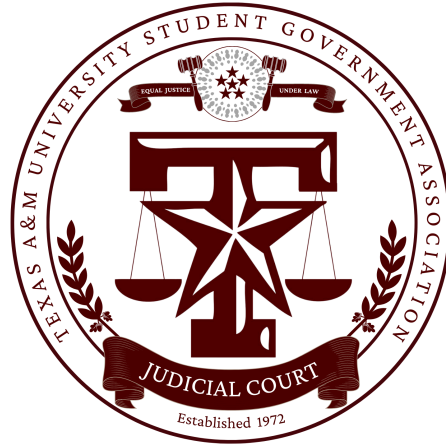


SPRING TERM, 2024



# JUDICIAL COURT OF TEXAS A&M

## Syllabus

ANKIT LULLA *v.* ELECTION COMMISSION

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

No. 76-03. Argued March 18, 2024 - Decided March 20, 2024

Ankit Lulla (“Petitioner”), a candidate for Student Body President, submitted a Petition for a Writ of Certiorari regarding the alleged violations made by the campaign of Cade Coppinger, another Student Body President candidate. The Election Commission (“E.C.”) assessed multiple violation reports regarding the Coppinger Campaign, eight of which were included in the original petition. Mr. Lulla filed a petition with the Court on the grounds that the E.C. was incorrect in their interpretation of the Student Government Association Code (“S.G.A.C.”) and has asked the Judicial Court to reverse the decision of the E.C. not to fine Mr. Coppinger. The Petitioner asserts that the evidence submitted was sufficient for the E.C. to determine, with certainty, that Mr. Coppinger’s campaign had violated the Election Rules & Regulations. The violations in question are as follows #24, 25, 36, 38, 39, 40, 42, 46. In this case, the Judicial Court must determine the validity of the E.C.’s interpretation and application of the S.G.A.C. and whether sufficient evidence exists to apply a violation to Mr. Coppinger’s campaign.

LULLA *v.* ELECTION COMMISSION

## Majority Opinion

BAGLEY, C.J., LEFFINGWELL, V.C.J., WHITCOMB, RUOPP, DALTON, KIM, AND RUBIO JJ., delivered the opinion of the Court, in which NANDWANI J. dissented in part.

The Court requires certainty, not reasonability, of a violation to convict to ensure consistency and that justice is maintained. Furthermore, the Court recognizes the accused's rights to be considered innocent until proven otherwise. The 5th Amendment of the U.S. Constitution guarantees citizens that no one shall be "deprived of life, property, or liberty without following the due process of law." Proof of an allegation is essential to due process, and the Court recognizes such rights of the accused. Should the Court make its decision on the grounds of the reasonableness of an assertion or allegation, the rights of the accused cannot be guaranteed, which opens the door for great harm. Moreover, the Court would lose its purpose of ensuring each student receives their due should it not require certainty as the criteria for conviction.

The Court shall uphold the E.C.'s decision not to issue a violation in the case of Violation #24. The report describes and provides a picture of a member of Cade Coppinger's campaign team who is bannered near the entrance of the MSC. The individual who anonymously submitted this violation claimed that the campaign team member "physically impede[d] the natural flow of pedestrian traffic at the entrance to the Memorial Student Center" as "her foot is clearly on the entrance mat."

The Court finds that the evidence provided within the Violation #24 report is insufficient, as it cannot be confidently determined that the flow of traffic was inhibited. Therefore, the campaign team members in question cannot be determined to have violated V S.G.A.C. §601.5(3) (f), which states that "no demonstrations, gatherings, or other form of campaigning, which interferes

LULLA *v.* ELECTION COMMISSION

## Majority Opinion

with the natural flow of either pedestrian or vehicular traffic, shall be permitted.”

Violations #39 and #46 describe an interaction between Gus Rodriguez, a former Commander in the Cadet Leadership Council (“CLC”), and Trey Bass, a member of the CLC. This interaction had occurred because Mr. Bass had reposted content on Instagram that promoted the campaign of another Student Body President candidate, Ben Crockett. Mr. Rodriguez, after seeing Mr. Bass’s repost, sent an Instagram direct message informing Mr. Bass “that he must remove the Crockett campaign material from his Instagram immediately, as the CLC rules prevent issued endorsements in favor of any SBP Candidate besides the one who is voted for and approved by CLC.” The individuals that anonymously submitted Violations #39 and #46 claim that Mr. Rodriguez acted on behalf of the Cade Coppinger campaign, compromising “the principles of a free and fair election” by coercing and intimidating Mr. Bass into removing his Instagram repost.

