

UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT ASSOCIATION  
SUPERIOR COURT

IN RE: SPRING CAC RUN-OFF ELECTION APPEAL

April 21, 2016

JUSTICE BOURLAND delivered the opinion of the Court.

Petitioners Annie Shen, Sarah Segner, and Zachary Alamrew, bring this appeal of a 2-1 Election Board (“Board”) decision to not disqualify CAC Chair-elect Aimee Schnebeck after the Board upheld four independent campaign grievances against her. Specifically, Petitioners ask this Court to void Schnebeck’s candidacy for CAC Chair. However, because Petitioners have no standing to appeal the decision, as required by tit. VII, ch. 4, § 37 of the SGA Code Annotated (“SGACA”), this Court AFFIRMS the decision of the Board.

I

This appeal arises out of the recent run-off election between Schnebeck and Daniel Moreno, which occurred after none of the candidates for CAC Chair received a majority of the votes cast in the general election. Schnebeck received 58.53% of the vote (1259) to Moreno’s 41.47% (829). During the campaign and election process (including the run-off election), several grievances were filed against both candidates. By the end of the run-off election, the Board had found Schnebeck guilty of four violations of the SGACA. Because Schnebeck was convicted of three or more violations, the Board voted on whether to disqualify her from the election. The Board voted 2-1 against disqualification, citing Schnebeck’s margin of victory in both elections. (Record at 26.)

The Official Record contains a surprising number of grievances and issues raised by several parties involved throughout the campaign and election process. If everything written by all parties is to be fully believed, the Record in this appeal reveals what can only be described as one of the more contentious elections in recent memory. The Record reflects that a number of grievances were filed and considered for both parties. The statements of the various parties directly question the integrity of the other campaign teams, cite a number of grievances that were never officially or properly brought before the Election Board, and claim open and intentional violations of campaign rules by each opposing party. The extent to which both parties to the appeal grounded their arguments on personal rather than procedural wrongs was concerning to the Court.

## II

This Court is broadly charged “with the function of being the final appellant [sic] review of any action arising under the SGA Constitution.”<sup>1</sup> Notwithstanding our status as the court of final review, the extent of our powers to review “any action” is limited by the SGACA, which states:

With the exception of issues raised by the General Counsel and the Election Chair, the Superior Court shall not hear any matter relating to an election unless the petitioner first shows: (1) a distinct and palpable injury to himself or herself; (2) that the injury is caused by the challenged activity; and (3) that the injury is apt to be redressed by a remedy that Superior Court is able to grant.<sup>2</sup>

In the first place, Petitioners have failed to show any distinct and palpable injury as a result of the Board’s decision. Petitioner Shen stated in her brief that Petitioners filed this appeal as official members of Moreno’s campaign, and that they did so on behalf of Moreno himself. (R. at 36.) Yet when asked, Moreno said that “[Petitioners] submitted [the appeal] independently as a group and not on behalf of [his] campaign.” (R. at 35.) We take the candidate at his word. Because Petitioners allege no distinct and palpable injury (indeed, this Court can find no injury at all), they fail the first prong of § 37 and do not have standing before this Court.

Even if Petitioners had sustained a distinct and palpable injury that was caused by the Board’s decision, they seek a remedy that this Court cannot grant. Petitioners clearly stated that the redress they seek for their injuries is the disqualification of Schnebeck as a candidate for CAC Chair. (R. at 36.) However, the SGACA states:

**The Superior Court shall have no authority to disqualify any candidate except when *confirming* a decision of the Election Board.** Weighing the gravity and intent of each incident, the Superior Court may confirm, overturn, or reduce any fines imposed by the Election Board. The Superior Court shall have no power to impose any other fines except those based upon issues raised in an official complaint or appeal. If the Superior Court finds a candidate or an

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<sup>1</sup> SGACA, Title IV, Chapter 2, § 33.

<sup>2</sup> SGACA, Title VII, Chapter 4, § 37.

election official guilty of election fraud, it may impose a fine of no more than two hundred fifty dollars (\$250.00). It shall report such findings to Student Affairs for possible disciplinary action.<sup>3</sup>

The SGACA is explicit and unambiguous. This Court possesses no authority to disqualify a candidate for elected office, absent a prior ruling to such effect by the Board.<sup>4</sup> Because the Board decided to not disqualify Schnebeck, the SGACA precludes us from doing so. As a result, Petitioners possess no standing to bring this appeal, and this Court has no authority to hear this matter.<sup>5</sup>

### III

While the Petitioners lose their appeal based on their lack of standing, this Court finds it important to clarify certain sections of the Code to prevent future issues. For the sake of this clarification, assume that the Petitioners had standing to begin with. In order to reverse the decision of the Election Board, this Court would need to find that the Election Board in some way violated the SGACA or the SGA Constitution and abused its discretion in making its decision.<sup>6</sup> We see no such abuse and no such violation in their decision to not disqualify Schnebeck.

The Petitioners cite to Tit. VII, ch. 4, § 26 in their appeal. That section states, in pertinent part, that “Election officials shall not disqualify any candidate or ballot initiative unless the candidate or proposing entity: . . . (5) commits 3 or more campaign rules infractions.” Petitioners likely read this section as requiring the Election Board to disqualify any candidate who is found guilty of three or more

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<sup>3</sup> SGACA, Title VII, Chapter 4, § 40 (emphasis added).

<sup>4</sup> SGACA, Title VII, Chapter 4, § 26.

<sup>5</sup> Although the plain language of Title VII, ch. 4, § 37 of the SGACA indicating that this Court cannot “hear” cases of a particular nature would appear to mean that we cannot *decide* any case brought by a claimant who lacks standing, the function of this Court as a court of final review counsels that this language be construed in a different way. The question of standing is “whether the litigant is entitled to have the court decide the merits of the dispute.” *Warth v. Seldin*, 422 U.S. 490, 498 (1975). So while this Court recognizes that, because of Petitioners’ lack of standing, we do not have the power to *decide the merits* of this dispute, we do have the authority to *render a decision*, which we have done without reaching the merits of Petitioners’ argument.

<sup>6</sup> While the SGACA is not explicit, chapter 4, when read as a whole, implies that *any* decision of the Election Board is appealable to the Superior Court assuming the appealing party has standing. Therefore, there would need to be a standard for reviewing Election Board decisions. Because the SGACA affords the Election Board broad discretion in its decisions, the only standard that makes sense is the need to find an abuse of that discretion.

grievances. However, that is not what the section requires. The section tells the Election Board that it *shall not* disqualify *unless* triggering events occur. It does not say that the Election Board *shall* disqualify *if* the triggering events occur. The distinction is subtle, but vastly important. The section, as written, does not force the Election Board to disqualify anyone at all. In fact, the section gives the Election Board great discretion and leeway in deciding whether or not to disqualify a candidate. This, we must assume, was intent of the drafters of the SGACA. If the drafters wanted disqualification to be automatic, the section would say “shall disqualify if” instead of its current phrasing. But, since it does not, the Election Board has the codified discretion to disqualify or not disqualify a candidate who commits 3, 4, even 5 violations in his or her campaign.

Because the Election Board has discretion in choosing when to disqualify a candidate, it cannot be said that the Election Board violated any section of the SGACA in rendering its decision. Because the Election Board did not violate the SGACA, this Court cannot and will not overturn its decision. The only avenue remaining would be to find abuse of that discretion. There are no facts in the Record to show such an abuse.<sup>7</sup> According to the Record, the Election Board knew Schnebeck had three or more violations, weighed the evidence, and still voted to not disqualify her. Therefore, even if we were to find that the Petitioners had standing before this Court, the appeal would still be denied and the decision of the Election Board affirmed.

