

STUDENT GOVERNMENT ASSOCIATION SUPERIOR COURT

GIBBS v. SGA ELECTION BOARD

NOVEMBER, 2017

Bourland, CHIEF JUSTICE, delivered the unanimous opinion of the Court.

What follows is a Summary Order for this appeal. The Court did not write an official opinion. This Order contains the reasoning of the Court.

We have decided to REVERSE the decisions by the Election Board on the two grievances filed by Gibbs against the Meraz Campaign. We understand that candidates are and should be responsible for ensuring their campaign materials do not violate the Code. But the added level of review by the SGA Advisor and the reliance on the review of the Advisor by the Campaign hold greater weight in this case.

The closest approximation to the issue in this case is “mistake of law” defense in criminal law. Mistake of law basically means you were not aware of the law or not aware you were in violation of the law. Mistake of law is not usually a defense to a crime, but there are exceptions.

The best mistake of law defense is based on the “reasonable reliance exception” to the general rule that mistake of law is no defense. An actor obtains this defense if “he acts in reasonable reliance upon an official statement of the law, afterward determined invalid or erroneous.” Model Penal Code 2.04(3)(b). This reasonable reliance exception contains the following elements (i) acting in reliance, (ii) on an official statement of law, (iii) the reliance is reasonable, and (iv) the official statement of law is later determined invalid or erroneous.

We hold that the Meraz Campaign acted in reliance on the SGA Advisor’s official interpretation of the Code. We also find that the reliance was reasonable under the circumstances.

Finally, we find the official statement was later determined invalid based on the Election Board's ruling regarding the grievance.

Both rulings are REVERSED and the grievances are dismissed. Reduce the total grievances for the Meraz Campaign by 2.

This is the opinion of the Court.