

Opinion of the Court
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ADVISORY ON VIOLATION OF ELECTION CODES

ASSOCIATE JUSTICE TYLER MALAUSSENA delivered this opinion of the Court.

Following the proceedings of the Trial Court, THE ELECTIONS COMMISSION V. ALL IN, the Supreme Court has authored this opinion.

On February 7, 2020, Elections Commission McKinley Dyer submitted a request for review, alleging that the ticket for executive office, “ALL IN,” violated both Section 5-1.3 and Section 5-2.1 2 of the Election Codes in a total of twenty-seven Instagram posts. Section 5-1.3 of the Election Code reads: “All graphic campaign material, not including individual emails, direct messages, or individual text messages, must be approved by the Elections Commission before use in the campaign. Messages sent to a group of recipients that includes more than one person shall not be considered individual in nature. Emails sent to Listservs, or that utilize a mail merge software function, or are otherwise an attempt to send an email to multiple recipients are not considered individual emails and are subject to approval by the Elections Commission before sending. Reposts by individual candidates of graphic campaign material posted by any other individual, including the ticket's social media, must be approved by the Elections Commission prior to reposting.” Section 5-2.1 2 reads, “During the period of graphic campaigning, any individual candidate's social media shall be considered a campaign page and posts on these pages will need to be approved by the Elections Commission prior to posting. Approval on these individual pages is separate from approval on the ticket page.”

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In her testimony, Elections Commissioner Dyer stated that the Elections Commission unanimously found probable cause in the allegation and forwarded the request to the Trial Court. The Elections Commission provided evidence for each of the twenty-seven Instagram posts. The commission submitted the following statement of probable cause: “The following reposts were not approved by the elections commission. They have modifications on them from the original graphics and are posted on a combination of candidates' personal instagrams and their campaign instagram.” It is the opinion of the Court, given the Elections Commissions’ testimony, that it is clear the ticket, ALL IN, violated these codes.

A hearing was scheduled for 9:30PM on Wednesday, February 12, 2020. ALL IN submitted a plea of *LIABLE* to the Election Code violations. This admission of liability was taken into account during closed Court deliberations. Furthermore, in the accused party’s opening statement, presidential candidate Adeleke admitted the campaign’s mistake, promising that their “social media team” would not violate the same codes again. Further, the ALL IN ticket swore in counsel, Godard Soloman, to speak on behalf of their campaign. Mr. Solomon testified that ALL IN had not signed any form affirming that they had read the codes. Despite this, candidates must affirm reading the codes upon filing for candidacy, as such, the Court maintains that candidates must fully read and understand the Elections Codes prior to filing for candidacy. Further, the Court maintains that ignorance of the Elections Codes is not an excuse for any codes violation. Thus, it was further made clear to the Court that the ALL IN ticket had violated both Section 5-1.3 and Section 5-2.1 2. The Court considered the accused party’s testimony, remorse,

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and intent. While their unawareness of the codes does not discount the fact that they very clearly violated two of the aforementioned sections in the Elections Codes, the Court felt that they did not deserve the full thirty points that were recommended in the Student Government Statutes, disqualifying them from the campaign altogether. Despite the aforementioned sentiment of the Court, it is absolutely vital that candidates have a clear understanding of the codes, and have read the codes in full in order to ensure a fair and just Student Government Election. The Court would also like to remind candidates that when filing for candidacy, they are required to digitally affirm that they have read and understood all Elections Codes. After reviewing relevant evidence and all testimony, and consideration of the recommended point assessment, the Court reached a majority decision.

HELD: The Trial Court has assessed *fifteen points* from “ALL IN”. The ALL IN campaign now has *five points* remaining.

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