

The University of Alabama
Student Government Association
Student Elections Board Ruling

ELECTION: Spring 2023 SGA General Election

HEARING DATE: Monday, February 27, 2023

COMPLAINANT: Robbie Khalil

ALLEGED: John Richardson, Presidential Candidate

ELECTION CODE VIOLATION: XI.E.1. Campaign materials for the purposes of the SGA Elections shall be defined as any paraphernalia bearing the name, logo, mark, or likeness of a candidate including, but not limited to flyers, literature, pamphlets, buttons, clothing, table tents advertisements, and electronic communication utilized during the official campaign period. 2. No UA emblems, logos, or trademarked materials can be used on campaign materials. Students featuring in campaign photos or videos wearing branded apparel will be exempted.

ELECTIONS BOARD DECISION: By a vote of 7-0, the Elections Board found the Richardson Campaign in violation of Election Code XI.E.1. It is the opinion of the Board that the prominent display of a UA logo or otherwise trademarked image qualifies as 'use" by a candidate or campaign. During the hearing, it was discovered that the Richardson Campaign discussed removing the Script A in question, but ultimately decided against it. Therefore, it is the opinion of the Board that the clear display of the Script A is a violation and not incidental usage.

PENALTY: The Richardson Campaign is awarded 3 points for a minor campaign violation.

Q1.1.

The University of Alabama Student Government Association

ELECTIONS VIOLATION COMPLAINT FORM *All information/blanks must be completed in order to be reviewed by the Elections Board*

Any member of The University of Alabama community shall have the right to file a complaint. Complaints must be filed in writing. Oral complaints will not be accepted.

Complaints must contain the following:

1. Name of the candidate and/or individual(s) who committed the alleged violation
2. Brief description of the alleged violation, including date and time of the incident and reference to the relevant provisions of the [Student Elections Board Manual](#)
3. Any applicable evidence
4. Printed name of the person filing the complaint
5. Signature of the person filing the complaint

No anonymous complaints will be reviewed. Further, complaints must be filed within 24 hours of the violation or within 24 hours of when the violation is known.

If you have questions regarding filing an Elections Violation Complaint Form, please email sgaelections@ua.edu.

Q1.2. Name of person filing complaint:

Robbie Khalil

Q1.3. Phone Number:

[REDACTED]

Q1.4. UA Crimson Email Address:

[REDACTED]

Q1.5. Date of Incident/Violation: (mm/dd/yyyy)

02/20/2023

Q1.6.
ALLEGED

Person(s) committing the alleged violation and for whom, the complaint is being filed against.

John Richardson

Q1.7.
ELECTION CODE VIOLATIONS

List specific election codes that were allegedly violated. Refer to the [Elections Manual](#) for the relevant provisions of the code.

Campaign Materials 1. Campaign materials for the purposes of the SGA Elections shall be defined as any paraphernalia bearing the name, logo, mark, or likeness of a candidate including, but not limited to flyers, literature, pamphlets, buttons, clothing, table tents advertisements, and electronic communication utilized during the official campaign period. 2. No UA emblems, logos, or trademarked materials can be used on campaign materials. Students featuring in campaign photos or videos wearing branded apparel will be exempted.

Q1.8.
DESCRIPTION/NARRATIVE

Please provide a brief description of the alleged violation, including date, time, and location of the incident; along with a list of individuals who may have knowledge of the alleged violation.

Date: 02/20/2023 around 12:12 pm Persons: John Richardson and Campaign Team Location: @risewithrichardson instagram, filmed inside Hewson Hall Violation: Script A's behind the candidate in the video posted by the candidate. UA trademark logos are prohibited from being in campaign materials, and seeing as they are not being worn by a student this is a clear violation of the above listed code. The Script A can be found in the top left corner of this photo, and through out the video posted online.

Q2.1.

APPLICABLE EVIDENCE

Attach additional information and/or files for consideration.



Q2.2.

PRINTED NAME

Please type your full name to indicate that you understand that this complaint report is not confidential and may be posted publicly per Section XVIII.F. VIOLATIONS of the Elections Manual.

Robbie Khalil

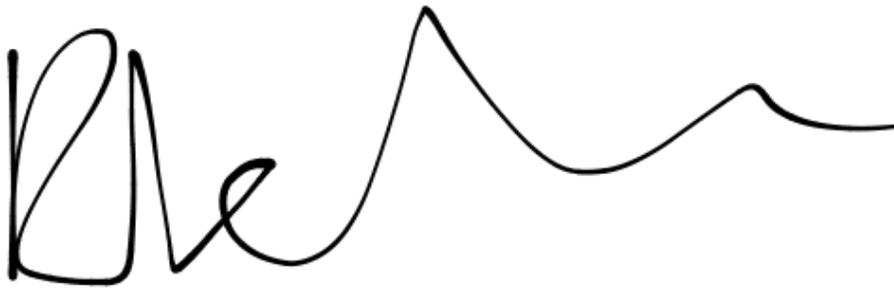
Q2.3.

