



UNIVERSITY OF
GEORGIA
Student Government Association

SUPREME COURT OF THE UNIVERSITY OF GEORGIA

Empower vs. the Elections Committee
No. | 18-001

Oral Arguments: March 4, 2019
Decided: March 4, 2019

Syllabus

The Plaintiff filed an appeal arguing that the Election Committee's decision to not impose disciplinary action on the ACT executive ticket failed to sufficiently remedy the actions of an allegedly unregistered staff member. As such, the Plaintiff claimed that the Elections Committee failed to adhere to its guiding document when coming to its decision.

Dissenting Opinion
(Delivered by Associate Justice Nia Waller)

I respectfully dissent. The SGA Elections Code Chapter 704, Article 1, Section A states that “campaigning shall be defined as any and all action intentionally undertaken with the purpose of promoting, publicizing, and securing support for candidates as defined by the Elections Committee”. The text messages as represented to the Supreme Court begin with the student in question asking “Can asim cop a Roosevelt endorsement.” This clearly states the intention of Ramesh, to secure an endorsement, which is clearly support for Asim Ahmed. Since Asim Ahmed is a part of the ACT executive ticket, securing an endorsement for Ahmed is thus support for the ACT executive ticket. To campaign as defined in the Election Code, one must be registered as outlined in the Election Code Chapter 704, Article 8, Section A, which states that “all individuals who are actively representing an individual or party are considered to be staff and must be registered with a Statement of Intent or Party Affiliation”. Election Code Chapter 704, Article 8, Section E clearly states that “the participation of unregistered staff members will result in disciplinary action from the Election Committee”. Unfortunately, the actions of Mr. Tarun did not result in disciplinary actions from the Committee.

I will begin by disagreeing with the Election Committee’s weight put on the value of what the Roosevelt president thought that Mr. Tarun was attempting to do by sending this text message. During our appeals process, the Election Committee stated that they put heavy weight on the fact that the Empower ticket thought that Roosevelt’s President believed that Mr. Tarun was representing himself as someone representing the ACT executive ticket. I do not put heavy weight to the thought processes of a student that failed to testify at both the appeal and the original Election Committee process. Regardless of the Roosevelt’s President thought process, Mr. Tarun clearly asked for endorsement and this is clearly defined as campaigning. Furthermore, the Court put heavy weight on the relationship Taurun had with the President of Roosevelt organization and his perceived connection to the ACT executive ticket. I do not think it matters that Mr. Tarun was a member of the Roosevelt organization executive board. If anything, I think this means his actions could have been even more influential in securing an endorsement for the ACT, due to relationship with the organization’s President. His friendly relationship with Roosevelt’s President does not make the process of endorsement any less formal of a process. Secondly, the Court pondered whether ACT had concrete knowledge of Mr. Tarun’s action on their behalf. I think this logically can be potentially dangerous in two ways. Firstly, rather or not ACT had knowledge of this campaigning or not, Mr. Tarun’s action would have sought to benefit the members of this ticket. That benefit should make them accountable for his actions. Secondly, I think this logic creates a very slippery slope where student government appeals may be followed with claims of ignorance as defense. This is not and should never be a defense to law.

Regardless of the relaxed nature of the text messages presented, the Student Government Election Code clearly defines this type of actions as campaigning. As the Election Code is the governing document of our organization, I do believe that the Election Committee failed to perform their duty as outlined in Election Code Chapter 704, Article 8, Section E, which states that “the participation of unregistered staff members will result in disciplinary action from the Elections Committee”. I do believe that the Election Committee in this circumstance should have answered this action with disciplinary action.