



Advisory Opinion 23-06
Department of Justice
March 29, 2023

**RELATING TO THE ASB JUDICIAL COUNCIL RULING AND ASB
VICE-PRESIDENTIAL ELECTION FOR THE SPRING 2023 ASB
EXECUTIVE OFFICE ELECTION**

By the power vested in the Attorney General by Title (I), § 107(B)(5) of the [Associated Student Body Code](#), pursuant to Title V of the same, I hereby issue the following advisory opinion to address the ASB Vice-Presidential Election:

On March 28th, 2023, the ASB Judicial Council convened to consider an elections violation appeal with regards to the ASB Executive Office Elections: Vice-Presidential Election. The Council, in a 5-0 decision, determined to uphold a disqualification of Vice-Presidential candidate Kate Wall by the Elections Review Board, based on the findings provided by the complainant, respondent, various pieces of evidence, and the expressed penalty in the provision violated. The case at hand dealt directly with the ASB Code and Constitution: Title V(c), Section 121(C), which states: “Any attempt by a candidate, campaign representative, or organization to coerce, bribe, incentivize, intimidate, or force a person to vote or campaign in any form, shall result in the candidate’s immediate disqualification.” The interpretation of this law currently held by the ASB Judicial Council in conjunction with the ASB Attorney General’s Office is that candidates or greek organizations may not attempt to incentivize members to vote in any form, but especially not with “points”. The Elections Review Board had not classified the violation per the categories in Title V(d), Section 127, but rather notified the candidate that they were “immediately disqualified” in accordance with the expressed penalty in Title V(c), Section 121(C). The Council, pursuant to Title V(d), Section 126 (D), determined that the decision and punishment of the ERB was not “clearly erroneous.”

The official Judicial Council report will be released as soon as possible. For any questions regarding the content of this advisory opinion and any previous statements of the Department of Justice on this matter, please feel free to contact me at asb.ag@go.olemiss.edu.

For any questions generally regarding the 2023 Spring ASB Executive Office and Senate Election, please contact either Attorney General Maddy Ryan (asb.ag@go.olemiss.edu) or Deputy Attorney General of Elections Emily Stewart (estewar1@go.olemiss.edu).

This opinion shall have the effect of Law as stated in Title (I), § 107(B)(5) of the University of Mississippi Associated Student Body Code and is thereby subject to appeal and review by the Associated Student Body Judicial Council.

Maddie D. Ryan

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