

Opinion of the Court

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

Case Number: 2018-05

KAYLEE SHEPPARD, PLAINTIFF V. BLAINE ZIEGLER, DEFENDANT

Decided via Summary Judgement on 09 April 2018

Ms. Kaylee Sheppard submitted a complaint on April 9, 2018 alleging Mr. Blaine Ziegler from the Jack Avery Blaine campaign (“JAB”) violated the rules of the Election Packet. Specifically, Sheppard describes seeing Ziegler the morning of April 9, wearing his campaign t-shirt in the North Commons in Hodges Library. Sheppard also alleges Ziegler was holding campaign materials while conversing with a student at a computer. Sheppard believes she may have seen campaign materials on the desk, but Sheppard did not witness Ziegler distribute any materials. Sheppard took a photo reportedly of Ziegler. The photo pictures a man in dark shorts, a dark top, and tennis shoes.

Ziegler responded that he was checking out a computer charger in the Commons on the morning in question. According to Ziegler, he ran into a friend as he was leaving the Commons and asked about the friend’s weekend. This is consistent with Sheppard’s allegation that Ziegler left the Commons as soon as she walked in.

Upon reflection on the documents and photograph submitted by the parties, the question for the Court is whether the evidence submitted is of a compelling enough nature to merit consideration.

Identification of relevant Election Packet Clauses

The only cause of action alleged is for campaigning in a computer lab, therefore we are guided by Section V.A.3. of the 2018 Election Rules and Procedures. Section V.A.3. prohibits campaigning in any computer lab, including bringing campaign materials into computer labs or setting the desktops to campaign information.

Consideration of Evidence

In principle, this accusation is very clearly in violation of the Election Packet and against the integrity and spirit of SGA elections. Under the Election Procedures in the Election Packet, Section A. Campaigning Subsection 3. “No campaigning is permitted in any computer labs. This includes, but is not limited to bringing campaign material into computer labs...” While there is

no physical evidence Blaine brought campaign materials into the Hodges computer lab, it is highly advised to think about your belongings during campaign week while running for an Executive role. If, for example, Blaine were to wear his campaign shirt into the Hodges computer lab while holding a JAB pamphlet, it would be against the Election Packet. It is vital all campaigns recognize that it is not necessary for a campaign member to distribute campaign materials in a computer lab for it to be a violation: ***even holding or walking with campaign materials within a computer lab in the future will result in a penalty.*** However, with the lack of evidence provided to the Judicial Branch, we can not find any violations against the JAB campaign.

THEREFORE, the court rules that the defendant, Blaine Ziegler, did not act in violation of the Election Packet or if did, there is not sufficient evidence to rule so. The court cannot move forward without concrete proof, and therefore dismisses this violation claim.

It is so ordered.

WHITE (C.J.), DAVIS, MILLER, and STOGSDILL delivered the opinion of the court.