under Senatorial Order 2021-11 for this election was set to 208 hours. Given that the length of the specified petitioning period was shortened but the number of required signatures was not, the Committee determines that, at a minimum, the extension should account for the 32 hours lost as a result of the Senatorial Order's lapse in respecting parallel constitutional authority while attempting to correct for the University's delayed start.

As for the issues raised by the petitioning tickets concerning the difficulties caused by University health protocols, such as the absence of large gatherings and the necessity of virtual petitions, the Committee, in its reasoned judgement, estimates that an extension of one day, or twelve (12) hours, is appropriate. While the explicit costs of these difficulties are not easily quantifiable, the Committee acknowledges that there has existed some implicit cost on the petitioning process. Thus, the additional extension was necessary to completely accommodate the merit of the arguments presented by the aforementioned petitioning tickets.

The Committee concludes that the extension should include the thirty-two (32) hours due to improper application of constitutional authority in Senatorial Order 2021-11, the eight (8) hours due to the Election Committee's error, and an additional day's worth of time, twelve (12) hours, to account for the novel issues experienced during the petitioning process amid the global pandemic. As these three categories are equally applicable to the two individual petitioning tickets requesting an extension, the same formula is applied to each individual request within the Committee's jurisdiction.

Therefore, under the authority entrusted to it in Article XV, Section 2(d), the Election Committee grants prior written approval to the aforementioned petitioners to submit petitions past the previously specified petitioning period deadline. The Election Committee will accept petitions which are late by no more than fifty-two (52) hours for these petitioners, and will therefore keep their petitioning forms open until 4pm on Sunday, February 14th.

It is so ordered.