

Spring 2024 Associated Student Body Elections
Elections Review Board Hearing Rationales

Hearing A

On March 19th, 2024, at 8:00pm, the Elections Review Board held a violation hearing involving a candidate for ASB President. The ASB Attorney General, Sydni Davis, summoned the Defendant on Monday after she received notice of the violation at 2:00 pm on Thursday, February 22nd, 2024. The witness noticed the violation on December 14th, 2023.

The evidence presented showed an iMessage exchange which lists an obvious group larger than five that were made aware of the candidate's campaign. This was before the campaign period began and violates *ASB Code, Title V.c § 121 (A) (1)* which states, "Candidates are permitted to have developed a core campaign team, campaign strategies, and platforms, prior to the beginning of the campaign period. Any such meetings shall be limited to no more than five (5) members, of which the candidate must be a member." Since more than 5 people were affiliated with the campaign prior to the beginning of campaigning, this is an apparent code violation.

The Prosecuting Counsel, Governmental Operations Chair, Hayden Ferguson, stated that this is in violation of the ASB Code. He stated that it did violate the previously stated *ASB Code, Title V.c § 121 (A) (1)* along with *Section A* that reads, "No candidate, or their representatives, may indulge in campaigning prior to the beginning of the campaign period as set by the Department of Justice and this Title." This conclusion came after the thought process as follows: the candidate is no stranger to the Elections process as they have been prior involved in the Associated Student Body, however, they are indeed unable to control those on their campaign team. Because of this, he did not constitute a sanction for this matter, but asked the ERB to consider a few things. These included: the timeline of the messages, the prior knowledge of campaign information held by both the candidate and their campaign team, and finally the impact of early campaigning.

The candidate and their Defensive Counsel argued that this message was merely "gossip" and did not consider this text chain to be a "meeting" as defined by the ASB Code & Constitution. They also did not consider this to be early campaigning despite the message being from December. Since they stood firm in the idea that it was "gossip," so it was not a viable violation.

After deliberation, the Elections Review Board decided 7-0 that the Defendant's actions violated *ASB Code, Title V.c § 121 (A) section 1*. ERB decided that this message is considered early campaigning and a violation because the Defendant discussed their campaign with more than their core 4 and planning occurred with these members not affiliated in the original group. ERB also wants to emphasize also that these actions occurred in December which was prior to the start of campaigning. The Elections Review board unanimously decided to give the candidate a minor violation with a warning.

The hearing was adjourned at 8:51pm.

Hearing B

On March 20th, 2024 at 5:00 pm, the Elections Review Board held a violation hearing involving a candidate for ASB President. The ASB Attorney General, Sydni Davis, summoned the Defendant on Tuesday afternoon after she received notice of multiple violations. The first two being at 8:44 am and 4:26 pm on the 19th. The witness noticed the violation on Monday the 18th which occurred all day. The third being at 4:29 pm the same day. The witnesses noticed this violation Monday the 18th which occurred all day and also on Tuesday the 19th.

The evidence presented showed two pieces to consider. First, a member of the Senate Committee on Governmental Operations, who is meant to be impartial, was serving as the candidate's campaign manager and tabling on their behalf. This violates both *ASB Code, Title VI § 102 (C)* that writes, "No member of the ASB shall participate in any activity which would place that person in a position where there may be a conflict between a private interest and an interest of the ASB" and *ASB Code, Title IIa § 108 (C) (2b)* which states, "Members of the Committee on Governmental Operations are prohibited from campaigning for or endorsing any candidate. In the event that a member of the Committee on Governmental Operations chooses to campaign for or endorse any candidate, they must immediately resign their position within the Committee." Second, another piece of evidence was a photo of a university staff member and the candidate on social media, where the staff member was endorsing them. This further was reposted by Lane Kiffin and amassed over 20,000 views. This violates *ASB Code, Title V.c § 121 (B) (1)* which reads, "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." Due to these circumstances, multiple violations of the code occurred.

The Prosecuting Counsel, Attorney General Sydni Davis, stated that this is a clear violation of the code. AG Davis considered the lack of resignation on behalf of the Governmental Operations Committee member as the member was to resign from their position prior to the beginning of the Election season, which did not occur until a much later date. She also mentioned that the candidate and their campaign team is to be fully aware of the sanctions set by the ASB Code. In other words, the Governmental Operations member was fully notified that they were to resign well before the date that the resignation actually occurred. Also, the intentional impact of endorsements was mentioned as this is a prominent issue at hand. The DOJ cannot stand for the unfair advantages that come with large endorsements such as this. She also stated that these violations were not submitted on behalf of another Presidential candidate to emphasize the importance of a fair campaign for all. AG Davis did not constitute sanctions for this matter.