#### IV

Given the complication of the SGACA, we find it important to clarify our role in the election process so that future petitioners can properly bring their arguments before this Court. The Superior Court is not a higher echelon of the Election Board. We have no authority to hear election grievances. The documents submitted to this Court are riddled with grievances that were already considered by the Board, grievances that were never properly filed with the Board, and even a grievance that one candidate was ineligible for election in the first place. This Court is not the

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<sup>7</sup> The SGACA does not specify the Court’s role in an appeal challenging a decision to *not* disqualify a candidate. According to Tit. VII, ch. 4, § 40, this Court cannot directly disqualify a candidate. In the event that this Court were to find an abuse of the Election Board’s discretion, it is unclear what the appropriate remedy would be. The argument could be made that reversing the Election Board’s decision (upon a finding of abuse of discretion) and remanding back to the Election Board with instructions to disqualify would be the same thing as directly disqualifying a candidate. The argument could also be made that the two remedies would be distinct, although barely. While this issue is not directly relevant on this appeal, we believe the Legislature needs to clarify and rectify this gap in the code.

proper venue for those complaints, and nothing in this opinion should be read as limiting the power and discretion of the Board to disqualify candidates.

Petitioners' official appeal sections III, V, VI, and VIII were never brought to the Election Board in the proper format, so they were never considered. (R. at 13.) We are not responsible for weighing evidence and handing out campaign violations for grievances not properly filed. Similarly, section II of the Petitioners' appeal addresses a grievance denied by the Election Board as evidenced on page 26 of the Record. That grievance is not directly on appeal here and we make no assertion of its validity one way or the other except to say that the Election Board already denied the grievance. The separate accounts of each grievance by the Petitioners does not change any of our above analysis of the issues before this Court.

Finally, Schnebeck states in her response to the appeal a number of defenses that really have no holding before this Court either. For similar reasons mentioned immediately above, this Court renders no opinion on Schnebeck's allegations that Moreno was not eligible to run in the first place.

## V

Petitioners argue that affirming the Board's decision will "create a precedent for future elections that any candidate can commit any wrongdoings and simply pay a fine to skirt the set guidelines." (R. at 1.) This is about as far from the truth as the Petitioners could be. As we have already stated in this opinion, the Election Board has discretion according to § 26 to disqualify candidates. Next year, if the new Election Board finds a candidate guilty of 3 violations, they are fully within their right to disqualify that candidate. That said, if a candidate were found guilty of 5, 6, 7, etc. violations, the Election Board would still be within their right to *not* disqualify the candidate (although, as the number goes higher, questions of abuse of discretion would arise). This Courts affirmance of the Election Board's decision in *no way limits* their power, ability, right, and discretion to disqualify a candidate for office. Unless § 26 changes, this is the law governing the disqualification process. If Petitioners (or anyone else) are upset by this inherent and necessary reading of the Code, they should consider either applying for the Election Board or lobbying their legislator to change the Code.

## VI

A word of caution to future candidates for any SGA office: this Court would vehemently encourage future candidates to remember that, at the end of the day, we are all Sooners. We hope that all future candidates remember that, at the end of

the day, someone is going to have to take office. It would behoove candidates to treat each other with civility and respect so that, regardless of the outcome, all interested parties can work towards the common goal of furthering SGA, CAC, and the University of Oklahoma. To that effect, this Court *urges* every future candidate to *thoroughly* read the Code and have a tighter grip on the actions of their campaign teams so there is no need for such an appeal in the future.

Because Petitioners do not have standing before this Court, their appeal is denied and the decision of the Board is AFFIRMED.

IT IS SO ORDERED.

JUSTICE POSTIC writes concurring in part, dissenting in part, and concurring in the judgment.

I join in the judgment but write separately to express my disagreement with Part III of the majority's opinion. Specifically, I do not believe that the SGACA gives this Court the ability to overturn a decision of the Election Board to not disqualify a candidate.

## I

As the majority notes, this Court is broadly charged “with the function of being the final appellant [*sic*] review of any action arising under the SGA Constitution.”<sup>8</sup> The majority goes on to explain (correctly) that our ability to review “any action” is not unlimited, especially with regard to elections. The most important limitation here is that this Court “ha[s] no authority to disqualify any candidate.”<sup>9</sup> Instead, that power is solely within the province of the Election Board.<sup>10</sup>

Nevertheless, the majority's abuse of discretion standard posits that, under certain facts, this Court *could* disqualify a candidate even though the Election Board refuses to do so.<sup>11</sup> Suppose, for example, that this Court found the Election Board had abused its discretion in deciding to not disqualify Schnebeck. Under the majority's approach, this Court's proper course would be to overturn the Board's decision. What then? The majority acknowledges that remanding the case back to the Election Board with instructions to disqualify Schnebeck is tantamount to this Court disqualifying a candidate—a power the SGACA expressly prohibits this Court from exercising.

Given our inability to disqualify, the most that this Court could do is vacate the Board's decision and remand the case back to the Board for reconsideration. The Board could then reach the same decision, and a petitioner (with proper standing) could then appeal the case back to this Court, and we could then remand the case back to the Board, *ad infinitum*, with no one able to render a final judgment. That cannot be the result intended by the SGACA.

Our role in interpreting the SGA Constitution and the SGACA is to read those documents in such a way as to give effect to the words the SGA Congress enacted. The majority argues that the SGACA gives this Court the authority to overturn any decision of the Election Board, referencing, I assume, the portion of the SGACA that reads: “The Election Chair's rulings shall be considering binding

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<sup>8</sup> SGACA, Title IV, Chapter 2, § 33.

<sup>9</sup> SGACA, Title VII, Chapter 4, § 40.

<sup>10</sup> See SGACA, Title VII, Chapter 4, §§ 26, 40.

<sup>11</sup> See *supra*, Part III, nn. 6-7. To be fair, the majority recognizes that the SGACA does not expressly give this Court such authority. And I agree with JUSTICE BOURLAND that the SGACA is in dire need of rewriting.

on elections until overturned by the Superior Court . . . .”<sup>12</sup> But that provision is not a grant of power to this Court; it is merely a limitation on the Election Board. It provides that Board rulings will be binding unless overturned by this Court; it does not give this Court the authority to overturn those rulings. Rather, our authority is drawn from elsewhere in the SGACA, which expressly states that this Court “ha[s] no authority to disqualify any candidate.”<sup>13</sup> Any reading of the SGACA that negates those words is simply not a plausible reading.

The only way to reconcile the language of the SGACA is to hold that this Court has the authority to overturn a Board decision, *unless the decision is to not disqualify a candidate*. If the Board rules to disqualify a candidate, this Court is given the authority to confirm that decision; likewise, nothing in the SGACA prevents us from overturning such a decision. If, however, the Board rules to *not* disqualify a candidate—as was the case here—this Court is left powerless. The SGACA gives this Court no authority to offer any relief, even if, under the majority’s approach, the Board “abused its discretion.”

## II

The SGACA gives this Court broad powers of review, but it drastically limits those powers when it comes to elections. Our ability to review election matters is limited to: (1) certifying election results,<sup>14</sup> (2) hearing appeals related to fines imposed by the Election Board,<sup>15</sup> (3) imposing a penalty for election fraud,<sup>16</sup> (4) reporting findings of election fraud for disciplinary action and impeachment,<sup>17</sup> and (5) confirming an Election Board decision to disqualify a candidate.<sup>18</sup> The majority’s approach would amend the SGACA to allow this Court to effectively disqualify a candidate, even when the Board decides not to do so. But it is not this Court’s job to rewrite the SGACA.

