

***IN THE STUDENT COURT OF
THE GEORGE WASHINGTON UNIVERSITY***

Hannah Edwards

Plaintiff

v.

GW Joint Elections Commission (JEC),
Chloe Wagner

Defendant, Co-Defendant

Case No. [SC-21-]

**PLAINTIFF'S MOTION FOR RUNOFF REELECTION
BETWEEN PRESIDENT HILL AND PRESIDENTIAL
CANDIDATE, HANNAH EDWARDS**

Hannah Edwards
Presidential Candidate, Student Association
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TABLE OF AUTHORITIES

I. Article 17(1) Authorities: [Student Association Bylaws]

A. Runoff Elections, 651(a).

“If a runoff election is required, it shall be held within seven days ahead of the general election’s conclusion, with voting occurring over 12 hour period.”

B. Determination of Results, Tie Votes 650(3)(i)(A).

“A runoff election is required if:

(A) There is a tie vote between candidates in an electoral race in which only one seat is available, such that no candidate receives a majority of the vote;”

C. Certification, 653(a).

“(a) After the tabulation of all votes for any electoral race, ballot measure or referendum in a given election, the Commission shall certify the results of the given election, with the reference of the Student Court, and shall publish a report of certified results within a week of the given election. The Commission shall make this report available on its website. After results are certified, such certification may not be undone by any authority, official, individual, or body.”

II. References: [[Wikipedia](#)]

A. Wikipedia, List of SA Presidents, 4/5/21.

“2003-2004”, “Eric Daleo”, ran as sitting EVP for reelection as EVP.

B. Wikipedia, List of SA Presidents, 4/5/21.

“1991-1992”, “David Parker”, ran as sitting EVP for reelection as EVP.

**PLAINTIFF’S MOTION FOR RUNOFF REELECTION BETWEEN PRESIDENT HILL
AND PRESIDENTIAL CANDIDATE, HANNAH EDWARDS**

Student Association presidential candidate, (*Plaintiff*) Hannah Edwards, hereby requests the Court to take one of three actions: require the JEC to hold a runoff election between President Hill and presidential candidate, Hannah Edwards (*Plaintiff*) (OR) (1) halt the transition of power from President Hill to President-elect Hill, and (2) require the JEC to allow the student body to participate in a runoff election between President Hill and presidential candidate, Hannah Edwards (OR) (1) halt the transition of power, and (2) require the JEC to host runoff election if 1,050 signatures (equivalent to one third of the voting body) are gathered on the petition distributed by *Plaintiff* within the next 72 hours, and submits the following writing in support.

Plaintiff requests that this motion be expedited considering the nature of the request.

Plaintiff also requests this Court grant a hearing on this motion should the court find it necessary.

BASIS FOR MOTION

1. On Wednesday, March 31st, 2021, the uncertified election results were released by the JEC via Facebook Livestream, and the outcome of the election is not consistent with the voter breakdown.
2. On April 1st, 2021, *Plaintiff* requested a voter breakdown different from what would be made accessible to the student body. On April 2nd, *Plaintiff* received an email from *Defendant* with a more detailed outline of the results.
3. The results showed *Plaintiff* was ranked as the least preferred candidate only 13.5% of the time compared to other candidates being ranked fourth 22.4%, 30.3%, and 33.7% of the time.

4. The results showed that *Plaintiff* was ranked as the second choice candidate 34.8% of the time, and that President Hill was ranked as the second choice candidate only 21.6% of the time. Both candidates surpassed the threshold of 50% as both candidates were ranked as a first and second choice by over 50% of the voting body, but this is not represented in the results.
5. As it stands, 62% of the student body will not see their first choice candidate in office, and 78.4% of the student body will not see their second choice candidate in office.
6. The 2021-2022 SA Election marks the first known time that an incumbent President has run for reelection since 1987.
7. The JEC must hold a runoff election between the remaining two candidates to ensure the legitimacy of the current system and to check the power of the executive branch.

ARGUMENT

I. Unreleased Results as Provided by the JEC

The outcome of the election is not consistent with the voter breakdown. The breakdown provided by the JEC during the Facebook livestream is misleading, and the unreleased results support the need for a runoff election. The visual referenced by the JEC in the livestream shows that President Hill won the election with 54.8% majority, and that *Plaintiff* obtained 45.2% of votes. The conclusion from these results can be made that *Plaintiff* was actually the lesser preferred candidate of the two remaining candidates. However, upon investigation, *Plaintiff* discovered that she was ranked as the first choice candidate 22.5% of the time, and as the second choice candidate **34.9%** of the time, meaning that she was ranked as a first or second choice **57.4%** of the time. President Hill was ranked as the first choice candidate 38.6% of the time, but

only listed as the 2nd choice candidate **21.6%** of the time, meaning that he was ranked as a first or second choice candidate **60.2%** of the time. Only President Hill and presidential candidate Hannah Edwards (*Plaintiff*) crossed this threshold. Presidential candidate, Christian Zidouemba, was ranked as a first or second choice candidate 44.3% of the time, and Charles Aborisade 38.2% of the time. Also, candidate Edwards (*Plaintiff*) was only ranked the least preferred candidate (ranked fourth) **13.5%** of the time, compared to President Hill at 22.4%, Christian at 30.3%, and Charles at 33.7%. The voter breakdown shows that the results of the election should have been deemed inconclusive. As it stands, 62% of the student body will not see their first choice candidate in office, and 78.4% of the student body will not see their second choice candidate in office. Also, given President Hill had an incumbent's advantage, it is necessary to hold a runoff to determine whether the outcome of the election is accurate or representative of a flaw in the current system.

