Texas State University
Student Government
Supreme Court

Syllabus
Abby Myers vs Carter Lawson
Complaints No: 06-090-183 & 06-091-047
Opinion No: 25-03

Complaints received – March 3rd and 4th, 2025. Argued – March 6th, 2025. Opinion Issued – March 7th, 2025.

The Court received two complaints (consolidated into this case) from Miss Abby Myers (referred to as petitioner) alleging that Mr. Carter Lawson (referred to as defendant) had violated Campaigning regulations as set forth by the Student Government Election Code (referred to as S.G.E.C). The complaints alleged:

1- That Carter Lawson has it public (on his Instagram) that he is running for President before the designated campaign period."
2- "That Mr. Lawson has been messaging individuals and organizations on Instagram asking to provide them ways he will help their organization because he is running for Student Body President before the designated campaign period."

The Court convened a hearing on this matter on March 6th, 2025. We analyzed the presented arguments from the petitioner and the defense, the submitted evidence, our own fact findings, and the Code of Laws to make our determination on this matter.

The Court holds:

1- For both complaints 1 and 2, Mr Carter is guilty of violating the Student Government Election Code.
2- Both actions fall under category B violations as stipulated by the code.
3- Mr Carter's campaign is suspended for 24 hours. The suspension will begin at 8 am, Monday, March 17th and will end at 8 am, Tuesday, March 18th.

A detailed opinion on how the court reached these determinations is found below. We also respond to several claims made by the defendant in their arguments.

Chief Justice Hanzala delivered the majority opinion for a unanimous court, in which Justices Nguyen and Hernandez joined. Justices Karki and Downey did not take part in this decision.

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Majority Opinion
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Chief Justice Muhammad Hanzala delivered the majority opinion of the Court.

On March 3rd and 4th, the Supreme Court received two complaints from Miss Abby Myers alleging that Mr. Carter Lawson has violated the Student Government Election Code (see pages 41-57 of the Student Government Code of Laws) – referred henceforth as S.G.E.C. The court convened a hearing on March 6th. The petitioner submitted prior evidence and represented herself. The defendant represented himself and called forth two witnesses – a professor of political science and a president of an organization the defendant had contacted.

Upon examination of the evidence, the presented arguments at the hearing, and our interpretations of the S.G.E.C, we reach the conclusion that Mr. Lawson indeed is in violation of the Code of Laws.

Before the Court begins to write upon those findings, we respond to a set of arguments the defense made during the hearing.

The defense attempted to establish that the Code of Laws is ambiguous, restrictive, and hinders their expression as a candidate. The court doesn't express any opinion on that matter but reminds the defense that we are not a legislative body. We simply exist to apply the laws of our constitution and government. While the defense is within its right to establish frustration with the laws, our job is to apply them as they exist. The Constitution and the Code of Laws applies to all students, all members of student government, all electoral candidates, and to all Texas State Students universally. Defendants are within their rights to petition the legislature to change the laws as they'd prefer, but until then, they will be applied in their current form.

The defense also expressed strong opinions on the alleged intentions of the petitioner, the workings of student government, and the restrictive nature of this body. Once again, the defense is within its right to present their opinions on this matter, but the court does not consider any of that in its decision making today. We derive all conclusions on this matter strictly from the S.G.E.C.

The defense expressed frustration at this matter being publicized. The Code, however, requires the Court to notify all the parties (defendant, respondent, student government president, vice president, and the advisors) that it has accepted a notice of complaint. (pg. 46, Article I, Ch 101, S.G.E.C).

We are also required to make all our hearings public (pg. 47, Article I, Ch 101, S.G.E.C). We must also provide a copy of this decision to all candidates running for office (pg. 54, Section 16, Article VI, Chapter 101, S.G.E.C).

Finally, we also refer to pg. 48, section g, article I, Chapter 101 of the S.G.E.C:

"Decisions will be made based on a preponderance of the evidence. A preponderance of the evidence decision is based on what is most likely to have occurred and the greater weight of the evidence submitted."

Our opinion today is indicative of what we consider to most likely have occurred, that both actions by Mr. Carter most likely solicited interest and support in him as a candidate, and this constitute as a campaigning activity.