The candidate alongside their campaign manager then served their defense. Both the candidate and their manager claimed that the Governmental Operations member resigned in a timely manner. In terms of the endorsement by university staff, the candidate stated they were family friends and they had no idea of the creation of the post, let alone the repost by Lane Kiffin. They stood firm in the ideal that they would never jeopardize a fair or free campaign.

Based on the evidence and statements provided, ERB decided that the Governmental Operations member had no excuse for the lack of resignation and was completely aware that they were not permitted by the Code to serve in both the committee and as the candidate's campaign manager. This resignation did not occur until the night before this hearing, exceptionally later than the required date. They decided unanimously that this was a violation of both *ASB Code, Title VI § 102 (C)* and *ASB Code, Title IIa § 108 (C) (2b)*, but ultimately voted 6-2 as an intermediate violation with a penalty of probation where the candidate was not permitted to post on social media from 12:00 am-11:59 pm on Thursday, March 21st, 2024. For the latter, ERB decided that this was indeed a public endorsement which is not permissible under the Code and is a violation of *ASB Code, Title V.c § 121 (B) (1)*. With this, the ERB also saw evidence that the post was created at 12:41pm. From here, the candidate had speculation of this being a violation around 2:15pm and notified their campaign GroupMe of the possible need for removal. Nothing was done of this until 4:54pm when the candidate was notified of this violation. In the same minute, the candidate asked the university staff member to remove the post. This message was not sent until the candidate was called for a violation hearing. This had ERB questioning whether the post would have ever been removed if the candidate was not notified of this being a violation. This was unanimously decided as a violation, and a 7-1 vote decided it to be a major violation with a penalty of no public campaigning on Thursday, March 21st, 2024.

The meeting was adjourned at 6:23 pm.

These violations were further appealed by the Defendant and were heard by the University Judicial Council. UJC overturned the intermediate violation, but upheld the major violation.

Hearing C

On March 22nd, 2024, at 4:00 pm, the Elections Review Board held a violation hearing involving a candidate for ASB Judicial Chair. The ASB Attorney General, Sydni Davis, summoned the Defendant on Thursday afternoon after she received notice of the violation at 12:14 pm on Wednesday, March 20th, 2024. The witness noticed the violation Wednesday morning at 11:59 am.

The evidence presented showed a photo of a sheet of the candidate's campaign stickers in a Greek house other than their own. *ASB Code, Title V.c § 121 (P)* writes, "Campaigning in residence halls will be permitted in accordance with guidelines agreed upon by the Department of Justice and Student Housing." Since the house was not of the candidate's, this is an apparent code violation.

The Prosecuting Counsel, Attorney General Sydni Davis, argued that this was a violation due to the fact that the location of the stickers was not in the candidate's own Greek house. AG Davis recommended a sanction of a minor violation with a penalty of a warning.

The candidate then served their defense. They stated that they gave the sheet of stickers to a member of their campaign team who then left it in their Greek house, different from the candidate's. They stated that they were unaware of this as they did not do this themselves and were completely understanding of the violation.

After deliberation, the Elections Review Board decided 7-0 that the Defendant's actions violated *ASB Code, Title V.c § 121 (P)*. Since the stickers were placed in a house other than their own, the ERB came to this conclusion and unanimously decided to issue a minor violation with a sanction of a warning.

The meeting was adjourned at 4:18 pm.

Hearing D

On March 25th, 2024, at 7:15pm, the Elections Review Board held a violation hearing involving a candidate for ASB President. The ASB Deputy Attorney General of Elections, Taylor Melton, summoned the Defendant on Thursday night after she received notice of the violation around 2:45 pm on March 19th, 2024. The witness noticed the violation on March 19th at 2:41pm.

The evidence presented was a photo of the candidate on a student organization's Instagram for their "Meet a Member" during the time of campaigning. *ASB Code, Title V.c § 121 (D)* writes, "No campaigning shall occur in an academic setting, except through apparel worn by students" and *ASB Code, Title V.c § 120 (G)* that defines "An "academic setting" shall be defined as any forum through which academic or professional programming is offered. This term shall include all in-person or electronic forums and shall not be limited to formal classroom settings." With this, ERB was diligent to decide whether this was deemed a violation or not.

The Prosecuting Counsel, Deputy Attorney General of Elections Taylor Melton, argued that this did constitute a violation based on *ASB Code, Title V.c § 121 (D)* and *ASB Code, Title V.c § 120 (G)*. Due to the Code stating that an "academic setting" does include electronic forums, DAG Melton recommended a minor violation with a penalty of a warning.

The Defendant along with their Defensive Counsel argued that this was not an endorsement and was a preplanned post before campaigning even began. They brought in evidence proving this along with a history of RSOs posting about candidates during campaigning, not regarding their campaign, in the past.

