

Opinion of the Court

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

Case No. 2019-11

*Jack Huddleston, The Tennessee Way v. Chad Smith, Thrive*

CHIEF JUSTICE DAVIS delivered the opinion of the Court.

**I. Introduction**

Jack Huddleston of The Tennessee Way campaign (“Petitioner”) brings this case regarding the social media rules set forth by the 2019 Election Rules and Procedures (“Election Packet”). Petitioner provides allegations of two violations 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.” The first alleged violation is that Thrive’s Twitter account was public at 11:32 AM on March 25. The second allegation is two-fold: (1) that Thrive operated a public GoFundMe page before the approved time and (2) posts were made from this GoFundMe page to various Facebook profiles.

**II. Examination of Claims**

*A. Public Twitter Account*

Prior to March 25, Thrive’s Twitter account was private and strictly for its campaign members; in fact, administrators of the Twitter account denied multiple follower requests from people not affiliated with Thrive. Petitioner alleges that the Twitter account was public roughly half an hour before the approved time, but Thrive insists the Twitter account was set on private until 12:00 PM on March 25. Regardless, on March 24, account administrators added a bio to the profile. This bio states, “smith O bastian O cross | we are a sga campaign committed to helping all utk students thrive today and every day.” The text is followed by a hashtag, “#RootedintheNow,” and the link to SGA’s voting site is included at the top of the profile.

The Thrive Twitter account 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. Public GoFundMe and Facebook*

Thrive created a GoFundMe in order to support fundraising efforts for its campaign. The GoFundMe was sent directly to individuals that campaign members knew and who, of utmost importance, were completely unaffiliated with the University of Tennessee. For example, former middle school teachers, former employers, and family friends were asked to donate. What caught Petitioner's attention was when these individuals shared a GoFundMe-related post through their linked Facebook profiles and tagged Chad Smith, the Thrive presidential candidate who shared the GoFundMe with them. This action caused the posts to show on Smith's Facebook, where students could see them.

Nobody associated with the Thrive Campaign--or the University of Tennessee--shared a link to the GoFundMe on Facebook. Prudent efforts were taken to delete the tags to Smith's profile as soon as possible. Further, we advise future Election Commissions and student Senators to contemplate whether GoFundMe qualifies as a social media site; this Branch is not equipped to make such a legislative decision at this time. Under the rules of the 2019 Election Packet, we find no violation regarding GoFundMe or Facebook.

### **III. Conclusion**

The court finds that the letter of the law was violated because the Twitter account had a public, partisan bio. However, there was virtually no harm done by this violation. The brief bio was only publicly available for up to twenty-four hours before all social media sites were allowed to go public, the Thrive campaign took steps to ensure the content of the Twitter 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, PAWLACZYK, BRYANT, and BEDFORD, JJ., concur in the opinion.

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