

This fall Mr. John Derus was defeated in the Minnesota state Senate Democratic primary by 104 votes out of 6,000 votes cast. The day of the primary the *Star Tribune* of Minneapolis, which has a circulation of 400,000, ran a story about a fraud case in which large numbers of non-profit organizations had been induced fraudulently to invest (in the aggregate) millions of dollars. The story was run with a picture of Mr. Derus alongside of it, even though he had nothing to do with the events described in the news story. The placement of his picture next to the story was an accident for which *the Star Tribune* immediately printed a correction and an apology. Mr. Derus, however, wants a new election, and he wants the *Star Tribune* to pay for it. The election would cost about \$2,000.

Is Mr. Derus entitled to have the County Canvassing Board, the local election agency, conduct another election? If so, why? If not, why not? If Mr. Derus is entitled to another election is the *Star Tribune* morally obliged to pay for it? If so, why? If not, why not?

MODERATOR'S ANSWER: The *Star Tribune's* mistake may very well have cost Mr. Derus the election, given the closeness of the margin by which he lost. Nonetheless" Mr. Derus is not entitled for this reason to have another election conducted. In considering whether a given circumstance should count as a sufficient reason to set aside an election result to set aside an election result one has to keep in mind all the purposes an election serve. One of the most important of these is to settle with finality the issue of who will govern. By allowing many different kinds of grounds to count as legitimate reasons to challenge the outcome of an election, a society would run the risk of dangerously disrupting governmental continuity. From this standpoint, the only grounds for voiding an election should relate to conditions, such as election fraud or coercive intimidation, which seriously undermine the election process.

Case from the March 6, 1997 Intercollegiate Ethics Bowl. Copyright Robert Ladenson, Center for the Study of Ethics at the Illinois Institute of Technology, 1997.