

Opinion of the Court

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

Case Number: 2019-10

IMPACTUT, PLAINTIFF

v.

THRIVEUTK, DEFENDANT

JUSTICE COOK delivered the opinion of the Court.

On Monday, March 25, 2019, Mustafa Salameh on behalf of ImpactUT filed a complaint against ThriveUTK for allegedly violating Section III.G.4 of the 2019 Election Packet. Per the complaint, Ms. Bryson Atkins—a senatorial candidate for ThriveUTK—posted three images bearing the ThriveUTK logo and an announcement for a future post to Facebook prior to the noon restriction. During the March 27, 2019, Judicial hearing, ThriveUTK did not contest the infraction but presented clear evidence the campaign’s leadership made every effort, in good faith, to inform members of their campaign about social media restrictions and timelines.

Article E Section III.G.4 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.” Considering this, the Court concurs Ms. Atkins violated the provision by posting to Facebook prior to the allotted time; however, the Court does not find ThriveUTK liable, in this case, for Ms. Atkins’ actions.

THEREFORE, the Court rules Ms. Atkins violated the Election Packet by posting before the allotted time. As corrective action, **Ms. Atkins shall not post any campaign-related materials to Facebook on Monday, April 1, 2019, from 12:00 AM to 11:59 PM.**

It is so ordered.

DAVIS, C.J., and MARSH, PAWLACZYK, BRYANT, and BEDFORD, JJ., concur in the opinion.

HOPKINS, J., took no part in the consideration of this case.