

Fall Term 2015

JUDICIAL COURT OF TEXAS A&M

Damon Crossland v. Commissioner Fuchs

No. 68-01

September 29th, 2015

Syllabus

The plaintiff brought suit against the defendant and alleged that she failed to place him on the candidate list for freshman class president after he completed the required steps to file. Crossland claimed that an error in the Market Place system prevented his submission.

The Court Issues a Per Curiam Opinion:

The question brought before the court is not the occurrence of a technical error but whether the plaintiff was negligent in failing to check his submission. The court analyzes whether Crossland executed his due diligence in filing for candidacy and took the steps of a reasonable person in verifying his submission. The election regulations outline the following requirements when filing:

- iii. A candidate must submit the following at the time of filing:
 - a. A Declaration of Candidacy form containing at least the candidate's current address, phone number, email address, and the candidate's name as it shall appear on the ballot.
 - b. A signed grade release statement enabling the Department of Student Activities to check academic, classification, and conduct qualifications of candidates.
 - c. The appropriate filing fee for the position they are seeking
 - 1. Candidates in major races shall be assessed a \$20 filing fee
 - 2. All other candidates shall be assessed a \$10 filing fee
 - d. Any other reasonable information required by the Election Commissioner.
- iv. Students may not file for candidacy for more than one office in the same organization or association.
- v. Candidates shall not change the caucus for which they have filed after the filing deadline.
- vi. Any candidate who files for election and fails to comply with all filing requirements shall not be qualified for election to any office requirements shall not be qualified for election to any office.

To exercise due diligence, candidates must follow the necessary steps from the Election Regulations and the instructions provided by the Election Commissioner. In the communication sent to potential candidates before filing, the Election Commissioner directed recipients to the Election Commission website for further instructions. As per the website and Election

Regulations, the plaintiff went through the necessary steps to file for office. In his evidence, Crossland presented a document showing his submission in progress before the alleged technical error took effect. The fact that the submission was in progress means the candidate provided his pertinent information, completed his payment, and clicked "submit". Because the plaintiff followed *procedures* "in accordance with the guidelines set forth within these regulations", the defendant cannot prevent his name from appearing on the ballot (Article III, section b, subsection vi). Therefore, as an individual who did not fail "to comply with all filing requirements", Crossland shall qualify as a candidate on the ballot for freshman class president.

Crossland believed he completed his submission and was given no indication from the instructions provided that multiple steps were necessary in verification. Upon receipt of payment, a reasonable person would assume completion. Regardless of the presence of an error, the plaintiff, to the best of his knowledge, completed the necessary steps to file his candidacy.

The court hesitates in issuing this opinion to avoid opening a Pandora's Box of procedural ambiguity. After considering the possibility that any candidate failing to comply with the rules may appeal, the court considers the claims made by the plaintiff and the evidence presented by his counsel. Because Crossland provided proof that he completed the necessary steps to the best of his ability, the court rules he acted with due diligence. Should someone make claims against the Election Commissioner when they are in fact at fault for ignorance of instructions provided, their allegations will not be valid if they cannot prove due diligence in compliance.

The court also concedes that all candidates are responsible for the information contained in the Election Regulations and ignorance of the regulations does not justify failure to comply. Though his ignorance would not serve as an acceptable defense to an offense in elections, the plaintiff's fulfillment of requirements eliminates the presence of an offense.

In future elections, it is strongly recommended that the Election Commissioner host a meeting for potential candidates outlining the filing process. The process should include illustrated directions that clearly show the graphics present for a successful submission. With this procedure, candidates cannot claim ignorance when given all the information they need to verify their file.

The court rules in favor of the plaintiff and agrees that he followed the correct procedure given to him by both the Election Commissioner in the potential candidate email and the guidelines provided by the Election Regulations

Fall Term 2015

JUDICIAL COURT OF TEXAS A&M

No. 68-01

Signatures

Shelby James '18

Shelby James — Vice Chief Justice

Alex Mueller '16

Alex Mueller — Associate Justice

Ashley Kay Carpenter '16

Ashley Kay Carpenter — Associate Justice

Riden Reiter '17

Riden Reiter — Associate Justice