

IN THE SUPREME COURT )  
 )  
 Action No. 16-003 )  
 )  
 Joseph R. Nail, )  
 PLAINTIFF )  
 )  
 Versus )  
 )  
 Paul Kushner, )  
 Chair, Board of Elections )  
 Andy Hoang, )  
 Member, Board of Elections )  
 Joanna Zhang, )  
 Member, Board of Elections )  
 Zach Johnson, )  
 Member, Board of Elections )  
 Arunabha Debnath, )  
 Member, Board of Elections )  
 Lucy Best, )  
 Member, Board of Elections )  
 Zaid Khatib, )  
 Member, Board of Elections )  
 DEFENDANTS )

**ORDER REJECTING APPEAL**

I. BACKGROUND

On February 19th, 2017, the Board of Elections heard the case of Shriver v Nail.

On February 20th, 2017, the Board of Elections delivered a decision disqualifying Joe Nail as a candidate for Student Body President.

On February 21st, 2017, the Supreme Court met to discuss Plaintiff’s request for appeal pursuant to VI S.G.C. §831(D).

II. ANALYSIS

In his complaint to this Court, Plaintiff listed eight (8) allegations calling into question the legitimacy of the Board of Elections’ decision disqualifying his candidacy, specifically:

1. Defendants should not have held the hearing due to the lack of the written oath on Shriver’s complaint pursuant to VI S.G.C. §810(E).
2. Defendants assigned Plaintiff and another Student Body President candidate different amounts of points for the same charge of falsification, thereby treating both unequally.
3. Defendants assigned Plaintiff and another Student Body President candidate different amounts of points for the same charge of false start, thereby treating both unequally.
4. Defendants tied the severity of the violation to the office which a candidate is running for, which is an illegitimate manner of determining the severity of a violation.

5. Defendants erroneously assigned points for multiple violations to one offense.
6. When assigning points, Defendants did not consider Plaintiff's guilty pleas.
7. When assigning points, Defendants did not consider the fact that Plaintiff self-reported the false start and technology violations.
8. Defendants misrepresented Plaintiff's testimony in their decision.

Concerning complaint 1, III S.G.C. §743 states that “[f]ailure of Supreme Court papers to conform to the specific requirements of form shall not be, in itself, sufficient grounds for dismissal.” Though the Code does not explicitly extend this provision to papers submitted to the Board of Elections, it is a logical extension to conclude that insufficient form is not sufficient grounds upon which to dismiss complaints in any judicial or quasi-judicial matter in student government, including hearings conducted by the Board of Elections.

Complaints 2, 3, and 4 assert that the Board of Elections unfairly assigned point values to Plaintiff. Yet, Plaintiff admits in complaint 4 that the Board “shall reserve the ability to determine the severity of election violations to determine the final number of points issued to a candidate” pursuant to VI S.G.C. §801(A). Though the Plaintiff may disagree with the Board's determination of severity, the Board's authority to determine severity and allocate points accordingly is firmly rooted in law.

Complaint 5 asserts the Board of Elections acted beyond its authority in assigning multiple categories to a single violation. VI S.G.C. §801 provides wide discretion to the Board of Elections to determine the severity of offenses and allocate points accordingly. VI S.G.C. §801(F) allows the Board of Elections to consider multiple offenses as a single violation, but the Board “may” do this; it is not obligated to do so. We find nothing in the wording of this section to otherwise suggest the Board may not consider a single offense under multiple categories.

Complaints 6 and 7 allege the Board of Elections assigned points without regard for the guilty plea and self reporting, but these claims include no reference to applicable law that mandates the Board of Elections to consider these factors.

Complaint 8 does not present a justiciable question of law.

Based on this evaluation of Plaintiff's claim, this Court concludes there are not sufficient grounds upon which Plaintiff may appeal.

### III. ORDER

The Court rejects Plaintiff's request for appeal pursuant to VI S.G.C. §831(D). The Board of Elections decision is therefore binding.

*It is so ordered.*

Done this 21st day of February, 2017, at 10:15 p.m.