After deliberation, the Elections Review Board unanimously decided that this was not a violation of ASB Code because the candidate's campaign Instagram was not tagged in the post.

The meeting was adjourned at 7:36 pm.

Hearing E

On March 25th, 2024, at 8:00 pm, the Elections Review Board held a violation hearing involving a candidate for ASB President. The ASB Attorney General, Sydni Davis, summoned the Defendant on the night of Sunday the 24th after she received notice of the violation at 7:55pm on March 18th, 2024. The witness noticed the violation on March 18th at noon.

The evidence presented was a photo of the candidate on a student organization's Instagram for their "Meet a Member Monday" during the time of campaigning. *ASB Code, Title V.c § 121 (D)* writes, "No campaigning shall occur in an academic setting, except through apparel worn by students" and *ASB Code, Title V.c § 120 (G)* that defines "An "academic setting" shall be defined as any forum through which academic or professional programming is offered. This term shall include all in-person or electronic forums and shall not be limited to formal classroom settings." With this, ERB was diligent to decide whether this was deemed a violation or not.

The Prosecuting Counsel, Governmental Operations Vice Chair, Kaitlyn Skeen argued that this was a violation of both *ASB Code, Title V.c § 121 (D)* and *ASB Code, Title V.c § 120 (G)*. She stated this due to the candidate being tagged in the post with their campaign username and it occurring on an academic organization account. Vice Chair Skeen recommended a minor violation with the penalty of a warning.

The Defendant argued that they are well aware of campaign rules and was not intentional in this post. They provided other photos of the same account tagging these ambassadors, so their post was done in the same way. Next, they also blurred campaign information within the photos to ensure that no problems would ensue with this.

After deliberation, the Elections Review Board voted 5-2 that a violation did occur and violated *ASB Code, Title V.c § 121 (D)* in relation to *ASB Code, Title V.c § 120 (G)*. Since the violation was not intentional, but the tag would be considered campaigning, it was decided by a 6-1 vote that this was a minor violation with a penalty of a warning.

The meeting was adjourned at 8:24 pm.

Hearing F

On March 26th, 2024 , at 4:00 pm, the Elections Review Board held a violation hearing involving a candidate for ASB President. The ASB Governmental Operations Vice Chair, Kaitlyn Skeen, summoned the Defendant on Tuesday the 26th at 12:33pm after she received notice of the violation on Saturday afternoon. The witness noticed the violation at 3pm on March 23rd.

The evidence presented showed a photo of the candidate's campaign banner at a Greek house outside of campaign hours and outside of the Union Plaza. Per the code, this is considered a violation through *ASB Code, Title V.c § 121 (P)* which writes, "Campaigning in residence halls will be permitted in accordance with guidelines agreed upon by the Department of Justice and Student Housing." Also, *ASB Code, Title V.c § 121 (N)* that writes, "Campaigners at the Union shall be limited to the location(s) determined by the Department of Justice at any given period of time during the established times."

The Prosecuting Counsel, ASB Governmental Operations Vice Chair Kaitlyn Skeen, argued that this was a clear violation of both previous ASB Code citations along with *ASB Code, Title V.c § 122 (B) (2)*, which states "The display of signs shall be limited to location(s) determined by the Department of Justice." She also included *Title V.c § 120 (J)* that defines

residence halls to further prove her point as follows: “any building on the university grounds in which persons live. This term shall include university-operated dormitories and Greek houses, but shall exclude common meeting places, such as chapter meetings.” With these citations, she ultimately believes that the campaigning at hand outside of campaigning hours was intentional along with the deliberate placement of signs in unapproved areas. She recommended a sanction of a major violation with a penalty of in the case of a runoff, the candidate shall not be allowed to campaign in any form.

The Defendant brought upon evidence and also their campaign manager, however, did not disclose that to the Acting Chair, so the Elections Review Board could not consider it. Verbally, they did argue that this was their own Greek house and that the Code was too unclear regarding the campaign restraints on location, times, and the definition of a “residence hall.”

After deliberation, the Elections Review board by a unanimous vote decided that there was a violation of *ASB Code, Title V.c § 121 (P)*. This was due to the fact that Greek houses are considered residence halls. Further, the ERB also determined this was a violation of *ASB Code, Title V.c § 121 (N)*. This was because campaigning was held outside of the set times and location as determined by the DOJ. Finally, the ERB brought up that candidates’ signs are not to be anywhere besides the Union Plaza which ultimately sheds light onto this being a violation. With this, the ERB ultimately voted that this was a major violation with a penalty of a monetary fine of \$120. The exact cost was determined based on the average price of the item at hand, a vinyl banner.

The meeting was adjourned at 4:35 pm.

The Defendant further appealed the Election Review Board’s decision to the University Judicial Council. From here, the UJC decided to uphold ERB’s decision.

