

## Schielack v. Election Commission

October 3rd, 2004, 10:47 p.m.

### Majority Opinion

In the case of Schielack v. Election Commission, the court unanimously rejects the appeal. The Plaintiff claimed that the fines incurred during the election, while valid, should not be included in the final expense report. The Plaintiff argued that miscommunication between the Election Commission and the Plaintiff led the Plaintiff to believe that the fines need not be itemized on the final budget, but rather financed by the original thirty dollar deposit. The court, however, found no evidence of miscommunication on the part of the Election Commissioner. Additionally, all evidence produced by both the Plaintiff and the Defendant supports the Election Commission's assertion that fines are included in the \$125 campaign budget. This evidence includes the power point presentation exhibited at the mandatory candidate meeting. The fact that the Election Commission made clear that all fines were to be included in the expense report is made obvious and apparent in slides two, five, and seven of the presentation. Furthermore, all candidates had ample opportunity to ask questions regarding any miscommunications that may have occurred between the Election Commission and candidates with regard to the proper rules and procedures specifically relating to the expenditure forms. In addition, since no correspondence or inquiries were made to the Commissioner regarding that issue it is fair and reasonable to conclude that the Election Commission fulfilled its duty to communicate the regulations to the candidates. The communicated regulation is in congress with the Election Regulations, explicitly Page Eleven, Campaign Finances, General Expenditures, Rule Two.

"The term "expenditure" is defined as the fair market value or actual cost, depending on the appropriate circumstance, of all campaign materials used or obtained by any candidate in his/her campaign and any fines incurred by the candidate."

On the issue of campaign materials, under the previously cited rule, the regulations leave no doubt that all materials used or obtained must be documented as an expense. All of the evidence produced in the hearing both by the Plaintiff and the Defendant express a poorly veiled attempt to make it appear as though the Plaintiff's expense report was in compliance with the rules of the election when it is clear, from the evidence presented, that in fact, he was fully aware that he had violated the rules of the elections. The Plaintiff argued

that a prior Judicial Court ruling in Platt v. Election Commission (2004) supported their contention that an error by the Election Commission ought to excuse an error by the candidate. However, the court finds that no error on the part of the Election Commission exists, and as a result, the precedent set in Platt v. Election Commission (2004) does not apply in this case. The evidence supports that the Election Commissioner fulfilled his duties exceptionally. Although Mr. Schielack received substantial support from his fellow students, margin of victory is totally irrelevant where clear violations of the rules are concerned. The absence of an enumerated filing fee within the Election Regulations caused significant confusion amongst the candidates in this election. The Judicial Court strongly urges to the Student Senate to amend the Election Regulations to include a specific filing fee to be paid by all candidates before this confusion is repeated in the next election.

Rebekah Kratochvil  
Chief Justice

Kevin Capps  
Vice Chief Justice

Caitlin Cashion  
Justice

Jim Reed  
Justice

Amber Simek  
Justice

Sean Wainerdi  
Justice

Russell Walther  
Justice