

IN THE STUDENT JUDICIARY  
FOR THE UNIVERSITY OF ALABAMA

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No. 22-005

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SARAH SHIELD, CANDIDATE;  
GARRETT BURNETT, CAMPAIGN MANAGER:

Appellant,

versus

REESE CALDWELL;  
CHAIR OF ELECTIONS BOARD; ELECTIONS BOARD et al;

Appellee,

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Appeal for Judicial Review

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## OPINION

ASSOCIATE JUSTICE WARE delivered the opinion of the Court, which was joined in full by the Panel of Justices who served on the present case. Associate Justice Ware served as the Chair of the Panel, as Chief Justice Curl recused himself in order to maintain the integrity of the Judicial Process.

Pursuant to Article VIII Elections, Section 1 Student Elections Board, Subsection D Jurisdiction, Sub-subsection 1 of the Constitution of the Student Government Association, “The Student Elections Board shall issue decisions in accordance with this Constitution and any rules and regulations created by the Student Elections Board that reside in the Student Elections Board manual.” Additionally, pursuant to Article VIII Elections, Section 1 Student Elections Board, Subsection D Jurisdiction, Sub-subsection 4 of the Constitution of the Student Government Association, “Rulings and regulations of the Student Elections Board may be appealed to the SGA Judicial Board by any students at the University of Alabama. If the Judicial Board finds rulings and regulations of the Student Elections Board not in accordance with provisions of this Constitution or the Elections Manual, then the Judicial Board shall declare such rulings or regulations unconstitutional.”

### I

Upon receiving Judicial Appeal No. 22-001, the Student Elections Board convened at 7:30 pm on Monday, March 28, 2022, to review the election complaint submitted by Mr. Garrett Burnett on February 22, 2022, against Ms. Madeline Martin.

As the booklets in question included Ms. Martin’s picture, name, and signature; the presiding members of the Elections Board decided unanimously the booklets be classified as campaign materials. Additionally, the Elections Board found that “based on what is detailed in the Elections Manual as well as what was provided in the testimony and written responses received from Ms. Martin, the Board determined that no violation of early campaigning was committed.” Finally, the Elections Board found that “given the information provided by the complainant in the Appeal for Judicial Review, the Board voted unanimously that the booklet was used in the election, albeit during the exploratory period, but nonetheless, should have been reported as a campaign expenditure.”

Therefore, the Elections Board awarded a 3-point minor violation for exceeding the \$750.00 presidential campaign spending limit and awarded a 3-point minor violation for failing to report a campaign material expenditure. For exceeding the campaign spending limit, the Elections Board “felt that the violation was not a major or intermediate violation, in that it was not committed with flagrant or intentional malice, nor did it directly impact or have the potential to impact the outcome of the election.” Additionally, for failing to report the expenditure, the Elections Board stated, “given that the violation was not committed with flagrant or intentional malice, nor did it directly impact or have the potential to impact the outcome of the election.”

Upon receiving the findings of the Elections Board, Mr. Garrett Burnett and Ms. Sarah Shield, filed an appeal for judicial review with Chief Justice Curl on behalf of the Sarah Shield presidential campaign concerning the previously mentioned Elections Board ruling.

## II

Article XIX, Section C, of the Elections Board Manual states Intermediate Violations are “violations against the code of which flagrant or intentional basis may not be determinable but have the potential to impact the outcome of the election.” The Court finds that the Elections Board mistakenly classified Ms. Martin’s exceeding of the \$750.00 limit as a Minor Violation, as the Elections Board’s basis for this decision was that Ms. Martin’s campaign did not do so “with flagrant or intentional malice.” As an Intermediate Violation does not require the candidate commit such a violation flagrantly or intentionally, it only requires that the violation “have the potential to impact the outcome of the election,” the Court finds that the Elections Board should not have classified this violation as a Minor Violation with such rational.

The Court additionally examined the “potential to impact the outcome of the election” as a requirement for a violation to be classified as an Intermediate Violation. Due to Ms. Martin’s campaign exceeding the spending limit of \$750.00, Ms. Martin’s campaign purchased additional campaign materials that other campaigns, of which did not exceed the spending limit, could not have purchased. As campaign materials are a primary method of campaigning for SGA office, the Court finds that this excessive spending did have “the potential to impact the outcome of the election.”

