



*Fall Term 2020*

## **JUDICIAL COURT OF TEXAS A&M**

Emilie Sangerhausen v. Election Commissioner Maxwell

No. | 73-01

Argued: October 13th, 2020

### *Syllabus*

The Appellant, Candidate Emilie Sangerhausen brought forth this suit against the Appellee, Election Commissioner after being disqualified as a candidate in the Senator for College of Architecture election on the grounds that the Appellant submitted her Expense Report at 11:09 pm, past the 5:00 pm deadline on September 30th. The Appellant argued that this was due to unforeseen medical circumstances and asked that her disqualification be overturned on these grounds. The Appellee argued that she was within her rights as the Election Commissioner to disqualify the Appellant pursuant to the SGA Code. The court must decide whether the disqualification holds or if the disqualification should be overturned on the basis of an unforeseen medical circumstance.

**CHIEF JUSTICE MCINTOSH, VICE CHIEF JUSTICE MINOR, JUSTICE CHOPRA, JUSTICE JOHNSON, JUSTICE SCHROEDER, and JUSTICE CASTILLEJA Issue the Majority Opinion:**

The Election Commissioner disqualified Candidate Sangerhausen pursuant to **V S.G.A.C. § 601.7(3)(a)**. :

“Finance Reports are due Wednesday of the week of voting at 5:00 PM to a location specified by the Election Commissioner. Candidates failing to comply shall be disqualified.”

When a candidate fails to submit their expense report before the established 5:00 pm deadline the Wednesday of the week of voting, the candidate will automatically be disqualified as established by the S.G.A.C. Since Candidate Sangerhausen failed to submit her expense report before the clearly established deadline and the Court did not find an overriding cause to reverse her disqualification, in accordance with the S.G.A.C, a majority of the Court voted to uphold the Election Commissioner's disqualification of Candidate Sangerhausen.

Considering all the facts of this case, the Court upholds that the Election Commissioner has properly applied the cited code in her disqualification of Candidate Sangerhausen for the following reasons. Candidate Sangerhausen was made aware of the deadline on multiple accounts and had a large time frame to submit her expense report. Per the election regulations, the Election Commissioner disqualified every party that submitted their expense report past the deadline. The code explicitly states that failing to comply with this regulation results in disqualification and it would not have been within the Election Commissioner's bounds to grant an exception. Further, the Appellant was not arguing that there was error in the application of the code but instead was asking for a pardon. While we recognize that the court has the authority and ability to grant reprieve due to extenuating circumstances established by **V S.G.A.C. § 601.1(4)**., the Court holds that this circumstance did not warrant a pardon under this regulation. While we understand the candidate's difficult situation, we believe that this circumstance was neither extenuating, nor should this authority become commonplace. The authority bestowed upon the court by this regulation should be reserved for truly unmitigable circumstances that are entirely unavoidable and uncontrollable.

Expanding on the latter, while the court recognizes that there was an inopportune event, we did not find the circumstance to have been an extenuating circumstance which prevented Candidate Sangerhausen from complying with the applicable regulations. As such, the court defines an extenuating circumstance as a situation which is unavoidable in its entirety and is out of the respective party's immediate control. While the candidate may have been unable to submit her expense report immediately before the deadline due to her situation, candidates were able to submit their expense reports via email to the Election Commissioner immediately following the conclusion of the Mandatory Candidates Meeting on September 20th until the deadline on September 30th at 5:00 pm. This provided a ten day window for candidates to report any material that will be used during the campaign cycle and did not confine the candidate to a narrow time frame. Therefore, given the timeline, we did not find that Candidate Sangerhausen's situation to have prohibited her from submitting her expense report on time. If we were to allow an exception for this circumstance alone, without putting it into the context and purpose of the regulations, it would merit every inopportune event to be pardoned whether the circumstance

was extenuating and warranted a pardon or not. Such actions would undermine the integrity of the election regulations in place and, therefore, must be granted sparingly in extreme circumstances.

To evaluate when to utilize the authority to grant reprieve for extenuating circumstances, the benefits of the enforcement of the election regulations must also be considered. In regards to this case, the court sees value in upholding the uniformity of the application of **V S.G.A.C. § 601.7(3)(a)**. for the following reasons. Aside from giving the Election Commission the necessary time to audit expense reports, the uniform enforcement of this regulation ensures fairness and order in the election process. With the application of this rule, all candidates are held to the same standard. Weighing the value of equal enforcement of this rule across all candidates ensures an election environment that is equal, objective, and without interruption. Should the Election Commissioner begin to excuse violations on a case by case basis through their personal evaluation of the situation, this could lead to further problems that would taint the integrity of elections and potentially lead to inequitable or biased excusals. As such, it is left to the discretion of the Court to determine when an extenuating circumstance presides and prevents candidates from abiding by these regulations.

For the aforementioned reasons, the Court rules to uphold the Election Commissioner's decision to disqualify Senator for College of Architecture Candidate Emilie Sangerhausen on grounds of submitting her Expense Report past the established deadline, as it is the opinion of these Justices that the Election Commissioner correctly applied and enforced the election regulations and the Court did not find unavoidable extenuating circumstances.

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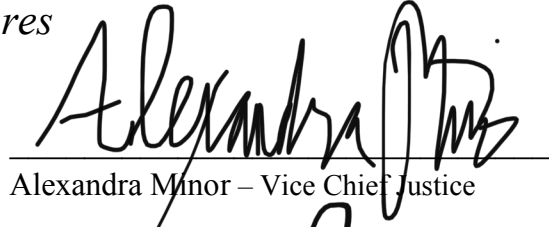
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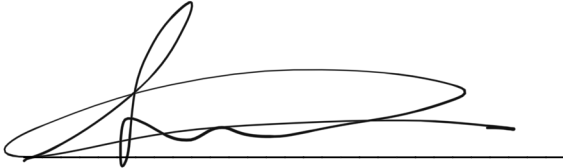
*Signatures*



Karissa McIntosh – Chief Justice




Alexandra Minor – Vice Chief Justice



Shefali Chopra – Associate Justice



Lexie Johnson – Associate Justice



Kyle Schroeder – Associate Justice



Cameron Castilleja – Associate Justice