



UNIVERSITY OF
GEORGIA
Student Government Association

SUPREME COURT OF THE UNIVERSITY OF GEORGIA

Deliver Executive Ticket vs. the Elections Committee
No. | 17-003

Oral Arguments: March 28, 2018
Decided: March 28, 2018

Syllabus

The Plaintiff filed an appeal alleging that the Elections Committee's sanction of the One UGA executive ticket failed to sufficiently remedy the violations committed by its staff members. As such, the Plaintiff alleged that the Elections Committee failed to adhere to its guiding document when coming to its decision.

Opinion

(Delivered by Chief Justice Margaret Shin)

The Elections Committee of the Student Government Association sanctioned the One UGA executive ticket upon finding registered staff member Ethan Pender in violation of Section 703.7 of the Elections Code. Because the incident was dated prior to the beginning of One UGA's probationary period, the Elections Committee did not disqualify the ticket from the elections process.

The plaintiff appeals the Elections Committee's decision alleging that it runs contrary to the spirit of fairness and equality the Committee is tasked with upholding in overseeing the elections process. The plaintiff argues that because this was not the first incident in which a staff member of One UGA violated the Elections Code, the Committee should have more severely penalized One UGA as stipulated in the Elections Code; pursuant to Chapter 711, subsection 6, chapter A of the Code, "A candidate may not receive multiple numerical sanctions for the same incident, only steeper remedies if so deemed." As such, the plaintiff asks for One UGA to be disqualified from the race.

In its argument, the Elections Committee claims that the plaintiff's interpretation of the aforementioned clause in the Elections Code is misguided and that in following precedent, the Committee adhered to its guiding rules and principles. The Committee argues that the aforementioned clause allows the Committee to levy a steeper sanction than usual in the case of a particularly egregious offense, rather than issuing multiple sanctions for that one offense. As such, it would not be relevant in this case. Even if it were to be relevant in this case, it simply gives the Committee the option to issue steeper sanctions, not a requirement. The Committee also argues that it followed its guiding rules and principles in coming to its decision as it relied heavily on precedent. Several previous sanctions dealt with the actions of staff members of executive tickets. As such, the Committee relied on previously established reasoning, even exact wording, in issuing the sanction in question. The Committee also defends its decision to not disqualify One UGA based on the fact that the violation was committed prior to the start of the ticket's probationary period.

The plaintiff did not bring any statute-based arguments other than its misinterpretation of Chapter 711, subsection 6, chapter A of the Elections Code. However, it is the Court's duty to review the Code in its entirety to ensure the Elections Committee's adherence to it. Chapter 711, subsection 6 outlines the progression of penalties. Chapter 711, subsection 6, chapter D states, "A sanction while suspended [from campaigning] will automatically disqualify any candidate from the election process." The Court finds that this is not applicable in the case of One UGA. Firstly, the preceding three clauses indicate that the intent of Chapter 711, subsection 6 is for the sanctions to build upon one another rather than be seen as independent of one another. One UGA was not suspended from campaigning as a result of a fourth sanction but as a condition to probation. Additionally, the ticket was not fully suspended from campaigning, as it was still allowed to campaign digitally. Secondly, the sanction in question is in response to an incident that occurred prior to the beginning of the ticket's probationary period, so while the sanction should be added to the total sanction count against the ticket, it should not be treated with the severity a similar offense would be had it occurred after probation had begun.

The unanimous judgement of the Supreme Court is that the Elections Committee acted in accordance to its guiding principles and procedures when it sanctioned the One UGA executive ticket short of disqualification.

It is so ordered.