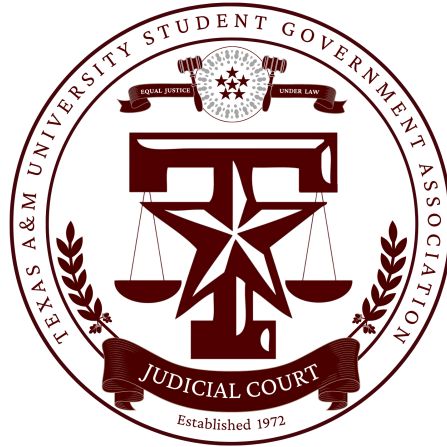


SPRING TERM, 2024



JUDICIAL COURT OF TEXAS A&M

Syllabus

CADE COPPINGER *v.* ELECTION COMMISSIONER RAMOS

CERTIORARI TO THE TEXAS A&M STUDENT GOVERNMENT
ASSOCIATION ELECTION COMMISSION

No. 76-02. Argued March 7, 2024 - Decided March 7, 2024

Cade Coppinger (“Petitioner”), a candidate for Student Body President, was given a major violation and corresponding fine by the Election Commissioner (“E.C.”) for having a portion of a video containing the Petitioner in the Memorial Student Center (“MSC”). Mr. Coppinger filed a petition for Writ of Certiorari with the Judicial Court arguing that according to the specific language within V S.G.A.C. §601.6(2) (a), he should not have been fined as the statute explicitly requires the submission of the violation report to occur within twenty-four (24) hours of the alleged violation. The Petitioner further asserts that the video occurred far before any report was made. As such, the Petitioner states that the Election Commission should not have applied a major violation in this case as the time between the alleged violation and its report has exceeded the allotted time to submit a violation report. In this case, the Judicial Court of Texas A&M must evaluate the validity of the E.C.'s application of the Election Regulations under the Student Government Association Code (“S.G.A.C.”) and determine if the Petitioner’s major violation should be upheld or overturned.

COPPINGER *v.* RAMOS

Concurring Opinion

LEFFINGWELL, V.C.J., concurring

In the case of Coppinger *v.* Election Commission Ramos, the concurring holds that the Petitioner was unjustly assigned a Major Violation under V S.G.A.C. §601.5(2) (e) by including a clip of himself within the Memorial Student Center, an area restricted to campaigning, in a larger, compiled video used for his campaign. Within this clip used for his campaign video, Mr. Coppinger is seen walking down one of the halls, but is not referencing his campaign for Student Body President in any way. When watching this part of the video alone, a viewer would not be able to associate its content with a campaign, as it could be used for any other personal or professional project.

The violation reported to the Election Commissioner takes issue with the fact that this video was taken inside the Memorial Student Center. However, it is the opinion of the concurring that the Petitioner was not actively campaigning while this video was being filmed, only creating content that would be made into campaign material. While the S.G.A.C. does not define active campaigning, campaign materials are defined by V S.G.A.C. §601.4(3) (a) as “anything distributed or displayed for the purpose of soliciting votes for a candidate”, including “videos created in support of a candidate”, as per V S.G.A.C. §601.5(3) (a)(5). Once the clip of the Petitioner was added to the rest of the campaign video, then posted to the campaign’s Instagram to advertise and eventually solicit votes, its content became campaign material. However, once compiled and posted, the location of this campaign material is solely online, which can be accessed by anyone utilizing the internet and has not been denied access to the Petitioner’s campaign Instagram.

An argument made in response to the Election Commission’s assignment of a Minor Violation references V S.G.A.C. §601.4(2) (a), which states that “a student who wishes to report an alleged violation of the Election Regulations may do so by filing a written account or online report of the alleged violation with the Election Commission within twenty-four (24) hours of the alleged

COPPINGER *v.* RAMOS

Concurring Opinion

violation”. This statute was used to defend the Petitioner’s alleged violation, due to the violation report’s submission being greater than 24 hours after the campaign video was originally posted. However, due to the continuous nature of campaigning via social media, the Petitioner’s campaign video can continue to serve as campaign material and a way to solicit votes as long as the video is still able to be viewed, regardless of the time it was originally posted. Because of this, the concurring believes that even if the alleged violation was justified, using V S.G.A.C. §601.4(2) (a) to argue that the violation report is void would be a misapplication of this statute.

* * *

The concurring warns against the lack of specificity and definition within the S.G.A.C. regarding electronic campaigning and how they relate to violation reports. The aforementioned arguments, though they represent a sound, textualist view of the applicable statutes, may allow for future candidates to abuse the gaps and unclear areas of the Election Regulations. It is the recommendation of the concurring that clearer language and modern provisions concerning electronic campaigning be made to protect a free and fair election process.

COPPINGER *v.* RAMOS

Concurring Opinion

SIGNATURE OF THE JUSTICE

No. 76-02

Claire Leffingwell

Claire Leffingwell, Vice Chief Justice