



UNIVERSITY OF  
**GEORGIA**  
*Student Government Association*

# SUPREME COURT OF THE UNIVERSITY OF GEORGIA

*Believe Executive Ticket vs. the Elections Committee*  
No. | 17-002

*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 advantage granted to the ticket through the alleged wrongful actions of two of 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 for violations of Sections 503.2d, 503.2g, and 503.5c of the SGA Code of Ethics as well as Chapter 704, subsection 9, chapter C of the Elections Code. The sanction issued removed the staff members in question, Tate Mitchell and Rachel Keipper, from the ticket's staff roster and placed the entire ticket on probation, thereby banning them from any further campaigning beyond digital campaigning.

The plaintiff appeals the Elections Committee's decision alleging that it violates Chapter 710, subsection 3, chapter D of the Election Code, which states that the Committee "may promulgate rules and regulations to the extent that they are necessary in providing an equal opportunity to all candidates during the whole election process." The plaintiff alleges that One UGA gained an unfair advantage through the alleged unethical actions of two of its staff members. In having access to tabling opportunities in areas of high visibility, such as Tate Stage, that the other two executive tickets were unfairly precluded from, One UGA was given an opportunity to garner additional influence and potential votes. As such, the Plaintiff believes that to ensure an equal opportunity to all candidates, the Elections Committee should have leveled the playing field by disqualifying One UGA from the race.

In its argument, the Elections Committee claims that it did, in fact, uphold all parts of the Elections Code, including Chapter 710, subsection 3, chapter D. The Committee argues that it did its due diligence in addressing the complaint by holding a timely hearing and then coming to a decision in accordance with its internal rules of operation. Additionally, the Committee adequately remedied the unfair advantage acquired by One UGA by banning them from physical campaign space for the remaining two days of the voting period. In the absence of definitive proof of collusion between the two individuals in question, the Committee was unable to find proof beyond a reasonable doubt to penalize One UGA with what it deemed to be a measure of last resort—disqualification. The Committee also alleges that should One UGA be disqualified for the alleged unethical actions of its staff members, that the same logic could be applied to the Plaintiff for similar ethical violations that were committed in obtaining the information brought forth in the initial complaint against One UGA.

The Plaintiff did not raise any statute-based concerns with the methods through which the Elections Committee came to its decision. Upon review, the Court finds that the Elections Committee acted in accordance to its guiding principles and procedures during the hearing and during deliberations. The true matter of contention is whether the sanction sufficiently remedies the temporary advantage acquired by another executive ticket, whether the Committee provided an equal opportunity to all candidates pursuant to Chapter 710, subsection 3, chapter D of the Elections Code.

The Committee's job is to monitor elections to ensure that all candidates have equality of opportunity, not to ensure all candidates are competing from a level playing field. Should the Committee find that a ticket or candidate has disrupted this delicate balance through alleged violations of the Constitution, statutes, and bylaws governing the Student Government Association and elections, it is the Committee's duty to restore that balance. In the case of sanctioning One UGA, the Committee remedied the unfair advantage the ticket had obtained in

unethically acquiring physical campaign space by then banning them from the further use of physical campaign space. As for the matter of whether or not the Plaintiff's actions in obtaining the information used in the initial complaint were comparable to the actions of the One UGA staff members, the two issues may share parallels but are not by nature, like offenses. However, this difference in interpretation of action is not particularly relevant to today's appeal.

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.*