

## Opinion of the Court

### UNIVERSITY OF MIAMI STUDENT GOVERNMENT SUPREME COURT

#### ALLEGED VIOLATION OF ELECTION CODES BY THE SWITCH UP UM

ASSOCIATE JUSTICE ANTHONY HOFFMAN delivered this opinion of the court.

On February 6, 2019, Alexander Lapidus submitted a Request for Review form to the Elections Commission alleging that the current ticket The Switch Up UM had violated sections 5-2.2 and 5-2.14 of the Elections Code. The Elections Commission found probable cause in the complaint and forwarded the complaint to the Chief Justice of the Supreme Court. In accordance with Section 6-1.2 of the Election Codes, a hearing was scheduled. However, in the Court's review of the complaint, the Supreme Court finds a hearing unnecessary. Mr. Lapidus' complaint alleges that The Switch Up UM violated Election Code Section 5.2-2 and 5-2.14. Based on this complaint, no further information is needed for the Court to rule on the alleged violations because the court finds the allegations of violations in both of these sections inapplicable to this particular case and therefore dismisses the complaint.

Section 5-2.2 reads that "Only enrolled undergraduate students who have paid their Student Activity Fee shall be allowed to wear graphic campaign material, to orally solicit votes or to distribute or display graphic campaign material." Section 5-2 of the Election's Codes clearly states that the procedures only apply to candidates and their tickets: "The following campaigning policies shall apply to all candidates and referenda." Since Barstool Miami is "Not affiliated with the University of Miami" (Evidence IMG 1), it is neither a candidate, candidates referenda, nor 3rd party of students within the University of Miami who has paid their Student Activity Fee. This precludes Barstool Miami as subject to this section. Any posting or reposting of campaign material, namely the video in question by a party not subject to Section 5-2.2's classification is not in violation of Section 5-2.2

When examining Section 5-2.14, the Court firstly notes that, again, this code only applies to "all candidates and referenda." Based on the context of this code, Barstool Miami is precluded from the content of this code based on the nature of their non-affiliation with the University of Miami, elaborated in the discussion regarding Section 5-2.2. However, in examining the substance of Section 5-2.14, the Court finds this section further inapplicable to the complaint. Section 5-2.14 reads that "In any instance within these codes where the permission of a third party, such as a student organization, is required to allow campaigning, the permission must be in written form and submitted to the Elections Commission for approval." Considering the Election's Commission is the group who decides when a ticket needs permission to continue campaigning, the code's purpose is to explicitly state the Elections Commission's power to

approve a request for permission. Therefore, to violate this code is to try to submit a request to a group other than the Election's Commission. As the substance of this code is not consistent with the evidence or allegations, the Court does not find The Switch Up UM in violation of Section 5-2.14.

For the aforementioned reasons, the Court does not find The Switch Up UM in violation of Sections 5-2.2 or 5-2.14. Thusly, the Court hereby DISMISSES Mr. Lapidus' complaint.