ELECTRONIC SIGNATURE & POLICY ACKNOWLEDGEMENT

Knowingly filing a frivolous or bad faith complaint may result in the individual or campaign filing the complaint being subject to sanctions and/or referral to the Office of Student Conduct (OSC).

By signing below, I confirm my understanding of the aforementioned Elections Board policy on filing complaints and certify that all information contained in this report is true and correct to the best of my knowledge.

A signature is required to submit this form. Please sign below using your mouse cursor (or finger, if you are using a tablet or other mobile device with touchscreen capabilities) to indicate your acceptance of the above stated terms.



A handwritten signature in black ink is displayed within a white rectangular box. The signature is cursive and appears to read "Be". To the left of the signature, there is a small grey "x" icon. Below the signature, a horizontal line spans the width of the box. In the bottom right corner of the box, the word "clear" is written in red text.

Subject: Re: Elections Board Notice of Reported Campaign Violation #1
Date: Monday, February 20, 2023 at 10:50:04 PM Central Standard Time
From: Zach Johnson [REDACTED]
To: sgaelections <sgaelections@ua.edu>

Good evening Elections Board members and thank you for reaching out!

I'll be responding to our first campaign violation complaint regarding the small Script A in the background of today's campaign video. The charges are as follows:

XI.E.1. Campaign materials for the purposes of the SGA Elections shall be defined as any paraphernalia bearing the name, logo, mark, or likeness of a candidate including, but not limited to flyers, literature, pamphlets, buttons, clothing, table tents advertisements, and electronic communication utilized during the official campaign period and XI.E.2. No UA emblems, logos, or trademarked materials can be used on campaign materials. Students featuring in campaign photos or videos wearing branded apparel will be exempted.

While a small Script A is visible in the background of the campaign video for roughly 17 seconds, this an extremely minor part of the full video. The classification for a minor violation is as follows:

Clear violations against the Elections Manuel that do not appear to significantly impact the outcome of the election.

As it is an extremely minute detail in the background, the Script A cannot play even a distinguishable role in the promotion of our campaign. The trademark in question plays absolutely no prominent role whatsoever. As such, while the material *is* technically present, it absolutely *cannot* be construed as having any impact on the election whatsoever.

Furthermore, the above qualification explicitly states that the violation must be *clear*. The brief, insignificant, and incredibly diminutive display of a commonly present image found throughout campus cannot be reasonably considered a *clear* nor intentional violation of the spirit of the prohibition on using trademarked material.

The language of the above clause (*XI.E.2*) makes it abundantly clear that the prohibition is against the express *use* of copyrighted material, not the incidental inclusion of a very brief, insignificant background image in a campaign video. As such, and in conjunction with the above points, it is our contention that such a charge is inadequately applied to the circumstance presented.

Essentially, we did not *use* any background image. It was present in the background and entirely unacknowledged.

Thanks! Let me know if theres anything else I can help with.

Zachary Johnson

Vice President, Alabama International Relations Club

Phone [REDACTED] | [REDACTED]



From: sgaelections <sgaelections@ua.edu>
Sent: Monday, February 20, 2023 3:39 PM
To: John Richardson [REDACTED]
Cc: sgaelections <sgaelections@ua.edu>; Zach Johnson [REDACTED]
Subject: Elections Board Notice of Reported Campaign Violation #1

John,

This email is to notify you that an Elections Violation Complaint was received against your campaign. The complaint was filed by Robbie Khalil and the submission alleges a violation of Election Codes ***XI.E.1. Campaign materials for the purposes of the SGA Elections shall be defined as any paraphernalia bearing the name, logo, mark, or likeness of a candidate including, but not limited to flyers, literature, pamphlets, buttons, clothing, table tents advertisements, and electronic communication utilized during the official campaign period and XI.E.2. No UA emblems, logos, or trademarked materials can be used on campaign materials. Students featuring in campaign photos or videos wearing branded apparel will be exempted.***

According to the complaint, John Richardson and Campaign Team filmed @risewithrichardson instagram inside Hewson Hall with "Script A's behind the candidate in the video posted by the candidate. UA trademark logos are prohibited from being in campaign materials, and seeing as they are not being worn by a student this is a clear violation of the above listed code. The Script A can be found in the top left corner of this photo, and through out the video posted online."

This email, however, is NOT to notify you that you have received violation points by the Elections Board, but a request for your response to these allegations. Per the [Elections Manual](#), you have twelve (12) hours to reply to the alleged violations for review by the Elections Board.

Should you have additional questions or if we can be of further assistance, please let us know.

Sincerely,

Student Elections Board

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Student Government Association
[The University of Alabama](#)
sgaelections@ua.edu | <https://sga.sa.ua.edu/elections>