

OPINION OF THE COURT

UNIVERSITY OF KENTUCKY STUDENT GOVERNMENT ASSOCIATION

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SUPREME COURT

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STAPLES/WIMBERLY, PETITIONER V. BILAS/KINGTON

[April 7, 2012]

CHIEF JUSTICE WRIGHT delivered the opinion of the Court.

Staples/Wimberly timely filed three complaints with Molly Smith, Madam Election Investigator arising from the 2012 University of Kentucky Student Government Association (UKSGA) Presidential Elections. The claims are as follows: first (I), Bilas/Kington violated Expenditure Act section E(2)(a)-(b) by not including in their expenditure forms the monetary value of tweets from John Wall, Patrick Patterson, Josh Harrelson, Randall Cobb, and Dave Baker; second (II), Bilas/Kington posted campaign material at Newtown Crossing apartment complex, thus violating Election Act section IX(D)(a) which, according to Staples/Wimberly, requires candidates to post campaign material on campus property only; third (III), Bilas/Kington failed to remove campaign material within 48 hours of end of the election, violating Election Act section IX(F)(2).

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II

Claim two by Staples/Wimberly presents a question of interpretation. Section IX, clause D allows candidates a certain amount of posters and banners to post on “campus area property.” Bilas/Kington, after gaining approval from the management of Newtown Crossing, posted a number of posters on the property. Staples/Wimberly argue that campaign materials must be posted on campus property only and as a result, Bilas/Kington are in violation. We do not agree.

A close reading of the respective legislation provides the Court with no indication that the statute covers the actions taken by Bilas/Kington. The Court holds that Presidential candidates are only allowed 150 posters and 15 banners on campus property, but this does not restrict posting on off-campus property. Off-campus property is privately owned and the posting of campaign material is subject to their respective provisions. As a general matter, a candidate (or any individual for that matter) must get permission from a private landowner before posting material on their property. This permission was granted here. Bilas/Kington got their posters approved by the Election Board (as a result, posting less posters on campus because the E-board will only approve 150 regardless of where they are to be hung – this would benefit Staples/Wimberly it would seem as Bilas/Kington had fewer posters to hang on campus) and they received the permission of Newtown Crossing management.

The Court finds no violation.