

IN THE SUPREME COURT)
)
Action No. 16-004)
)
Matthew McKnight,)
PLAINTIFF)
)
Versus)
)
Paul Kushner,)
Chair, Board of Elections)
Andy Hoang,)
Member, Board of Elections)
Arunabha Debnath,)
Member, Board of Elections)
DEFENDANTS)

ORDER REJECTING APPEAL

I. BACKGROUND

On February 19th, 2017, the Board of Elections heard the case of Edwards v McKnight.

On February 20th, 2017, the Board of Elections delivered a decision to award Matthew McKnight, a Student Body President candidate, a sanction of 7 points for three counts of Technology violations under VI S.G.C. §801(E)(4) and one count of Falsification under VI S.G.C. §801(E)(5).

On February 22nd, 2017, Matthew McKnight requested an appeal of the Board of Elections’ decision to the Supreme Court.

On February 26th, 2017, the Supreme Court met to discuss Plaintiff’s request for appeal pursuant to VI S.G.C. §831(D).

II. ANALYSIS

Plaintiff argues in his appeal that (1) the Board of Elections exceeded its authority pursuant to VI S.G.C. §801(E)(5) by extending the definition of falsification to include “non-affirmative actions” and “misleading behavior”; (2) the Board incorrectly interpreted the role of the Student Congress Ethics Chair; and (3) the Board relied on insufficient evidence to determine the role of the Ethics Chair was consequential.

As this Court stated in its rejection of appeal in *Nail v. Kushner et al.* (16-003), the Board of Elections has wide latitude pursuant to VI S.G.C. §801 to determine whether or not a candidate has committed a violation and what points to assign. VI S.G.C. §801(E)(5) explicitly states that falsification “shall include, but not be limited to” the offenses listed. The Board is within its authority to determine that omission of relevant facts may also be deemed falsification pursuant to VI S.G.C. §801(E)(5).

With regards to the second argument, the interpretation of the role of the Student Congress Ethics Chair is immaterial to determining whether falsification occurred by identifying solely as that role.

With regards to the third argument, the presence or strength of evidence that the falsification affected the student body is immaterial to determining whether the falsification occurred.

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 26th day of February, 2017, at 4:30 p.m.