While it may seem counterintuitive to prevent this Court from overturning an Election Board decision to not disqualify a candidate if the Board “abuses its discretion,” that is the result the SGACA compels. That does not mean a candidate who engages in election abuse (but is not disqualified by the Board) is immune from attack. The SGA Constitution gives the student body the ability to recall any elected official.<sup>19</sup> Similarly, the SGACA gives the Legislative Branch the power to impeach and remove the CAC Chair from her position.<sup>20</sup> In light of these powers granted to the student body and the Legislative Branch, respectively, we do not believe that it

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<sup>12</sup> SGACA, Title VII, Chapter 4, § 29.

<sup>13</sup> SGACA, Title VII, Chapter 4, § 40.

<sup>14</sup> SGACA, Title VII, Chapter 4, § 31.

<sup>15</sup> SGACA, Title VII, Chapter 4, §§ 29-30.

<sup>16</sup> SGACA, Title VII, Chapter 4, §§ 34-40.

<sup>17</sup> SGACA, Title VII, Chapter 4, § 40.

<sup>18</sup> *Id.*

<sup>19</sup> Article VIII, Chapter 1, §5.

<sup>20</sup> SGACA, Title V, Chapter 1, § 4(c).



would be proper for this Court—an unelected body—to disqualify a candidate under these circumstances.

This being said, my disagreement with the majority is ultimately not at issue in this case as, regardless of our ability to review the Election Board’s decision, the majority finds no error with the Board’s ruling. Nothing in this opinion should be read to challenge that finding, and I agree with the judgment of the majority.

Nonetheless, for these reasons, and to this extent, I dissent from the majority opinion.

UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT ASSOCIATION  
SUPERIOR COURT

IN RE: SPRING 2016 RUN-OFF ELECTION  
April 23, 2016

PURSUANT to the power granted to this Court to validate elections under Tit. VII, § 35 of the SGA Code Annotated, this Court, having considered the Spring 2016 Run-off Election Report submitted on April 9, 2016 hereby validates the Spring 2016 Run-off Election results that have been approved by the Election Board, as no appeals or complaints have been raised with either the Election Board or this Court to date that have not been adequately addressed. Under Tit. VII, § 30 of the SGA Code Annotated, the statutory deadline for filing any appeals with the Superior Court was within five (5) business days of the incident which generated the complaint or within three (3) business days of the close of polls – whichever was sooner. Both of these timelines has passed. Accordingly, this Order is hereby effective and all complaints and appeals are forever barred.

IT IS SO ORDERED.

Official Record  
In re Spring CAC Run-off Election Appeal

Appeal of the Decision to Not Disqualify Aimee Schnebeck from the Campus  
Activities Council Election

On Thursday April 7th, the Election Board met and ruled that Aimee Schnebeck would not be disqualified from the Campus Activities Council Chair election. The Schnebeck campaign violated several campaign regulations with disregard to the integrity of the Student Government Association, Campus Activities Council, and the University of Oklahoma. The election board made the regulations and guidelines extremely clear and transparent, and there is no reason for her campaign to have committed the number of violations that they have. Deniability and confusion are not valid excuses for violating the rules. If a student cheats on an exam, even if it's just one question, their conduct is considered cheating and they must face the consequences of their actions when caught. Schnebeck and her team were caught several times, and the Election Board voted that she receive four (4) total fines and infractions for grievances filed against her campaign, however no significant consequences were given. Not just as a student but also as a candidate running for such an influential leadership position, the lack of integrity shown throughout this campaign is unacceptable and unethical. If the Superior Court rules to uphold the election result and to allow Aimee Schnebeck to hold the position of Campus Activities Council Chair, it will create a precedent for future elections that any candidate can commit any wrongdoings and simply pay a fine to skirt the set guidelines. The way her campaign has conducted themselves is disrespectful to the student body and the opinions of student voters. For this reason, we appeal the decision of the Election Board and present our evidence of wrongdoing below.

**I. Aimee Schnebeck and her campaign team have violated Section 21 of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code by approaching students to vote while wearing a campaign shirt.**

“On the day of voting, if an individual affiliated with a campaign approaches a student with a voting device, the individual cannot give any indication of the campaign that the individual is affiliated with and cannot encourage the student to vote in a particular way or wear promotional material of a particular campaign team.”

On Monday April 4th, between the hours of 3 and 4 p.m., Aimee's campaign manager Isaac Hill and Joey D'Amato went throughout the Oklahoma Memorial Union while wearing Aimee's campaign shirts and approached individuals with electronic polling devices in order to solicit votes for Schnebeck. Hill stated that he

was unaware of the rules; however, Hill ran for SGA President in the Fall of 2015 in addition to being Schnebeck's campaign manager, and therefore has the responsibility to be aware of all campaign rules and to inform Schnebeck's campaign team of said rules and regulations. Please Refer to Appendix A for photographic evidence of this violation.

By soliciting votes in the Oklahoma Memorial Union while wearing campaign materials and handing individuals electronic polling devices, this evidences intentional violation by Schnebeck's campaign of the Campaign Rules and Regulations in order gain votes. This violation shows that Schnebeck and her campaign were actively trying to pressure voters into voting for Schnebeck specifically.

**II. Aimee Schnebeck and her campaign team have violated Campus Housing Guidelines of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code and Section 21 of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code by soliciting votes with electronic polling devices at Traditions Square, University owned housing.**

"Subject to the General Campaign Rules and other exceptions herein, all campaigning or campaign material in or on Campus Housing requires the expressed consent of the local Center Coordinator, whose decisions shall be uniform for all candidates."

AND

"On the day of voting, if an individual affiliated with a campaign approaches a student with a voting device, the individual cannot give any indication of the campaign that the individual is affiliated with and cannot encourage the student to vote in a particular way or wear promotional material of a particular campaign team."

On Monday, April 4<sup>th</sup>, between the hours of 7 and 8 p.m., Joey D'Amato, Matthew Martin, and Nola Alinger were at the University owned housing complex of Traditions Square. Joey D'Amato and Nola Alinger of the group were witnessed soliciting votes while wearing Aimee's campaign shirts.

All three were witnessed soliciting vote by handing electronic voting devices to residents. Please refer to appendix B for photographic evidence and corroboration from a resident.

In addition to the violation of handing devices to voters while wearing materials, the campaign team was campaigning on campus property without permission from the landowners (the university).

By soliciting votes in university housing, while wearing campaign materials, and handing voters electronic voting devices (a violation made clear to Aimee and her campaign team earlier that day by Election Board Chair Abbey Taylor), this evidences intentional violation of the Campaign Rules and Regulations in order gain votes. Similarly, it can be seen that the campaign team was willing to break campus housing rules in order to gain more votes.

**III. Aimee Schnebeck and her campaign team have violated Section 3 of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code by sending unsolicited electronic messages.**

“Candidates shall not send any unsolicited electronic messages. What messages are unsolicited is at the discretion of the Election Chair and will be disclosed at the candidate’s meeting.”

In a groupme for the Delta Gamma banner crew, the head of the crew stating that all members of banner crew were required to spend at least 30 minutes on banners and that their first task was to make campaign banners for Aimee. Please refer to appendix C for evidence.

Not only is this an unsolicited electronic message, they also violate campus policy by mandating members of Delta Gamma to do Aimee’s campaign work.

**IV. Aimee Schnebeck and her campaign team have violated Section 3 of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code by sending unsolicited electronic messages.**

“Candidates shall not send any unsolicited electronic messages. What messages are unsolicited is at the discretion of the Election Chair and will be disclosed at the candidate’s meeting.”

