

SPRING TERM, 2017

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. This decision, and all concurring or dissenting opinions, will remain on the official record for seven (7) years in accordance with Court precedent.

BAYLOR UNIVERSITY STUDENT COURT

DICKERSON et al. v. ELECTORAL COMMISSION

Argued and Decided April 4, 2017

Unanimous Decision

CHIEF JUSTICE WESTON delivered the opinion of the Court, in which
DEPUTY CHIEF JUSTICE RUTHERFORD, JUSTICE WIXSON, JUSTICE
VECSERI, JUSTICE CALVERT, and JUSTICE ABEL joined.

BACKGROUND

On April 4, 2017, the Baylor University Student Court (henceforth “the Court”) received a Petition from Student Body Presidential candidate, Amye Dickerson, along with others similarly situated for Writ of Certiorari appealing the Electoral Commission’s (henceforth “the Commission”) decision to remove more than 20 candidates from the ballot for failing to turn in a “final certified itemized expense report.”

The Petitioner argued that the dates for student elections, and subsequently the due date for expense reports to be filed, had been set in error. The Respondent argued that the dates had been moved in order to accommodate more candidates, as the non-response rate for expense reports is, on average, 30 percent. According to the Petitioner, the Commission’s error deprived candidates of the correct amount of time for filing a report before they were due. According to §2.3.6 of the Electoral Code (henceforth “the Code”), “Each candidate is required

to turn in a certified itemized final expense report, which will be provided to all candidates by the Electoral Commission along with all necessary filing forms, by 5 p.m. two (2) school days before the election....” Another part of the code at issue is §3.2.10.1 “At 8 a.m., ten (10) school days prior to the election, Full Scale Campaigning shall begin. This includes speeches, billboards, banners, flyers, handouts, campaign buttons, Lariat advertisements, election Web pages, off campus door-to-door campaigning and “handouts”, which is defined as any material transferred from person to person (this may include flyers and campaign buttons). Any and all other means of campaigning must be approved by the Electoral Commission.” This case hinges on whether or not Diadeloso, a school-wide celebration held each Spring, is a school day for the purposes of campaigning.

JURISDICTION

The Court’s jurisdiction on this matter is twofold. First, the Commission is the sole governing authority for campaigns. For the Spring 2017 elections, the Commission was charged with hearing disputes between candidates over the Code (§6.2). By sanctioning the Petitioners, the Commission made a decision that constitutes the basis for an appeal. This represents a decision as it is an action regarding an election and thus, falls under the case of Oury, et al. v. Electoral Commission (2014), where the Court held that an action by the Commission in regards to an election qualifies as a decision within the meaning of Art. IV, Sect. 5, Par. 3 (A)(iii)(e) of the Baylor University Student Body Constitution. The second part of the Court’s jurisdiction comes from the explicit language of the Code. §6.4.1 of the Code states, “The Student Court shall have appellate jurisdiction in all decisions made by the Electoral Commission.” This clause gives jurisdiction to the Court to review this matter.

ISSUES PRESENTED

The questions considered by the Court are twofold:

- ~~A. Did the Electoral Commission Err in their decision to set the dates of the election such that Diadeloso was treated as a class day and therefore not allow the full 10 or 5 days for campaigning as required under §3.2.10.1 and §3.2.11.1 respectively?~~
- B. Did the Electoral Commission Err in their decision in setting the deadline for expense reports to be due as April 3rd at 5pm given that they erred in setting the dates of the election incorrectly?
- ~~C. If the Electoral Commission did not err in setting the elections dates by treating Diadeloso as a class day did they err in not setting the expense report deadline accordingly?~~

DISCUSSION

B

Since the founding of Diadeloso, it has been used as a day for Student Elections. When the Student Body Constitution was revised in 2016, Student Elections were moved to “the Thursday and immediate following Friday, three weeks before the last day of classes in the semester before the following legislative session.” In 2017, the dates for Student Elections were April 6th and 7th. It is reasonable to assume that Diadeloso is a campaign day considering that in years past, it has been the day of Student Elections, and as a result, a day when students have been actively engaging in on-campus campaigning. As Diadeloso occurs during the campaign period, it is reasonable to include Diadeloso as one of the 10 campaign days laid out in §3.2.10.1, “At 8 a.m., ten (10) school days prior to the election, Full Scale Campaigning shall begin,” and the 5 campaign days laid out in §3.2.11.1, “At 8 a.m., five (5) school days prior to the election, Full Scale

Campaigning shall begin on campus.” Thus, for the purposes of campaigning, the Commission interpreted the Code to mean that Diadeloso is a school day. §1.4.2 of the Code grants the Commission the authority to interpret the Code, asserting “The Commission serves as the authority of the Code by enforcing, and, where explicitly allowed, interpreting the Code.” In accordance with their interpretation, the Commission originally set the dates for the campaign to include Diadeloso as a campaign day, as well as the day on which expense reports were due. During the mandatory candidate meeting, it was pointed out that the day the expense reports were due was Diadeloso, and the date was changed after a vote of the Commission to encourage more candidates to turn in their expense reports. It was this date change that was argued by the Petitioners to have been made in error.

The Commission has the power to exercise discretion in their interpretation of the code. However, the Commission may not inconsistently apply the interpretation they choose for a specific part of the Code. Because in this case the Commission interpreted Diadeloso to be a school day, the correct deadline for filing the “final certified itemized expense report” must be on April 4th, 2017, Diadeloso, because it falls two school days prior to the first day of elections as laid out in §2.3.6 of the Code “each candidate is required to turn in a certified itemized final expense report, which will be provided to all candidates by the Electoral Commission along with all necessary filing forms, by 5 p.m. two (2) school days before the election....” The Court finds that the Commission did not err in its original calendar, when the “final certified itemized expense report” was due on April 4th, or Diadeloso. However, the Court finds that the Commission erred when they chose to change the deadline to April 3rd at 5:00 p.m., which did not allow enough time for campaigning to take place before expense reports became due. The Court finds that those who filed their “final certified itemized expense report” by April 4th at 5:00 p.m. must be placed on the ballot.

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CONCLUSION

Therefore, the Court finds that the Commission did err in interpreting §3.2.10.1 and §3.2.11.1 of the Code, and must remedy this error by placing any candidate that filed their expense report by 5:00 p.m. on April 4th back on the ballot for Student Elections.

*The decision of the Electoral Commission is hereby
reversed.*

It is so ordered.