

STUDENT GOVERNMENT ASSOCIATION SUPERIOR COURT

IN RE FALL 2017 RUN-OFF ELECTION

NOVEMBER, 2017

Bourland, CHIEF JUSTICE, delivered the unanimous opinion of the Court. Kimani and Bollinger, JUSTICES, did not participate in these proceedings.

Petitioner David Monlux, on behalf of the Williams Campaign for SGA President, asks this Court to enjoin the November 6th SGA Presidential Run-off Election. Despite Petitioner's valid points concerning the appeals process, the disqualification vote process, and the enforceability of the rules in Title VII, the Court nevertheless feels an injunction would be an extreme remedy for a problem that will work itself out smoother and easier without judicial interference. Therefore, we DENY Petitioner's request for an injunction staying the Run-off Election.

I

The factual record surrounding this request is substantial and convoluted. Furthermore, we are without the benefit of an established Record or a clear timeline of events due to the emergency nature of Petitioner's request. We do not fault him (or anyone) for that, and we will attempt to explain the narrative leading up to Petitioner's request as best we can. The General Election ended on Wednesday, November 1. During the General Election, the Shurbaji Campaign had a total of ten rule infractions upheld against them by the Election Board. They finished the General Election with the most votes and are heading to a run-off with the Meraz Campaign. The Hiatt Campaign finished third with eight rule infractions. According to the Code Annotated, the Election Board has the right to vote to disqualify the Shurbaji and Hiatt Campaigns. The Board will not vote, however, until both Campaigns have the chance to appeal their upheld grievances to this Court. The disqualification votes will surely, therefore, take place after the Run-off Election. Petitioner

believes the Run-off Election needs to be stayed to allow the processes for appeals and disqualification votes to play out.

II

Before we get to our analysis on why we are denying the request for an injunction, we want to address a point raised by Petitioner in his brief. We agree with Petitioner: having a run-off election a mere five days after the general election does not seem like the best policy. It does not allow for disqualification votes, appeals, etc. to occur before the run-off. We also understand Petitioner's concern about the lack of "rule of law" in the management of the elections. You are not wrong. While we agree that the present policy is not a great one, we decline to substitute our reasoning for that of the Legislative Branch. We will not make the broad policy statement Petitioner asks us to make: "The Court has a chance to set a precedent here of allowing more than a week from the end of the general to the run off, so all legal matters have a chance to resolve themselves before students vote in the runoff." To set such a precedent would legislate from the bench, substitute our reasoning for the legislature, and impose our beliefs about the wisdom of the current policy on all of SGA. This we cannot do.

III

An injunction is a severe and extreme remedy, requiring a court to assume jurisdiction and control over situations that are generally left to the province of the parties or another adjudicative body. Because an injunction is such an extreme remedy, courts are hesitant to grant them except where they are absolutely necessary. Furthermore, injunctions are highly discretionary remedies. Courts do not issue injunctions unless a movant can show: (1) an inadequate remedy at law; (2) movant will suffer irreparable injury if an injunction is not issued; (3) the balance of the hardships

between the parties tips in the movant's favor; and (4) the public interest is benefited by the injunction.

We deal with the first two prongs together as they are generally viewed as two sides of the same coin (where a remedy at law is adequate, the movant does not suffer irreparable harm and vice versa). The Williams Campaign may have an injury if not granted an injunction. The Court supposes it is possible that both the Hiatt and Shurbaji Campaigns could be disqualified, leaving only two Campaigns remaining (Meraz and Williams). We are not sure, however, that the disqualification of the two Campaigns would lead to a Run-off Election between the Meraz and Williams Campaign. There is nothing to suggest that this would be the course of action required. The speculative nature of the injury means it is probably not irreparable. Furthermore, the Williams Campaign probably has an adequate remedy at law: the Election Board will hold a disqualification vote on candidates that receive more than the allotted number of grievances. True, those votes cannot happen until after the Run-Off election, but they will happen all the same. If both Campaigns are disqualified at that point, the Board will have to figure out what to do about the remaining two Campaigns. We simply do not know how all of this will play out, so we think it best to let the processes continue and to see where the dust settles in the end. If there is still an issue in the end, it will be one that can be resolved *at that time*. The injury simply is not irreparable enough and there are existing processes in place to disqualify candidates. The Court does not think it should exercise its power over processes not under its purview unless the situation is extreme; this is no such situation.

IV

We examine next the “balance of hardships” and “public interest” prong. We believe the balance weighs heavily in favor of denying the injunction. At this point, the student body has been

made aware of the Run-off Election. The two remaining Campaigns are in the midst of campaigning to become the next SGA President. The legal issues, appeals, and disqualification votes can just as easily occur after the election. If, at that time, a candidate is disqualified, then the Board will examine what to do next. In reality, no one seems to be harmed by allowing the Run-Off election to continue and handling the procedural issues after the fact. Grievances will still require fines; disqualifications can still occur. It would be far more onerous and difficult for SGA (and for this Court) to delay a process already in place to make time for proceedings that could be taken care of after the fact. The same analysis applies to the public interest prong. We believe it is in the best interest of the SGA and the student body to allow the Run-off Election to proceed as planned, especially considering nearly 75% of the voters voted for the two Campaigns in the Run-off Election.

V

In summary, we deny Petitioner's request for an injunction. The process is still going to play itself out and there is not a substantial enough harm to the Williams Campaign to render it "irreparable." Furthermore, the balance of hardships weighs in favor of denying the injunction and the public interest would be better served by denying the injunction.

IT IS SO ORDERED