On March 1st, Jessica Freeman, a member of Schnebeck’s campaign team posted in the Pi Beta Phi Facebook group without the consent of the members in the group. Please refer to appendix D for evidence.

This violates the unsolicited electronic message policy and by force, pressures members of the organization to vote for Schnebeck. The number of votes for Aimee, through this violation, is skewed by mere exposure to the candidate's name.

**V. Aimee Schnebeck and her campaign team have violated Section 21 of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code as well as the**

**Campus Housing Guidelines of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code by soliciting votes with electronic polling devices while in Aimee campaign shirts.**

“On the day of voting, if an individual affiliated with a campaign approaches a student with a voting device, the individual cannot give any indication of the campaign that the individual is affiliated with and cannot encourage the student to vote in a particular way or wear promotional material of a particular campaign team.”

**AND**

“Subject to the General Campaign Rules and other exceptions herein, all campaigning or campaign material in or on Campus Housing requires the expressed consent of the local Center Coordinator, whose decisions shall be uniform for all candidates.”

On Monday, April 4th, at the Delta Gamma sorority house, one of Aimee Schnebeck’s campaign managers, Cassidy Blake, made freshman DGs put on her campaign shirts so they could go to Cate Center and the dormitories to solicit votes with voting devices. For testimony from a freshman Delta Gamma, please refer to Appendix E.

As Cassidy Blake is one of Schnebeck’s campaign managers, whose responsibility it is to know and enforce the rules set forth by the election board, these multiple violations in this one instance show intent to break rules set forth by the election board in order to increase Schnebeck’s votes. The number of votes for Aimee Schnebeck, through this violation, is skewed by the pressure of individuals to campaign for a specific candidate and the pressure voters feel to vote for a specific candidate by being handed a voting device and requested to vote in front of an individual who is showing their support for a specific candidate by wearing said candidate’s campaign materials.

**VI. Aimee Schnebeck and her campaign team have violated Section 3 of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code by sending unsolicited electronic messages.**

“3. Candidates shall not send any unsolicited electronic messages. What messages are unsolicited is at the discretion of the Election Chair and will be disclosed at the candidate’s meeting.”

Provided is evidence of a campaign groupme created without the election chair being added and with individuals being added without expressed consent. The individual who sent in these screenshots specifically was added to this group without consent. Please refer to Appendix G.

This not only corroborates the campaign groupme kept secret by Aimee's campaign, but specifically includes evidence of forcefully adding any Delta Gamma, a violation of the campaign guidelines of not sending any unsolicited messages.

**VII. Aimee Schnebeck and her campaign team violated Section 10 of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code by using the OU logo in campaign material.**

"Candidates shall not use the letterhead, logo, or any symbol that represents the University of Oklahoma or University entities"

Schnebeck's campaign team used the University of Oklahoma interlocking OU logo on their campaign graphics. This is clearly stated as not allowed and members of her campaign team should have been aware of this rule due to previous involvement in campus elections. Please refer to appendix F for evidence.

The intentional violation of this rule speaks to not only the disregard with which Schnebeck's campaign was run, but also to the lack of integrity with which it was run by.

**VIII. Aimee Schnebeck and her campaign team violated Section 22 of the Campaign Rules and Regulations as ruled in Title VII, Chapter 3 of the University of Oklahoma Student Association Code by creating a private group message for campaign purposes, without adding the election board chair.**

"The Election Chair and Election Board members have the right to solicit the names of all members of a campaign from the affiliated candidate."

Schnebeck's campaign team created a secret Groupme without the Election Board Chair, Abbey Taylor, being present in the group. Please refer to Appendix G.

Having a groupme without the Election Board Chair represents disregard of the rules and transparency that SGA hold candidates accountable for and specifically violates the Campaign Rules and Regulations as ruled in Title VII, Chapter 3, of The University of Oklahoma student Association Code Annotated.

**Appendix:**

A. Photos of Isaac Hill and Joey D'Amato wearing Aimee campaign shirts while soliciting votes with voting devices in the Oklahoma Memorial Union, evidencing not only said violation, but election board chair Abbey Taylor informing the individuals of said violation.



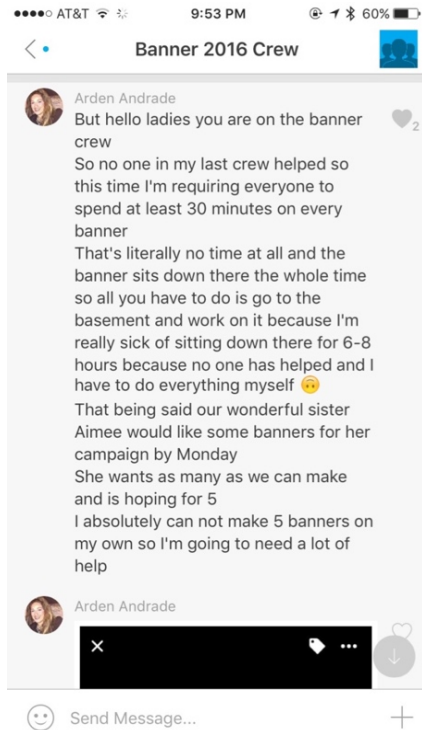
B. Photos of Joey D'Amato, Nola Allinger, and Matthew Martin taken at Traditions Square of them soliciting votes on election day with electronic polling devices, while two were wearing campaign materials. This transgression occurred following the interaction between election board chair Abbey Taylor and Hill and D'Amato, showing clear intent on Schnebeck's campaign's part of disregarding campaign rules in order to gain votes.







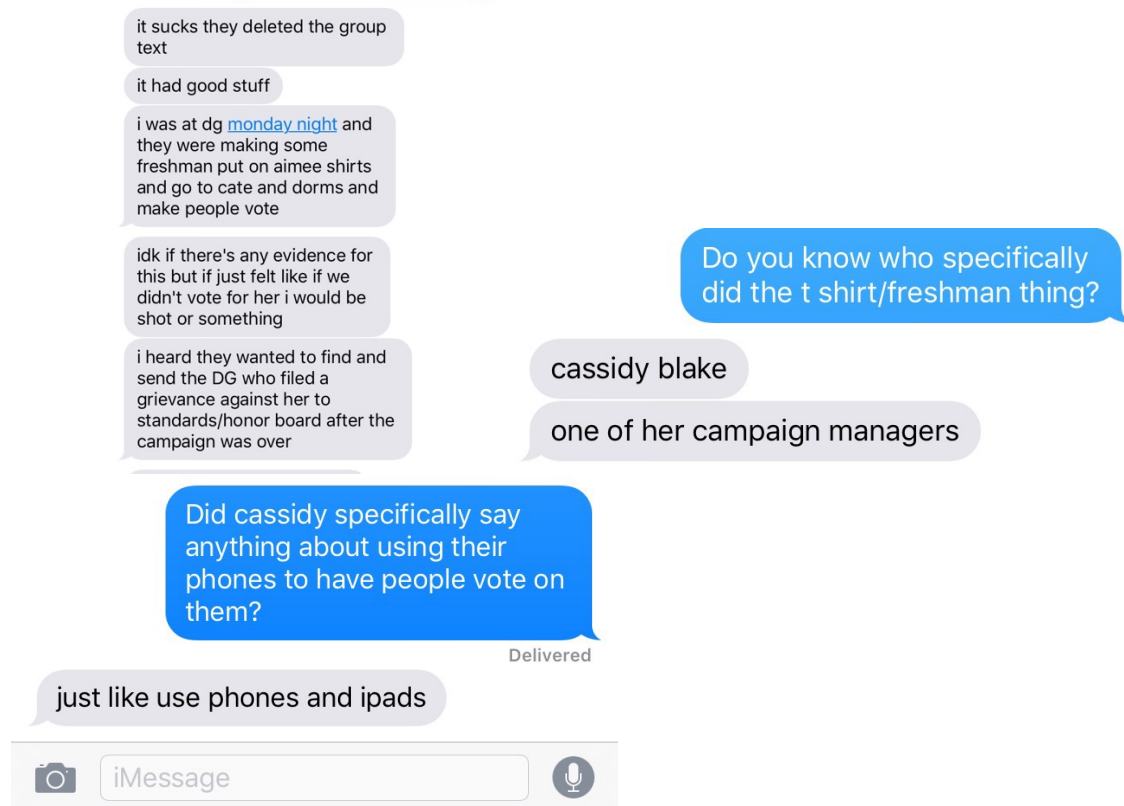
C. Screenshots from the Delta Gamma Banner Crew GroupMe with the head of the crew stating that all members of banner crew were required to spend at least 30 minutes on banners and that their first task was to make campaign banners for Aimee.



