

Opinion of the Court
UNIVERSITY OF MIAMI
STUDENT GOVERNMENT TRIAL COURT

ADVISORY ON VIOLATION OF ELECTION CODES

ASSOCIATE JUSTICE JONATHAN RASKAUSKAS delivered this opinion of the Court.

Following the Trial Court proceedings, *THE ELECTIONS COMMISSION V. LEVEL UP*, the Supreme Court has authored this opinion.

On February 7, 2020, Elections Commission Dyer submitted a request for review alleging that the executive officer ticket “LEVEL UP” violated Section 5-1.3 and Section 5-2.1 2 of the Election Codes in two Instagram posts. These posts were made by LEVEL UP’s Instagram page and their presidential candidate, Randall Fitzgerald. 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 a statement to the Court: “the candidate reposted campaign graphics on their Instagram and added a hashtag without approval from the election commission. The modifications were unapproved.” It is the opinion of the Court, given the Elections Commissions’ testimony, that it is clear the ticket, LEVEL UP, violated these codes.

A hearing was subsequently scheduled for 10:15PM on Wednesday, February 12, 2020. LEVEL UP submitted a plea of *LIABLE* to the Election Code violations. Thus, the Trial Court recognized that the LEVEL UP ticket recognized its fault in this case. Furthermore, the LEVEL UP ticket expressed clear remorse for their violations. Presidential candidate Randall Fitzgerald testified that he had not read the Elections Codes in full prior to filing for candidacy. However, in accordance with precedent set by *The Elections Commission V. ALL IN*, the Court maintains that ignorance of the Elections Codes is not an excuse for any codes violation. Further, Elections Commissioner Pranav Chugh, the point of contact for LEVEL UP, was sworn in as a witness on behalf of the accused. He testified that LEVEL UP has been extremely diligent throughout graphic campaigning to ensure that they were abiding by all Elections Codes. Per the codes, violations committed by the LEVEL UP campaign were recommended to total thirty points, disqualifying LEVEL UP. However, given the accused party’s recognition of fault, considerations for the severity of the violations, and a consideration of intent, the Court decided to assess a lesser amount of points. Despite this, the Court would like to reiterate that all candidates for any Student Government office should fully understand the Elections Codes

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before filing for candidacy. Following the review of all relevant evidence, consideration of precedent, and discussion of witness testimony, the Court unanimously found violations in the posts, and carefully considered fair point assessments.

HELD: The Trial Court has assessed *fourteen points* from “LEVEL UP”. The LEVEL UP campaign now has *six points* remaining.