

THE JUDICIAL BRANCH OF THE STUDENT GOVERNMENT ASSOCIATION OF THE UNIVERSITY OF TENNESSEE-KNOXVILLE

Case No. 2019-06

Mickayla Stogsdill - VISION, Plaintiff

v.

Owen Flomberg - Impact UT, Defendant

JUSTICE PAWLACZYK delivered the opinion of the Court.

I. Introduction

On March 4, 2019 the plaintiff, Mickayla Stogsdill of the VISION campaign, submitted a hearing request against the defendant, Owen Flomberg of the Impact UT campaign, alleging that Mr. Flomberg violated the 2019 Election Packet by hosting a campaign interest / public meeting before the designated time given in the 2019 Election Packet. Ms. Stogsdill also alleged the defendant violated the spirit and integrity of the 2019 Election Packet as well as Judicial Case 2018-11. Mr. Flomberg claimed no violations occurred against the 2019 Election Packet, and that the meeting held provided no partisan messages about the Impact UT campaign and felt that the meeting taking place legally occurred. The meeting was scheduled to be on December 7, 2018 at 8:00PM in Hodges Library.

II. Law

In the 2019 Election Packet, Article E Section III.I: Campaign Interest Meetings states: “A Party/individual candidate may host their own public interest meetings beginning at 5:00 PM on Wednesday, March 6th, 2019.” Along with this, Article E Section II.D states: “In determining sanctions against campaigns and individuals for violations of the election packet, the Judicial Branch will consider both the spirit and the letter of the statutes presented in the Election Packet.”

Specifically for the case of 2019-06, Article E Section III.A of the 2018 Election Packet states: “All Election Packet rules and procedures shall be enforced up to the passage of the new election packet the subsequent year.”

III. Examination of Evidence and Submission

Ms. Stogsdill submitted evidence that consisted of: photographs of Mr. Flomberg and first year students in Hodges Library at 8:00PM, an unsolicited message of an invitation from an Impact UT representative to a first year student labeling the meeting as an “interest meeting,” and an

anonymous witness statement from an attendee of Impact UT's meeting. The witness statement detailed how Mr. Flomberg and Ms. Kaylee Sheppard of the Impact UT campaign outlined their campaign ideologies and mentioned the intent of the meeting to "be ahead of the game."

Mr. Flomberg submitted evidence consisting of: a powerpoint for SGA elections used during the meeting, and an audio recording of Mr. Flomberg and Ms. Sheppard telling members of the meeting that they need to move to a different location because of a ruling made by Judicial [2018-11], and informed members that they're free not to attend if they feel uncomfortable.

IV. Determination of Violations

Based on the evaluation of evidence and statutes of the 2019 Election Packet, the Impact UT campaign is found to be in violation of Article E, Section III.I of the 2019 Election Packet, and has been found to have violated the spirit of the 2019 Election Packet. The Court has determined this violation based on the audio recording provided by the Impact UT campaign, as evidence of hosting the interest / public meeting. Despite Impact's assertion that they moved rooms at the advice of the Plaintiff, the audio recording still provides evidence of the discussion in Hodges Library, though brief, as being an "interest meeting" for purposes of finding a violation. It is the responsibility of the Judicial Branch to preserve the integrity of SGA Elections, and will assign sanctions proportional to the damages made of the violations. The specific damages found by the Court include the three individuals who remained on the Impact UT campaign after attending the public / interest meeting.

THEREFORE, the Court rules that a 3% proportional vote deduction be sanctioned on the Impact UT campaign. The 3% proportional vote deduction applies only to Impact UT's candidates for President, Vice President, and Student Services Director, and will be calculated by the Election Commission as outlined in Article E, Section X of the 2019 Election Packet.

It is so ordered.

DAVIS, C.J., and MARSH, BRYANT, HOPKINS, and BEDFORD, JJ., join the majority opinion.

JUSTICE COOK took no part in consideration of this case.