D. Screenshot of Jessica Freeman's post in the Pi Beta Phi member Facebook Group:

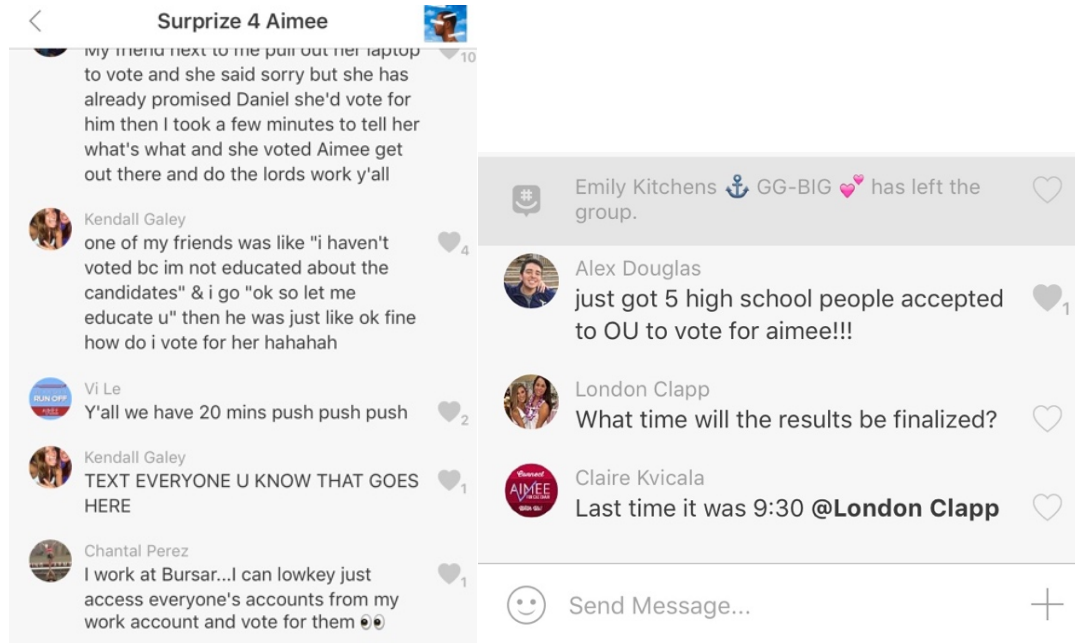


E. Corroboration from a Delta Gamma, testifying to this allegation. Said Delta Gamma would like to remain anonymous out of fear of retaliation, though she would be willing to meet privately to verify each statement.





G. Screenshots of the campaign groupme made without the addition of the election board chair.



Were you asked if you wanted to be in that groupme?

Delivered

no, 200 people were randomly added

(based on the fact that we are dgs)



## Election Board's Response to the Appeal

SGA Election Chair, Abbey Taylor

April 14, 2016

The necessary information has been provided in the official election reports from both the Spring 2016 General Election and the Spring 2016 CAC Chair Runoff Election. After reading the appeal submitted by Annie Shen appealing the SGA Election Board's decision not to disqualify Aimee Schnebeck from the election, I desired to add some pertinent clarification information.

The information and grievances submitted in the appeal were never reviewed by the SGA Election Board and were never properly submitted as official campaign grievances. We do not accept anonymous grievances. These complaints were never submitted in an official manner to the SGA Election Board. We do not want to set a precedent of accepting and giving weight to anonymous complaints. There is a clearly outlined procedure for submitting election grievances for the SGA Election Board to review and the information presented in the appeal never followed the official process.

If the information presented in the appeal had been properly submitted to the SGA Election Board through the official grievance process, the SGA Election Board would have been required to make a ruling on each grievance filed. Since these complaints were never officially filed, there is no ruling from the SGA Election Board on these matters.

All grievances submitted during the appropriate timeline (within 5 days of the incident or 24 hours within close of polls) and included in the two official election reports were submitted in an official manner and was properly reviewed and ruled upon by the SGA Election Board.

## Opinion of the General Counsel

Based on our findings, The Election Board decision should be overturned. Therefore, Aimee Schnebeck should be disqualified from the Campus Activities Council Election, because Aimee Schnebeck committed three (or more) general campaign rule infractions.

On Thursday, April 7<sup>th</sup>, 2016, the SGA Election Board met to discuss and vote on each candidate's grievances. We will not discuss the grievances of Daniel Moreno, because those grievances are not in dispute. Aimee Schnebeck received a total of five grievances. The Election Board upheld two and denied three grievances. Because the Election Board did not find that Aimee Schnebeck committed three or more campaign rule infractions, they decided not to disqualify Aimee Schnebeck. We find that the two grievances that were upheld (for violation of campaign rules) were correct and we agree with the Board's decision and reasoning. However, out of the three grievances that were denied to be upheld, we found that the Election Board made an error with one grievance. We agree with the board to deny the two other grievances. The grievance that we do not agree with the Board to deny along with our reasoning is below:

### **I. Aimee Schnebeck's campaign violated Title VII, Chapter 3, Section 21, Subsection E, Point i, of the SGA Code Annotated.**

Title VII, Chapter 3, Section 21, Subsection E, Point i, of the SGA Code Annotated states the following:

#### e. Additional Campaign Rules for Specific Areas

Unless explicitly stated otherwise within this Title, all campaigning or campaign material in private or public areas must have the expressed written consent of the property owner or authorized agent. Said areas include, but are not limited to: Greek property and Campus Housing

#### i. Campus Housing

Subject to the General Campaign Rules and other exceptions herein, all campaigning or campaign material in or on Campus Housing requires the expressed consent of the local Center Coordinator...