II. Incumbent's Advantage

The last known occurrence of a sitting President or sitting Executive Vice President (EVP) of the Student Association running for reelection was in 2003 for the position of EVP, and prior, was 1991 for the position of EVP. The last known time a sitting President ran for reelection as President was in 1987. There is no mention of reelection in the Student Association bylaws, nor does there exist an outlined formal process of how the JEC should proceed should a sitting President or EVP run for one of these posts. The sitting President or EVP already has the advantage of having name recognition. Given that this year's election took place entirely online, attempts to reach out to the student body were even more limited, and name recognition and overall access almost certainly played a role in the outcome. Even so, the slim margin by which

President Hill became the President-elect is so slim that this should constitute a runoff between the remaining two candidates, President Hill and *Plaintiff*.

III. Ranked-Choice Voting and Voter Representation

In order to guarantee that equal opportunity is given to all candidates in the case of an incumbent President or EVP running for reelection, the ranked-choice election should be considered a primary election. The two remaining candidates should participate in a runoff election to guarantee that one candidate receives over half of first place votes, and that the incumbent advantage does not limit true competition with another candidate. This would give the student body the opportunity to choose between two candidates which would allow more votes to be counted instead of votes being potentially lost due to the ranked-choice system and the incumbent advantage. By issuing an order for the JEC to host a runoff election, constituents who voted for a lesser preferred candidate will have the opportunity to recast their vote and influence the outcome of the election.

IV. Abuse of Power

The Student Court's ruling in this case has important implications for checking the power of the executive branch. Whether or not a sitting President or EVP should be able to run for reelection is ultimately the decision of the student body, and by extension student leaders on campus. However, it is important to note that constituents may not be aware that the President and EVP are paid positions, and they may not be aware that the current system of voting lends an advantage to incumbents. By issuing a runoff in this case between the remaining two candidates, the student body will not be misled in thinking their vote is represented in the outcome of the election. Ultimately, the student court will be upholding the legitimacy of the election. The

decision to order the JEC to host a runoff election would also be a check on executive branch power.

V. Certification of Results

The Student Association bylaws stipulate that:

“(a) After the tabulation of all votes for any electoral race, ballot measure or referendum in a given election, the Commission shall certify the results of the given election, with the reference of the Student Court, and shall publish a report of certified results within a week of the given election. The Commission shall make this report available on its website. After results are certified, such certification may not be undone by any authority, official, individual, or body.”

As of April 5th, 2021 at 7:14AM EST, the certified results have not been made public by the JEC. The certified results have not been published, and therefore the student court can still require the JEC to hold a runoff election. Also, the Student Association bylaws do not provide a definition of certification. It is unclear whether certification means validating that the results and outcome are accurate and have not been tampered with, or that the results of the election are finalized and cannot be disputed by any party. Given that required runoff elections may be held seven days from the end of the voting period, the certification of results within seven days should not interfere with the ability to host a runoff election. For this reason, the first proposed definition should be upheld for the sake of allowing prospective candidates to hold the JEC accountable for hosting a fair and accurate election, and allowing a runoff to take place within a week of the general election. The results do not need to be uncertified (i.e., unverified) for a runoff election to be held.

VI. Required Runoff Elections

As outlined in the Student Association bylaws, “required runoff elections” “are to be held within seven days of the general election voting period” (Bylaws 651(a), 650(3)(i)(A)). The proposed runoff election does not constitute a “required runoff” because it is not included in the definition referenced in the bylaws, and thus, can occur after this period if necessary. The bylaws state, “A runoff election is required if: (A) There is a tie vote between candidates in an electoral race in which only one seat is available, such that no candidate receives a majority of the vote.” Given that the JEC found that one candidate did receive a majority vote, this runoff election can not be considered required, and therefore can occur after Wednesday April 7th at 9:00PM. Regardless of this fact, *Plaintiff* has shown that both herself and President Hill were ranked as first and second choice candidates over 50% of the time (57.4%; 60.2%) which means that no candidate truly received a majority vote.

VII. Petition for Runoff Election

3,153 individuals voted in the 2021-2022 Student Association Elections. If the equivalent to one third of the voting student body signs the petition made public by *Plaintiff* via her social media within the next 72 hours or before 9:00pm on April 7th, 2021, a runoff election should be hosted. There is no reason the JEC should not host a runoff election to uphold constituent’s desires.

CONCLUSION

As it stands, 61.4% of the student body will not see their first choice candidate take office, and 78.4% of the student body will not see their second choice candidate take office.

Both President Hill and presidential candidate, Hannah Edwards (*Plaintiff*), were the only two candidates ranked as a first or second choice by over 50% of the voting body. Given that President Hill had the incumbent's advantage and the Student Association bylaws do not mention term limits or considerations for when an incumbent President runs for re-election, it is necessary to host a runoff election to preserve the legitimacy of the institution. A runoff election would demonstrate the dedication of the Student Association to ensure the outcome of the election is consistent with the voter breakdown. Thank you for your time and consideration.

Respectfully submitted,

Dated: April 5th, 2021

_____ Hannah Edwards _____

[Electronically Signed]

[Hannah Edwards]

Representative for Plaintiff

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