**TEMPLATE 5**

IN THE

**Baylor University Student Court**

ELIZABETH DOE,

*Petitioner*

*v.*

BAYLOR UNIVERSITY ELECTORAL COMMISSION,

*Respondent*

**On Writ of Certiorari**

**to the**

**Baylor University Electoral Commission**

**PETITIONER’S BRIEF**

Elizabeth Doe 555-830-9634

Daniel Kaffee 555-602-1758

 *Advocate for Petitioner*

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**TABLE OF AUTHORITIES**

***COURT PRECEDENT***

*SMITH v. ELECTORAL COMMISSION* (2001)

 The Student Court reversed the decision of the Electoral Commission by establishing that the mistake made by the petitioner was “an error, but a harmless error”.

*GELLER v ELECTORAL COMMISSION* (2013)

 The Student Court established that an Election’s completion does not prohibit a party with standing from challenging the results of that Election.

***BAYLOR UNIVERSITY STUDENT BODY CONSTITUTION***

Article IV, Section 5, Paragraph 3, Clause A

Article IV, Section 7, Paragraph 3

***BAYLOR UNIVERSITY ELECTORAL CODE***

Provision 1.5.6

Provision 2.2.4

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**QUESTIONS PRESENTED**

*I.*

 *Did the Electoral Commission err in its refusal to accept Ms. Doe’s Candidate Application?*

*II.*

 *What establishes a “commonly known” nickname pursuant to Provision 2.2.4 of the Electoral Code?*

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**RELEVANT FACTS**

Elizabeth Doe was a freshman at Baylor University in September 2015. Ms. Doe submitted a Candidate Application for the Freshman Senatorial Elections. The name listed on the Application was “Lisa Doe”. Many of Ms. Doe’s friends and acquaintances knew her by the name “Lisa”. All other portions of the Candidate Application were filled appropriately.

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**PRIOR DECISION**

The decision being appealed is that of the Electoral Commission not to accept Ms. Doe’s Candidate Application because “the Application did not include the candidate’s legal name or an acceptable nickname”. The full decision was received via e-mail from the Electoral Commissioner and was as follows:

“Ms. Doe,

Your concerns regarding the matter of your Application have been addressed and voted on by the Electoral Commission. The Commission stands by its decision to deny the Application. Candidates are required to include their name within their Application. In your case, the Application did not include the candidate’s legal name or an acceptable nickname under the Electoral Code.

Best,

Joseph Leland”

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**RELIEF SOUGHT**

The Petitioner in this case desires that the above decision of the Electoral Commission be **REVERSED**, and that Ms. Doe’s Candidate Application form be accepted so that she may continue the candidacy process.

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**ARGUMENTS**

 The Electoral Commission inappropriately refused to accept Ms. Elizabeth Doe’s Candidacy Application form. They incorrectly applied Provision 2.2.4 of the Electoral Code in doing so.

 Provision 2.2.4 does not limit applicants to using a nickname which is associated frequently with a given name, as the Respondent alleges. A “commonly known” nickname should be interpreted as a nickname by which a specific individual is designated by his or her peers.

 The vast majority of Ms. Doe’s friends and acquaintances know her by the first name “Lisa”, and it is with this name that they frequently refer to her in conversation. These facts mean that “Lisa” is a “commonly known” nickname pursuant to Provision 2.2.4 of the Electoral Code.

 The relief sought by Ms. Doe is appropriate because it restores both Ms. Doe and the Student Elections to the same state in which they would be had the Electoral Commission never erred. Any meetings or deadlines which Ms. Doe has missed since the time that her Application was denied are no fault of hers; as her presence would not have been allowed by the Electoral Commission given their wrongful refusal of her candidacy form.

 It is for the reasons above that the Court should reverse the wrongful decision of the Electoral Commission, consider Ms. Doe’s Application form as accepted, and allow her to participate in the Student Elections

*Respectfully Submitted,*

Elizabeth Doe 555-830-9634

Daniel Kaffee 555-602-1758

 *Advocate for Petitioner*