I – Finding of Guilt

A

To determine guilt or innocence of the defendant, the Court first determines the alleged violations. The petitioner complaints that Mr. Lawson publicized his bio on Instagram to present himself as a presidential candidate. The second complaint alleges that the defendant reached out to various organizations to solicit interest in himself as a candidate. The defense argues that simply changing his bio on Instagram does not constitute as campaigning. They also argue that reaching out to said organizations does not constitute as campaigning as their intention was not to solicit votes. For determining both these actions, we first look at the definition of campaigning (page 41, article II, S.G.E.C):

"Campaign and Campaigning refer to statements, literature, activities, or deliberate uses or distribution of materials of any kind including electronic or virtual, that have or are intended to have the effect of soliciting votes, support or interest for a candidate, alliance, or elective office. Campaigning must only occur during the official campaign period, as defined in this code."

We then look at the definition of campaign materials (page 42, article II, S.G.E.C):

"Campaign materials refers to all materials and literature of any kind, including electronic or virtual, concerning any candidate that has or is intended to have the effect of soliciting votes, support, or interest for a candidate or elective office."

Finally, we look at pg. 49, section 1, Article II "Filing", Chapter 101, of the S.G.E.C:

"Campaigning for the Spring General Election shall begin the first Monday following the end of the Spring Break and end the Wednesday of the following week."

B

The first complaint is regarding Mr. Lawson changing his bio to present himself as a presidential candidate on Instagram. We hold that it is a violation of the Election Code.

Anything *"intended to have the effect of soliciting votes, support or interest"* is considered campaigning under S.G.E.C. While we agree with the defense that this action might not directly solicit votes, we refer to the third action – soliciting interest – to hold that this constitutes as campaigning as well. The petitioner submitted evidence of the defendant's bio, which read "TXST Student Body President Candidate." While the defense argues that this presentation of candidacy is not campaigning, we consider it to be under the umbrella of campaigning because of the *"soliciting interest"* statement of the S.G.E.C. If any enrolled student of Texas state university was to come across the defendant's Instagram, it is reasonable to believe that the defendant's statement of his presidency would interest that student in their candidacy as President. That is a direct definition of campaigning as per the S.G.E.C.

The defendant also followed (as alleged by the petitioner and accepted by the defendant) multitudes of accounts after changing his bio. If the defendant had no intention to solicit interest in their candidacy, why did they change their bio immediately before following other Texas state students and getting more eyes on their bio. The Court was left unsatisfied by the defense's answers.

The defense argued that they were protected by the following found in the S.G.E.C (pg. 42, Article II):

"Social media follows or likes, and equivalent do not constitute endorsement."

This clause doesn't, however, mention anything about it not being campaigning.

Because of the reasons outlined above, we hold this action to be a campaigning activity.

C

The second complaint from the petitioner alleges that the defendant reached out to various student organizations to solicit interest in their presidency. We hold that this is a violation of the Election Code.

The petitioner also argued that the statements made by the defendant could be perceived as a quid pro quo, or bribery.

As part of their evidence, the petitioner submitted the following message that the defendant sent to an organization: "Hey there, my name is Carter Lawson and I am running for Student Body President. I would be proud to be endorsed by bookish cats and would love to speak with the President about what I could do for your org. Would I be able to speak to them?"

To begin, we first look at the argument the petitioner made during hearing. She alleges that these actions could constitute as bribery. However, the Court rejects that argument, as the evidence submitted was not satisfactory to reach that determination. The defendant's second witness, a president of a club that he had reached out to, also testified that they did not get an intention of bribery from their interaction with the defendant.

However, we do hold that the candidate was intending to solicit votes or interest in his candidacy. “I would be proud to be endorsed by bookish cats” is a statement asking for endorsement. The defense argues that interpreting that as an attempt to solicit interest in their candidacy is a very broad interpretation of the definition of campaigning. The Court is unsatisfied by that argument. If reaching out to an organization to solicit their endorsement is not an attempt to solicit their support and interest in a candidacy, then we might as well rule that any attempt to solicit support or interest is not an attempt to do so anymore. We hold that reaching out to an organization to ask for their endorsement is a direct action to establish their support, or at the minimum their interest, in a candidacy. Both of those are in the definition of campaigning (see page 3 of this opinion).

The court was also made aware that the candidate reached out to multiple organization. The petitioner alleged this, and the defense did not dispute it. Furthermore, the 2nd witness called by the defense presented himself as a president of a club that the defendant had reached out to. The Court was also informed by the executive branch of student government about the defendant reaching out to them. The court is within its right to decide based on what *“is most likely to have occurred”* (see page 3 of this opinion), and we presume that a number of these messages could have been very similar to that presented by the petitioner.

