



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

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***COLT CLEMENS V. ELECTION COMMISSION***

FEBRUARY 8, 2007 11:30 PM

**CASE SUMMARY**

Colt Jim Clemens brought forth a case to the Judicial Court against Jim Reed in his official capacity of Election Commissioner of the Student Government Association. The Plaintiff questioned the Election Commissioner's ability to enforce Rule #8 of the "Campaign Finances" section of the election regulations, insisting it was unconstitutional.

**MAJORITY OPINION**

The court finds Rule # 8 of the "Campaign Finances" section of the Election Regulations to be inconsistent with the SGA Constitution. As such, the rule is void. The constitution provides that the activities of the Student Government Association should be those that "identifies and represents student interests, promotes student participation in the overall policy and decision-making processes of the University, enhances the quality and scope of education at the University, and promotes the general welfare of the student body." Limiting association of students or candidates does not promote student participation in the decision-making process. Any time the legislative branch chooses to directly limit the rights of students, through any regulation or resolution, motive for doing such must be given in order to prove that the overall welfare of the students is improved.

The Court strongly encourages the Student Senate, with collaboration from the Election Commission, to re-evaluate this rule and determine a viable solution in an expedient manner.

The plaintiff presented arguments referencing United States Supreme Court cases and references to the United States Constitution. The Judicial Court only has jurisdiction to interpret the constitution of the Student Government Association, Branch By-Laws, and Senate Legislation. Subsequently, the Court was unable to consider these arguments.

Chris Cook, Chief Justice  
Justice

Devin S. Guilliams, Associate Justice  
Pooyan Rohani, Associate Justice  
Amy T. Schwarzbach, Associate Justice

Joshua L. Sandoval, Vice Chief

Cullen C. Merritt, Associate Justice  
Cody L. Rose, Associate Justice