

Patrick Conrey v. Hannah Botts & Jarod Becker

MR. CHIEF JUSTICE JONATHON NUNLEY WRITING FOR THE COURT:

Once again this Court is asked to make sense of a situation which has been brought about by a convoluted constitution and legislation by the Legislature which fails to use consistent language. After parsing through the relevant materials this Court finds that Ms. Botts and Mr. Becker failed to adhere to election rules set by the Elections Board, but, due to our hands being tied by the legislature, we are only able to impose a modest financial penalty.

Petitioner brings two claims and the facts of the case are fairly undisputed. Mr. Conrey (“Petitioner”) claims that Ms. Botts and Mr. Becker (“Respondents”) breached Article VI, Section 8, Item C, which prohibits campaigning in a “voting area.” Petitioner asserts that hanging a poster on the door of a computer lab and classroom in the college of engineering was a violation of campaigning in a voting area. Respondents argue that Petitioner’s claim is insufficient because neither of the locations Petitioner points to are considered voting areas. The second claim is based on UK’s signage policy which does not allow for “announcements” to be posted on any “painted surface, in any classroom, or on any tree or shrub.” We will address these claims in turn.

Claim I: Violation of Campaigning in a Voting Area

Petitioner’s first claim may be dealt with rather swiftly. Voting area is clearly defined by the Legislature in the Constitution. Article VI, Section 8, Subsection B, Item 1 defines a voting area as follows: “‘Voting areas’ and ‘voting location’ constitute a location in which students can vote in elections using technology provided by UKSGA. The locations will be under the direct supervision and control of the Election Board of Supervision.” The location of the posters that the Petitioner claims violated the constitution do not fit within the definition of a voting area. Our interpretation of a voting area is held solely to official polling locations provided by the Student Government Association. The location in dispute is not one where “students can vote in elections *using technology provided by UKSGA*” (emphasis added). Accordingly, this claim lacks sufficient grounds for redress and is dismissed.

Claim II: Posters Violated UK Signage Policy

Petitioner asserts that the posters hung on the doors of the classroom and computer lab violated UK’s signage policy which states in part, “announcements...[may not] be posted on any painted surface, in any classroom, or on any tree or shrub.” There is dispute between the parties whether or not one of the posters taped to a classroom door should be considered “inside” the classroom or not. Petitioner asserts that because the poster is on the side of the door which is facing inside the classroom that the poster should be considered inside the classroom. Respondents assert that the door is never closed, therefore, the poster is never actually inside the classroom. Respondents provided evidence that the door is to never be shut and demonstrated that it is the pattern of the College of Engineering that the door is never shut. It is important to note, if the door were ever to be shut, Respondents would be in

violation of the signage policy. Accordingly, we find the posters were not actually posted inside a classroom.

III. Authority of Elections Board to Promulgate Rules

Though the Petitioner did not directly argue this point, the Court finds it gravely important to reaffirm the power of the Elections Board to promulgate rules for elections. The Legislature has specifically provided the Elections Board with the authority to make rules concerning elections. As a result of this delegation of power, the Elections Board conducts a candidates' meeting where they provide the candidates with a PowerPoint presentation and packet of rules that each candidate must follow. In this meeting, and in the materials dispersed, the Elections Board states that all campaign materials must be taken down from computer labs before elections begin and the labs are considered campaign free zones.

Respondents clearly failed to follow the rules prescribed by the Elections Board by leaving campaign materials, a hung poster, within the parameters of the campaign free zone of the computer lab. As a result, Respondents directly violated what the Election Board promulgated as a rule. Because Respondents violated this rule, they are subject to redress by the Court. This Court was comfortable with reducing Respondent's vote total by a reasonable percentage level. Unfortunately, the Legislature has only given us the power to reduce votes if the conduct by the party was "egregious." Even though an experienced sitting Senator violated the rules by leaving a poster up, we hold that this conduct does not reach the level of egregious activity. Staying within the power granted to us by the Legislature, we impose the maximum statutory fine possible for a one claim case of \$25 per candidate. We *strongly* encourage the legislature to re-evaluate our options for disciplining candidates.

Conclusion

In accordance with this **OPINION**, Petitioner's claims are **DISMISSED** and Respondent's are ordered to pay \$25 per candidate in fines. It is so ordered.