



*Opinion of The Court
University of Miami
Student Government Supreme Court*

ADVISORY ON VIOLATION OF ELECTIONS CODES

ASSOCIATE JUSTICE DALLAS JON-HENRI BENNETT delivered this opinion of the Court. Following the proceedings of the Trial Court, **RANDALL THOMAS FITZGERALD v. THE UPROAR**, the Supreme Court has authored this opinion. On Wednesday February 24th, 2021 Senator Randall T. Fitzgerald submitted violations of the University of Miami Student Government Elections Codes to the Elections Commission. Senator Fitzgerald alleged that the ticket for executive office “THE UPROAR” had violated **sections {5-1.1 § 4, 5-1.4 § 1, 5-1.4 § 6 and 5-2.5 § 1}** with two social media posts. **Section 5-1.1 § 4 reads** “A ticket/candidate may be held responsible for any violation committed by a campaign member and/or supporter to be determined at the discretion of the Elections Commission.” **Section 5-1.4 § 1 reads** “All graphic campaign material, not including individual (one recipient) communication of any kind must be approved by the Elections Commission before use in the campaign. 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 subject to approval by the Elections Commission before sending. Graphic campaign material for any single campaign shall not be distributed to the same listserv more than once. Graphic campaign material shall not be sent privately to an individual recipient more than three (3) times. In the event of a runoff election, the same rule would apply.” **Section 5-1.4 § 6 reads** “A candidate must submit an online copy of each piece of graphic campaign material



including a brief description and its explicit purpose. The Elections Commission shall maintain an electronic copy of all submitted graphic campaign material. The Elections Commission shall notify candidates of the approval or disapproval of their graphic campaign material electronically within 24 hours.” **Section 5-2.5 § 1** reads “Any videos must be pre-recorded and approved by the Elections Commission. A “live video” is not permitted.”

Senator Fitzgerald submitted the alleged violations to the Elections Commission on the night of Wednesday February 24th, 2021 and upon further review by the Elections Commission found probable cause in Senator Fitzgerald’s allegations and forwarded a request to the Trial Court.

Due to a prior obligation Senator Fitzgerald was unable to attend the trial live and therefore submitted a statement which was read aloud by the Clerk of the Court, Mister Max Ackerson.

A hearing was scheduled for 10:00PM on Tuesday, March 2nd, 2021 via Zoom. THE UPROAR 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 Coles admitted the campaign’s mistake, and assured the court that the infractions of the Elections Codes were not intentional and would not be committed again. Further, Mr. Coles argued that since this was a “different” year for campaigning due to the COVID -19 pandemic which resulted in the majority of campaigning had to take place via social media and other virtual mediums. Despite this, candidates must fully read, understand, and abide by the Elections Codes as they are written. Further, the Court maintains that new circumstances and challenges is not an excuse for any violation of the

STUDENT GOVERNMENT



Elections Codes. Thus, it was further made clear to the Court that THE UPROAR ticket had violated all four of the Elections Codes that they were accused of violating. Those codes being {5-1.1 § 4, 5-1.4 § 1, 5-1.4 § 6 and 5-2.5 § 1}. The Court considered the accused party's testimony, remorse, and lack of ill intent of their actions. While the mostly virtual campaign season does not discount the fact that THE UPROAR very clearly violated four Elections Codes, the Court felt that they did not deserve the full twenty points recommended by the Student Government Statutes, which would have disqualified their ticket 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 *ten points* from "THE UPROAR in addition to the *five points* assessed in the first trial. THE UPROAR now has *five points* remaining.