

**SUPREME COURT**

**Special Rules of Procedure**

Election Disputes Only

**Rule 1. Scope**

(a) The following rules govern Election Disputes only.

**Rule 2. Commencement of an Action**

(a) An action begins by filling out an ASUA Supreme Court Complaint Cover Sheet (Cover Sheet), and

(1) attaching a Complaint, as described in Rule 2(c) of the ASUA Supreme Court Procedures; and

(2) emailing the Cover Sheet and Complaint to the Clerk of the Court at ASUA-SupremeCourt@email.arizona.edu; or

(3) delivering the Cover Sheet and Complaint to the front desk of the ASUA office.

(b) Any party may commence an action within twenty-four (24) hours of a decision by the Elections Commissioner or Elections Commission, but all automatic remedies must be exhausted before the Supreme Court may assume jurisdiction and resolve any election dispute.[[1]](#footnote-1)

(c) If the Elections Commission has not issued a decision within forty-eight (48) hours of an appeal from the Elections Commissioner, then the Supreme Court may, upon application of a candidate, assume jurisdiction to review the Election Commissioner’s decision.

(d) The Clerk of the Court shall promptly inform the Chief Justice when a party appeals a decision.

(e) The Clerk of the Court shall promptly contact the Elections Commissioner (or the Elections Commissioner’s designee) and request a written report of the Election Commissioner’s finding.

**Rule 3. Report**

(a) The Elections Commissioner shall prepare a written report and deliver the report to the Clerk of the Court within twenty-four (24) hours of notification.

(b) The report shall contain the following:

(1) The factual basis of the dispute;

(2) The names, email addresses, and telephone numbers of parties involved, if known;

(3) The disposition of the dispute;

(4) The rationale for the disposition that includes both the facts and relevant sources of law (i.e. ASUA Constitution, Bylaws, Elections Code) relied upon for the decision; and

(5) Any and all written or printed materials relevant to the decision.

(c) If a party appeals to the Elections Commission, either directly or automatically, and the Elections Commission decides the issue differently than the Elections Commissioner, then the Elections Commission must also prepare a written report as described in Section 3(b)(1)–(5) of these Rules. The Elections Commission shall submit the report to the Clerk of the Court within twenty-four (24) hours of its decision.

(d) The Clerk of the Court shall prepare and furnish copies of the reports to each of the Justices.

(e) No further pleadings are required prior to the Supreme Court hearing oral arguments or resolving the issue, but the Plaintiff may file a Reply to the report according to Rule 2 of the non-election rules, i.e. the ASUA Supreme Court Rules of Procedure.

(1) If either party intends to submit additional briefings as described in the non-election rules, the parties shall inform the Clerk of the Court by email or otherwise, that additional briefings are forthcoming.

(2) Additional briefs filed less than one (1) business day before oral arguments will not be considered by the Court.

**Rule 4. Notice of Oral Arguments**

(a) The Chief Justice shall notify the Clerk of the Court of the time and place for oral arguments and the Clerk of the Court shall then notify all parties.

(b) If a party is absent from the hearing, the Court may proceed if reasonable efforts have been made to contact the party and upon concurrence by a majority of the Justices present.

**Rule 5. Oral Arguments**

(a) If the Court determines, by majority vote, that oral arguments are necessary, the oral arguments shall be heard within seventy-two (72) hours of application by the plaintiff.

(b) The plaintiff, movant, or appellant shall argue first.

(c) Each party shall have twenty (20) minutes to present its case to the Court, and the plaintiff may reserve up to five (5) minutes for rebuttal. The Court may extend time for oral argument and shall provide all parties with roughly the same amount of time.

(d) Parties may call witnesses.

(1) The Clerk of the Court shall administer an oath of truthfulness to all witnesses before testimony begins.

(2) The Court may question parties and witnesses; the time for such questioning does not count against any party.

(3) The Chief Justice may allow counsel to examine witnesses, but such time counts against that party’s allotted twenty (20) minutes.

(4) Parties may present statements from witnesses who are unable to attend. The party must provide six (6) copies to the Clerk of the Court, five (5) for dissemination to the Court and one (1) to be furnished to the opposing party.

(e) During oral arguments, parties may be represented by any law student from the University of Arizona College of Law who is currently a candidate for Juris Doctor and has completed a bachelor’s degree. The Court highly recommends representation by counsel. If requested, the Chief Justice may grant leave to hire attorney representation.

(f) The Court shall control the etiquette and behavior of the parties.

**Rule 6. Evidence**

(a) Evidence is governed by the Federal Rules of Evidence, except that no conversation between the Clerk of the Court and any party may be presented.

(b) The Chief Justice shall resolve all evidentiary issues, unless the Chief Justice has not taken Evidence Class, in which case the Chief Justice shall delegate the responsibility to the most senior Justice that has taken Evidence Class.

(c) Before oral argument begins, the Clerk of the Court shall assist all parties in preparing evidence needed for oral argument.

**Rule 7. Adjudication**

(a) The Court’s decision in any matter shall be determined by a majority or plurality of the Justices, but the Chief Justice shall determine procedural matters under these Rules that do not directly affect the disposition of a case (i.e. additional time at oral arguments, supplements to pleadings, courtroom decorum).

(b) The Clerk of the Court shall notify all parties of the outcome within five (5) business days of the oral argument, and shall issue its written opinion within ten (10) business days of the oral arguments, except if the Court is handling concurrent matters requiring written opinions, regardless of organizational source of the matter, in which case the written opinions shall be issued accordingly:

(1) The Court shall deliver the written opinion for the earliest matter within ten (10) business days of the oral arguments for that matter;

(2) The Court shall deliver the written opinion for each following matter in chronological order and within five (5) business days of the deadline for written opinion associated with the previous matter.

(c) The Chief Justice shall assign the responsibility of writing a majority or plurality opinion to any Justice, additionally

(1) Any Justice may write a concurrence or dissent.

(2) Any Justice writing an opinion shall submit the written opinion to the Chief Justice in electronic form within forty-eight (48) hours of conclusion of oral arguments and upon concurrence of each of the Justices joining that opinion.

(3) Each opinion shall be signed by all the Justices joining it.

(4) The published case presented to the Clerk of the Court by the Chief Justice shall consist of all written opinions in a single document, in the following order:

(i) majority;

(ii) plurality;

(iii) concurrence(s);

(iv) concurrence(s) in judgment; and

(v) dissent(s).

(d) The decision of the Court is final, and is binding on all parties to the case.

**Rule 8. Interpretation of the Rules**

(a) The Supreme Court retains the authority to interpret these Rules during any proceeding.

(b) The Supreme Court may amend the Rules from time to time, with the concurrence of the ASUA Senate.

**Rule 9. Discretionary Docket**

(a) In the event of multiple cases in a single semester, the Supreme Court retains the authority to decide an election dispute based on the pleadings of adverse parties, the report of the Election Commissioner, or the report of the Election Commission.

(1) If the Supreme Court decides any dispute without oral arguments, it shall issue written findings that include, at a minimum, a short and plain statement of its conclusions.

(b) If actions before the Court involve a common question of law, the Chief Justice may:

(1) Join for oral argument any or all matters at issue in the actions; or

(2) Consolidate the actions.

1. For example, the ASUA Election Code may require that a party appeal to the Election Commission before appealing to the Supreme Court. [↑](#footnote-ref-1)