

**SUPREME COURT OF STUDENT GOVERNMENT,
TEXAS STATE UNIVERISTY**

NO. 03-02

Russell Boyd II/Emari Shelvin, Appellants

v.

Connor Clegg/Colton Duncan, Appellees

**APPEAL FROM THE ELECTION BOARD OF TEXAS
STATE UNIVERSITY, STUDENT GOVERNMENT**

BACKGROUND

The Appellees, Connor Clegg and Colton Duncan (Further referred to as “*Appellees*”) filed a complaint with the election board seeking relief against their opponents, Russell Boyd II and Emari Shelvin (further referred to as “*Appellants*”). On January 27, 2017 the Election Board found the Appellants in violation with the student government code. The Election Board issued three separate “¹class A” Violations resulting in disqualification. (See S.G.C. III § 101.2(c))

“Class A violation may result in a disqualification from the election. Class A fines shall be limited to one-half (1/2) of the candidates total allowed spending for each individual Class A violation. Whenever a class A violation is filed and accepted by the board, the board must discuss and vote on disqualification for each application of a class A offense.”

The Election board ruled that the tweet sent out by appellant constituted early campaigning and therefore were in violation with the code. Additionally the election board found the Appellants in violation for the “re-tweets” that two other students committed.

With three class A violations the code explicitly states that there may be no other outcome than disqualification from the election and the prohibition of ever running for office at Texas State University again. (See S.G.C. III § 101.2)

“Three (3) Class A violations shall result in a disqualification of a candidate from running for office and shall disqualify the candidate from running for any office in Student Government indefinitely.”

Appellants then filed for appeal with the Supreme Court.

DISCUSSION

The charge before the court was to rule on the following questions:

- 1.) Did [Appellants] *intend* to seek votes or endorsements through the tweet Russell Boyd II re-tweeted?
- 2.) Are the Appellants liable for the actions of other uninvolved parties?

There are many ambiguous sections of the Student Government Code and therefore it is the courts duty to seek justice equitable to both parties and make our decision in the light most favorable to the party being adjudicated.

In deciding this case we considered the first question in two parts. The first part being; was it the intent of [Appellants] to actively seek votes and or endorsements before the allowed campaign period? The second part being; did it have the effect of seeking votes for the Student Government Student Body Presidential election?

In addressing the first part of the question the court finds through the evidence presented that the Appellant was talking about the University President, not Student Government Student Body President. We make this finding due to the subsequent tweets of a conversation between Appellant and another student regarding the role of University President.

The Appellees presented the argument that the context was mixed and one could only infer what he was talking about because included in the tweets was “Russ for Pres....You’ve got my vote” and the position of University President is not one that is elected by the student body. The court does not agree with this argument because the Appellant made no reference to the Student Body President. Had he made a reference to that title the argument would hold on its merits. The tweet its self is far to vague to come

to that conclusion and with the context provided in the prior tweets we see there to be no intent to actively seek votes and/or endorsements.

The second part of the question; did it have the effect of actively seeking votes or endorsements, the court would hold that due to a preponderance of the evidence that the tweets could have had that effect. Even though intent may not have been present the court holds that it may have had the effect of vote being secured which would constitute early campaigning.

In the second question the court was asked to consider whether or not the Appellants were liable for the actions of persons uninvolved with the campaign. It is the courts opinion that the Appellants are not responsible for such actions and that there is no provision either in the Student Government Constitution or Code that speaks to that effect. The code clearly defines what people the candidate are responsible for: agents, and workers. (See S.G.C. III §100.2(4)(5))

“§4 SUBMISSION OF CAMPAIGN AGENTS. Each candidate shall be required to submit to the Election Board a list of agents they have authorized for their campaign on or before the Rules Reading Seminar date.”

“ §5 SUBMISSION OF CAMPAIGN WORKERS. Each candidate is not required to submit a list of campaign workers. The candidate is free to use workers at their discretion. However, the candidate takes full responsibility of material produced by workers associated with their campaign. “

The Code further defines those roles. (See S.G.C. III §100.4(10)(28))

“§10 “AGENT” refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.”

“§28 “WORKER” refers to any person that contributes time, effort, or services for the purpose of supporting or furthering a candidacy.”

The court holds that these two individuals who retweeted the Appellants tweet does not fall into one of these categories, therefore the Appellants are not liable for their actions and do not constitute violations made on the Appellants behalf.

DECISION

The court in finding the Appellants guilty of a class A violation will result in a week long (5 days suspension from campaigning which we will retroactively enforce from the date the election board issued their opinion on January 28, 2017.

Additionally the court will suspend 1/2 (half) of the Appellants campaign spending to be reflected on the Appellants financial disclosure statement.

CONCLUSION

For the foregoing reasons the court unanimously overturns the election boards decision and issues only one class A violation with the aforementioned consequences. The court also orders for the Appellants to be reinstated as full candidates in the Student Government election.

It is so ordered.

John Austin Garcia, Chief Justice

Before Chief Justice Garcia, and Justices Grover, Lainez, Levario, Niblock, Duran and
Romero-Gonzalez

Arguments Heard on February 1, 2017.