

IN THE STUDENT JUDICIARY  
FOR THE UNIVERSITY OF ALABAMA

---

No. 21-003

---

GARRETT BURNETT, SARAH SHIELD, JACK KAPPELMAN;  
STUDENT/S

Complainant,

versus

REESE CALDWELL;  
CHAIR, ELECTIONS BOARD

Defendant,

---

Appeal for Judicial Review

---

**OPINION**

CHIEF JUSTICE CURL delivered the opinion of the Court, which was joined 5-1 by the other six justices who served on the present case.

On October 27, 2021 at 12:15pm, Associate Justices Garrett Burnett and Sarah Shield along with student Jack Kappelman submitted an appeal for judicial review asserting violations of the Student Elections Board Manual and alleging violations against Reese Caldwell, Chair of the Elections Board. Pursuant to Article V, Section 2, subsection A, the Judicial Board shall have jurisdiction to consider “All controversies arising under this Constitution and any rules or regulations which may be established pursuant to this Constitution;”<sup>1</sup> Further pursuant to Title IV Chapters 401.4<sup>2</sup> and 401.4.2.1<sup>3</sup> “The Chief Justice may appoint panels of inquiry to perform a judicial review of any legislation or executive order whose constitutionality has been formally questioned by way of written petition to the Student Judicial Board.” and “A panel of inquiry must be created if the written petition is signed by a Senator, member of Executive Council, or a member of the Student Judicial Board”, respectively.

---

<sup>1</sup> Article V, Section 2, subsection A of the SGA Constitution

<sup>2</sup> Title IV, Chapter 401.4 of the SGA Code of Laws

<sup>3</sup> Title IV, Chapter 401.4.2.1 of the SGA Code of Laws

## I

On October 27, 2021 at 12:15pm, students Garrett Burnett, Sarah Shield, and Jack Kappelman submitted an appeal asserting violations of the Student Elections Board Manual and alleging violations against Reese Caldwell, the Chair of the Elections Board. The appeal contests the validity of the Homecoming Queen election's outcome and a judicial review of the legitimacy of the Election Board's ruling in the matter.

The Complainants begin by alleging that the 2021-2022 SGA Homecoming Election was not posted within the proper timeframe. Article I of the Student Elections Board Manual, the Elections Timeline must be posted "twenty-one (21) class days prior to [the] election"<sup>4</sup> The elections timeline was posted on September 30<sup>th</sup> whereas the election took place on October 19<sup>th</sup>, less than the required 21 days. The Complainants claim that with this timeline violation, the October 19<sup>th</sup> election is invalid.<sup>5</sup>

The Complainants further alleges that unofficial elections results were never posted on the SGA website, in violation of Article I of the Student Elections Board Elections Manual. Furthermore, the Complainants allege that the official results posted on October 25<sup>th</sup> to the Elections Resources tab of the SGA Website did not give the student body sufficient time to contest election results before McLean Moore was crowned as Homecoming Queen. The Complainants allege that though there are no outlined voting percentages for Homecoming Queen specifically, it can be assumed that this position falls within the confines of the rules regarding Executive Candidate elections.<sup>6</sup> They claim that since no Homecoming Queen received a majority vote, there should have been a run-off election pursuant to Article VII, Section 6 of the Student Elections Board Elections Manual<sup>7</sup>:

Candidates for any executive shall be election by a majority of votes cast

- A. A majority of votes cast is equal to fifty percent of the votes cast plus one additional vote.
- B. In the event that candidates for any executive office fail to receive a majority of votes cast, a run-off election shall be conducted no sooner than two class days following the election, but not later than ten full class days after the election, for the two candidates that receive the largest percentage of votes cast.

Finally, the Complainants allege that the violations they have presented are sufficient to contest the 2021-2022 Homecoming Queen election based on the grounds provided by the Student Election Board Elections Manual:

---

<sup>4</sup> Title I of the Spring 2021 Elections Manual

<sup>5</sup> Judicial Appeal No. 21-003

<sup>6</sup> *ibid*

<sup>7</sup> Article VII, Section 6 of the Student Elections Board Elections Manual

- i. Misconduct, fraud, or irregularity by any election official sufficient to change or place in doubt the result of an SGA election.<sup>8</sup>

The Complainants claim that the only possible form of recourse is remove the two faculty advisors and relieve Elections Board of oversight duties as well as to revoke the Homecoming Queen crown from McLean Moore and completely re-do the Homecoming Elections<sup>9</sup>

## II

The Court has thoroughly reviewed the information and evidence submitted to it, along with other relevant SGA documents. Following a consideration of these materials and as explained in greater detail below, the Court concludes that the Complainant's appeal has no merit.

To begin, the Court concludes that the Homecoming Queen elections are *not* Student Government Association Elections subject to the jurisdiction of the Elections Board. The Complainants erroneously state that "it can be assumed that this position [Homecoming Queen] falls within the confines of the rules regarding Executive Candidate elections."<sup>10</sup> This assumption runs counter to very clear language within the SGA Constitution as to who is vested with Executive Power within the Student Government Association, Homecoming Queen does not fit that definition.

Article IV Sections 1 and 2 provide the language for vesting Executive Power<sup>11</sup>:

Section 1: Executive Power. All executive powers of the SGA shall be vested in the Executive Council.

