



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

ZACHARY RATHKE V. ELECTION COMMISSION

April 3, 2006, 4:30 AM

MAJORITY OPINION:

One of our tasks as the Student Government Judicial Court is to determine standards to evaluate a case. What are the criteria to affirm or reverse the Election Commissioner's decision to disqualify these Senators? After careful review, the Court has determined the following: one, Election Regulation one (1) states that a campaigner is responsible for the Election Regulations and all those who campaign on their behalf. Ignorance is not an excuse. Two, all these candidates exceeded their budget ensuring automatic disqualification. Although some Senator Candidates did not grant permission to "The Fightin' Texas Aggie Senators" to use their names for publicity purposes, at the point they accepted the eighty dollar expense without consulting The Election Commissioner, they accepted the responsibility for those expenses. Three: Election Regulations Campaign Staff Rules two and four state that candidates are responsible for campaign staff and supporters.

The Judicial Court affirms the decision of The Election Commission to disqualify Ashley Sears as she is in violation of Election Regulations one (1), Expenditure Limits By Office two (2), and Campaign Staff rule four (4).

Caitlin Cashion, Chief Justice
Jim Denton, Associate Justice
Jimmy Gatica, Associate Justice
Amber Simek, Associate Justice
Sean Wainerdi, Associate Justice

Masroor Fatany, Associate Justice
Zachary Herbst, Associate Justice

DISSENTING OPINION:

I respectfully dissent from the majority opinion. Mr. Zach Rathke was disqualified unfairly by Election Commissioner Mr. Daniel Jones, for going over his allotted budget. Unfortunately the Election regulations are vague in defining who is or is not a member of a campaign staff. Although he indeed appeared on one of their campaign flyers, Mr. Rathke never solicited support from the campaign ticket known as Fightin' Texas Aggie Senators in the form of an endorsement or physical campaigning. In fact Mr. Rathke stated in his testimony that he never desired to be a part of said campaign ticket, and that his wished were made explicitly known to the leaders of the ticket. In compliance with the Election Regulations' section on Campaign Staffs, part 2, it is the dissenting opinion that by not making such a request, those in leadership position within the Fightin' Texas Aggie Senators, can not be considered to be legitimate campaigners on behalf of Mr. Rathke. Due to this, any actions taken by the Fightin Texas Aggie Senators can be considered to have been done not as campaigning on behalf of Mr. Rathke.

Pursuant to part 4 of the section on Campaign Staffs of the Election Regulations, since the Fightin' Texas Aggie Senators can not legitimately be considered to be part of Mr. Rathke's campaign, it is to be deduced that Mr. Rathke is not to be held responsible for the tickets actions. It is the dissenting opinion's final contention that Mr. Rathke never intended to be a part of the Fightin' Texas Aggie ticket by disassociating himself with the group through his early departure from a meeting of the ticket, and failing to associate with them in subsequent instances. It is both by his words and actions that such a conclusion can be reached.

It is for these reasons that I respectfully dissent from the majority.

Joshua L. Sandoval, Associate Justice

Joined by:

Chris Cook, Associate Justice