

## Complaint #22-05

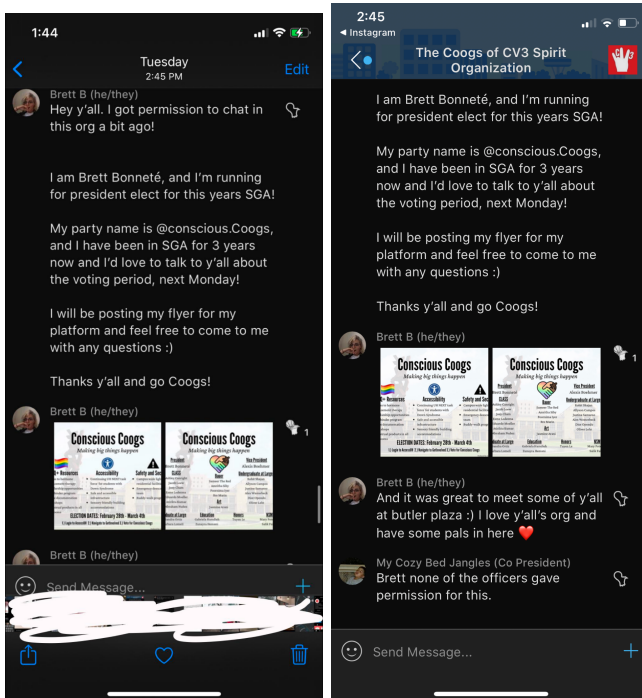
**Petitioner(s):** Caitlin Beafneaux

**Respondent(s):** Brett Bonnete - Conscious Coogs

**The following allegations were filed 2/25/22 at 11:48 AM:**

“Violation of Article 4, Section 2, Clause 1

*Conscious Coogs candidate Brett Bonnete was campaigning in the Coogs of CV3 groupme, despite not receiving consent from organization leadership to do so. “Campaigning” would be defined as posting pictures of their platform flier, as well as a graphic with the names of all Conscious Coogs candidates. By posting the names of every candidate, all Conscious Coogs members stood to benefit, thus creating an unfair advantage to other candidates seeking election. Such actions of campaigning in groupme chats without the consent of the owner is prohibited. This was made clear in the candidates meeting. I would expect Mr. Bonnete knew these prohibitions being that he served as attorney general in last year's election cycle. He even went as far as to say he knows the election code like the “back of my hand”.*



**The following evidence was provided by the petitioner:**

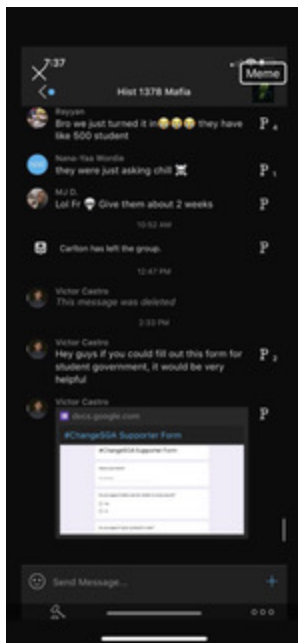
I would like to address the specific violation that I was accused of.

“Article 4, Section 2, Clause 1” which states All campaigning is subject to the authority of entities or individuals that have jurisdiction over the location in which campaigning is occurring. If any complaint is filed concerning whether campaigning in a certain building is permissible, the filer must prove a prohibition on campaigning within said building is (1) in writing and (2) well-communicated to students/candidates before the alleged violation took place.

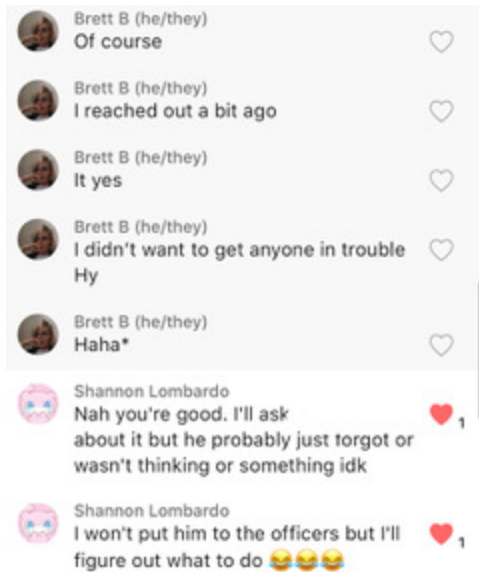
A few points of reference to acknowledge during the evaluation of this complaint:

a.) I did not campaign in a building , which I believe is a notable difference to make. As campaigning in a building is a separate violation than a group message conversation. There exists no clause in the election code that states that using social media groups is prohibited in terms of campaigning, and I would also like to note that no individual has gotten in any trouble with the Department of Justice or Election Commission, regarding posting in groupme messages in student government history. If it were a building, it would trespass on property and solicitation rules, but as groupmes do not contain those rules, there is no provision to hold candidates by. AND this club did not outwardly have a notice, as the provision above acknowledges, that we could no campaign in the chat.

b.) If this do be a violation, I would like to note that senator Victor Castro, has campaigned in several academic groupmes, without explaining what exactly students will be signing up for and shielding it as an “sga thing” see evidence below.



c.) I received permission from the original founder to post in the chat, and there was a possibility that he had not alerted the rest of the members. (I erased his name as I did not get permission to disclose it). See conversation I had with an officer:



d.) I deleted the post, less than a minute after it was posted.

e.) Finally, a request in a candidate meeting does not equate to an election code provision, therefore this violation be obsolete and sans actual evidence or legal basis.

I strongly believe that a sanction would be unconstitutional and not adhere to the latest version of the election code.

Have a fantastic day!

Brett Bonnete

**Decision [DATE AND TIME]:** Petitioner's complaint **LACKS** merit, and this **IS NOT** a violation of the Election Code.

**Conclusion:** Evidence has been provided that shows permission was granted to send in the groupme, therefore this complaint lacks merit.

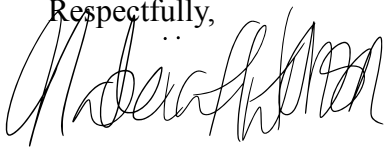
Additionally, I would like to point out that while the incorrect clause was used for this complaint, mass-advertising for a party has been defined in the code as illegal. Under the Election

Commission interpretation, GroupMe's fall into that category. The Election Commission has provided an exception to that by requesting that permission be granted by the owner of groups, subreddits, etc. The Election Commission has the authority to do so where applicable. The action of asking for permission, which is shown in the evidence provided, along with starting the message in groupme off with pointing out they had it, shows an understanding and acceptance of this rule by the petitioner.

As I stated in Complaint 22-01, If there are concerns of constitutionality, they are to be directed to the court– not the Department of Justice in the form of a defense statement.

**Sanction: N/A**

Respectfully,

A handwritten signature in black ink, appearing to read "Nadiia Hutcherson". The signature is fluid and cursive, with the first name being the most prominent.

**Nadiia Hutcherson**

**Attorney General**

**Sent to the Election Commissioner at 12:50pm on 2/26/22.**

This complaint will be shared and made public on SGA website for transparency and archival purposes.