IR 17-01

In Re Lelisse Umeta, Petitioner for Senator At Large

Opinion of the Court

MERRILL, CJ – joined by ROENFELDT, MICHEL, and MCCALLUM JJ

Facts:

On March 21, 2018, Chief Justice Merrill received a petition to be considered as an At Large senatorial candidate in the Spring 2018 Student Association elections from Senator Lelisse Umeta, signed and dated, completed with the ten required signatures. Upon review, Chief Justice Merrill became aware that Senator Umeta's signatures had not fully signed, leaving only their first name. This does not allow the signature to be checked to ensure that it meets the disclaimer at the bottom of the petition, potentially rendering it void. Upon discovering that one of the signatures could not be confirmed, the Chief Justice petitioned the Court to review Petitioner Umeta'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 signors must, "I certify that I am a full-time student (12 credit hours undergraduate or 9 credit hours graduate) at Chadron State College." The Court finds that Petitioner Umeta acted in good faith that the signature she obtained was valid, that the failure to check the competition of the signature was a mistake made honestly, and that, upon advice of Solicitor General Hulsey, attained an additional ten signatures in support of her candidacy. The Court will also take this moment to state that because of the hearings conducted based upon the petition for candidacy that the time may have come that the document need to be revisited and amended to reflect the Court's findings. In conclusion, because Petitioner Umeta acted in good faith and then gathered an additional ten signatures, the Court grants her prayer for relief, which is to allow her to continue to run for the Senator At Large position.

IT IS SO ORDERED.