The grievance that was filed against Aimee stated that members of her campaign team were seen at the Traditions Square apartment complex, which is owned by OU and subject to Campus Housing policies, campaigning and soliciting votes for Aimee Schnebeck. The Election Board denied this grievance. We find that the Election Board made an error in denying this grievance. The Election Board argued that there was no pictorial evidence of the members alleged to be at neither Traditions nor actual confirmation that there was campaigning going on. However, there seems to be pictorial evidence, in Appendix B of Appeal Report from Daniel Moreno, of the campaign team members campaigning at Traditions Square. Even if



there is no pictorial evidence, there is evidence from the Traditions Square staff members, an email stating that Samantha Raines (staff member) witness the campaigning, because Matthew Martin accidentally knocked on the wrong door. The email also stated that no one had requesting permission to campaign. Therefore any campaigning done at Traditions Square is a violation. Based solely on the email, provided by Brian Rock (to Brynn Daves and George Ahmadi), we cannot properly assess if Aimee and her campaign team committed this campaign rule infraction because we do not know if Matthew Martin is a part of Aimee's campaign team. However, if we look at the pictures, which were provided in the Appeal Report from Daniel Moreno (Appendix B), we can see that Joey D'Amato, Nola Allinger, and Matthew Martin are seen at Traditions Square. We do not know whether Nola Allinger and Matthew Martin are a part of Aimee's campaign team, but we find that Joey D'Amato is a part of her team. Although Aimee and her campaign team may argue that he is just a friend to the campaign team, we find this not to be true. Joey D'Amato was involved in two grievances against Aimee. One of which he was with Aimee's Campaign Manager, Isaac Hill. Also, at the Election Board meeting (On April 7<sup>th</sup>), Joey D' Amato spoke on behalf of Aimee Schnebeck. If he was not a part of the campaign team, why would he be there and why would Aimee Schnebeck (who was also present at the Election Board meeting) let him speak on her behalf. Based on those facts, a reasonable person would believe that Joey D' Amato was a part of her campaign team. Although we do not know whether Nola Allinger or Matthew Martin is a part of Aimee Schnebeck's campaign team, we find that Joey D'Amato is. Since there is pictorial evidence of all three of them at the Traditions Square, we can infer that Nola and Matthew had directions from Joey to help campaign, which is a violation of campaign rules.

We find that Aimee Schnebeck committed three campaign rule infractions and should be disqualified. She gained an unfair advantage by violating campaign rules to win. The rules were set to have consequences and to not disqualify her would mean that she is above the rules. No one is above the rules and if one commits a violation, he or she must reap the consequences. Aimee Schnebeck should be disqualified and not be allowed to hold the Campus Activities Chair position.

## Schnebeck's Response to the Complaint

To the Superior Court Chief Justice Valdez and the Superior Court Justices,

Despite the three times I have won over the student body, an appeal has been filed disagreeing with the ruling of the SGA Election Board. I want to take the time to respond to the appeal, its accusations and some of the defamatory remarks about my integrity.

Though my team did receive four grievances instead of the allotted amount, the decision was ultimately left up to the Election Board, which voted to uphold the vote of the student body as they decided that in the ten or 15 minutes my campaign member was asking people to vote could not have swayed the election by 350+ votes.

As stated in the voting numbers it is clear that the numbers were consistent for both Moreno and I. I also received the endorsement of the third candidate, Jacob Nguyen for the run-off.

Title VII-Chapter 4-Section 40 states, "The Superior Court shall have no authority to disqualify any candidate except when confirming a decision of the Election Board." I hope you, the Superior Court will listen to the student body that voted twice, see the margin I won by and agree with the third vote, that of the Election Board, that ruled I am fit to serve our university as Campus Activities Council Chair.

### **March 29<sup>th</sup>-30<sup>th</sup> Election (Appendix A)**

Schnebeck: 1,110

Moreno: 816

- On March 30<sup>th</sup> the student body decided who they wanted to be Campus Activities Council Chair for the first time.
- I received 42% of the votes, taking a large lead over Moreno, who received only 31%. I finished this first election with a 294-vote lead.

### **April 4<sup>th</sup> Run-off Election**

Schnebeck: 1,259      *(149 vote increase from 3/30)*

Moreno: 892      *(76 vote increase from 3/30)*

- On April 4<sup>th</sup> the student body decided for a second time who they wanted to be Campus Activities Council Chair again.
- I won 59% of the total votes. Moreno received 41% of the votes. I finished the run-off with a 392-vote lead.
- Again, it should also be noted that I received an endorsement from the third candidate, Jacob Nguyen, who did not make the run off. *Appendix B.*

### **April 6<sup>th</sup> Election Board Votes Not to Disqualify**

- On April 6<sup>th</sup> SGA acts as a voice for all of the student body and decides that for a third time, I should serve as Campus Activities Council chair.
- The SGA Election Board met for a public hearing of the grievances. We discussed the grievances from the run-off and had the opportunity to speak on grievances.
- At this meeting the Election Board, myself, two reporters from the Oklahoma Daily and several members of my campaign team were present.
- Neither Moreno, nor his team attended this open meeting to discuss all grievances.

Thrice I won the vote of our student body. Despite being actively harassed by my opponent, my team and I kept the mentality of promoting my platform and its strengths rather than searching for every mistake made by Moreno's campaign. These actions are accurately reflected in the number of votes.

After continued harassment from Moreno, I sought the counsel of Election Chair Abbey Taylor. Moreno and his team were constantly making up their own rules and telling my team they could not wear Aimee shirts around campus or to class. Which was false, as the Code Annotated does not list anywhere that people are not allowed to wear campaign shirts while simply walking to class. It does specify that you cannot actively campaign in a campaign shirt.

I sat down with both Taylor and Moreno to discuss with him face-to-face that he was going too far, as he was making my team uncomfortable. Almost every day I had campaign members texting me asking if they could do this or that because Moreno and team kept spreading falsehoods. One incident, Moreno himself went up to a member of my team and told him to take off a simple PCS shirt and threatened to file a grievance. My member broke no rules, however Moreno and team were constantly attempting to intimidate my team and I. In this meeting with Moreno I asked him directly to stop scaring students into not participating in the campaign process.

After weeks of harassment, current Campus Activities Council Chair Chloe Tadlock noticed the actions of Moreno and called a meeting. Here she talked to the two of us about the importance of representing Campus Activities Council and how this campaign would not last forever and that we should watch our actions, as they will forever be remembered.

Despite two different meetings, my team and I continued to face constant threats and harassment from my opponent's team. As clearly detailed in the appeal, the other campaign team was **following** my supporters around and **taking photos** of anyone and everyone they suspected might support me. Several of these photos are extremely invasive and unsettling.

Moreno not only condoned this harassment, but also encouraged it. This display of leadership is extremely disappointing and concerning.

The appeal is extremely accusatory and contains several obscure messages that could be from anyone. The photos are blurred and it cannot be depicted who is even in them or what they are doing or saying. The grounds of this appeal are accusatory, embellished and false.

My integrity is questioned for receiving one more grievance than I was allotted, but if any team runs their campaign on the basis of trying to get someone disqualified they will desperately try to find anything and everything they can use against them. Both my team and myself were placed under such a tiny microscope that every move we made and word we said was being recorded. We had people recording us when we went to speak at places, their team hoped to catch us making a mistake. Constant photos were taken of innocent students, violating their privacy. Moreno's team actively sent photos to the Daily in hopes of attracting negative publicity for my team and I. (*Appendix C*)

In my first meeting I explicitly told my team there would be no grievance committee or grievance filing unless we saw something so egregious we felt we should act. Moreno decided to dedicate people to constantly following my team and I focus on our few mistakes instead of focusing on his campaign and their strengths.

### **Moreno is not eligible to be on the ballot...**

- It should also be brought to the attention of the Superior Court that Moreno should not have even been on the ballot due to his lack of filing.
- Filing to run for Campus Activities Council Chair opened February 22<sup>nd</sup> and lasted through the 25<sup>th</sup> at 5p.m. Giving students a four-day period to file.
- **I filed on February 22<sup>nd</sup> at 11:22a.m.**  
**Moreno filed February 29<sup>th</sup> at 8:21p.m.**
- This was a blatant disregard of the rules and an unacceptable move at that. Not only was his filing an hour or two late, or a day late. Moreno waited FOUR days after the filing period to submit his entry for the ballot. Filing the night of the **February 29<sup>th</sup>** rather than the clear set date of **February 25<sup>th</sup>**.

