

Opinion of the Court

UNIVERSITY OF MIAMI
STUDENT GOVERNMENT SUPREME COURT

ALLEGED VIOLATION OF THE ELECTIONS CODE BY THE SWITCH UP UM

ASSOCIATE JUSTICE ANTHONY HOFFMAN delivered this opinion of the court.

On February 15, 2019, Dana Franco submitted a Request for Review form to the Elections Commission alleging that the presidential ticket The Switch Up UM violated section 5-2.24 of the Elections Code. In the review of the allegation, the court finds a hearing unnecessary as the material in question (Evidence IMG 1) is not explicitly negative toward an opposing ticket and thus dismisses the complaint.

Section 5-2.24 of the Election Code reads that “Any graphic material that is negative or slanderous in content, as deemed by the Elections Commission, is strictly prohibited.” This allegation hinges on the definition of “negative.” The Court finds the material in question to not be explicitly negative, and therefore not a violation of Section 5-2.24.

The material in question is an Instagram story post by Viraj Kulhari, a member of The Switch Up UM’s campaign. The post was a meme directed at the Empower U ticket, showing a side-by-side comparison of the 2019 Empower U ticket’s flyer and a flyer for a 2016 Student Government presidential ticket also entitled “Empower U.” The post was captioned “2019: ‘can I copy your HW?’ 2016: ‘yeah sure, just change it up a bit’.” While this post was certainly not an endorsement of the 2019 ticket, the post was not negative toward the ticket. The caption simply implied that the two tickets were similar, citing the exact same name and similar policy objectives. The post did not deride the 2019 Empower U ticket but simply compared it to a former ticket. Thus, the post is not negative campaign material and did not violate Section 5-2.24 of the Elections Code.

For the aforementioned reasons, the Court does not find The Switch Up UM in violation of Section 5-2.24 of the Elections Code and hereby DISMISSES Ms. Franco’s complaint.