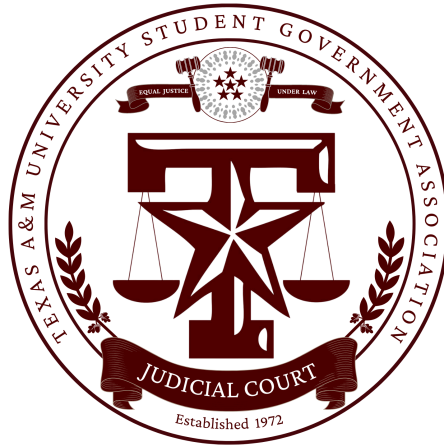


SPRING TERM, 2024



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.

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BAGLEY, C.J., NANDWANI, RUOPP, WHITCOMB, KIM, AND RUBIO JJ., delivered the opinion of the Court, in which DALTON, J., joined. LEFFINGWELL, V.C.J., filed a concurring opinion.

Student Body President candidate Cade Coppinger posted a video to his Instagram account on February 12th, 2024. In this video, the Petitioner is pictured in the Memorial Student Center. On February 23rd, 2024, at 1:30 P.M., the E.C. reviewed a violation report against the Petitioner. The violation was in reference to V S.G.A.C. §601.5(2) (e), which states that certain areas on campus are off-limits to candidates during the general campaign period. Among these locations is the Memorial Student Center. Additionally, V S.G.A.C. §601.5(2) (e) states:

“Areas inside the Memorial Student Center, Rudder Buildings, Rudder Fountain, classrooms, the Rec Center, and the John J. Koldus Buildings are off limits to campaigning during the campaigning period, except when a group or organization allows candidates to speak at their meetings... Any candidate found actively campaigning in the aforementioned areas shall be assessed a major violation.”

The E.C. issued a major violation because the candidate was pictured in the MSC, above a hashtag endorsing his candidacy. This resulted in a financial penalty of fifteen (15) percent of the candidate’s budget. The submission did not include a timestamp of the Instagram post.

On March 3rd, 2024, the Petitioner appealed for a Writ of Certiorari from the Texas A&M Judicial Court. The Petitioner sought the overturning of the Major Violation and the removal of the \$225 fine from the Petitioner’s budget and expense report. The reasoning presented by the Petitioner was the violation was not submitted twenty-four (24) hours after the initial violation occurred. Of paramount importance to the Court is V S.G.A.C. §601.6(2) (a), which states:

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“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 violation.”

The violation report submitted is invalid due to the aforementioned section of the Code. The Court maintains significant reservations regarding the nature of the violation; however, V S.G.A.C. §601.6(2) (a) nullifies the decision to fine the Petitioner.

Although the decision to overturn the Petitioner’s fine was unanimous, there remains something that cannot be neglected. The Petitioner is in violation of the V S.G.A.C. §601.5(3) “Electronic Campaigning.” Notwithstanding the fact that it could not be applied because of the Article 4 Section II Subsection (a):

“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 violation. The violation report can be found at tamuelection.com.”

The Petitioner directly violated the code with respect to the video used with the purpose of eliciting votes. Moreover, in V S.G.A.C. §601.6(3) (a)(5), it states:

“Videos created in support of a candidate shall be considered campaign materials and the contents within such materials may be subject to regulation. Equipment that is used in the production and creation of electronic media need not be expensed.”

In this case, the use of the video and the contents of the video, including the portion in which the Petitioner walked through the MSC, is considered usage of “campaign materials”; however, when taken into the context of V S.G.A.C. §601.5(2) (e), it becomes a violation. Moreover, the statute states:

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“Areas inside the Memorial Student Center, Rudder Buildings, Rudder Fountain, classrooms, the Rec Center, and the John J. Koldus Buildings are off limits to campaigning during the campaigning period, except when a group or organization allows candidates to speak at their meetings. In these cases, the candidate may only campaign in the immediate room in which the meeting is being held. The only exception to this rule is that articles of clothing may be worn anytime, anywhere during the campaign period. Any candidate found actively campaigning in the aforementioned areas shall be assessed a major violation. Wearing t-shirts or apparel is not considered actively campaigning. Apparel includes clothing, backpack tags, tattoos, and anything else deemed apparel by the Election Commissioner.”

Because the video and its content, specifically the Petitioner walking through the MSC, is subject to regulation, the Election Commission has the authority to assess violations of these materials.

The brief footage in the MSC is included in a compilation of short clips. The compilation was then voiced over and polished. The finished product is an effort to gather votes and garner support for the candidate. Regardless of the Petitioner's intent—whether he was aware he was violating V S.G.A.C. §601.5(2) (e)—, the mere act of walking through the MSC, affixing the footage to an Instagram reel, and posting during the general campaigning period is a violation of the code. Had the candidate excluded the clip in the MSC or filmed the action elsewhere (in accordance with V S.G.A.C. §601.5(2) (e)), the Petitioner would not have been assessed a fine.

The Petitioner's decision to create campaign materials creates a risky precedent that permits subsequent candidates to permit the creation of campaign materials in the statutes where the Student Government Association Code prohibits it. The Court has concluded that a single violation within an electronic campaign video is sufficient to deem the whole video a violation. According to the V S.G.A.C. §601.5(3) (a)(5),

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“Videos created in support of a candidate shall be considered campaign materials and the contents within such materials may be subject to regulation. Equipment that is used in the production and creation of electronic media need not be expensed.”

Therefore, the Court has determined that the instance of a candidate within a restricted area being recorded and included within campaign materials is a violation of said restrictions. Should the Court vote differently, the restrictions lose purpose and validity for any and all electronic campaigning.

Such a precedent opens the door for great potential harm and the abuse of statutes in place. Despite the Petitioner having committed a violation, the aforementioned reasoning regarding the twenty-four (24) hour time limit for a report to occur following a violation leads the Court to overturn the Election Commission’s decision.

* * *

The duty of this Court is not to render opinions that it likes either out of sheer convenience or policy preference, as some would have. As Justices of the Judicial Court of Texas A&M, we are charged with following the V S.G.A.C. and evidence.

With that in mind, the Court cannot rule in favor of the E.C. In reviewing the E.C.'s interpretation and application of the V S.G.A.C., the Court hereby finds the Election Commission’s decision to apply the major violation on the Petitioner under V S.G.A.C. §601.6(3) & V S.G.A.C. §601.6(2) (a) to be outside of the Election Rules & Regulations. Therefore, the Court has determined that despite the Petitioner’s violation of the V S.G.A.C., no report of the violation occurred in the required timeline. Consequently, the Petitioner’s request for the reversal of his major violation is granted.

It is so ordered.

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SIGNATURES OF THE JUSTICES

No. 76-02



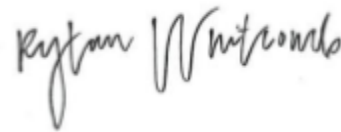
Sawyer Bagley, Chief Justice

Zaki Nandwani

Zaki Nandwani, Associate Justice



Nicole Ruopp, Associate Justice



Rylan Whitcomb, Associate Justice



Emma Kate Dalton,
Associate Justice



Chloe Kim, Associate Justice



Danielle Rubio, Associate Justice