The defense argued that other candidates have committed outreach to recruit agents and to form alliances. The Code makes a specific mention of it by stating *“potential candidates may privately consult and recruit for the formation of an alliance.”* The Code also specifically allows for recruitment of agents authorized to work for the candidate. Neither of these two instances is soliciting votes or gaining interest in themselves as a candidate, rather recruiting other candidates and agents to from alliances with and work with.

The defense argued that having nine days is too restrictive for a campaign, and that they were just doing outreach to expand student government. Be that as it may, the nine-day period is what the code has established. And that is what all candidates must follow.

As far as the latter point goes, while the Court welcomes their enthusiasm to expand the government’s outreach, they are more than welcome to do so if they become our next President.

Their actions in this instance, however, are a violation of the campaigning regulations as they constitute as campaigning and were undertaken outside the campaigning period.

As both these actions have been decided to constitute as campaigning, and both occurred before the designated campaigning period (March 17th – March 26th), we hold that the candidate is in violation of the Election Code for both the offenses.

II – Classification of Offense

A

The next determination that the court must make is on the classification of the offense. Section 3, article IV, chapter 101, of the S.G.E.C states:

"Public, printed, electronic, verbal or any other display of campaigning shall be prohibited until 2 weeks prior to the last day of voting."

Because the Court holds that publicizing one's candidacy is indeed campaigning under the S.G.E.C., the defense is in violation of this provision as well. Section 6 of the same article states:

"Violation of any of these provisions, or refusal to comply with said provisions listed in this section shall be considered a Class B offense against this Election Code."

While the defense argued for a class C violation, the reading of the Code leads us to classify the first offense (bio in Instagram) as Class B violation.

B

For the Second complaint, we also hold that it is a class B violation. Pg 53, Section 7, article VI, Chapter 101, describes the three classifications as the following:

"Class A offenses shall be considered the most egregious form of violation to this Election Code, Class B offenses shall be considered moderate violations of this Election Code, and Class C offense shall be considered minor violations of this Election Code."

If not directly stipulated as a violation of a certain section, Campaigning violations can fall at any of these categories. We take a case-by-case approach to determine where each situation lies, and then set a precedent for future decisions.

The petitioner's testimony asked us to consider this as a class B violation. They also made a case for considering it a class A violation, as they thought the candidate's messaging could be construed as bribery. We do not consider this to be a class A violation.

The defense argued for a class C violation. For them, if ruled against them, this could only be a minor violation of the S.G.E.C. We do not consider this to be a class C violation.

Because the defendant approached different organizations, an act which we've decided to constitute as campaigning, we find that to be a Class B violation. Campaigning outside the designated campaign period is not a minor infraction. It is a moderate violation. Campaigning early can give the guilty candidate a powerful head start in comparison to the other candidates. The violating candidate can solicit interest and votes away from a candidate in a non-designated campaigning period. This massively disadvantages the law-abiding candidates and could result in their campaigns being stinted in comparison to defendant's campaign that started before the designated period. Therefore, we do not see it as a minor infraction, rather a Class B violation.

III - Punishment

After holding that both the violations were each an individual class B violation, we must deem the appropriate penalty. To do so, we look at section 10, Article VI, Chapter 101, of the S.G.E.C.

"Punishment for 2 or more Class B offenses may include, suspension from campaigning for up to 24 hours, removal of publicity materials completely from those areas affected by any violation, the Supreme Court may choose other punishments of the same general scope as stated in this section but shall not punish with extreme measures unless the violations of Class B offense are both numerous and egregious."

The Code gives us the discretion of deciding an appropriate penalty of a similar scope. Because the candidate got a head start on campaigning, and solicited interest in his candidacy while the other presidential candidates were not allowed to do so, we look to establish a fair penalty that revokes this unfair advantage.

Because the defendant committed two Class B violations, we can suspend the campaign up to a 24-hour period. To negate the advantage that the defendant has because of these infractions, we decide to use the full 24-hour suspension available to us in that section.

Therefore, as the court holds that Carter Lawson has committed 2 Class B violations, their campaign is suspended from 8am March 17th (the first day of campaigning) to 8 am March 18th (the second day of campaigning).

A violation of this opinion may constitute as a class A violation, which can result in more serious penalties for the defendant.

It is so ordered…