

I dissent against the disqualification of UNITED in the 2024 Indiana University Student Government Election. During the appeals process, the court weighed two main questions. First, does GroupMe count as a text message? Second, do the violations count as individual or cumulative offenses? In my dissenting opinion, I focus on the implications of the first question.

While I think GroupMe constitutes a text message substitute, it does not allow its recipients to opt out properly without leaving the group altogether. For the sake of campaigning, I do not believe it constitutes proper campaign communication. On UNITED's other messaging platforms, they provided an option to opt out of the message. Additionally, the court granted UNITED leniency by combining two campaign email violations into one, given the effort shown to attempt to create one email. If there were a precedent about the use of GroupMe as a proper platform, then it is likely they would have shown effort to follow the bylaws and included the same language about opting out, despite the difficulty of truly opting out, as they did in their other messages to prevent heavy campaigning.

UNITED did not have complete knowledge beforehand to make a well-informed decision about the messages that altered the trajectory of their campaign, despite being the preliminary winner. GroupMe has been used in the past by executive campaigns. If the decision to constitute a GroupMe message was to create a precedent, it should have been set as a guideline for future campaigns and allowed UNITED to have the same leniency as past campaigns. It dismays me that my fellow justices did not allow UNITED to have this leniency that past preliminary winners have received, and faulted them due to a sheer lack of information.

Sophia Hottois, Associate Justice

A handwritten signature in black ink that reads "Sophia Hottois". The signature is written in a cursive, flowing style with a large, stylized 'S' and 'H'.