

Spring Term, 2016

Opinion of the Court

NOTICE: The following document represents the official Opinion of the Baylor University Student Court, and constitutes a binding decision on all parties concerned within the jurisdiction of the Court.

BAYLOR UNIVERSITY STUDENT COURT

GOBER *v.* ELECTORAL COMMISSION

Argued and Decided April 6, 2016

Justices joining the Majority (5) – Justices joining the dissent (0)

JUSTICE SHEETS delivered an opinion, in which CHIEF JUSTICE STEVENS, JUSTICE WESTON, JUSTICE COURTRIGHT, and JUSTICE CHANS join.

At the time set for the beginning of Hearing in the matter of *Gober v Electoral Commission*, the relevant facts of the case stood thusly: Mr. Gober was a sophomore at Baylor University. Mr. Gober was seeking election as a Senator in the Baylor University Student Senate. The ratification of a new Baylor University Student Body Constitution moved the date of the Student Elections from Diadeloso. The Electoral Code was not altered to reflect this change. The Electoral Commission set the deadline for the submission of candidate forms for March 30th. Mr. Gober attempted to submit his candidacy form at 5:20pm on March 30th. The Electoral Commission did not accept Mr. Gober's candidacy form, nor did they place him on the ballot for Student Elections. Mr. Gober appealed their decision. This Court held jurisdiction over the appeal as the Electoral Commission is a subordinate body to it pursuant to Art IV, § 5, par 3(a)(iii)(e).

The questions raised in this case which this Court finds most worthy of consideration are these: Does the language “Friday at 5pm” contained within the Electoral Code constitute a “deadline”? Did the Electoral Commission err in setting the deadline for submission on March 30th, a Wednesday? If not, did the Electoral Commission change the deadline for submission when the Electoral Commissioner announced that candidate forms must be submitted before 5pm on March 30th?

I

In answer to the first of the above questions, this Court finds that the language “Friday at 5pm” contained within the Electoral Code *does not* constitute a “deadline”. The Electoral Code provides no qualification, such as date or relation to the current day of election, to this “Friday at 5pm” which would allow either the Electoral Commission or potential candidates to definitively determine when submissions are due. The Commission or a candidate could just as easily interpret “Friday at 5pm” to reference a given date and another individual to interpret “Friday at 5pm” as a different date; no language exists within the Electoral Code or the Constitution which would allow parties to determine which interpretation was correct. This ambiguity leaves this Court unable to determine that the language “Friday at 5pm” as a “deadline” set by the Electoral Code.

II

In answer to the second of the above questions, this Court finds that the Electoral Commission *did not* err in setting the deadline for the submission of candidacy forms as March 30th. Both the Electoral Code and the Constitution give the Electoral Commission the authority to “issue decisions regarding all matters of voting and elections conducted by the Baylor University Student Body” (Art IV, § 7, Par 2(b)). As this Court determined above, the language “Friday at 5pm” did not constitute a deadline for the filing of a candidacy form. This determination being made, the duty to set such a deadline

falls to the Electoral Commission. In light of this Court's findings above, no restrictions as to the date of this deadline were found to be placed by the Electoral Code. Therefore, the Electoral Commission did not err in setting the deadline for the filing of Candidacy forms on March 30th.

III

In answer to the final question above, this Court finds that the Electoral Commission *did not* change the March 30th deadline which they set. The Student Government office, where candidacy forms were to be submitted, closes each business day at 5pm. The entirety of Baylor Administration offices also close at this time. A reasonable individual would therefore interpret a deadline set in the form of a date to fall when the office itself closes, ergo, 5pm. The Electoral Commissioner, in declaring the deadline to be March 30th on 5pm in the Mandatory Candidate Meeting, was simply reiterating and clarifying this point. The opportunity to question the Commissioner in his capacity as the spokesperson for the Commission was presented at this meeting and advantage of that opportunity was not taken by any present, including Mr. Gober.

In summary, this Court **UPHOLDS** the decision of the Electoral Commission both in refusing to accept Mr. Gober's candidacy form, and in refusing to place him on the ballots for Student Election. The Electoral Commission is clearly given authority to enforce the Electoral Code and to preside over matters regarding the Student Body elections. As such, if the Electoral Code, or dates listed therein, contradicts the current state of events on Baylor's Campus, the Electoral Commission shall determine an appropriate resolution. This Court advises the Student Senate to form a committee, comprised of at least one member of each branch of the Baylor Student Government, whose goal is to revise and clarify the Electoral Code so that it conforms to the newly ratified Baylor University Student Body Constitution.

It is so ordered.