Hearing G

On March 26th, 2024, at 5:00 pm, the Elections Review Board held a violation hearing involving a candidate for ASB President. The ASB Governmental Operations Vice Chair, Kaitlyn Skeen, summoned the Defendant on Tuesday the 26th at 12:33pm after she received notice of the violation on Monday night. The witness noticed the violation on the evening of March 25th twice.

The evidence presented were texts showing that a member of the candidate’s core campaign team notified a Greek chapter that they could receive points for voting in the Election. There was also photo evidence of proof showing that the member was a part of the candidate’s core campaign team and that the candidate was at the Greek house speaking at their chapter meeting on March 25th. *ASB Code, Title V.c § 121 (C)* states, “Any attempt by a candidate, campaign representative, or organization to coerce, bribe, incentivize, intimidate, or force a person to vote or campaign in any form, shall result in the candidate’s immediate disqualification.” Clearly, providing points is incentivization which is a clear violation.

The Prosecuting Counsel, ASB Governmental Operations Vice Chair Kaitlyn Skeen, argued that this was a clear violation of *ASB Code, Title V.c § 121 (C)* along with *ASB Code, Title V.c § 121 (C) (1)* that writes, “Candidates benefitting in any way from an organization or campaign representative penalizing members for not voting or campaigning in any form shall be immediately disqualified.” Because this was clear incentivization, Vice Chair Skeen recommended a major violation.

The candidate along with their Defensive Counsel then had a plethora of photos such as proof of conversations with the Greek house Chapter President, the point opportunities provided to members, multiple text chains regarding points, and finally, the documentation of the member of the campaign team being removed after they were made aware of the violation. They argued that the point was never published and that the conversations presented had statements taken out of context. To continue, the witness was adamant to the Elections Review Board that her words were misconstrued and that they were blindsided.

After deliberation, the Elections Review board unanimously voted that this was a violation of *ASB Code, Title V.c § 121 (C)*. This was because the member, despite them being removed on March 26th, was a campaign representative until that point and clearly stated that Greek members could receive points. The board also considered the timing and wording of these messages. Ultimately, the Elections Review Board voted unanimously that it was a major violation. With section C requiring immediate disqualification with this sanction, this was the penalty the candidate received.

The meeting was adjourned at 5:47 pm.

Hearing H

On March 26th, 2024, at 6:00 pm, the Elections Review Board held a violation hearing involving a candidate for ASB Vice President. The ASB Governmental Operations Vice Chair, Kaitlyn Skeen, summoned the Defendant on Tuesday the 26th at 12:43pm after she received notice of the violation on Monday night. The witness noticed the violation on the evening of March 25th twice.

The evidence presented were texts showing that the candidate’s campaign manager notified a Greek chapter that they could receive points for voting in the Election. *ASB Code, Title V.c § 121 (C)* states, “Any attempt by a candidate, campaign representative, or organization to coerce, bribe, incentivize, intimidate, or force a person to vote or campaign in any form, shall result in the candidate’s immediate disqualification.” Clearly, providing points is incentivization which is a clear violation.

The Prosecuting Counsel, ASB Governmental Operations Vice Chair Kaitlyn Skeen, argued that this was a clear violation of *ASB Code, Title V.c § 121 (C)* along with *ASB Code, Title V.c § 121 (C) (1)* that writes, “Candidates benefitting in any way from an organization or campaign representative penalizing members for not voting or campaigning in any form shall be immediately disqualified.” Because this was clear incentivization, Vice Chair Skeen recommended a major violation.

The candidate along with their Defensive Counsel then had a plethora of evidence. This included: proof of conversations with the Greek house Chapter President, the point opportunities provided to members, multiple text chains regarding points, documentation of the campaign manager being removed and a new campaign manager being appointed, the Greek Chapter President not responding to the candidate's request to speak at chapter, and finally, a formal statement from a member of their Counsel. They argued that the candidate had no affiliation with the Greek chapter and never spoke at Chapter or was in relationship with them in any capacity. Aside from their past campaign manager being affiliated, there were no other instances. The candidate was unaware of all conversations regarding the point opportunity at hand and once they were made aware, the campaign manager was terminated. Also, the candidate in no way had anyone campaign on his behalf within the chapter.

After deliberation, the Elections Review board unanimously voted that this was a violation of *ASB Code, Title V.c § 121 (C)*. This was because the member, despite them being removed on March 26th, was still a campaign representative at the time of the violation along with their statement where it was clearly said that Greek members could receive points. The board also considered the wording of these messages. Ultimately, the Elections Review Board voted unanimously that it was a major violation. With section C requiring immediate disqualification with this sanction, this was the penalty the candidate received.

The meeting was adjourned at 6:39 pm.

The violation was further appealed by the Defendant and was heard by the University Judicial Council who overturned this decision.