

SPRING TERM, 2015

JUDICIAL COURT OF THE TEXAS A&M STUDENT GOVERNMENT ASSOCIATION

Case Number 67-01

SAMUEL O'ROURKE v. ELECTION COMMISSIONER EMMA DOUGLAS

SUMMARY OF THE FACTS

The appellant filed alleging that his failure to turn in a Null Expenditure Statement should be assessed as a major violation and incur a 15 percent maximum fine of their allotted budget in place of disqualification. The appellant claimed the Election Commissioner failed to reach her decision with the majority of the Commission and notify him pursuant to the procedure outlined in the Election Regulations.

JUSTICE HADJIS delivered the opinion of the Court, in which C.J. Cooper, JJ. Halbert, S. Smith, J. Smith, Mueller, and James join:

This case presents the question of whether or not the Election Commissioner erred in disqualifying a candidate who failed to submit the requisite financial documentation pursuant to the election regulations passed by the Student Senate. Appellant asserts that the Commissioner erred since his failure to submit a Null Expense Report constituted a Major Offense and thus required an assessment and punishment by the entire Election Commission, not an automatic disqualification. We disagree and rule in favor of the Election Commissioner.

Appellant interprets the two tiered framework by which violations are defined in Section IV independent of the rest of the regulations. Counsel for Appellant urges the Court to view the tiered system as an “overarching principle” by which to categorize and adjudicate violation claims. Section IV, subsection C, part i(a) defines a Tier 1 Major offense as:

“Violations including but not limited to: offenses against local, state or federal law to any degree; sabotage of opposing campaigns; voting fraud, falsified documents (including finance reports); *withheld finance reports*, and ethics/Honor Code violations.” (italics added for emphasis)

Appellant asserts that the explicit inclusion of *withheld finance reports* includes the failure to submit a Null Expense Report within the two tiered framework and that as such the Commissioner failed in the discharge of her duties.

This interpretation betrays a simple reading of the text of the entire regulation, however. Section V, subsection C, part (i) states:

“All candidates must submit a finance report and all receipts from campaigning on the first day of voting by 5:00 pm. Candidates failing to comply shall be disqualified the first day of voting at 5:00pm.”

This section clearly modifies Section IV to specify that the failure to submit an initial expense report shall carry the penalty of automatic disqualification. Counsel for Commissioner clarified the practical application of these regulations during oral arguments. Should an expense report fail to be filed initially, as in the current case, automatic disqualification is rendered pursuant to Section V. Should a candidate find that they failed to submit an accurate expense report, a major violation is assessed pursuant to Section IV. While Appellant has identified a hypothetical interpretation by which the two Sections could conflict with each other, we hold that a more straightforward reading of the text of the regulation is more consistent with the Court’s role in the Student Government process. The role of the Court is to expound and interpret the text of the rules passed by the Student Senate. In that role, it should seek to give effect to the greatest amount of the text which a plain reading allows. The Court should err against finding contradictions and invalidating text passed by the Senate. It certainly should not do so when a plain reading of the text allows us to hold the two provisions in agreement.

Furthermore, even if this Court were to adopt Appellant’s faulty interpretation of the Regulations, we are inclined to contend the decision rendered would be unaltered. Section IV, subsection D, part (i) states:

“Major violations shall be assessed by the entire Election Commission. Meetings shall be called at the discretion of the Election Commissioner to address potential major violations.”

Oral arguments revealed that just such a meeting occurred. The Commissioner announced each candidate who failed to submit an expense report to the entire Commission during auditing. The Commission then repeated the name of the candidate. The Commissioner would then ask the Commission “Disqualified?” and the rest of the Commission would respond with “Disqualified.” While informal in nature, this simple meeting fulfills the requirements under the Regulation. The time, nature and occurrence of the meetings to discuss “potential major violations” are called “at the discretion of the Election Commissioner” and the punishment is “assessed by the entire Election Commission.” While we hold that Appellant has misinterpreted the Election Commission Regulations, even under his asserted interpretation our decision remains unchanged.

Appellant finally argues that we should consider the situation surrounding the controversy in rendering our decision, granting special consideration to the fact that he received a large majority of the vote in the election; we refuse to do so. The

Election Regulations are drafted, debated, and voted upon by Student Senate. The requirement that candidates submit expense reports “has remained constant in all versions of the code in at least four years,” *Amicus: Sosa, F.* Counsel for Commissioner has submitted a plethora of evidence indicating that Appellant should have known of the requirement and the punishment associated with noncompliance and Appellant himself has conceded that he was fully aware of the requirement. It would be a far graver subversion of the democratic process to invalidate a duly passed regulation enacted by the Student Senate as representatives of the student body than decide not to recognize the victory of a candidate who failed to comply with these regulations, regardless of what percentage of the vote that candidate received.

In deciding this case, the Court abides by its tradition of answering solely the questions presented to it, rather than seeking out the answer to questions not raised by either party or addressed in oral arguments. *Namken v. Krenzien, 66-01*. This sort of Burkean minimalism is not only binding precedent for this Court, but makes good logical sense. It is unwise for the Court to answer a question not presented by the parties before it and later seek to put the toothpaste back into the tube when the question arises in a different situation. The holdings of this decision respond only to those questions raised in oral arguments.

A straightforward, plain interpretation of the Election Regulations leaves us no option but to uphold the actions of the Election Commissioner. As such we AFFIRM the Election Commissioner’s decision.