



Decision Rationale

Lydia Robbins v. ASB Department of Justice
September 16, 2022

Overview

On September 18, 2022, the ASB Judicial Council convened to hear an elections appeal brought forth by the ASB Attorney General against Lydia Robbins's Miss Ole Miss campaign. The Appellant's (Ms. Robbins) appeal was on the grounds that the appellant's initial fine for an alleged campaign violation 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; 4) testimony of the Deputy Attorney General of Elections; and, 5) the ASB Code and Constitution during the September 18, 2022 appeals hearing.

Rulings

The ASB Judicial Council ruled unanimously with definite and firm conviction that a mistake had occurred. The Council deemed the decision of the Attorney General and the Elections Review Board to find the Appellant in violation of the ASB Code and Constitution to be clearly erroneous and thus invalidated. As such, the fine handed down from the Elections Review Board was thrown out.

Findings

Relevant Sections of Code and Constitution and Advisory Opinions

Advisory Opinion 22-04, Appendix A:

“Furthermore, candidates for Miss Ole Miss, Mr. Ole Miss, Homecoming Queen, and Homecoming King are permitted to use a table provided by the Ole Miss Student Union (OMSU) during the campaign period. Each candidate may have no more than 5 campaign team members behind the table at a time, and campaigners may not cross the front of the table to approach students. OMSU staff will set up tables for candidates during Public Campaigning.”

Facts and Judicial Opinion:

When examining whether the Appellant violated this section of the advisory opinion, the council first considered the ERB report and summary. An anonymous report filed to the DOJ contains video of a group of people campaigning. The group in question totaled around twelve individuals occupying two “squares” of the union plaza. The anonymous individual described this action as “way over the space provided”. After hearing this evidence, the Elections Review Board decided unanimously that the Appellant’s campaign violated the advisory opinion and qualified for an intermediate violation. As such, she was fined \$30.

The council also considered Appellant’s own testimony. She explained how there are two campaigns with candidates named “Lydia”. At the time in question, both campaigns were set up next to each other. Both campaign managers for the Appellant asked the other campaign to move given the confusion. It became clear that the “way over the space provided” argument was erroneous because they were clearly members of another campaign.

After clarification, the Department of Justice and their witness specified that the Appellant violated the provision due to one individual being over their allotted boundary. This would have meant six campaigners for the Appellant. However, this individual was quite distant from the rest of the Appellant’s campaign with her back turned. The individual in question was closer to and facing the second campaign. This same person also was found to be holding sheets of campaign stickers just as the second campaign. The Appellant’s stickers were cut to size, meaning no individual campaigning for the Appellant would need large sheets.

When considering all the evidence and the standard of proof, the council found it was more likely than not that this sixth individual was not campaigning for the Appellant. As such, she was found not responsible.

Furthermore, the council also examined the advisory opinion clause itself. The number of five was set in past advisory opinions because of the COVID-19 pandemic. This is in clear conflict with the ASB Code and Constitution which outlines no more than fifteen people. Given that nearly all measures stemming from COVID-19 have been revoked and this clear contradiction with the ASB Code and Constitution, the ASB Judicial Council declared this clause unconstitutional. This will turn control of this clause over to the ASB Senate instead of the executive branch. If individuals deem the fifteen number inappropriate, we encourage them to advocate for change within the legislative branch.

The Council also heard evidence from the Appellant of being constantly recorded in a similar fashion. While this does not impact the case at hand, the ASB Judicial Council would like to remind all parties involved that personality elections are intended to be free, fun, and fair. While the court asks any violations to be brought forward, we would like to ask individuals to consider how this behavior potentially impacts the state of elections at the University in the future.

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