

**SUPREME COURT OF
THE UNIVERSITY OF HOUSTON
STUDENT GOVERNMENT ASSOCIATION**

[No. 2020-0002]

February 9, 2020

Per Curiam Decision.

Complaint #20-12 presented the Court a complaint filed by “Students Unite,” against “#ForTheStudents,” both political parties in the 2020 University of Houston Student Government Association (SGA) general election. The alleged violation occurred when Kappa Sigma, an alleged University of Houston Greek organization, posted two Instagram posts to their organization’s account promoting the “#ForTheStudents” party. The Court was provided evidence that included multiple Instagram posts of Kappa Sigma, a former University of Houston Registered Student Organization, promoting “#ForTheStudents.” “Students Unite”, the party filing the complaint, alleged the #ForTheStudents party violated Article 4(2)(9) of the University of Houston SGA Election Code, which reads:

“No candidate will utilize any materials or resources provided by the University (excluding sanctioned university postings and resources provided by the election commission) or Student Organizations for the purposes of campaigning or housing campaign materials, despite receiving prior permission or not:

a) This does not include student organization social media for the purposes of a single instance social media platform of endorsement. Any campaign activities on Student Organization social media outside of a single endorsement post-per-platform is prohibited (for instance, if an organization has a Facebook and an Instagram, they may post the same endorsement post on both platforms, but no more);”

Issues Before the Court

There are three issues the Court must address. They are as follows:

1) Can an individual and/or an association be held accountable for the actions of a third and/or unaffiliated party?

The Court unanimously agrees that individuals and/or associations cannot be held accountable for the actions of a third and/or unaffiliated party so long as they are not conspiratorial in the alleged violation. Based on the testimony of both parties, the Court finds it probable that the Attorney General found members within #ForTheStudents conspiratorial in this case.

2) What is the formal definition of a “Student Organization”?

The Court unanimously agrees that the Senate must formalize a definition of what a “Student Organization” means if such a definition is required for proper enforcement of the Election Code. The current definition is unconstitutionally vague, indicated by both parties’ extreme varied understanding of what a “Student Organization” entails and the Court’s inability to determine a definition or find one provided by the Student Government Association.

3) Does the Student Government Association have the authority to regulate the actions and speech of a third party Student Organization?

The Court unanimously agrees that the Student Government Association of the University of Houston does not have the authority to regulate the actions and/or speech of a third party student organization. Therefore, any attempt to regulate the number of posts made by a Student Organization under the Election Code is beyond the scope and authority of the Student Government Association.

Conclusion

Summary: The Court comes to the conclusion that Article 4(2)(9)(a) of the Election Code is unconstitutional. All sanctions placed on candidates and parties in the 2020 election that invoke Article 4(2)(9)(a) of the Election Code are hereby reversed.

It is so ordered.

Elliot Kauffman, Associate Justice

Mike Floyd, Associate Justice

Sakethram Desabhotla, Associate Justice

Lena Craven, Associate Justice

Benigno Solis, Associate Justice

Eddie Muñoz III, Associate Justice

Stepheni Torres, Associate Justice