

----OPINION OF THE----
University of Kentucky
Student Supreme Court

IN. RE. ERIN O'NEIL PETITION FOR APPEAL OF ELECTION DISQUALIFICATION

MR. CHIEF JUSTICE NUNLEY WRITING FOR THE COURT

This matter comes before the Court on a Petition for Appeal submitted via e-mail by Ms. O'Neil. Ms. O'Neil is challenging her disqualification by the elections board for the Fall 2014 Freshman Senate elections. Following a meeting among a quorum of the Justices, the Court is of the opinion that Ms. O'Neil's appeal ought to be granted.

The elections board disqualified Ms. O'Neil asserting that she failed to submit an adequate number of signatures to be placed on the ballot. The decision was based on the fact that approximately 30 of Ms. O'Neil's signatures were on a piece of notebook paper and not on the Student Government provided signature sheets.

The filing procedures provided on the freshman senate *application* state that "Signatures must be returned with application on Student Government Signature forms for candidacy to be valid." Citing this failure to conform to the application, the election board disqualified Ms. O'Neil.

Ms. O'Neil makes several arguments in her petition to the Court, however, we see fit that only one must be addressed. Ms. O'Neil points out, at the bottom of page 4 of the freshman senate application it states, "*DISCLAIMER: THIS IS NOT THE COMPLETE SGA CONSTITUTION OR ELECTION LEGISLATION. IF A DISCREPENCY OCCURS, REFER TO THE FULL LEGISLATION.*" Ms. O'Neil then asserts that there was a discrepancy between the application and the full legislation. We agree.

The relevant part of the legislation reads as follows:

"To appear on the ballot for Freshman Senator or College Senator, with the exception of Graduate School Senators, each candidate must obtain signatures from the greater of two (2) percent of the eligible voters for their respective seat or twenty-five (25) students and submit the petition with his/her application. The *petition* must contain a date of birth for each respective student having signed the document in order to allow the Election Board of Supervision to verify their enrollment at the University of Kentucky."

Article VI, Section 3, Part E

From a plain reading of the text it is clear that the legislature does not require signatures to be on any specific sheet of paper. The language of the legislation simply refers to a “petition” of signatures. Meriam-Webster defines a petition as, “a written document that many people sign to show that they want a person or an organization to do or change something.” In the instant facts, Ms. O’Neil fulfilled that very definition.

We recognize our own decision in *In. Re. Harper Smith* and do not intend to overturn it. The facts are distinguishable in this case. Not only did Ms. O’Neil get the proper information from the signators, but she also included the language that the Court based its prior decision on.

Furthermore, the Court highly encourages the legislature to revisit their legislation and provide better guidance to the Court on what it is they intend to achieve. A suggestion would be a definition section, starting with the word “petition.”

For the aforementioned reasons, Ms. O’Neil’s Petition for Appeal is **GRANTED**. The Board of Elections Decision is **REVERSED**.