

OPINION OF THE
University of Kentucky
Student Government Supreme Court

ADAM STEELE

Petitioner

v.

CHRIS HAYDEN AND MARIEL JACKSON

Respondents

MR. CHIEF JUSTICE LAUGHLIN WRITING FOR THE COURT

This matter comes before the Court on Petition by Mr. Adam Steele, a candidate in the 2012 Freshmen Elections, against Respondents Mr. Chris Hayden and Ms. Mariel Jackson, who were also candidates in the 2012 Freshmen Elections. Mr. Steele presented evidence to SGA Election Investigator Ms. Yvette DeLaGuardia that Mr. Hayden and Ms. Jackson had used duct tape on their campaign posters, in violation of a rule set forth by the Election Board of Supervision, which barred candidates from using duct tape on campaign materials.

As an initial matter, the duct tape ban is within the scope of the Election Board of Supervision. Section IV, Rule P of the SGA Freshmen Election Legislation grants the Election Board of Supervision the power to implement “[a]dditional policies and procedures...for the purpose of managing the elections process.” Pursuant to this power, the Election Board barred candidates from using duct tape to display any promotional material, and informed candidates of this fact at the candidate informational session on Monday, October 1, 2012. The Court concludes that the duct tape ban is a valid rule and that all candidates were aware of the ban.

The true dispute at issue is whether the tape used by Mr. Hayden and Ms. Jackson was in fact duct tape. Mr. Hayden and Ms. Jackson stated that it was “Gorilla Tape,” and the pictorial evidence presented to the Court supports this. Mr. Hayden and Ms. Jackson argue that “Gorilla Tape” is separate and distinct from “duct tape” and therefore not banned. Further, some candidates in the past have been advised that Gorilla Tape was acceptable while duct tape was not.

However, the Court sees no difference between duct tape and Gorilla Tape, and Gorilla Tape may in fact be more of a menace than duct tape. Gorilla Tape is said to be “2000 percent” more adhesive than duct tape.¹ Additionally, the manufacturer itself states that it is difficult to remove materials taped with Gorilla Tape and that it may leave a residue.²

¹ <http://www.harborfreight.com/gorilla-tape-94729.html>

² <http://www.gorillatough.com/index.php?page=tape-faqs>

The Court is aware that there are few adhesive devices that can be used to adhere a poster or flyer to a rough surface, such as brick or concrete, and that Gorilla Tape is one of the few that can. However, the Court believes that a consistent approach is necessary. Gorilla Tape is in fact a stronger duct tape, and if the lesser is banned by the Election Board of Supervisors, than the greater ought to be banned as well. It is the Election Board, not the Court, that has the power to address the issue of allowing the use of adhesive products that will work on rough surfaces.

The Court declines to impose any penalty on Mr. Hayden and Ms. Jackson for their use of Gorilla Tape in this election. It would be inequitable to impose penalties due to the uncertainty regarding whether Gorilla Tape can be used in campaigning. However, our decision to not impose any penalty in this case shall have no bearing on future cases regarding the use of Gorilla Tape.

MDM. JUSTICE SMITH TOOK NO PART IN THE COURT'S OPINION

KIRK A. LAUGHLIN, CHIEF JUSTICE