



SUPREME COURT
Special rules of Procedure
Election Disputes Only

- RULE 1. Scope of rules.** Because election disputes require prompt special resolution, the following rules govern special actions in the election context only.
- RULE 2. Commencement of the action.**
- 1a. Within 24 hours of a decision by the Election Commissioner, (or his or her delegate,) or the Election Commission, any party may contact the Clerk of the Court -in person or otherwise to inform the Court of intent to appeal. An election dispute is not ripe for adjudication by the Court unless the plaintiff has exhausted all automatic remedies. For example, if the Election Code requires an appeal to the Election Commission after a decision by the Election Commissioner, the plaintiff must do so before filing an appeal with the Court. However, if forty-eight (48) hours pass after a decision by the Election Commissioner (or his or her delegate), and the Election Commission (or other relevant intermediate body of appeal) has still not decided the matter after the plaintiff has timely appealed to that body, the Court may, upon application by the plaintiff and in the interest of justice, assume jurisdiction to review the Election Commissioner's decision directly.
 - 1b. The Clerk of the Court shall immediately inform the Chief Justice when a party appeals a decision.
 - 1c. The Clerk of the Court shall immediately contact the Election Commissioner (or his or her designee) and request a brief-written report of the proceeding.
- RULE 3. The written report.** The report shall be delivered to the Clerk of the Court within twenty-four (24) hours of notification. The Clerk of the Court shall issue a signed receipt.
- 3a. The written report shall contain the following:
 1. Factual basis of the dispute;
 2. Names, addresses, email addresses, and telephone numbers of the parties;
 3. Disposition of the dispute;
 4. Rationale for the disposition, based on the facts of the dispute, the Election Code, the Bylaws, and the ASUA Constitution, as applicable.
 - 3b. Along with the report, the Election Commission shall include any and all written or printed materials upon which it based determination.
 - 3c. The Clerk of the Court shall prepare and furnish copies of the Election Commission's report to each of the Justices.
 - 3d. No further pleadings shall be required prior to the hearing; however, if a candidate wishes to file further pleadings in order to assist the court in its consideration of the case, he or she shall

do so according to Rule 2(b) of the regular (non-election) Rules of Procedure, except that five (5) copies must be furnished to the Clerk of the Court, and one (1) copy to the Elections Commissioner, as soon as practicable before the hearing.

RULE 4. Notice to parties.

- 4a. The Chief Justice shall notify the Clerk of the Court of the time and place for oral argument, and the Clerk of the Court shall then notify all parties.
- 4b. 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 Justices present.

RULE 5. The hearing.

- 5a. Oral argument will be heard within twenty-four (24) hours of application by the plaintiff if the Commission fails to rule promptly as detailed in Rule 2(a).
- 5b. Each party shall have fifteen (15) minutes to present its case to the Court. The party arguing may reserve up to five (5) minutes for later rebuttal. The plaintiff, movant, or, in the case of an appeal from a lower court, the appellant, shall argue first.
- 5c. Parties may present witnesses. Parties may present notarized statements of from witnesses who are unable to attend. A party bringing such a statement shall furnish a copy to the opposing party and five (5) copies to the Clerk of the Court for dissemination to the Court.
- 5d. Parties may be represented by counsel. Unless a party obtains leave of the Court, only current University of Arizona law students may serve as counsel. The Court highly recommends representation by counsel.
- 5e. The Court may question any parties and witnesses. The Chief Justice may allow counsel to examine witnesses. Time for examining witnesses shall normally count against a party for allotted argument time, but the Court has the discretion to extend time for oral argument, so long as the opposing party is awarded equal additional time.
- 5f. The Court shall control the decorum of the proceeding.

RULE 6. Rules of Evidence. Only relevant evidence will be admissible.

- 6a. No conversations between the Clerk of the Court and the parties are admissible.
- 6b. The Clerk of the Court shall assist both parties in preparing any evidence for trial, including making evidence available to the opposing party and the Court.

RULE 7. Disposition of the case.

- 7a. The parties shall be notified of the Court's decision within twenty-four (24) hours of oral argument and the decision shall be published within ten (10) business days.
- 7b. The Court's decision in any matter shall be determined by a majority 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, permission for non-law student counsel, and courtroom decorum).
- 7c. The Chief Justice shall assign the writing of majority/plurality opinions to any Justice, including him- or herself. Any justice may write a concurrence or dissent. Any Justice writing an opinion in a case shall submit the written opinion to the Chief Justice in electronic format within forty-eight (48) hours of conclusion of oral arguments and upon concurrence of each of the Justices joining that opinion. The Chief Justice, through the office of the Clerk of the Court, shall publish the case to the parties within five (5) business days of the majority approval.
- 7e. 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: majority (or plurality) opinion, concurrence(s), dissent(s). Each opinion shall be signed by all Justices joining it.
- 7f. The decision of the Court is final, and is binding on all parties to the case.

RULE 8. The Court shall be the sole interpreter of these Rules of Procedure, and shall have the discretion to amend them, with the concurrence of the Senate.