

Texas State University Student Government Supreme Court

Syllabus

Kaden Farrington vs Jordan Hunter
Complaint No: 06-104: 141,119, and 103
Opinion No: 25-09

Complaints received – March 26th, 2025. Argued – March 30th, 2025. Syllabus Issued – March 30th, 2025. Decision issued – April 4th, 2025.

The Court received three complaints from Kaden Farrington (referred to as petitioner) alleging that Jordan Hunter (referred to as defendant) had violated Campaigning regulations as set forth by the Student Government Election Code (referred to as S.G.E.C) and a memorandum issued by the Court on March 26th, 2025. These complaints have been consolidated into two. The complaints alleged:

- 1- “A voting link was added to their Instagram bios after the end of the voting period. As this link did not previously exist, this is in violation of the memorandum issued by the Court.”
- 2- “After adding the link, the Instagram account followed a lot of new accounts. This is campaigning and was done after the ending of the campaign period.”

The Court convened a hearing on this matter on March 30th, 2025. We analyzed the presented arguments from the petitioner and the defense, the submitted evidence, our cross examination, and the Code of Laws to make our determination on this matter.

The Court holds:

- 1- For the first complaint, Mr. Hunter is not guilty of violating the Code and the Memorandum issued by the Court.
- 2- For the second complaint, Mr. Hunter is guilty of violating the Code and the Memorandum issued by the court.
- 3- As stated in the memorandum, Mr. Hunter is guilty of 3 class A violations.
- 4- After the end of the campaigning window, the only remedy available to the Court is disqualification. Mr. Hunter will not be disqualified for this violation.

A detailed opinion on how the court reached these determinations will be issued at a later date. This is in accordance with policy changes that the Court has incorporated a timely election certification.

Chief Justice Hanzala delivered the opinion of a unanimous court, in which Justices Nguyen, Downey, and Hernandez joined. Justice Karki 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.

We received three complaints from Mr. Kaden Farrington that Mr. Jordan Hunter's Campaign violated both the election code and the memorandum issued by the Court on Wednesday, March 26th, 2025. Two complaints were about new followers, which we consolidated into one, and the third complaint was about adding a voting link to their Instagram bio. Both these actions occurred after the end of the campaigning period. Pg 54, Section 1, Article VIII, Chapter 101, S.G.E.C states:

"...Campaigning will NOT continue on voting days..."

Before we write on the facts of the case, we want to highlight two memorandums we issued.

First, at approximately 2:30 pm on Wednesday, March 26th, we issued a memorandum about the campaigning period ending at 5pm that day. In that memorandum, we also established that:

"Any campaigning done during the election voting window will constitute as 3 separate Class A infractions. We reserve the right to punish 3 class A infractions as we may see fit, with the full force of potential punishments allowed under the Code, including disqualification as a candidate or a candidate-elect."

After the issuance of this memorandum, we received correspondence, most of it in person, about deciding on voting links staying in a candidate's Instagram bio. To do this, we must follow our usual process. We must put it up for an internal debate, then take a vote on it, and then issue an order. Even fast tracking this matter can still need a few hours to get through it all. Because this matter needed an urgent answer, we decided to issue a short email with our guidance. The email was sent out at approximately 5:50 pm, about 50 minutes after the end of the designated campaign period. The email stated that:

"We have received a few requests in the last hour to consider allowing social media bios to have a voting link even after the campaigning period has ended. There isn't any time to issue an advisory opinion for this matter, so we will just advise via email. We have unanimously decided to allow the links to stay. If you are a candidate who may have removed the link from your bio to adhere to the end of the campaigning period, you may edit your bio and put the voting link back in. We will not consider that a violation."

The petitioner alleges a violation of both these memorandums. We have found the defendant guilty of violating our memorandum for the second complaint only.

