

OPINION OF THE COURT

UNIVERSITY OF KENTUCKY STUDENT GOVERNMENT ASSOCIATION

SUPREME COURT

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).

III

The third claim by Staples/Wimberly asserts Bilas/Kington failed to remove a number of campaign materials within the forty-eight hour window required by section IX, clause F of the Election Act. This section states: “All posters and other campaign materials *must* be removed within forty-eight (48) hours after the closing of the election. It must be the responsibility of all candidates to see that their materials are removed.” Photographic evidence, provided by Staples/Wimberly, clearly shows banners were still hanging from various structures on campus as of 1:30am on April 2, 2012. The Court holds this is a blatant violation of the express statutory requirements.

As a result, the Court is obligated to issue a punishment from article VI, section 3, clause G of the Student Government Constitution. This clause states: “The application form shall also be accompanied by a thirty dollar (\$30.00) deposit of which \$25.00 will be refunded only if the candidate removes all of his or her campaign literature from campus no later than 6.00pm Friday after the closing of the last polling place.” The language is clear. Each candidate, Stephen Bilas and Mary Katherine Kington, provided a \$30.00 deposit. Therefore, each candidate, Stephen Bilas and Mary Katherine Kington, shall be required to forfeit \$25.00 of that deposit.