The Court upholds the Election Commission’s decision not to issue a violation in the case of Violations #39 and #46. This is due to the lack of evidence supporting the claim that Mr. Rodriguez acted on behalf of the Coppinger campaign in suppressing Mr. Crockett’s online campaign material. Secondly, the Court feels that the requested removal of said Instagram post to remain consistent with CLC endorsements does not count as “coercing students to vote against their own volition”<sup>1</sup>, as it did not prevent Mr. Bass from freely voting for his chosen candidate.

In the count of Violation #36, the evidence submitted was unclear about the object in question. The Court cannot confidently determine whether the item in question was a speaker being used by the people bannerer. While it may

---

<sup>1</sup> See V S.G.A.C. §601.6(3) (a)(1)(iii): “Obstruction of the free and fair nature of voting shall include but not be limited to operating a polling location without the consent of the Election Commissioner; candidates and their staff asking students to vote in their presence, and/or coercing students to vote against their own volition.”

LULLA *v.* ELECTION COMMISSION

## Majority Opinion

be reasonable to assume the object is a speaker, there is no certainty that it is being a speaker, playing music, and garnering attention.

In the case of Violation #25, the report provides a photo of and describes “a member of [Cade Coppinger’s] team [that] was seen holding a banner near the entrance of the MSC and distributing campaign materials to individuals as they entered into the MSC.” According to this report, this action violates V S.G.A.C. §601.5(2) (e), which states that “areas inside the Memorial Student Center, Rudder Buildings, Rudder Fountain, classrooms, the Rec Center, and the John J. Koldus Building are off limits to campaigning during the campaigning period, except when a group or organization allows candidates to speak at their meetings.” However, the Court holds that the photo provided within the violation report is an insufficient source of evidence, as it cannot be certainly determined that the campaign team member’s hand crossed the threshold of the MSC.

The Court shall uphold the E.C.'s decision not to fine the Petitioner for Violations #38, #40, and #42. On February 27th, 2024, Mr. Coppinger uploaded a video to his Instagram. The one-minute and seventeen-second video includes verbal campaign endorsements from eight Texas A&M University athletes. Throughout the video, Mr. Coppinger competes with the athletes in their respective sports. Violation Reports #38, #40, and #42 claim that Mr. Coppinger violated V S.G.A.C. §601.6(4) (f), which states that,

"It is the responsibility of the candidate to accurately report and assign value to all campaign materials. For campaign materials that are determined to be unexpensed, the Election Commission shall impose a sanction on the candidate's budget proportional to the value of the unexpensed materials, as determined by a reasonable individual using the mean of at least 2 publicly available prices for similar items. However, if the Election Commission obtains a preponderance of evidence, supported by logical common sense, indicating that the candidate had the ability to report and value the campaign materials

LULLA *v.* ELECTION COMMISSION

## Majority Opinion

but failed to do so, the candidate will be subject to additional penalties of 505 of the determined value of each unexpensed item."

Per V S.G.A.C. §601.3(a) (5) and V S.G.A.C. §601.4(3) (a), the soccer ball used in Mr. Coppinger's video is considered as campaign material and should be expensed by V S.G.A.C. §601.7(1) (a)(1)(i). Violation reports #38, #40, and #42 claim Mr. Coppinger failed to expense the soccer ball at Fair Market Value. Mr. Coppinger valued the soccer ball used in the video at \$10.81. Mr. Coppinger provided two additional, publicly available prices for soccer balls: a soccer ball from Walmart listed for \$9.98 and a soccer ball at Academy listed for \$9.99. The violation reports stated that the soccer ball used in Mr. Coppinger's campaign video cost \$169.99 at Dick's Sporting Goods. The violation report included photos of the exact item and the exact cost.

The E.C. did not issue Mr. Coppinger a violation; the E.C. claimed there "was not sufficient evidence to confidently conclude that the soccer ball was intentionally undervalued in order to undermine the [Fair Market Value] form." The Court does not have the means to determine Mr. Coppinger's intent. To overturn the E.C.'s decision, the Court would need written, verbal, auidial, or photographic evidence in which Mr. Coppinger explicitly expresses ill intent or abuse of the Fair Market Value Assessment Form. Because the Court cannot be sure if the soccer ball was intentionally undervalued, the Court cannot overturn the E.C.'s decision.

