

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

NO. 01-05

Anthony Galo/ Holly Pavlicek, Appellants

v.

Andrew Homann/Samantha Martinez, Respondents

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

BACKGROUND

The Appellant, Anthony Galo and Holly Pavlicek (further referred to as “*Appellants*”) filed a compliant with the Elections board on February 3, 2016 alleging that Respondents, Andrew Homann and Samantha Martinez (further referred to as “*Respondents*”) received endorsements from three separate Chartered Student Organizations (“*CSO*”) in direct violation of the Student Government Code (“*S.G.C.*”)

(See S.G.C. III §105.2(15)). The Appellants grounds for this complaint was that it violated the code due to precedence that was established in petition #03-853-671 decided on February 3, 2015 by the Elections Board stating, “...a sorority or fraternity which is associated with any Chartered Greek Governing Council, the IFC, MGC, NPHC, or PC, will be understood to be a CSO.” The Respondents showed that at the rules reading on January 29, 2016, they received explicit permission from the Chief Justice and Chair of the Elections Board to receive endorsements via social media from their respective Greek Organizations. The Respondents also claimed that there was not an adequate definition of an “endorsement” as it pertains to social media. The Elections Board on February 8, 2016 dismissed the complaint against the Respondents on the grounds that they were acting on the permission of the Chief Justice and they should not be penalized for the action. Subsequently, the Appellants insist that the Elections Board erred in their opinion and filed an appeal to the Supreme Court.

DISCUSSION

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

1.) Did [Respondents] violate S.G.C. III §105.2(15), which states that CSO’s may not provide support of any candidate?

2.) If [Respondents] are found to have violated S.G.C. III §105.2(15) what punishment is appropriate for each infraction of the code?

The court would turn to S.G.C. III §100.3(7) and assert that though the Respondents received verbal permission to use social media Ignorance of the S.G.C. cannot be used as a defense for wrong doing. The heart of the argument is the fact that there is some “grey areas” in the code as it pertains to endorsement. The Respondents

relied on the verbal permission of an uninterested and unbiased party, when they should have relied on the written code itself as well as precedence from earlier cases. (*See* Advisory Opinion #03-853-671 & S.G.C. III §101.1(13)(d)). It has been established that the Advisory Opinion clearly labels ANY Greek Organization as a CSO and shall be treated as such.

The S.G.C. defines “ENDORSEMENT” as any form of communication expressing support for a candidate. The court finds that “*any form of communication*” does in fact include any form of social media. Considering that the Greek Organizations are found to be CSO under current precedent, it is the courts opinion that the Respondents did knowingly violate S.G.C. III §105.2(15).

The S.G.C. allows the Supreme Court to overturn advisory opinions set forth by the Elections Board. (*See* S.G.C. III §101.1(13)(e) It is this courts opinion that Advisory Opinion #03-853-671 is incorrect in defining Greek Organizations as CSO’s. Subsequently, the court overturns Petition #03-853-671 effective March 10, 2016. There after it shall not set precedence. The court finds that because Greek Organizations do not directly receive funds from the University that it is in fact a Registered Student Organization (“*RSO*”). The court would like to establish the difference from a Greek Council and a Greek Organization. A Greek council has a direct affiliation with the University while Greek Organizations do not. There is a difficulty in defining and classifying all of the organizations and if we are to consider Greek Organizations as CSO’s, than many more organizations would fall under the category of CSO as well. In the *Student Handbook* is explicitly describes a CSO “...*as an organization that serves to coordinate programs or services, or they can serve as umbrella organizations for a large*

number of constituencies and are recognized as a department or entity of Texas State University.” The court finds that this definition does not define a Greek Organization because it is not recognized as a department or entity of Texas State University.

Due to the lack of clarity throughout the campaign process the reversal of Advisory Opinion #03-853-671 will not take effect until the election cycle has ended on March 10, 2016 as we do not want to inhibit the purpose of the elections process or the elections code. (*See* S.G.C. III §100.1(2)) The court would like to stress that this reversal of Advisory Opinion #03-853-671 has no affect on the current issue and appeal at hand. We simply offer the reversal as clarity moving forward.

CONSEQUENCE

The following judgment is issued as we find the Respondent’s guilty of violating the S.G.C. as it stands:

- 1.) Three separate pieces of evidence were brought to our attention in which we found one was from a candidate’s own page and then was re-tweeted. We dismissed that piece of evidence, as we found no wrong doing on the part of the respondents.
- 2.) We found the other two pieces of evidence to be damming and we assigned both violations as two class “C” violations. Per S.G.C. III §101.2(2) Two (2) Class “C” violations shall constitute one (1) class “B” Violation. The Consequence shall consist of the combination of a campaign suspension, to commence on Monday February 22,2016 at 8 A.M. and shall expire on Wednesday February 24, 2016 at 8 A.M. NO CAMPAIGNING CAN TAKE PLACE DURING THIS TIME. The

court will also issue a \$1,300 (or 1/3 of the campaign operating budget) fine as restitution for the infractions.

- 3.) The court also demands that you cease and desist from obtaining, and seeking any and all social media endorsements from prohibited sources. The court demands that you have all social media endorsements from prohibited sources taken down immediately.

CONCLUSION

For the foregoing reasons we vacate the Election Boards opinion and find the Respondents guilty of violating the S.G.C. and issue the consequences as is allowed by the S.G.C. The Court also vacates the Election Boards Advisory Opinion #03-853-671 effective March 10, 2016 (this date applies only to the reversal of the Advisory Opinion)

It is so ordered

John Austin Garcia, Justice

Before Chief Justice Wan, and Justices Read, and Garcia
Heard-February 19, 2016 Decided- February 19, 2016

