

Opinion of the Court

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

Case No. 2019-09

Emma Heins, Impact UT v. Thrive

CHIEF JUSTICE DAVIS delivered the opinion of the Court.

I. Introduction

The Impact UT Campaign (“Impact”) brings this case regarding the social media rules set forth by the 2019 Election Rules and Procedures (“Election Packet”). Impact alleges that Thrive’s Instagram account was live as early as March 24, in violation of section E.III.G.4 of the Election Packet which states: “Campaign websites and partisan posts on the campaign and candidate social media sites can be made public at 12:00 PM on Monday, March 25th, 2019. Prior to this, no announcements or partisan messages may be public.”

II. Examination of Claims

A. Public Partisan Message

Prior to March 25, Thrive’s Instagram account was private and strictly for its campaign members; in fact, administrators of the Instagram account denied multiple follower requests from people not affiliated with Thrive. While the account was on private and only campaign members were accepted as followers, account administrators added a bio to the page on March 24. This bio states, “We are a Student Government campaign dedicated to ensuring that all UTK students thrive today and everyday [sic].” The text is followed by a hashtag, “#RootedintheNow,” and the link to SGA’s voting site.

While any posts on the Thrive Instagram remained private until March 25, the page featured a public bio viewable by anyone starting on March 24. Seeing as the bio includes a statement of the campaign’s mission and promotes Thrive, it is a partisan message under the rules and is a violation of section E.III.G.4 of the Election Packet.

B. Instagram Account Being “Live”

While petitioner, Impact, alleges Thrive violated the rules because its Instagram account was “live” before March 25, this is no longer the language used in guiding these decisions. The Election Packet specifically refers to social media sites being “made *public*,” not “going live.” This distinction could make a difference in future cases so it is prudent to mention here.

III. Conclusion

The court finds that the letter of the law was violated in this case. However, there was virtually no harm done by this violation. The brief bio was only publicly available for twenty-four hours before all social media sites were allowed to go public, the Thrive campaign took steps to ensure the content of the Instagram page remained private according to the rules, and there is not a sufficiently minute sanction this Branch could impose that would be proportionate.

It is so ordered.

MARSH, COOK, HOPKINS, PAWLACZYK, BRYANT, and BEDFORD, JJ., concur in the opinion.