

Opinion of the Court

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

Case No. 2017-9

BANKS-MARSH CAMPAIGN, PLAINTIFFS v. MORGAN-MICKEY-HUNTER  
CAMPAIGN, DEFENDANTS

Decided on 12 April 2017

**I**

This case arises out of the grievance submitted by the plaintiff, Banks-Marsh Campaign, regarding the Morgan-Mickey-Hunter campaign reaching out to the Student Nursing Association via an email sent to the members of the Student Nursing Association.

**II**

The first alleged complaint is that the Morgan-Mickey-Hunter Campaign violated section III.F.1 of the Election Packet which states that “only UT administrators of UT Knoxville listserv(s) may send out emails” or the “highest ranking student” to said listserv and that “emails must be non-partisan” in nature. With non-partisan emails, “signature lines or any other identification of a specific political party or candidate must be deleted.” First, the court finds that the person that sent the email, Abbey Pirie, is a non-partisan member within the College of Nursing and member of the Student Nursing Association. Further, the Student Nursing Association is not a UT Knoxville listserv and is not public for any member of the UT community to utilize. Therefore, there is no violation of Election Packet because the listserv is not a UT Knoxville listserv. If the Morgan-Mickey-Hunter Campaign had utilized a public UT listserv and sent out an email to the members of that specific listserv regarding their campaign and any pertinent information to SGA Elections (i.e. voting link) encouraging the recipients to vote for their specific campaign. Additionally, the email signature of the email called into question belongs to non-partisan, Student Nursing Association Public Relations Chair, Abbey Pirie which the plaintiffs conveniently left out of their submitted evidence.

**III**

The second alleged complaint filed by the Banks-Marsh Campaign states that the Mickey-Morgan-Hunter Campaign violates section III.F.3 by obtaining individuals’ emails

without the “consent [of] individuals having freely provided their email addresses” that are receiving the email. The Banks-Marsh Campaign acknowledges that the email was sent out after 7:00 AM, April 10th and prior to 5:00 PM, Thursday, April 13th. The court finds that the Morgan-Mickey-Hunter Campaign did not violate this section of the Election Packet because individuals within the SNA email group have the opportunity to remove themselves from receiving SNA updates and emails. Therefore, said individuals have express rights to remove themselves from the emails and have the express rights to receive the emails, if they so choose.

\* \* \*

THEREFORE, the court rules that the first alleged violation against the Morgan-Mickey-Hunter Campaign is null and that the campaign is not at fault for sending out an email via a UT Knoxville listserv. Further, the court rules for the second alleged violation that the Morgan-Mickey-Hunter Campaign did not violate section III.F.3 of the Election Packet. The court moves to dismiss this case.

*It is so ordered.*

WRIGHT delivered the opinion of the court. HOWELL (C.J.), GORE, MORGAN, THOMAS joined.