

## IR 16-01

*In Re Josie Semroska, Petitioner for B.E.A.M.S.S. Senator*

### Opinion of the Court

MERRILL, CJ – joined by TREFILOVA, SULLIVAN, ROENFELDT, GALLAGHER, JJ

#### **Facts:**

Senator Josie Semroska, a student at Chadron State College, obtained an electoral petition so that she may run for B.E.A.M.S.S. Senator in the spring 2017 elections. Senator Semroska obtained 10 signatures and turned in her petition in a timely manner. Before obtaining the signature of the ten school members Senator Semroska asked each signator if they were a member of the school of B.E.A.M.S.S. and each indicated that they were before signing. However, one of the ten signatures necessary for a valid petition was not a B.E.A.M.S.S. school member. Upon discovering that one of the signatures was not valid, the Chief Justice petitioned the Court to review Senator Semroska's petition.

#### **Opinion of the Court:**

The issue in this present case is whether under the requirements of the Senatorial Petition for Candidacy form, when a petitioner acts in good faith that a signature is valid and it is later found not to be, should the entire petition be void if all other qualifications are met. According to this petition, "If signatures are not valid, the petition is void. Signatures must be from the Academic School/Res. Hall which the candidate is seeking election." The Court finds that Senator Semroska acted in good faith that the signature she obtained was valid and that she did all in her power to ensure that the signatures she gathered were valid. Looking at the language of the petition, it notes that each signator must, "certify that I major in the school, or reside in the dorm, for which the candidate is seeking election." The Court notes that this puts the responsibility on the signator to be honest on the petition. Because Senator Semroska acted in good faith, the Court grants her prayer for relief, which is a three-day extension to gain another B.E.A.M.S.S' student signature.

IT IS SO ORDERED.