*Title VII- Chapter 3-Section 16: "Filing for general and special elections shall be 9:00A.M. to 5:00P.M. Monday, Tuesday, Wednesday, and Thursday... the filing period shall run at least four (4) academic days."*

*Title VII-Chapter 4-Section 26: “Election officials shall not disqualify any candidate or ballot initiatives unless the candidate or proposing entity: .... (2) **Fails to turn in a properly completed filing application on time.**”*

- The rule broken by Moreno was the second item listed for grounds of disqualification making this the second most egregious mistake.
- This section also states that all disqualification rulings shall be made public but access was not granted to this information at the time of the election.
  - A request was sent to the Election Chair via text in early March but we were denied.
  - A second request was submitted via email the second week of April but we received no response.

### **Addressing The Grievances Received:**

After the initial election I received two grievances:

#### Grievance one (Appendix D):

- After receiving a unanimous vote of support from Delta Gamma and receiving the approval of the chapter president to solicit messages to the chapter I thought it would be allowed. (*See Appendix E*) Since there was no precedent or guidelines in the Code Annotated for the endorsement of an organization or what messages they could receive, I solicited to them in a closed Facebook group.
- Despite no detailed rule the Election Board decided against the independent chapters decision to receive solicited messaging and deemed this a grievance and we took the fine.

#### Grievance two (Appendix F):

- The second grievance received was fair, a member of my campaign team posted in a closed group that had not consented for these messages. We received our second grievance for the initial election.

For the run-off election I received two additional grievances:

#### Grievance Three (Appendix G)

- The third grievance was for OU logo use/any symbol representing the university. Though the graphic does not contain the OU logo in our text, it is partially in the background of my photo. Even though it was unintentional and is even blurred out and partially cropped, we received the grievance.

#### Grievance Four (Appendix H)

- The fourth and final grievance was for campaigning while in a candidate's shirt. As a student who is not financially supported I had to work and could

not get off of work this day. With that I was unable to access my phone at all times and could not keep on top of every single person on my team. A member of my team was in his shirt while asking people if they had voted today. Though he had only been campaigning for 10-15 minutes this was an egregious grievance and we accepted it. That member of my team and I had a lengthy discussion and I decided it was best to remove them from any other campaign activities. Unfortunately this event negatively impacted my campaign and our friendship though said member unknowingly broke a rule.

Though I exceeded the number allotted, I hope you take into account three of our grievances were very minor. My team and I worked tirelessly to focus on our strengths and effectively communicate my platform's strengths to students. We spent hours at meetings to talk with students. My opponent chose to focus his and his team's time on searching for mistakes from my team in attempts to disqualify me from the ballot. However the Election Board ruled to uphold the vote of the students as they saw the few minutes my team member egregiously campaigned in a shirt could not have swayed over 350 voters. I ask that you, the Superior Court agree with the student body's votes that they cast *twice*, as well as the Election Board's ruling. Thank you for your time and commitment to justice at our university.

Respectfully,

Aimee Schnebeck

### **Appendix A: Screen grab from the initial election results:**

#### **Spring 2016 Student Government Association Unofficial Election Report**

SGA Election Chair: Abbey Taylor

SGA Election Board Members: Corey Abernathy, Blessing Ikpa, Maggie Marcum

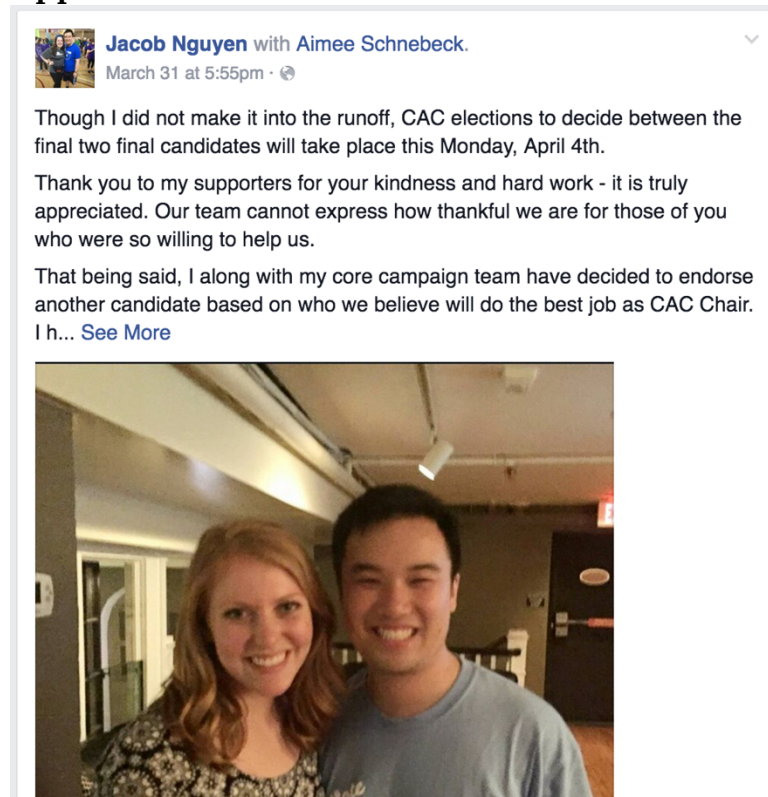
#### **Winners Identified in Bold**

##### 1. Campus Activities Council Chair

###### a. Results

<i>Choice</i>	<i>Votes</i>	<i>Percentage</i>
<b>Aimee Schnebeck</b>	<b>1110</b>	<b>42.37% * runoff</b>
<b>Daniel Moreno</b>	<b>816</b>	<b>31.15% * runoff</b>
Jacob Nguyen	694	26.49%

## Appendix B: The Endorsement of Third Candidate: Jacob Nguyen



## Appendix C: Moreno's campaign team member, Annie Shen sends photos to the Daily

Shen worked with Taylor Freeman to file all grievances on behalf of Moreno.



Photo provided by Annie Shen

## Campaign violation

In a photo sent to The Daily, Isaac Hill, campaign manager for Aimee Schnebeck's CAC chair campaign, is pictured asking students to vote on a mobile device on election day while wearing a campaign shirt.

## Appendix D: Grievance One: Solicited Messaging to a group that votes to endorse Aimee



**Appendix E: Delta Gamma Votes to Endorse Aimee**  
 Email VP Communications for Delta Gamma @Kalsey.G.Rojo-1@ou.edu with questions.

## Chapter Minutes Spring 2016 2-21-16

**President – Megan Tenbrink (405) 519-7462**

- Peoples cars were vandalized – we think its Fiji
- Upload more options for Greek Study, if you are personally not okay with having your name displayed, email Kendall, check in manually at DG
- Try to have a movie and game night for Thursday and Friday night so people are encouraged to stay in for Founders Day
- **Aimee is running for CAC CHAIR!!!!!!!!!!**
- Monday Meal at 5:30
- **We have chosen to sponsor Aimee for CAC Chair with 100% vote**
- **None opposed, everyone was in favor**

**Appendix F: Second Grievance: Unsolicited messaging**





#### Appendix G: Third Grievance for OU logo use



#### Appendix H: Fourth Grievance

On the day of voting, if an individual affiliated with a campaign approaches a student with a voting device, the individual cannot give any indication of the campaign that the individual is affiliated with and cannot encourage the student to vote in a particular way or wear promotional material of a particular campaign team

Not only was photographic evidence taken of a member of your campaign wearing the Aimee for CAC shirt and handing out his personal phone asking for votes, but I personally caught this in action as well. This is a very clear violation of the SGA Code Annotated.

