

# THE UNIVERSITY OF KANSAS STUDENT COURT OF APPEALS

Chance Maginness	)	11 April, 2017
Onward Presidential Candidate	)	
	)	
Mady Womack	)	
OneKU Presidential Candidate	)	
	)	
Petitioners	)	
	)	
VS	)	
	)	
Harrison Baker	)	
Elections Commission	)	Case No. 2017-04-11
	)	
Respondent	)	
	)	
	)	

## ORDER AND MEMORANDUM OF DECISION

### Overview of Proceedings:

A petition was received by the Court of Appeals on the 5<sup>th</sup> of April 2017, from OneKU Presidential Candidate Mady Womack and Onward Presidential Candidate Chance Maginness (henceforth referenced as the “Petitioners”). An appeal was filed before the Court calling into the question the Elections Commission’s (henceforth referenced as the “Respondents”) decision to bar senatorial candidates who did not receive a score of 80% on the 2017 Spring General Elections Quiz during their first and only try. The Petitioners state within the initial petition that this is a matter of procedural problems and should be granted a Writ of Certiorari by the Court. The case was accepted based on the statute found in SSRR Article IV: Section I. In concurrence with the Writ of Cert was a request for Expedited Proceedings. The Chief Justice granted this request after deliberation due to the belief that this occurrence does fall within “extraordinary

circumstance,” rightly due to the time restrictions set within SSRR regarding a trial before the Court without Expedited Proceedings enacted.

With Expedited Proceedings enacted, the Chief Justice was empowered to determine all submission deadlines while keeping in mind two restrictions, which can be found in SSRR Appendix P, Rule 16.3.a and b. On Friday, April 7, 2017, the Chief Justice of the Court of Appeals held a Preliminary Hearing conference call with a representative from the Petitioner’s party and the Respondent in order to detail and explain their rights for such procedures, the filing process, the court procedures, etc. This is outlined and mandated within SSRR Appendix P, Rule 10, which governs the Court of Appeals. The Court received the Petitioner’s Brief of Arguments (SSRR Appendix P, Rule 11) on Saturday, April 8, 2017, as mandated and set by the Chief Justice. The Court then received the Respondent’s Brief of Arguments on Sunday, April 9, 2017. Each party was forwarded the documents stated about prior to the hearing. The Petitioner and Respondent appeared before the Court on Monday, April 10, 2017, at 6:30 p.m. in the Curry Room located in the University of Kansas Memorial Union. With one Justice absent due to a prior conflict, the Chief Justice acted as a non-voting member within this case. After the Oral Arguments were presented, the Court asked both the Petitioner and Respondent to leave so the deliberation may take place prior to ruling on the case.

#### **Overview of the Case:**

1. SSRR 7.3.5.11 allows the for the Elections Commission to develop an Elections Quiz for students interested in running in the election who were unable to attend to the informational meetings held by the Commission's. Accordingly, the

informational meeting or the completion of the quiz is one of the multiple mandatory requirements set within SSRR for senatorial candidates to run.

2. On March 7, 2017, the Elections Commission posted through Facebook the Commission's newly established quiz restrictions:
  - a. A score of 80% is required to pass
  - b. Each student who takes the quiz only receives one try
3. On March 13, 2017, the Commission sent an email via Rock Chalk Central further stating these new restrictions.
4. Furthermore, on the same day, Onward's Macie Evans completed the quiz and received a score below 80%. Correspondence between the Commission, Ms. Evans and Onward's Presidential candidate Chance Maginness (Petitioner) took place following this incident.
  - These email exchanges can be found within the supported documents submitted by the Court with this order.
5. On March 27, 2017, OneKU's Ethan Scharf completed the quiz and received a score below 80% as well. Correspondence between the Commission, Mr. Scharf and OneKU's Presidential candidate Mady Womack (Petitioner) took place following this incident.
  - These email exchanges can be found within the supported documents submitted by the Court with this order.
6. With a quiz score below 80%, both Ms. Evans and Mr. Scharf were barred from running in 2017 Spring General Elections.

7. The Petition for Writ of Certiorari and request for Expedited Proceedings was filed on April 5, 2017, with the Court of Appeals. The Petitioner's brought before the Court the question of if the Elections Commission had the right to implement these newly established restrictions and if their candidates were justly barred from the election.

**The Court's Ruling:**

The Court unanimously agrees that this situation presents troublesome scenarios not even elaborated within the case before us. After much deliberation and discussion, the Court has decided the following. First, the Court rules in favor of the Petitioner in regards to allowing those individuals who met all other senatorial-candidacy requirements stated within SSRR (declaration of candidacy, deans stamp, 25 signatures, attending a meeting/taking the quiz, etc.) to be placed back on the 2017 Spring General Elections ballot. From our understanding, the only senatorial candidates who did not pass this quiz on their first try but did indeed meet all other official candidacy guidelines were Ms. Evans and Mr. Scharf. Secondly, the Court rules that these senatorial candidates whom did not hit the 80% threshold on their first and only attempt at the quiz administered by the Elections Commission do not have to retake the quiz in order to be placed back on the ballot per this election. We, the Court, believe that the rules enacted by the Elections Commissions were arbitrary in nature and if futures Elections Commission's do indeed want such exacting regulations, they must codify them within SSRR for all to know.

The Court of Appeals, especially this particular Court, continues to act as faithful stewards of SSRR and bases the decisions made on the verbiages put before the entire student body. Grounded on the current wording of SSRR regarding the elections quiz, the

word “complete” simply and literally means to finish something. With this in mind, the Court had to rule in favor of allowing those who *completed* their quiz and met all other standards to remain on the 2017 Spring General Elections ballot. We argue this stance for numerous reasons. As of now, the quiz acts as an alternative to attending mandated informational meetings hosted by the Elections Commission. These meetings do not have a quiz presented after in order to affirm students were paying attention. Simply, these students are allowed to *complete* this senatorial-candidacy requirement by just being in attendance.

The Court further deems that the Elections Commission is a body that ensures compliance within the election rules; however, they are not the gatekeepers of the student elections tasked with preventing “unqualified” individuals from running. The entirety of this government – from the University of Kansas Student Senate to the United States government – is based on democracy or, in other words, ruled by the people. As a ruling body with much power, we must always remind ourselves of that thought.

The conclusion that the Court has come to is not an illogical result, but simply the right avenue to take within the circumstances presented. That said, the Court recommends that the wording regarding the section of SSRR addressing the Election’s Commission responsibility to administer a quiz be altered and/or quantified in order to avoid future discrepancies. We are further declining to accept the standard of proof that the Petitioners discuss within their Brief of Arguments.

It is hereby decided unanimously by the Court to move forward with the above route of implementation. We believe this route is the only one that promotes student

voices, embodies the meaning of Student Senate, promotes equitability and allows for Student Senate Rules and Regulations to be followed within such an inimitable situation.

It is so Ordered,

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Chief Justice Michaeli Hennessy

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Pro Tempore Sara Prendergast

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Justice Jake Vance

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Justice Annie Calvert

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Justice Joseph Uhlman