

**THE UNIVERSITY OF KANSAS STUDENT COURT OF APPEALS**

Victoria Snitsar	)	22 September, 2015
University of Kansas Student	)	
	)	
Jacob Milgrim	)	
University of Kansas Student	)	
	)	
Appellants	)	
	)	
VS	)	
	)	
Nicole Marcotte	)	
Student Senate Elections Commission	)	
Commission Chair	)	
	)	Case No. 2015-09-20
Ciara Malone	)	
Student Senate Elections Commission	)	
Acting Elections Commission Compliance Chair	)	
	)	
Defendants	)	

**ORDER AND MEMORANDUM OF DECISION**

**Overview of the Case:**

A petition was received by the Court of Appeals regarding the Elections Commission decision involving Victoria Snitsar and Jacob Milgrim (henceforth referenced as “Appellants”) on the 20<sup>th</sup> of September 2015 at 2:01 p.m. Complaints were brought before the Court regarding the Appellant’s displeasure with the Elections Commission decision to charge the two Appellants with a \$25 fine for neglecting to submit expense reports regarding the 2015 freshmen elections. On the 22<sup>nd</sup> of September 2015, at 6:30 p.m. in the Curry Room located in the University of Kansas Memorial Union, the Appellants and Defendants appeared before the Court. The Defendants presented a variety of reasons to dismiss the case before the hearing commenced. The Court felt there

were enough indispensable grounds to dismiss the case and uphold the Elections Commissions initial verdict.

**The Case:**

The Elections Commission held a hearing on the 18<sup>th</sup> of September 2015 in regards to the said violations of students running for freshmen elections. Out of the 22 hearings, 19 students running for freshman election were found guilty of failure to submit the necessary financial forms, as specified in SSRR 7.5.6.4.1.1.2. As stated within the ruling, “failure to report submission of incomplete, inaccurate and/or fraudulent reports shall constitute an egregious offense.” The Elections Commission came to a conclusion that an egregious offense was too severe. Likewise, they informed the 19 students, whom were found guilty, that they must pay a fine of \$25 by Monday, September 28 at 5:00 p.m. or else they would be barred from running in the spring elections.

The Appellants filed a complaint with the Court of Appeals on Sunday, September 22. The appellants had various grievances within the report, but only referenced the suppose violation by the Elections Commissions of SSRR 7.5.6.4.1.1.2.

The Court reviewed the appeal submitted by the Appellants. Within the document, questions regarding procedural decisions leading up to the Elections Commission hearing were addressed (SSRR 4.1.1). Due to this circumstance, the Court chose to accept the appeal.

On the 21<sup>st</sup> of September, Ms. Malone, on behalf of the Defendant, submitted an answer and exhibits to the Petition for Writ of Certiorari document to the Court. The Court distributed this information to each individual within the parties via email.

The hearing of the case began at 6:32 p.m. Before the hearing commenced, the Court was presented with numerous reasons from the Defendants to dismiss the case due to four main points, which can all be found in SSRR Appendix P (Rule 9.3.A, Rule 10, Rule 13 and Rule 14). The Court considered this new information. Some of the references of dismissal, as stated above, the Court believed to not be applicable. The Court did recognize some statues specifically that did give grounds for dismissal of the case. The first statue is SSRR Appendix P Rule 10.1. The second statue is SSRR Appendix P Rule 10.2. The next rule is SSRR Appendix P Rule 10.4. The last motion was in regards to SSRR Appendix P Rule 10.7. The Court unanimously decided to declare that the hearing was dismissed and the initial ruling stood.

With all that being said, the Court would like to address one issue. We, the Court, do want to personally recognize the wrongdoings and lack of application of Appendix P. That being said, from here on out, a new precedent will be created within the Court of Appeals.

Furthermore, the Court urges all of the Appellants to continue to pursue their desires to be involved at the University of Kansas. There are many opportunities and organizations in which students can get involved.

It is hereby decided by the Court to dismiss this case due to justified reasons presented by the Defendants, to uphold the decision made by the Elections Commission and deny the petition from the appellants.

It is so Ordered,

Chief Justice Michaeli Hennessy

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Justice Sara Prendergast

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Justice Jake Vance

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