



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

Kristen Katherine Ryan v. Election Commission

March 28, 2005, 9:00 pm

MAJORITY OPINION

In the case of Kristen Katherine Ryan v. Election Commission the court denies the appeal. While the Judicial Court has the power and authority to review and reverse the Election Commissioner's decisions when necessary, that power should only be exercised when all other proper means of reform have been exhausted. The court feels that the Plaintiff did not use the proper avenue to express the felt violation and thus her claim is invalid. The Election Commissioner made no error in his interpretation of the Election Regulations. According to page one of the Election Regulations point 2, "These regulations are subject to the interpretation only by the Election Commissioner and are subject to review only by the Student Government Judicial Court. No other member of Student Government or the Election Commission is authorized to interpret the Election Regulations." However, if the Plaintiff wishes to explore the matter, the proper channels are available through her Student Government Legislative Representative (Student Government Association Student Senate By-laws, Section XVI). The purpose of the Judicial Court is to interpret and review, not to legislate.

Rebekah Kratochvil, Chief Justice
Andrew Craig, Justice
Morgan Streckfuss, Justice

Michael Bartle, Justice
Jimmy Gatica, Justice
Sean Wainerdi, Justice

CONCURRING OPINION

In the case of Katherine Ryan vs. the Election Commission the court ruled to deny the appeal of the plaintiff. I agree with the courts findings that the plaintiff failed to use the appropriate channels to bring up their case. I also feel strongly that this case carried a more serious issue and that is judicial activism. To rule in favor of this appeal would be an act of judicial tyranny. The writers of the constitution intended for there to be a delicate system of checks and balances. The court while it has the power to review and interrupt the constitution of the SGA, SGA branch by-laws, and all other regulations, does not have the power to make rules unless there are special circumstances. In this case, a ruling in favor of the plaintiff would thus be making a new rule, which is unjust judicial activism and against the student government constitution. Rules should be made only by the legislative branch and not by the executive and judicial branches. Judicial activism should be only used in extreme cases where it is necessary to protect the general student body or the honor of Texas A&M University. This case failed to meet any standards that would warrant judicial action to create a new rule.

Jim Reed, Justice

DISSENTING OPINION

As Justices of the Student Government Association, our oath requires us to work in the best interest of the student body. Clearly outlined in the election regulations (paragraph II, page 1) are the powers given to the Texas A&M Student Government Association Judicial Court. Clearly stated, “These regulations are subject to interpretation only by the Election Commissioner and are subject to review only by the Student Government Judicial Court.”

The issue at hand is the ambiguous ballot that will be used in the current Sr. Yell Leader Elections. Voters are instructed to “Vote for only THREE” candidates. Three corps and two non-reg candidates are running for Sr. Yell Leader. Plaintiff *Kristen Ryan* correctly argued for “only” to be replaced by “up to” on the Sr. Yell Leader ballot. A student voting for the non-reg platform will unintentionally, if they are not clearly informed that they don’t have to use all of their votes, give a corps candidate their final vote. Students should be clearly told that they do not have to use their third (or second) vote should they choose to. Students, freshman in particular who have not participated in spring elections, *will* assume that they must vote for THREE candidates with the current ballot in place.

Is it unreasonable for the Judicial Court to exercise its powers given to them per paragraph II, page 1, of the election regulations, in order to protect the welfare of the student body by insuring a fair election? The court was established to interpret. Based on our oath, the Judicial Court interpretations should protect the rights of every individual student at Texas A&M, while adhering to Student Government rules and regulations. The interpretations should not abide by Student Government rules and regulations first, and then protect the students secondly, assuming the Judicial Court stays within their delineated power.

Our swearing into office bound us to protect the welfare of the student body. The majority opinion in this case guarantees an unfair and unethical election. It is for these reasons, I the undersigned dissent from the majority opinion set forth by the Judicial Court.

Russell Walther, Justice