I

A

The first complaint alleged that the defendant violated our memorandum by adding a link to the voting site to their campaign's Instagram bio. The defense conceded that this link was indeed added after the end of the campaigning period. The petitioner alleged that the memorandum clearly stated that if a candidate removed the link, they could add it back into the memorandum. The defense, however, stated that they planned on adding the link before the end of the campaign period, but were waiting on clarification from the Court. Once they received an email allowing for voting links to stay, they added the link in and were sure they were in compliance with the memorandum. For the defense, the statement that "*we have unanimously decided to allow the links to stay*" shows the intent of the court to not consider it campaigning during the voting period. Therefore, they waited for our ruling and put the link in their bio once it was issued.

We understand the defense's perspective. First, there is no proof that there was no voting link ever in their bio. The defense stated that they did have the link in their bio at some point during campaigning. We also acknowledge that, due to the quick nature of the ruling needed, we did not issue a detailed opinion with plenty of guidelines on what is allowed and not allowed. We allowed links to stay, and we allowed for them to be put back if they were taken away. Waiting for us to make a ruling before adding the link, therefore, cannot be guilty of violating our memorandum that barred any campaigning during voting period. We also do not see any clause of the election code that it may have violated.

Therefore, when adding the voting link to their bio after the campaigning period had ended, the defendant is neither guilty of violating our memorandums nor guilty of violating the election code.

B

The second complaint alleges that the defense violated the aforementioned memorandum. The petitioner presented evidence that the follower and following counts of Mr. Hunter's Instagram account increased during the voting period. They had screenshots of those numbers right from the end of the campaigning window at 5pm, March 26th, all the way up to the hearing for this case (March 30th, 2025).

We have set precedent in our opinion 25-03 where we held that following people on an Instagram account that promoted a candidate is considered campaigning. We do not see any reason to overturn that precedent. Just as explained in that opinion, it is likely that the people who followed Mr. Hunter, and the people he followed, all could develop an interest in his campaign if they came across his file after the act of him following them.

While the defense attempted to establish that they do not know when these accounts were followed, and that the court should consider that they may have been followed before the voting period, we must decide on what is likely to have occurred (see pg 48, section h, Decisions, Article I, Chapter 101, S.G.E.C).

Is it likely that at least 1 of the approximately 76 accounts Mr. Hunter followed was followed during the voting period? We hold that it is. The numbers kept on increasing well into, and even after, the end of the voting period.

Therefore, Mr. Hunter is guilty of violating our memorandum and the Election Code.

II – Classification of Offense

Using our discretionary powers given to us by the Code for election matters, our memorandum set out the act of campaigning during the voting period to constitute 3 separate class A violations. These 3 were:

- 1- One class A for the act of campaigning during the voting window.
- 2- One class A for unduly influencing the student body as they vote.
- 3- One class A for violating a Supreme Court Opinion (see opinion number 25-02).

Therefore, Mr. Hunter is convicted of 3 Class A violations.

III – Punishment

This case was filed, heard, and decided after the end of the campaigning period. At this point, the only remedy available to us is Disqualification. However, we reserve disqualification for egregious offenses or for numerous class B and A offenses (see pg 53, section 12, Article VI, Chapter 101, S.G.E.C and our opinion 25-06).

The defense argued that our memorandum meant that 3 Class A violations were an automatic disqualification. We disagree. The memo states that “*we reserve the right to punish 3 class A infractions as we may see fit, with the full force of potential punishments allowed under the Code, including disqualification as a candidate or a candidate-elect.*” Therefore, we determine disqualification merits on a case-by-case basis. It is not an automatic penalty.

While we do agree that Mr. Hunter’s actions total 3 class A violations, and in some cases, those could be enough for disqualification, we do not hold that to be true in this case. For this case, there is a mitigating factor. While we do hold Mr. Hunter guilty for the second complaint, as even one person being followed after the voting period constitutes as campaigning under the Code, that is not enough to disqualify. There was an increase of approximately 76 accounts. We do not know how many accounts were followed before and how many after the voting period. Therefore, Mr. Hunter will not be disqualified for these offenses.

It is so ordered...