



Decision Rationale

Jenna Cripe v. ASB Department of Justice
September 20, 2022

Overview

On September 20, 2022, the ASB Judicial Council convened to hear an elections appeal brought forth by the ASB Attorney General against Jenna Cripe’s Miss Ole Miss campaign. The Appellant’s (Ms. Cripe) appeal was on the grounds that the Appellant’s alleged violation and subsequent fine had been erroneous.

The ASB Judicial Council serves as the supreme judicial body of the Associated Student Body, to include lower courts established in the executive and legislative branches of government, according to Article V, Section 1 of the ASB Code and Constitution. Furthermore, the Council serves as the primary hearing body for all appeals pertaining to ASB elections, according to Title III, Section 107, Subsection A, Title V, Section 120, Subsection A, and Title V, Section 120, Subsection C of the ASB Code and Constitution. Such authorities were utilized to hear and decide this case. The Council operates in the interest of fairness and impartiality.

The ASB Judicial Council reviewed the following evidence provided to arrive at its unanimous decision: 1) written complain of the appellant; 2) testimony of the Appellant; 3) testimony of the ASB Attorney General; and 4) the ASB Code and Constitution during the September 20, 2022, appeals hearing.

Rulings

The ASB Judicial Council ruled unanimously to uphold the decision of the Elections Review Board. The Council deemed the decision of the Attorney General and the Elections Review Board to find the Appellant in violation of consistent with the ASB Code. However, the council viewed the fine of \$85 as arbitrary and erroneous. As such, the fine was lowered to \$75, the lowest of a major violation.

Findings

Relevant Sections of Code and Constitution and Advisory Opinions

Title V.c § 120(e):

“Coordinated campaigning or other support, including donations of money or campaign materials, for candidates by groups not comprised exclusively of University of Mississippi students is prohibited.”

Title V.c §123(g):

“Campaign organizations of individuals may conduct fund-raising activities. 1) These activities shall be subject to the regulations concerning campaigning, the posting and distribution of literature and campaign materials, the times and types of campaigning that may occur. 2) Any capital funds necessarily spent for conducting these fund-raising activities need not be reported as campaign expenses on the expense form.”

Title V.d § 126(a)(3):

Major Violation: violations which are “flagrant or intentional” or violations that damage the integrity of the campaign process, election process, or the University and its population. A number of repeated intermediate violations (no less than three) may also be considered a major violation. Individuals or organizations found to have committed a minor violation shall be subject to this range of penalties including: a) Restitution b) Disqualification c) Disenfranchisement (only in the case of a voter casting more than one ballot) d) Monetary [a charge of at least seventy-five (75), but no more than one-hundred-and-twenty-five (125), dollars against the campaign spending limit, which shall not incur any financial obligation] e) Community Service (which must be directly tied to the violation committed) f) Disciplinary action with the Office of the Dean of Students, Office of Student Conduct, Judicial Council, etc.”

Facts and Judicial Opinion:

When considering, whether the Election Review Board’s decision was clearly erroneous, the University Judicial Council first considered the ERB report and summary. The summary explained that a campaign graphic for the Appellant’s campaign was created showing a collaboration with a business in Oxford. The business was supporting the Appellant’s fundraiser with yoga classes. This business is not completely comprised of Ole Miss students and as such was deemed a violation of Title V.c § 121(B). The Appellant also admitted that the actions were a violation despite entering a plea of “not responsible”.

As stated in the ERB summary report, the candidate stated again in the hearing that she did not know that her PR team had put the company on the graphic. The Appellant also stated she did not talk to the company in question, but the president of Active Minds had. The council found this to be false.

The Appellant explained the president of Active Minds violated the rules but because she was only a part of her fundraising campaign, the appellant should not be held responsible. However, the Appellant immediately contradicted herself by admitting the president of Active Minds was a member of her core campaign team. Furthermore, the Code states fundraising events must follow campaign regulations including “the posting and distribution of literature and campaign materials”.

Furthermore, the graphic in question was posted on the Appellant’s Instagram story and left up for at least ten hours. She claimed she did not really know what she was posting because she posted it so quickly. However, upon being questioned about the extra writing on her story separate from the graphic, which included tagging the business in question, she paused and admitted she remembered posting it.

Based on this information, the University Judicial Council upheld the ERB decision. The council found the Appellant to commit a violation intentionally, subjecting her to a major violation. However, considering the Department of Justice could not explain why the fine was \$85, the council found this arbitrary and clearly erroneous. As such, the fine was set to \$75, the minimum fine for a major violation.

Drafted By: ASB Judicial Chair Preston Antes on behalf of the ASB Judicial Council