Furthermore, it is the majority opinion of the Court that it is not the brand of the soccer ball (in this particular instance) that garners support or attracts votes; instead, it is the action performed with the ball, accompanied by a verbal endorsement. The soccer ball is merely a prop. The Court acknowledges that the soccer ball is considered campaign material and should be logged in the Fair Market Value Assessment Form. The code specifies that Mr. Coppinger must list "at least two publicly available prices for similar items." The Court has determined that the items listed on the Fair Market Value Assessment Form are, in fact, similar items. Although they are

LULLA *v.* ELECTION COMMISSION

## Majority Opinion

not the same size, material, or design, if the candidate were to substitute the ball used in the video with one of the similar items, the video would have the same effect on the viewer.

Additionally, if the Petitioner believes that the specific model of the soccer ball influences the voting behavior of students, the Court believes the Petitioner should have applied the same logic to the football and volleyball used in the video. The Petitioner did not mention additional props in the campaign video.

The Court recommends that the Rules and Regulations committee provide a detailed description of what constitutes a “similar item.” There is a distinction to be made between “similar in price” and “similar in effect.” The Court acknowledges that the case at hand emphasizes a notable gray area within electoral regulations: the lack of specific guidance or provisions regarding the treatment of financed campaign materials. While the code outlines certain responsibilities for candidates, including the accurate reporting and valuation of campaign materials, it does not explicitly address scenarios where materials are financed or provided by external parties.

The Court finds insufficient evidence to support these claims as to whether the similarity and specificity of a particular soccer ball make a difference in the electoral process and outcome. It is essential to note that while the soccer ball featured in the video is considered campaign material according to S.G.A.C. provisions, determining its fair market value may not be straightforward. The Court acknowledges the complexities involved in valuing campaign materials, especially when they are part of a larger promotional effort to solicit votes. Furthermore, the Petitioner's claim hinges on the interpretation of S.G.A.C. provisions regarding the valuation of campaign materials. Given the nuanced nature of these regulations and the absence of clear guidelines for valuing items such as a soccer ball in a campaign video, the Court finds it reasonable for the E.C. not to impose a

LULLA *v.* ELECTION COMMISSION

## Majority Opinion

violation based on the available evidence. In conclusion, the Court affirms the E.C.'s decision not to fine Mr. Coppinger for Violation #38, #40, and #42. It emphasizes the importance of clarity and specificity in campaign finance regulations to facilitate fair and transparent electoral processes.

While the Court upholds the E.C.'s decision not to fine Mr. Coppinger for alleged violations, it must be emphasized that this decision does not set a precedent absolving candidates from accurately reporting and assigning value to campaign materials. Instead, it underscores the need for clarity and specificity in campaign finance regulations to ensure fair and transparent electoral processes. If not, candidates could see this as an opportunity to abuse the court's ruling by intentionally falsifying fair market value information.

\* \* \*

The duty of this Court is to recognize and protect the rights of every student that comes before it. This includes the right to representation, petition, and most importantly, due process of the law. As such, the Court holds that every accused shall be considered innocent until proven otherwise.

With that in mind, the Court must uphold the decisions 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 not apply any violation on onto Mr. Coppinger and that there is a lack of evidence to find the candidate to be outside of the Election Rules & Regulations. Therefore, the Court has determined that none of the alleged violations should be applied to Mr. Coppinger and the E.C. judgment to be correct.

*It is so ordered.*

LULLA v. ELECTION COMMISSION

Majority Opinion

SIGNATURES OF THE JUSTICES

No. 76-03



---

Sawyer Bagley, Chief Justice



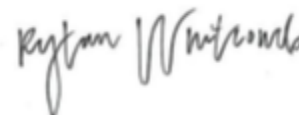
---

Claire Leffingwell, Vice Chief Justice

*Zaki Nandwani*

---

Zaki Nadnwani, Associate Justice



---

Rylan Whitcomb, Associate Justice



---

Nicole Ruopp, Associate Justice



---

Emma Kate Dalton, Associate Justice



---

Danielle Rubio, Associate Justice



---

Chloe Kim, Associate Justice