



UNIVERSITY OF  
**GEORGIA**

*Student Government Association*

# SUPREME COURT OF THE UNIVERSITY OF GEORGIA

*Patrick Femia vs. the Elections Committee*  
No. | 17-001

*Oral Arguments: February 21, 2018*

*Decided: February 21, 2018*

## *Syllabus*

The Plaintiff filed an appeal alleging that the Election Committee's rejection of his candidacy for the Franklin College of Arts and Sciences Senate seat stemmed from miscommunication and lack of clarity in defining the word *enrollment* in the Elections Code. As such, he alleged that the Elections Committee failed to adhere to its guiding document when coming to its decision to deny his candidacy.

## *Opinion*

*(Delivered by Chief Justice Margaret Shin)*

The Elections Committee of the Student Government Association denied Mr. Patrick Femia (hereafter “the Plaintiff”) candidacy for a Senate seat in the Franklin College of Arts and Sciences for his failure to “submit a petition of signatures with the lesser of 100 or 10% of the students enrolled in school or college in which they stand for election,” as outlined in Chapter 700, subsection 4, chapter E of the Elections Code. Although the Plaintiff did receive 100 signatures and submit them by the prescribed deadline, several of the signatures were from students not in his enrolled school, the Franklin College of Arts and Sciences; instead, they were from pre-Terry students. It was his understanding that pre-Terry students were considered Franklin students until their formal acceptance into the Terry College of Business, as this was both the precedent in previous election cycles and as he had been so told by at least one member of the Elections Committee. However, when it came time for a third-party to verify the signatures, it was discovered that the University’s policy on pre-college students had changed to classify them into their intended school, rather than in Franklin. As such, the signatures the Plaintiff procured from pre-Terry students were discounted, resulting in his failure to meet the required threshold of 100 signatures.

In its argument, the Elections Committee refers to Chapter 700, subsection 4, Chapter C, which states that “Senators must be enrolled in the school or college in which they stand for election” and Chapter 700, subsection 4, chapter E, which once again requires the candidate to submit a petition of signatures from students “enrolled in the school or college in which they stand for election.” The Committee argues that both aforementioned sections of the Elections Code clearly indicate that both when running for a seat and when collecting signatures, it must be done within the school the prospective candidate is enrolled in. Any lack of clarity arising from a clear definition of *enrolled*, particularly in regards to students intended for schools requiring an application and separate acceptance (i.e. Terry College of Business), is not the fault of the Elections Committee of present but rather, vague enforcement in past years and a systematic lack of clarity on the part of the University. As such, the Elections Committee contends it did not violate any of its guiding principles when voting to deny the Plaintiff his candidacy.

The Plaintiff appeals the Election Committee’s decision on the grounds that in the absence of a clear definition of *enrollment*, the Committee failed to offer a clear and consistent definition of the term so as to ensure all candidates have an equal opportunity to represent their prospective constituencies. Additionally, the Plaintiff argues that the Committee’s failure to discuss this point of contention at its meeting on February 18, 2018, evidenced by a skeletal outline of minutes from said meeting, further exemplifies its failure to do its due diligence in overseeing the Elections process.

According to Chapter 710, subsection 3, chapter A of the Elections Code, the Elections Committee “shall interpret, execute, and enforce all election laws provided in this Elections Code.” In the case of unclear or ambiguous terminology, it is the responsibility of the Committee to interpret that term and ensure that in the execution of the Code, the agreed-upon interpretation is applied. Additionally, as outlined in Chapter 702, subsection 2, the Committee must “use the Candidate Seminar to inform potential candidates of all policies within the Elections Code.” At the Candidate Seminar and in subsequent inquiries, at least one member of the Committee

expressed that pre-Terry students would be considered housed under the Franklin College of Arts and Sciences. However, in evaluating the petition of signatures, the Elections Committee failed to uphold its duty to consistently and clearly interpret and execute the Elections Code when it retroactively enforced a different policy than the one that had been expressed to the Plaintiff.

Therefore, we, the Supreme Court, find that the Elections Committee acted contrary to its guiding principles and procedures when it denied the Plaintiff candidacy.

According to Chapter 710, subsection 3, chapter G of the Elections Code, the Elections Committee “shall take minutes of meetings and hearings, and keep records of all opinions, rulings, and filings required of candidates.” This is the only time meeting minutes are mentioned in the Elections Code. The Court dismisses the Plaintiff’s argument that the Code requires the Committee to take in-depth minutes of its meetings or to record specific discussions and debates entertained at such meetings. Rather, the Code gives broad discretion to the Committee to format its meeting minutes as it sees fit so long as it does, in fact, keep minutes.

Therefore, we, the Supreme Court, find that the Elections Committee did not err in precluding specificities in its minutes.

The unanimous judgement of the Supreme Court is that Elections Committee failed to adhere to the Elections Code when choosing to deny the Plaintiff his candidacy. It is also the unanimous judgment of the Court that the Elections Committee must meet in a timely fashion to vote on a clear definition of *enrollment*, after which, the Plaintiff shall be given 24 hours to resubmit his petition of signatures to conform to the voted-upon definition of *enrollment*.

*It is so ordered.*