Section 2: Composition. The Executive Council shall be composed of the elected offices of President, Executive Vice President, Executive Secretary, Vice President for Academic Affairs, Vice President for External Affairs, Vice President for Student Affairs, Vice President for Diversity, Equity, and Inclusion, and Vice President for Financial Affairs. The Executive Council shall also include an appointed Chief of Staff

Again, there is no reference to Homecoming Queen in this definition and nowhere within this definition of what offices are designated with Executive Power does the position of Homecoming Queen fit. Further, The Complainants themselves acknowledge that the Homecoming Queen is dissimilar to a Senate Election. Consequently, the Homecoming Queen does not fall within either of the two types of Elections reasonably subject to the SGA Constitution and the Code of Laws. In reality, the Homecoming Queen position is one that is purely ceremonial. Aside from the philanthropic efforts of the Homecoming

---

<sup>8</sup> Article VII, Section 8 of the Student Elections Board Elections Manual

<sup>9</sup> Complainant's Stipulation of Facts

<sup>10</sup> Judicial Appeal No. 21-003

<sup>11</sup> Article IV, Section 1&2 of the SGA Constitution

Queen, they are not vested with Executive Power nor is their election subject to the same layers of control and regulation as a Student Government Association Election. While the Student Government Association may fund, sponsor, and assist the administration of the University of Alabama with aspects of the Homecoming celebration, the election of the Homecoming Queen is not under the control or jurisdiction of the SGA or Elections Board. Given this fact, the Homecoming Queen elections are not subject to being overturned based upon rules and regulations pertaining to the SGA Constitution, Code of Laws, or the Student Elections Board Elections Manual.<sup>12</sup>

Furthermore, there is no evidence to suggest that Ms. Caldwell, the Chair of the Elections Board, engaged in misconduct in her capacity as Elections Board Chair.<sup>13</sup> The Complainants point to an email sent to the Elections Board on October 13, 2021 expressing concerns over the timeline of the Homecoming Queen Election. Two days after receipt of the email, on October 15, 2021, following discussions between the Homecoming Office, SGA, Elections Board, and Division of Student Life officials, the decision was made to move the SGA election to fill Senate seats to November 30, 2021 in accordance with Constitutional regulations. The decision was made to keep the Homecoming Queen election on October 19, 2021 properly by the Elections Board. The decision to move the SGA elections shows that the Elections Board did indeed make good on its Constitutional obligations.

### III

The Defendants rely upon an argument of “dead language” that permeates our governing documents of the SGA Constitution and the Code of Laws. While the Court agrees that such language exists within the documents, it is an unsatisfactory excuse especially given a previous Court order for the Elections Board to clarify the language within its own Elections Manual and for contradictory and “dead” language within the SGA Constitution and Code of Laws to be removed per Judicial Order in Appeal No. 21-001<sup>14</sup>. That Court Order was released in March, and the Elections Manual still sits at its February revision.<sup>15</sup> Furthermore, the Elections Board was ordered to take care to rule based upon its Elections Manual and other governing documents as written, instead of

---

<sup>12</sup> The Complainants are correct to point out that any reasonable person would consider the handling of the 2020-2021 Homecoming Queen election an SGA election. All information pertaining to the Homecoming Queen Election was posted on the SGA website, including statements of intent, timeline, and financial disclosure forms as well as results being posted to the SGA Instagram. The 2020-2021 Homecoming Elections had all the dressings of an SGA election. Now, when the requirements for SGA Elections are unable or unwilling to be met by either the Student Government Association, University Administration, the Elections Board, or all three, the advertising and administration done by the SGA has given a poor outlook on the trusted institution running SGA elections. Clearly, any attempt to make Homecoming Elections look like SGA elections does not make them so. Simply put, the Homecoming Queen Election cannot be an SGA Election as it does not select for an SGA position.

<sup>13</sup> It is important to point out that, while she is the Chair, Ms. Caldwell is but one member of the Elections Board and there is no evidence to suggest she acted unilaterally on behalf of the Elections Board.

<sup>14</sup> Judicial Appeal No. 21-001

<sup>15</sup> 2021 Spring Elections Manual- Revised February

based upon the desired interpretations of Board members.<sup>16</sup> The Defendant's explanation of Elections Board and administration turnover being the cause for the confusion and chaos is understandable, but unacceptable. The Elections Board claims to be acting in accordance with five-plus years of tradition given the lack of guidance and entire sections of "dead language" within the Code of Laws and Constitution. The Executive Branch and the Elections Board should not be operating under the best guess of its contradictory governing documents. It is indeed the responsibility of the Student Government Association to regularly update its governing documents and to remove "dead language" within it specifically to avoid scenarios like this very appeal.

#### IV

In conclusion, there is no basis for the outcome of the 2021-22 Homecoming Queen election to be invalidated. Likewise, there is no evidence of wrongdoing on the part of Reese Caldwell in her capacity as Chair of the Elections Board.

#### ORDER

**IT IS HEREBY ORDERED:** that the Elections Board Elections Manual be revised to remove discrepancies and reflect a clearer process for the running of its elections to eliminate future ambiguity surrounding this topic.

**IT IS HEREBY ORDERED:** that the Elections Board have such revisions completed and publicly posted by **February 1<sup>st</sup>, 2022**.

**IT IS HEREBY ORDERED:** that the Student Government Association publicly engage University administrators within thirty (30) days of the posting of this opinion to better document and clarify its lack of association with and jurisdiction over the Homecoming Queen elections.

**IT IS HEREBY ORDERED:** That contradictory and so-called "dead language" be removed and clarified within the Constitution and Code of Laws.

**FAILURE TO COMPLY:** with the aforementioned orders warrants an investigation into the SGA Elections Board and the Student Government Association by the Student Government Association Student Judiciary, led by Chief Justice Curl, with the explicit understanding that the Student Elections Board and Student Government Association has flagrantly violated a valid Judicial Order.

---

<sup>16</sup> Judicial Appeal No. 21-001

It is so ordered,

*Matthew Curl*

---

Chief Justice, Student Government Association  
November 19, 2021