Finally, “campaign spending limits” is listed as an example for an Intermediate Violation pursuant to the XIX Classification of Violations, Section C, Subsection 9 of the Elections Board Manual. Seeing that the manual itself lists exceeding campaign spending limits as an example of an Intermediate Violation, the Court finds that Ms. Martin’s excessive spending was and should be classified as an Intermediate Violation, awarding the candidate 6 points rather than 3.

## III

The Elections Board stated that the Martin Campaign’s failure to report campaign material expenditure should be considered a Minor Violation, “given that the violation was not committed with flagrant or intentional malice, nor did it directly impact or have the potential to impact the outcome of the election.” Furthermore, the Elections Board asserts that as the Martin Campaign only purchased 100 notebooks, their respective impact on the outcome of the election would be minimal.

The Court finds the Elections Board mistakenly classified Ms. Martin’s failure to report as a Minor Violation. Again, the Elections Board’s basis for this decision was that Ms. Martin’s campaign did not do so “with flagrant or intentional malice.” As an Intermediate Violation does not require that the candidate commit such a violation flagrantly or intentionally, it only requires that the violation “have the potential to impact the outcome of the election,” the Court finds the Elections Board should not have classified this violation as a Minor Violation with such rational.

The second facet the Court assessed was the question of whether or not Ms. Martin's failure to report her campaign's expenditures had the potential to impact the outcome of the election. For this assessment, the Court used the same rationale discussed in the previous section. By failing to report the booklet campaign expenditure, Ms. Martin was able to spend more on campaign materials than any other candidate pursuing the Office of SGA President. As campaign materials are a primary method for perusing SGA office, the Court found that Ms. Martin's failure to report her campaign's expense, thereby allowing her campaign to spend more on campaign materials, could have potentially impacted the outcome of the election.

Finally, "failure to report" is listed as an example for an Intermediate Violation pursuant to the XIX Classification of Violations, Section C, Subsection 10 of the Elections Board Manual. As failure to report is listed as an Intermediate Violation, and Ms. Martin failed to report the campaign expense of the booklets, the Court finds that Ms. Martin's failure to report was and should be classified as an Intermediate Violation, awarding the candidate 6 points rather than 3.

#### IV

Given the evidence provided to both this Court and the Elections board, the Court affirms the judgement of the Elections Board that Ms. Martin did not participate in early campaigning. Pursuant to the Elections Board Manual "Candidates may begin preparation in advance of the established campaign period. The initial, organizational stages of a campaign include selection of Campaign Manager, campaign top five and campaign staff. Campaign preparation also includes any work done outside the public eye to prepare for announcement of candidacy. This includes, but is not limited to, forming group messages for members of the campaign team, building social media platforms (not to be set to public until campaigning period begins), working and/or purchasing any campaign materials and photos, etc." As Ms. Martin's actions were preparatory, as permitted under the Elections Board Manual, the Court sees no evidence that Ms. Martin was engaging in early campaigning.

## ORDERS

**IT IS HEREBY ORDERED** that Ms. Martin's campaign be awarded 3 additional points, totaling 6 points, for exceeding campaign spending limits, as doing so constituted an Intermediate Violation.

**IT IS HEREBY ORDERED** that Ms. Martin's campaign be awarded 3 additional points, totaling 6 points, for failing to report campaign expenditures, as doing so constituted an Intermediate Violation.

**IT IS HEREBY ORDERED** that the Elections Board convene to consider the disqualification of Ms. Martin in the 2022 SGA Presidential Election, as the campaign's 12 total points meet the minimum 12 points for the Elections Board to consider disqualification, pursuant to XIX. Classification of Violations, Section E, of the Elections Board Manual.

**IT IS HEREBY ORDERED** the Elections Board shall complete its review and render a decision on the consideration for disqualification of Ms. Martin for the 2022 SGA Presidential Election, ready for public release by Monday, April 4<sup>th</sup> at noon.

**IT IS HEREBY ORDERED** that the decision made by the Elections Board regarding Ms. Martin's disqualification shall be final, as the Elections Board Manual gives sole discretion of the disqualification of candidates to the Elections Board.

**FAILURE TO COMPLY** with the aforementioned orders warrants an investigation of the SGA Elections Board by the Student Government Association Student Judiciary.

It is so ordered,

A handwritten signature in black ink that reads "David E. Ware". The signature is written in a cursive style with a horizontal line underneath it.

David E. Ware  
Chair of the Panel, Associate Justice, Student Government Association  
April 1<sup>st</sup>, 2022