



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

***BRETT LUTZ 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 Colt Clemens as he is in violation of Election Regulations one (1), Expenditure Limits By Office two (2), and Campaign Staff rule four (4).

**Caitlin Cashion**, Chief Justice  
**Masroor Fatany**, Associate Justice  
**Zachary Herbst**, Associate Justice  
**Sean Wainerdi**, Associate Justice

**Jim Denton**, Associate Justice  
**Jimmy Gatica**, Associate Justice  
**Amber Simek**, Associate Justice

**DISSENTING OPINION:**

I respectfully dissent from the majority opinion. The Election Regulations of the Student Government Association are very clear and distinct. However, in their very nature, they can not and do not address every possible situation that may occur in an election. Senator Lutz was disqualified by Election Commissioner Daniel Jones for going over his budget. Senator Lutz provided evidence that he initially approached Chairman Scott Smith in hopes to obtain support in the upcoming election. Chairman Smith concurred and stated that he offered Senator Lutz the opportunity to take part in the Fightin' Texas Aggie Senator "ticket" (FTAST). Senator Lutz declined the offer. However, Senator Lutz was incidentally included on a flyer which was created by the leadership of the FTAST. Senator Lutz later notified constituents via a Listserv that explained that he didn't wish to be a member of the FTAST and that he didn't endorse any of the candidates.

Election Regulations do state that a candidate must properly expense campaign materials that "in any way suggests support for their candidacy". Commissioner Jones further

contended that Senator Lutz was responsible for the actions of Chairman Scott Smith and the FTAST which is consistent with the “Campaign Staffs” Rule 4. However, in the context of the regulations, it is clear that the word “supporters” refers to members of the candidate’s campaign staff. “Campaign Staffs” Rule 2 states that a “candidate or a candidate’s representative must ask people to join his/her campaign staff on an individual basis.” This did not occur in this case. Therefore, Chairman Smith and the FTAST cannot be considered to be acting on Senator Lutz’s behalf or as a member of his campaign staff.

In this case, Senator Lutz clearly declined to be a member of the FTAST or participate in any of its campaigning. It is inappropriate for the Court to hold Senator Lutz responsible for actions by other individuals that he clearly contested. This case differs from other cases in that Senator Lutz directly rejected the offer by Chairman Smith. Senator Lutz did not, however, seek an immediate remedy from the Election Commissioner or the Judicial Court.

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

**Chris Cook**, Associate Justice

Joined by:

**Joshua L. Sandoval**, Associate Justice