



**TEXAS A&M UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION
JUDICIAL COURT**

Chair Cheshire and Chair Sosa vs. Election Commissioner Krenzien
(Plaintiffs) (Defendant)

Judicial Court Appeal #65-02

February 15, 2013

SUMMARY

Plaintiff brought suit alleging that the Election Commissioner had over stepped her bounds in regards to candidates changing caucuses. The plaintiffs also included sections of an email that the Commissioner sent out on February 14th, 2013. The Court found the arguments unpersuasive and affirmed the Election Commissioner's decision.

DECISION

Part I. Analysis

The court finds that the Election Commissioner did not over step the prerogative that comes with her office. The rationale that the court has used to reach this opinion is simple. There are no rules, regulations, or statutes that explicitly prohibit the Election Commissioner from exercising this authority. The absence of a regulation dictating a specific action of the election commissioner indicates discretion within his or her prerogative. Since this is a gray area, we must assume that this indeed falls under the purview of the Election Commissioner. However, this is not without bounds; the court urges the Commissioner to exercise this ability with extreme caution. If this concerns the Senate, the court suggests they amend the election rules and regulations as they see fit.

In regards to the issue of policy, the Court's function is not to decide whether or not a policy is wise, and or moral; the Court's job does not include writing policy.

COURT PROCEDURES

The Court finds that the submission of the SMS messages were unacceptable. The evidence was not submitted in a timely manner nor was consideration to the defendant granted. The personal nature of the evidence warrants additional discretion and bears heightened scrutiny.

While the Court seeks to allow as much evidence as possible, this is not an exercise in debate "tricks". Both parties need ample time to prepare for opposing evidence and we will not allow evidence that offers an unfair advantage to one party or the other. While the evidence itself was unpersuasive, this is a situation

which must be avoided in order for evidence to be admissible. At the very least, the JCourt bylaws require that the Court be given enough time to “determine the legitimacy and relevancy” of the proposed evidence, something which was not done. (JCourt Bylaws Art. II, Sec. 1)

Similar restrictions apply to the admission of witnesses. Witnesses must be approved by the Court under the same considerations. (JCourt Bylaws Art. III, Sec. 3, Subsection b). While the Court appreciates the willingness of potential witnesses, this is not the time for surprise witnesses and evidence. The Court will not allow evidence and witnesses which the opposing party has not been given adequate preparation time.

Finally, the Judicial Court proceedings are an official matter and the decorum of the audience should reflect as such. The pre-hearing instructions indicate that parties and observers must refrain from distracting behavior. This includes, but is not limited to, talking, mobile phone usage and elaborate gestures. Each of the members of the Court has the ability to remove individuals for distracting behavior at the Court’s discretion.

...It is so ORDERED

Judicial  Court

The undersigned justices agree to the
Unanimous majority opinion.



George A. Meyer

