

**THE JUDICIAL BRANCH OF
THE STUDENT GOVERNMENT ASSOCIATION OF
THE UNIVERSITY OF TENNESSEE-KNOXVILLE**

Case No. 2019-05

Taylor Washington - Thrive, Plaintiff

v.

Sascha Richey - Impact UT, Defendant

JUSTICE PAWLACZYK delivered the opinion of the Court.

I. Introduction

Case No. 2019-5 was filed by the plaintiff, Taylor Washington of the Thrive campaign, on March 3, 2019 in response to the defendant, Sascha Richey of Impact UT, soliciting the Volunteer Hall residence of Ms. Washington for signatures for her Appendix E form in order to qualify as an East Area Senator for the 2019 Student Government Association Elections. Upon solicitation of the defendant, Ms. Washington and her two other roommates signed their names on Ms. Richey's form, despite being unaware of whether door-to-door solicitation was a violation of the 2019 Student Government Association Election Rules and Procedures ("Election Packet"). In the hearing on March 8, 2019, Ms. Richey and other members of the Impact UT campaign expressed that Ms. Washington's residence was the only one solicited, and that other signatures obtained in Volunteer Hall were obtained in common areas of the residence hall.

II. Law

Regulations regarding campaign activities in Residence Halls are found in Article E, Section IV: Residence Hall Guidelines of the 2019 Election Packet. Referenced for this specific case, Article E, Section IV.D states: "Door-to-door solicitation for business, political, or other purposes is strictly prohibited in residence halls pursuant to University Housing policy." Additionally, Article E, Section IV.G states: "No campaigning shall take place in any residence hall until the candidate has spoken to the Hall Director of that residence hall. Residence hall meeting rooms may be reserved by contacting the Hall Director. Hall Directors reserve the right to stop inappropriate campaigning in their respective halls. This includes, but will not be limited to, the removal of improperly placed campaign material."

III. Examination of Evidence and Submission

Representatives of the Defendant submitted evidence of the signatures found on Ms. Richey's Appendix E Forms, as well as photographs of neighboring residences to demonstrate that signatures were only obtained by the residence of Ms. Washington, and that no other residences

were solicited. This evidence does not negate the signatures obtained in the common areas of Volunteer Hall, only neighboring residences. A critical element for examination in case 2019-5 is the dictionary definition of solicitation: “the act of asking for or trying to obtain something from someone.”

IV. Determination of Violations

Based on the evaluation of the case brought forth by the Thrive campaign, jurisdiction of the Court, and evidence presented by the Impact UT campaign, the Court found that the defendant, Ms. Sascha Richey, violated Article E, Section IV.D and Article E Section IV.G of the 2019 Election Packet. The Court did not find that Ms. Richey had any malicious intent or violation against the spirit of SGA.

THEREFORE, the Court rules that prospective candidate, Ms. Sascha Richey, is hereby ordered to obtain 15 additional signatures, following appropriate procedures as outlined in the 2019 Election Packet, within seven days from this opinion on an Appendix E form in order to qualify as an East Area Senate Candidate.

It is so ordered.

MARSH, BRYANT, and BEDFORD, JJ., join the majority opinion.

DAVIS, C.J., concurring in the judgment only.

I agree with the Court’s finding of a violation in this case, but I do not believe the sanction imposed is proportionate. I would impose no further sanction on Ms. Richey, as the process of going through a formal hearing with the Judicial Branch was sufficiently arduous. Instead, I would focus on imposing a sanction on Ms. Richey’s campaign, Impact UT, as I believe doing so would most efficiently ensure obedience to the rules moving forward. As discussed in our hearing, I encourage Impact UT to reflect on how it communicated rules and expectations to its campaign members. Subsequently, Impact UT should circulate a detailed explanation of the rules and make every effort to guarantee all campaign members are familiar with the Election Packet so as to prevent unnecessary litigation and maintain the integrity of the SGA election.

COOK and HOPKINS, JJ., took no part in consideration of this case.