

Texas A&M University

Judicial Court



McSpadden v. Election Commission

March 31, 2004, 7:15 p.m.

Majority Opinion

According to the section "Non-Election Commission Involvement" on Page 4 of the Election Regulations, "A student who wishes to report an alleged violation of the Election Regulations may do so by filing a written account of the alleged violation with the Election Commission within seventy-two (72) hours of the alleged violation."

In response to Mr. McSpadden's argument, every student, including candidates and campaign staffs, has the opportunity to bring up alleged violations under the current Election Regulations. However, these allegations do not always result in fines being imposed. According to the section "Composition and Duties of the Election Commission" on Page 1 of the Elections Regulations, it is the duty of the Election Commissioner "To enforce these regulations and render punishment up to disqualification for any violation, although an individual fine may not exceed \$25 per occurrence." The rules make clear that the Election Commissioner is the only person that has the power to impose a fine. In addition, the section "Rules of Campaigning" on Page 13 of the Election Regulations, "The Election Commissioner is the judge of what constitutes campaigning." Furthermore, the Court believes the Election Commission used its discretion to impose fines, and its ability to investigate allegations appropriately.

The Court suggests, in the interest of equal treatment, a more standardized process regarding the reviewing and imposing of fines. Currently there is no set structure for this process. Therefore the Court feels that a set of standards should be employed so that there will be more consistency throughout the process.

Moreover, in revoking student's privilege to turn in alleged campaign violations, the Court feels that it would only decrease the effectiveness and fairness of the entire election process. The Election Commission currently does not contain the help or resources to regulate alleged campaign violations without the aid of the student body.

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Daniel Jones
Daniel Jones
Chief Justice

Richard Graff
Richard Graff
Justice

Kevin Capps
Kevin Capps
Justice

Leslie Schuermann
Leslie Schuermann
Justice

Stacy Reed
Stacy Reed
Justice

Sarah E. Rapp
Sarah Rapp
Justice

Jace Goodier
Jace Goodier
Justice

Rebekah A. Kratochvil
Rebekah Kratochvil
Justice

Brian Wonsetler
Brian Wonsetler
Justice