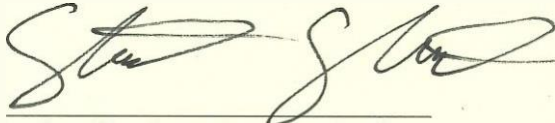


JUSTICE Shuchart CONCURRED:

I agree with both the majority opinion and Chief Justice Smith's concurring opinion. However, in case 68-01, the reasonable person standard is applied to the plaintiff's claim that he completed the form on Marketplace and submitted it. In filling out the application for Freshman Class President, he used all of the information, or lack thereof, provided by Commissioner. Crossland went through the pages requiring his name and information as well as payment information. Plaintiff's Exhibit A showed the history of his attempt to file, yet no other evidence was provided to substantiate the claim. This lack of evidence is the first disagreement between this concurring opinion and the Per Curiam opinion. The burden of proof is on the plaintiff in any appeal brought before the court and one screenshot is a molehill where a mountain is required. The primary line of argument made by the plaintiff is that there was a technical error, not negligence or ignorance on either party, which is the cause of the harm. There was no proof of technical failure. Neither the plaintiff nor the defendant attempted to contact anyone that might have more technical knowledge than themselves, and that is a major flaw in both arguments. The lack of proof on both sides was unbearable. Tangentially, lack of understanding of the basic principle of "disclosure" by the plaintiff and his representative will never be repeated in the court again.

The second reason for this concurrence is the clause stating that because "the plaintiff followed *procedures* '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 vii)." This opens up the FUBARS of allowing candidates to excuse themselves from following election regulations until they are "officially a candidate" and on the "ballot [sic]" as the plaintiff put it. Ignorance is not an excuse for failing to follow the law as is precedent from 67-01. In that case, the plaintiff made an effort to apply for his position but disqualified himself by failing to submit a null expenditure report. Crossland also failed to submit his application, although intent was there. The fault lies in the middle ground; however, the "preelection period" does not give grace to ignorance and negligence. This time period must follow the regulations that the Election Commissioner set forth. The intent and lack of evidence on either side excuses the plaintiff in this case.

A handwritten signature in black ink, appearing to read 'Stephen Shuchart', written over a horizontal line.

Stephen Shuchart, Associate Justice