

Texas A&M University

Judicial  *Court*

Mark Womack V. Commissioner Jacob Lopez

March 25, 2010

SUMMARY

On March 5, 2010 Student Senate candidate Mark Womack filed an appeal with Judicial Court. He sought to overturn Commissioner Jacob Lopez's decision to disqualify him from the Student Senate Elections and sought to be reinstated. Commissioner Lopez disqualified the Plaintiff for submitting his campaign finance report March 4, 2010 at 5:21PM. Commissioner Lopez had stated in the mandatory candidate meetings and subsequent emails that candidates would be disqualified for submitting campaign finance reports after March 4, 2010 at 5:00PM.

FACTS

Mark Womack submitted his campaign finance report on March 4, 2010 at 5:21 p.m. and was disqualified by Commissioner Lopez at that time.

Pursuant to the Election regulations, the Election Commissioner is granted the authority to interpret election regulations, levy fees for violations, and determine penalties under the Tiered Violation System. The Election Commissioners responsibilities include:

To enforce these regulations and render punishment up to disqualification for any violation. (Article I, Section B, Part i-1a)

To assess appropriate penalties for campaign infraction in violation of the Election Regulations based on the Tiered Violation System [see Article IV, Part C]. (Article I, Section B, Part i-1m)

To maintain these Election Regulations and amend them as necessary, effective only with the majority approval of the Student Senate. (Article I, Section B, Part i-1o)

Pursuant to the Tiered Violation System specified in the Election Regulations:

Article IV

C. Tiered Violations

1. Violations of these Regulations will be divided into three tiers according to severity, intent and impact on the campaigning process. These tiers should act as a guideline for candidates and the Commissioner, and decisions of the Commissioner may bridge these tiers if found necessary. The amount a certain tier suggests for a violation is only a guideline, and final sanction amounts and degrees are at the discretion of the Commissioner. The tiers will be as follows

a. Tier 1

i. Minor offenses.

Normally infractions resulting in a fine between \$.25 and \$2.00. Examples of such infractions include minor pre-campaigning, minor electronic violations, minor financing violations, etc.

b. Tier 2

i. Moderate offenses.

Normally resulting in a fine between \$5.00 and \$25.00. Examples of such infractions include **late finance reports**, unintentional campaign sabotage (such as a candidate's supporter tearing down an opponent's signs unbeknownst to the candidate), moderate pre-campaigning, moderate electronic violations, etc.

c. Tier 3

i. Serious offenses.

Normally resulting in a fine between \$25 and the maximum finable amount per offense, or disqualification. Examples of such infractions include falsified documents, intentional campaign sabotage, voting fraud or coercion, serious ethics and/or Honor Code violations, etc. Repeated Tier 2 violations may also be classified as Tier 3.

Election Commissioner Lopez's decision was based on his interpretation of Article V, Section C, Part 1 of the Election Regulations:

All candidates must submit a finance report and all receipts from campaigning on the first (1st) day of voting for both general elections and, when applicable, run-off elections. Candidates failing to comply will be fined \$25 the first (1st) day, Candidates failing to comply by the second (2nd) day will be disqualified.

Decision

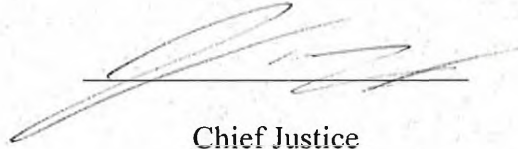
Upon review of the facts of the case, Judicial Court finds in favor of plaintiff Mark Womack. As the chief interpreter of the Election Regulations, the Court finds that disqualification from an election is a Tier 3 offense. The Court finds that Mr. Womack's offense is specified in the Election Regulations as a Tier 2 offense. Furthermore, Tier 3 offenses include, "falsified documents, intentional campaign sabotage, voting fraud or coercion, serious ethics and/or Honor Code violations, etc. Repeated Tier 2 violations may also be classified as Tier 3." The Court deems Tier 3 offenses constitute an intentional and heinous act of misconduct.

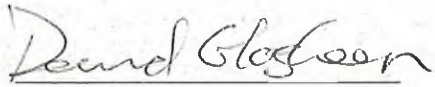
The Court finds that Article V, Section C of the Election Regulations is too severe for the act of submitting a late finance report. Furthermore, it is the official opinion of the Court that Article V, Section C of the Election Regulations is not in congruence with the violations specified in the Tiered system. Article V, Section C also contradicts the spirit of the Student Government Constitution. Therefore, the Court recommends that Article V, Section C be rewritten to encompass the rules specified in the Tiered System as well to promote the principles expressed at Texas A&M University.

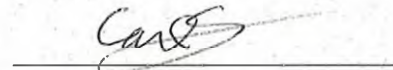
Furthermore, the Court recommends that future Election Regulations explicitly state all dates and times of deadlines specified in the Election Regulations.

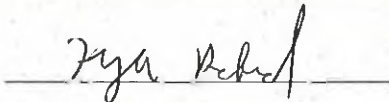
Texas A&M University


Judicial  Court


Chief Justice


Vice-Chief Justice


Justice


Justice


Justice

 Judicial Court