

Opinion of the Court

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

Case No. 2017-11

ELECTION COMMISSIONER, PLAINTIFF v. ANTONIO BUTLER, DEFENDANT

Decided on 12 April 2017

I

This case arises out of the grievance submitted by the plaintiff, the Election Commissioner, stating that the defendant breached Section F, Subsection VII(C) by not submitting the second report by the Tuesday, April 11, 5PM deadline. Section F, Subsection VII(C) states as follows: “Failure by a political party and/or candidate, whether affiliated with a political party or not, to submit a complete Campaign Value Report (CVR) by the specified deadlines or failure to adhere to the spending limits will result in a violation of the Election Rules and Procedures.” The plaintiff had not received CVR 2 from the Defendant at the time of the violation submission.

II

The court is in agreement with the plaintiff that strict compliance with the campaign finance provisions in the Election Packet are necessary for a fair SGA election, and campaign finance violations are among the most serious violations a campaign can make. The court also believes the defendant is in clear violation of the election packet for not having submitted CVR 2.

III

The court is compelled to adhere to the precedent set with *Case 2017-6 Election Commissioner v. Banks-Marsh*:

“As a punishment for submitted CVR forms past the specified deadline...if the deadline is set at 5:00pm and a campaign submitted their CVR at 5:35pm, they will only be sanctioned to a one-hour delay. Further, if the campaign failed to submit their CVR by the aforementioned deadline and submit it at 6:01pm, the campaign would be subject to a two-hour delay. By setting this precedent, the court hopes to deter any campaigns from submitting a CVR form late as campaign finances and spending play a key role in maintaining the integrity and equity within the SGA elections.”

* * *

THEREFORE, the court hereby orders the defendant to submit CVR 2 with CVR 3 to the Election Commission by 5pm EST on April 12th. Additionally, because CVR 2 had still not been submitted at the time of the decision totaling up to 24+ hours, the independent candidate may not campaign on campus or hand out campaign material on Thursday, April 12th, 2017.

It is so ordered.

HOWELL (C.J.) delivered the opinion of the court. GORE, MORGAN, THOMAS, and WRIGHT joined.