

UNIVERSITY OF KENTUCKY
STUDENT GOVERNMENT ASSOCIATION SUPREME
COURT

Case No. 5-Spring–2018

CAMERON FRENCH, CLAIMANT

v.

HEATHER BEMIS, RESPONDENT

[February 29, 2018]

CHIEF JUSTICE TREVOR NICHOLS delivered the opinion of the Court in which JUSTICE GENTRY COLLINS, JUSTICE MARK BUTLER, JUSTICE ARAYO SOKAN, JUSTICE BRADLEY STRAIT, and JUSTICE JAKE BARTLETT joined.

CHIEF JUSTICE TREVOR NICHOLS writing for the unanimous court.

The issued presented before this Court deals with an allegation that Ms. Bemis improperly endorsed Mr. Ross Boggess in his running for President of the Student Government Association. It is alleged that Ms. Bemis endorsed Mr. Boggess in a “GroupMe” messaging application that which had approximately 227 participants, and approximately 115 eligible voters, in violation of the UL Student Government Constitution. Specifically, evidence in the form of an iPhone screenshot was presented that depicts Ms. Bemis stating to the GroupMe: “Because people have asked me – it is my personal opinion Boggess is the best presidential candidate. He’s great.”

This Court previously addressed an issue arising from an allegation of improper use of a GroupMe in *Boggess v. Hamilton et. al.* (Case No. 4 – Spring – 2018). Many of the substantive issues in our previous holding appear to be implicated again in the case currently presented.

Ms. Bemis’ alleged violation is of Article VI, Section 8(H) of the UK Student Government Constitution, which states: “Senatorial Candidates may not campaign with or for another candidate via website, social media, during handbilling, or through verbal, electronic or written communication.”

While the question of whether GroupMe constitutes social media remains open, we are not required to reach that determination because the communication certainly constitutes as “electronic,” and is in direct violation of Article VI.

It was clear from the testimony presented at the hearing on this matter that Mr. Bemis provided the above-referenced message upon her own volition, in a GroupMe that consisted primarily of individuals within her sorority. Although intent is not contemplated within the express language of the implicated section of the Constitution, it was also made obvious that Ms. Bemis did not intend to violate the rules and did not knowingly endorse a presidential candidate in violation of the rules.

It is also obvious to this Court that the governing documents are at best ambiguous when it comes to the use of a GroupMe and the unsolicited endorsement of a candidate. Further, ambiguity persists in the context of various and seemingly ever-changing electronic platforms whose purpose, in part, is to provide easy and instant communication.

Despite Ms. Bemis’ lack of intent to violate the rules, and the ambiguity within the rules, there can be no question that Ms. Bemis indeed supported Ms. Boggess using an electronic communication while she was running for a senatorial position. Thus, Ms. Bemis is in violation of Article VI, Section 8(H) of the Constitution and Section IV(O) of the Elections Act.

Pursuant to Section V(C)(3) of the Elections Act, the majority hereby nullifies ten (10%) percent of Ms. Bemis’ votes cast.

It is so ordered.