



TEXAS A&M UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION
JUDICIAL COURT

Josh Drillette V. Commissioner Jacob Lopez
(Plaintiff) (Defendant)

October 18, 2009

SUMMARY

On October 13, 2009, at approximately 6:39 p.m. Election Commissioner Jacob Lopez informed Freshman Class President Candidate Josh Drillette of four pending campaign violations. The following day, Wednesday October 14, 2009, Commissioner Lopez informed his Election Board of Mr. Drillette's violations as well as required members of the Board to review said violations and form a decision on the course of action to be taken in the case of Mr. Drillette. Upon review of the facts of the case, the Board found that Mr. Drillette's actions were in gross negligence to the Election Regulations and thus required the immediate disqualification of the candidate. Subsequently, Mr. Drillette filed a formal appeal to Judicial Court on Friday October 16, 2009 stating improper reasoning for disqualification.

FACTS & FINDINGS

Commissioner Lopez disqualified Mr. Drillette from the Freshman Class President election for violating four separate election regulations. The violations as well as Mr. Drillette's responses are as follows:

- 1.) On October 13, 2009, Mr. Blake Brimer, a member of Mr. Drillette's campaign staff, sent out a mass Facebook message encouraging students to vote for Mr. Drillette in the freshman election. Commissioner Lopez ruled that this action was in direct violation to Section III, Part C, Rule 20 of the Election Regulations and found this to be a Tier 3 violation.

Mr. Drillette's Response: Mr. Drillette alleges that he was unaware that Mr. Brimer was supporting him in an official capacity after voting had already begun.

- 2.) Mr. Drillette failed to turn in his finance report by October 13th, the first day of voting, to the Election Commission. Commissioner Lopez ruled that this was a violation of Section V, Part C, Rule 2 of the Election Regulations and determined Mr. Drillette's action to be worthy of a Tier 2 violation.

Mr. Drillette's Response: Mr. Drillette claims that his failure to turn in his finance report was due to other commitments and that he had accumulated no additional expenditures from the time that the run-off campaign period began to the day the final finance report was due. Furthermore, Mr. Drillette was aware that he would be charged with a \$25 fine for submitting his finance report a day late and had budgeted for this in his final finance report.

3.) Mr. Drillette solicited the endorsement of a student organization, the Corps of Cadets, without submitting an organization endorsement form. Commissioner Lopez found this to be in violation of Section III, Part D, Rules 1-4 of the Election Regulations and found this to be a Tier 3 violation.

Mr. Drillette's Response: Mr. Drillette claims that the Corps of Cadets failed to fill out the mandatory endorsement form and submit said form to the Election Commission.

4.) On October 13, 2009, Ms. Bekah Josefy, a member of Mr. Drillette's campaign staff, sent out a mass text message encouraging students to vote for Mr. Drillette as Freshman Class President. Commissioner Lopez ruled that the mass text messages that Ms. Josefy sent out to students on Mr. Drillette's behalf was in violation of Section III, Part C, Rule 20 of the Election Regulations and found this to be a Tier 3 violation.

Mr. Drillette's Response: Mr. Drillette alleges that he was unaware that Ms. Josefy was supporting him in an official capacity after voting had already begun.

Commissioner Lopez as well as his Election board found that the numerous offenses that Mr. Drillette committed were severe enough to disqualify him from the freshman class elections.

DECISION

Upon review of the facts of the case, Judicial Court finds in favor of Commissioner Lopez and **DENIES** Mr. Drillette's request to be placed back on the ballot for the Freshman Class election. The Court finds that candidates are responsible for the actions of their campaign staff as stated in the Election Regulations. In the case of Drillette V. Lopez, the plaintiff was responsible for informing his campaign staff of the Election Regulations and therefore is accountable for the actions of Mr. Brimer and Ms. Josefy. Precedent for this decision can also be found in the cases of Williams V. Election Commission (2006) as well as Wilson V. Election Commission (2006). Furthermore, the Court finds that the candidate, Mr. Drillette, is ultimately responsible for meeting Commissioner Lopez's mandatory requirement of submitting an organization endorsement form specified in the Election Regulations; Section III, Part D, Rules 1-4. Finally, the Court finds that because Mr. Drillette did not accrue any additional expenditures during the run-off campaign period and had accounted for the late fine assessed for not submitting a final finance report on time, the violation involving the submission of a final finance report is considered to be moot.

The nature of the repeated violations committed by Mr. Drillette and his campaign staff are by definition Tier 3 offenses as specified in the Election Regulations and upholds the Election Commissions decision for immediate disqualification; Section IV, Part C.



Joseph W. Reed
Chief Justice, Judicial Court
Texas A&M University.

October 18, 2009

Date