

Opinion of the Court

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

Case No. 2017-13

ELECTION COMMISSIONER, PLAINTIFFS v. UNITE UT CAMPAIGN, DEFENDANTS

Decided on Summary Judgement on 13 April 2017

I

This case arises out of the grievance submitted by the plaintiff, the Election Commissioner, in regards to Section F, Section III, Subsection D(1) which defines an Executive Committee Member as, “For the purposes of SGA elections, an Executive Committee member may be defined as a member of a political party with control, in part or in full, over the financial and ideological directions and decisions of the political party. Executive Committee members must submit Appendix B to declare their standing and affiliation with a particular political party. Each campaign may turn in no more than ten (10) Appendix B forms. Appendix B forms are due to the SGA office by 5:00 PM Wednesday, March 8, 2017. Section F, Section III, Subsection D(1) (page 12).” Since Unite UT did not turn in any Appendix B forms, Unite UT forfeited all rights to have any Executive Committee Members. However, some members of Unite UT posted on social media about their leadership roles in the the campaign.

II

The court finds that Unite UT clearly did have Executive Committee Members, even though they were warned they had forfeited that right due to not submitting any Appendix B forms by the declared deadline. From multiple social media posts by members of Unite UT, it is apparent that Unite UT did in fact have a number of Executive Committee Members. These members were deemed to have ideological control in part of the campaign, which is prohibited by the Election Packet. Grace D’Andrea, the Director of Policy, stated, “[W]e’ve created an inclusive and cohesive policy platform.” This statement clearly shows that she had ideological control at least in part of the policies created by Unite UT.

III

The court would also like to emphasise the importance of filling Appendix B forms for all Executive Committee Members. Executive Committee Members are held to a higher standard than a General Member, because an action taken by an executive member is an action taken by the campaign. The court has not held individual members actions against an entire campaign because they are not in control of the campaign. For this reason, it is vitally important to have a strong distinction between Executive and General Members of a campaign.

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THEREFORE, the court finds that Unite UT did in fact have Executive Committee Members who did not turn in the required Appendix B forms. Since the court found three members who did not file their form, but clearly had positions on the Executive Board for Unite UT, the court required Unite UT to stop campaigning three hours before polls closed.

It is so ordered.

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