

McCaig v. Election Commission

April 12, 2004, 7:45 p.m.

Majority Opinion

The Judicial Court unanimously denies the appeal in the case of *McCaig v. Election Commission*.

In the case of *Speaker Wilkins v. Election Commission*, the Judicial Court in its majority opinion determined that the Election Commission acted incorrectly in altering any part of the bill as passed by the Student Senate when its language was transferred to the referendum ballot. However, the Court also held that it is a matter of fact that the language of the question to be asked was not changed. As a result, the court held that "Senate Bill 04 (S) 7 was carried out properly by the Election Commission despite the fact that it was not carried out perfectly."

As to the Writ of Mandamus, the Court finds that there is not adequate evidence to suggest negligence or abuse of duty or responsibility on the part of the Election Commission, but rather a good faith mistake on the part of the Election Commission. To be clear, the Election Commission may not alter Senate legislation when it is transferred to the ballot. Further, the Election Commission has admitted their error and has assured the Court that, in the future, the Election Commission will take steps to ensure this mistake will not be repeated. Therefore the Court feels that a Writ of Mandamus assessed against Election Commissioner Graham would not be consistent with the Court's findings in the case.