

Kinsey v. Election Commission

April 12, 2004, 9:30 p.m.

Majority Opinion

In the case of Aaron G. Kinsey v. Election Commission, the Court unanimously denies the appeal from Mr. Kinsey to nullify and reconduct the 2004 Student Body President election. The Court concedes that there were numerous of dereliction of duty on the part of the Election Commission. However, there is no conclusive proof these derelictions resulted in any bias towards any candidate.

On the first allegation presented by the appellant, the Court finds that Election Commission did indeed fail to abide by election regulations in several instances. Mr. Hildebrand, however, should not be held liable for the misinterpretations of the election regulations by the Election Commission. This Court's interpretation of those pertinent regulations is laid out in *Platt v. Election Commission*.

On the second allegation, the Court finds no neglect on the part of the Election Commission to adequately audit the finance reports of the candidates. However, what the Election Commission viewed as adequate and what the Court now defines as adequate are two separate things. See *Platt v. Election Commission*. From the viewpoint of the Election Commission, their continual audits of the candidates were sufficient to ensure a fair election process. The Court's recommendations shall be applied to all future elections, and consequently have no bearing on past elections.

On the final charge of unprofessionalism and bias on the part of the Election Commission, the Court is unable to render an opinion. It is impossible to determine if a bias was created in favor of any candidate due to the Election Commission's actions. It is further impossible to determine that if any bias was created, what effect, if any, it would have had on the outcome of the elections.