

Opinion of the Court

UNIVERSITY OF MIAMI STUDENT GOVERNMENT SUPREME COURT

VIOLATION OF ELECTIONS CODE BY THE SWITCH UP UM

ASSOCIATE JUSTICE ANTHONY HOFFMAN delivered this opinion of the court.

On February 19, 2019, Keegan Gibson submitted a Request for Review form to the Elections Commission alleging that the presidential ticket The Switch Up UM (TSU) violated Section 5-2.24 of the Elections Code in a Facebook post made by TSU's campaign manager, Cachay Byrd. The Elections Commission found probable cause in the allegation and forwarded the request to the Supreme Court. A hearing was held on the evening of February 20, 2019, to decide the case. After reviewing the evidence and hearing the arguments, the Court found no violation in the post and therefore awarded zero points to TSU's ticket.

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." While the post is graphic campaign material, the Court does not find it to be negative in content but rather an explanation of personal beliefs relating to opposing campaign policies. The post consists of multiple statements preceded by phrases such as "I can't" or "I won't" (Evidence IMG 1) which explain personal reasons for not supporting opposing policies. The court does not find these phrases to be negative in nature.