

WRIT OF APPEAL

CAUSE NUMBER: 2007C1

IN THE MATTER OF

**BRIAN FOLEY,
APPELLANT**

AND

**ELECTION COMMISSION
APPELLEE**

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IN THE JUDICIAL COURT,

**STUDENT GOVERNMENT
ASSOCIATION,**

TEXAS A&M UNIVERSITY

CASE SUMMARY

Mr. Foley is a student at Texas A&M University and wishes to run for Student Body President in the Spring of 2007. Mr. Foley is being denied his right to file for candidacy by the defendant Jim Reed; current Election Commissioner. Commissioner Reed claims that my client is prevented from running for office under the Election Regulations section "Candidates Filing for Office" Rule #6. This states that, "Any student Government official removed from office because of excessive absences will not be allowed to file for any Student Government office for one year after subsequent removal." Mr. Foley was removed from Senate on February 21st, 2006 by Ms. Amanda Lanning; Senate pro-tem. Mr. Foley was wrongfully removed due to violating the absence rules of the student senate. He ran for office in abstention knowing that he would be missing the last two senate meetings due to an internship with the President of the United States. This would count as notice to the Student Senate. Another absence was wrongfully recorded against Mr. Foley due to an illness that kept him in the hospital. This absence dealt with missing the Senate's annual retreat. Mr. Foley did not attend this retreat because he was observing physically and mentally incapable attend. We are not disputing that he was removed from office, only that these are extenuating circumstances that should be considered in Mr. Foley's request for an injunction in extending the filing deadline.

Another reason for extending the election-filing deadline is that it has been bumped up one week earlier than the years in the past. This sudden move of the deadline effects more than the candidates, it affects the Student Body. The change in date prevents more candidates from filing for candidacy and limits the student bodies options in selecting the best candidate to serve and represent Texas A&M.

Furthermore, the Judicial Court has the power and right to interpret the constitution and other documents dealing with SGA. I strongly advise the court to read and interpret the section "Candidates Filing for Office", Rule #6. The word "year" should be interpreted as academic year. Thus, Mr. Foley would have been disqualified for running for office last year and not the current academic year.

PRAYER

The Office of the Judge Advocate General, on behalf of the appellant, Brian Foley, prays that the court find the following:

- 1) That Mr. Foley was wrongfully removed from office.
- 2) That Mr. Foley and the other candidates deserve the deadline date to follow the previous years and end on the same date.
- 3) That the Student Body deserves a wide variety of candidates that would best represent their university.
- 4) And that the Election Regulations use of the word "year" should be interpreted as academic year.
- 5) As such, the decision made by the Election Commissioner, Jim Reed, should be reversed due to these extenuating circumstances. Accordingly, Mr. Foley should be allowed to file for his candidacy of the office for Student Body President.

NOW, THEREFORE, the Appellant requests that the court order an INJUNCTION that extends the election-filing day to February 23rd and not February 16th.

Respectfully submitted,

Reed

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Brian Foley

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