FALL TERM, 2016

Opinion of the Court

BAYLOR UNIVERSITY STUDENT COURT

LAYTON *v.* ELECTORAL COMMISSION

Argued and Decided November 17, 2016

Justices joining the majority (5)

CHIEF JUSTICE WESTON delivered the opinion in which DEPUTY CHIEF JUSTICE SHEETS, JUSTICE VECSERI, JUSTICE WIXSON, and JUSTICE RUTHERFORD joined.

BACKGROUND

On November 14, 2016, the Court received a petition from freshman candidate Lexi Layton for writ of certiorari appealing the Electoral Commission's (henceforth "the Commission") decision to remove her from the ballot for not following the guidelines in §3.1.2.1 of the Electoral Code (henceforth "the Code") in regards to not being able to attend the Mandatory Candidate Meeting. The Code §3.1.2.1 states, "any candidate not able to attend the Mandatory Candidate Meeting shall send a representative that is not another candidate and submit an email via Baylor email to the Electoral Commission. Sudden emergencies are excusable." Failure to meet these guidelines are grounds for removal from the ballot under the Code.

On the evening of Thursday, November 10, Layton received notice from her friend, fellow freshman senator candidate Brooke Burns, that Burns' grandmother was in extremely poor health and that Burns might have to return home the following day, November 11. Because Burns did not have transportation home, Layton offered to drive Burns two hours to their hometown to see her

grandmother. Plans were not solidified until the morning of November 11. Layton had contacted Joel Polvado, the Internal Vice President, the previous evening to inquire about what to do if she was absent for the Mandatory Candidate Meeting while she was transporting Burns. Polvado informed her that she was required to send a representative to the Mandatory Candidate Meeting. It is disputed whether he told her to send an email to the Electoral Commissioner, pursuant to §3.1.2.1 of the Electoral Code. Layton drove Burns home, and they both received an email from the Commission at 5:11 p.m. on November 11 regarding the time of the Mandatory Candidate Meeting, which was set for 7 p.m. that night. At that time, Layton was 2 hours from Waco, and because she was only given 1 hour and 49 minutes notice, she would have been unable to return to Waco in time for the meeting. The Commission offers a 15-minute grace period for tardiness, which Layton would also have missed. Due to these factors, she contacted a representative to attend the meeting on her behalf. However, during this time, she did not send an email to the Electoral Commissioner, as pursuant to §3.1.2.1 of the Electoral Code. After the meeting, the Electoral Commission noted Layton's absence and her lack of notification of the Electoral Commissioner prior to the meeting. After holding deliberations and contacting Layton's representative, the Commission unanimously decided to remove Layton from the ballot.

On Monday, November 14, Layton's counsel emailed a preliminary petition for review to the Baylor University Student Court (henceforth "the Court"), which was accepted with a 5-1 vote by the Court for proceedings.

ISSUES PRESENTED

The questions considered by the Court are threefold:

A. Did the Electoral Commission err in not properly announcing the date, location, and time for the Mandatory Candidate Meeting?

B. Does the Electoral Commission's error in part A. exempt candidates from compliance with §3.1.2 of the Electoral Code?

C. Notwithstanding questions A and B, did the Electoral Commission err in its interpretation of the last sentence of section §3.1.2.1 of the Electoral Code regarding "sudden emergencies?"

DISCUSSION

A

The Student Court found that the Commission was not required to comply with part of §3.1.2, due to the nature of the election. The election in question was a result of the decision made in *Hillebrand v. Electoral Commission* to hold an entirely new election for the remaining five freshman vacancies in Senate. Thus, this was not a normal election, and it was not required to be run as such pursuant to §1.5 of the Code. This rule gave the Commission more leniency since the election process was being expedited. The Court found that the email sent to the candidates informing them of the Mandatory Candidate Meeting did in fact meet the Commission's burden of notifying the candidates. However, if this had been a normal election, the Commission would have failed to comply with §3.1.2.

B

In the case of the Commission's failure to comply with §3.1.2 in a normal election, this situation would not excuse the candidates of their responsibility in §3.1.2.1. As discussed in *Hillebrand v. Electoral Commission*, it is the candidate's responsibility to understand and follow the code. The Preamble of the Code clearly states that, "ignorance of the Code will not be considered as an excuse" for not following the Code. The Petitioner's argument was that if the Commission did not fulfill §3.1.2, it nullified §3.1.2.1. We reject this argument, because the Commission's failure to follow one regulation does not nullify the candidate's duty to follow the code. For example, if a hypothetical clause states that a bank shall not float interest rates and a sub-clause stating that employees shall not forge signatures on any documents, the argument that employees can forge documents if the bank floated interest rates is absurd. Even if a clause is

broken, sub-clauses are not excluded. It might be helpful to add a "saving clause," which stated that one broken clause would not weaken the authority of the document. The addition of such a clause would help to reduce the use of this argument in any future cases.

C

This case ultimately hinges on the clause at the end of §3.1.2.1 "sudden emergencies are excusable." Before this clause is examined, the Court would like to extend our deepest sympathies to Lexi's friend, Burns, and her family during this difficult time. It is the Court's duty to interpret the "sudden emergencies" clause as written; however, the Court approaches this case with the utmost care and sensitivity.

It is the assertion of the Court that the "sudden emergencies" clause applies only to a candidate's own "sudden emergency." Essentially, in order to be excused from the requirements of §3.1.2.1, a candidate must demonstrate that the event being considered an "emergency" directly affected either the candidate themselves or someone with whom the candidate shares a close relationship. In this case, Layton would have to demonstrate that the medical complication befell either herself or a relative (or, in some cases, a close friend). The event that Layton alleges is an "emergency" befell her close friend's grandmother. The Court finds that this does not constitute a sufficient relationship *with Layton* to warrant the application of the "sudden emergencies clause."

The majority finds that a sudden emergency is an event that causes plans to be halted and all attention to be focused on the current situation. Once the situation that caused a "sudden emergency" ceases to be chaotic and mysterious, we would argue that it no longer holds the "sudden emergency" standing.

The Petitioner's case fails to meet the burden of the "sudden emergency" clause. Even though her friend, Burns, was experiencing a spontaneous emergency, Layton was not directly involved. She voluntarily inserted herself into her friend's situation, which is commendable, but it does not constitute justification for a "sudden emergency." Layton maintained contact with her representative during the hour and forty-nine-minute

timespan between when she was notified about the meeting and the time the meeting actually took place. The Petitioner knew of the potential need to transport Ms. Burns beginning Thursday evening, which gave her plenty of time to take the proper steps in order to follow the Code.

It is with this reasoning that the Court does not find that Layton was experiencing a "sudden emergency" during the time between her receipt of the email at 5:11 p.m. and the time of the Mandatory Candidate Meeting.

CONCLUSION

Therefore, the majority finds that the Commission did not err in interpreting §3.1.2.1 of the Code and took proper action in removing Layton from the ballot. Subsequently, the Court finds no reason to overrule the Commission on the grounds that Layton did not meet her duty required by the Code to send in an email to the Electoral Commissioner when she could not make the Mandatory Candidate Meeting for reasons that did not entail a sudden emergency.

The injunction freezing the new freshman elections is lifted at the time of this opinion's release. The Commission shall endeavor to maintain the three school day campaign period originally given to the candidates before the election is held.

The decision of the Electoral Commission is hereby affirmed.
It is so ordered.