Election Board Meeting on April 7, 2016

**SGA Election Board  
12 PM Thursday, April 7<sup>th</sup>, 2016  
Henderson-Tolson Cultural Center  
1335 Asp Ave  
Norman, OK 73072**

**Call to Order**

SGA Election Chair Abbey Taylor calls the meeting to order. Abbey Taylor says everyone will have a minute and/or minute and a half to speak.

**Roll Call**

- SGA Election Board Members Maggie Marcum, Corey Abernathy, and Blessing Ikpa are present.

- CAC Chair Candidate Aimee Schnebeck
- CAC Chair Candidate Jacob Nguyen
- Campaign Manager to Aimee Schnebeck, Cassidy Blake
- Campaign Manager to Aimee Schnebeck, Isaac Hill
- Friend to Aimee Schnebeck's campaign, Joey D'Amato
- Others in support of Aimee Schnebeck

**Reports:**

- Chair's Report
- Aimee received 1,259 votes in the runoff election (58.53%)
- Daniel received 829 votes in the runoff election (41.47%)
- Aimee received 1,110 votes in the general election
- Daniel received 816 votes in the general election
- Jacob received 694 votes in the general election

**Student Concerns**

- Joey D'Amato speaks on behalf of Aimee Schnebeck
- Isaac Hill states that he was not aware that what he was doing was wrong. When made aware of the incident, he immediately halted his actions. Hill states that he was encouraging people to vote, not particularly vote for Schnebeck.
- Marcum: "How do you know people specifically did not vote for Aimee"?
- Hill: "I told them to vote, I was not watching who they were specifically voting for."
- Aimee's Campaign Manager Cassidy Blake: "None of the violations were done out of haste or for a deeper motive. It was difficult for us to micromanage."
- Blake: "Many of Aimee's supporters were ousted for voting for Aimee. We were unable, on our own, to micromanage but were being micromanaged by another campaign."
- Blake: "It's very difficult to watch over many people when you are being watched over."

- CAC Candidate Aimee Schnebeck: “Day one we said that we were not going to file grievances. Everyone should have the opportunity to run.”
- Schnebeck: “From day one, the other candidate, Daniel Moreno, has harassed my entire campaign team. He has attacked people who were wearing my campaign shirts. People felt uncomfortable supporting me.”
- Schnebeck: “I hope it is taken into consideration the fact that we did not want to file grievances.”
- Schnebeck: “I want to say that it is not okay what Isaac did, but my team was doing their best to represent me. I couldn’t communicate with them.”
- Schnebeck: “I cannot control people who want to support me.”
- Schnebeck: “It was never our intent to have the OU logo in any of our photos or graphics.”
- Election Board member Blessing Ikpa: “If you felt as though you and your campaign team were being harassed, did you not feel a need to talk to Abbey [Taylor] about these issues”?
- Amato: “I hope you all can take into consideration between constructive and negative.”
- Aimee filed very few grievances against other campaigns, but received the most grievances against her. She says this speaks about how she was targeted and harassed.

#### **Items to Be Considered**

- Grievances
  - April 4: Grievance against Daniel Moreno - GroupMe message – **Deny Grievance. Vote 3-0**
  - April 4 Grievance against Aimee Schnebeck regarding campaigning in Traditions. – **Deny Grievance. Vote 2-1.**
  - April 4 Grievance against Aimee Schnebeck regarding campaigning in the Union – **Uphold Grievance. Vote 3-0.**
  - April 4 Grievance against Aimee Schnebeck for not having “funded by” on her graphics – **Deny Grievance. Vote 3-0.**
  - April 4 Grievance against Aimee Schnebeck for use of phrase “CAC torch” – **Deny Grievance. Vote 3-0.**
  - Grievance against Daniel Moreno for mass email. – **Deny Grievance. Vote 3-0.**
  - Grievance against Aimee Schnebeck for use of OU Logo – **Uphold Grievance. Vote 3-0.**
  - April 4 Grievance against Daniel Moreno for Group Me message – **Deny Grievance. Vote 3-0.**
- Final Election Report
  - Vote to not disqualify Aimee Schnebeck from CAC Chair position
  - Vote was 2-1.
  - Reasoning included the analysis that there was a large vote difference between Aimee and the closest candidate in both elections, the general

and the runoff. The grievances that were filed against Aimee were not seen to have the effect of 300+ votes.

- The student body has said twice who they want for CAC Chair, and to disqualify Aimee would be to disregard the voices of the students who voted overwhelmingly for Aimee. The vote gap was in the hundreds. We do not want to discount the student's votes or their voice in this process, which is meant to be for the students to express their right to vote. If we disqualify Aimee, we will be disregarding their votes.
- Concerns with not disqualifying were that this could open up a way to "legally break the rules" and to set a precedent that you can break the rules and get away with it.

### **Adjourn**

Chair: Abbey Taylor

Board Members: Maggie Marcum, Blessing Ikpa, Corey Abernathy

### **Point of Interest:**

There were anonymous complaints sent to the SGA Election Chair. Those were not taken into account because they did not follow the official grievance process. The SGA Election Chair only accepts complaints and grievances in an official manner and will not be subject to anonymous filings. Every grievance filed has been reported in the Official Election Report for the General Election and will be listed in the Official Election Report for the Runoff Election. Anonymous grievances will not be accepted nor discussed because it is disrespectful to the Code and to the Election Board to try and include additional information and to coerce opinions but not following official rules on how to file grievances.

## Election Board Grievance Decisions: Run-off

### Grievance 1 Background:

An election grievance were filed against Aimee Schnebeck's campaign on April 4, 2016 by Annie Shen. It contented that on April 4, the campaign violated Title VII, Chapter 3, Section 21, Subsection E, point i of the SGA Code Annotated that states,

### "Campus Housing

Subject to the General Campaign Rules and other exceptions herein, all campaigning or campaign material in or on Campus Housing requires the expressed consent of the local Center Coordinator, whose decisions shall be uniform for all candidates."

Members of Aimee's campaign team were seen at the Traditions apartment complex, which is owned by OU and subject to Campus Housing policies.

No pictorial evidence was submitted with the filed grievances, but a follow up email was received.

### Evidence:

From: "Rock, Brian" <rock@ou.edu>  
Date: April 5, 2016 at 10:09:15 AM CDT  
To: "Daves, Brynn A." <brynn@ou.edu>, "Ahmadi, Kasra G." <kga@ou.edu>  
Cc: "Brittingham, Diane" <dbrittingham@ou.edu>  
Subject: CAC Elections

Brynn & George,

Last night we had a violation of housing and food policies in the Traditions Square Apartment Complexes. Matthew Martin was going door to door asking people if they had voted in the CAC elections. If they had not, he handed them his phone with the site open and encouraged them to vote. I do not know if he was encouraging them to vote for a particular candidate or not. We know this happened because he knocked on the wrong door that turned out to be the apartment of one of our staff members Samantha Raines. Samantha immediately called me and I in turn called Diane Brittingham, Director of Residence Life. She informed me that no one from CAC had contacted her requesting permission to campaign in the area of the Traditions Square Apartments. As a result we sent our staff out to tell all of the people going door to door that they did not have permission and needed to cease and desist immediately.

If you have any questions or need any further information please let me know.

Thanks!

Brian Rock



**Brian A. Rock, M.Ed.**  
Assistant Director of Residence Life  
Department of Housing & Food Services  
The University of Oklahoma

405.325.3209 (office)  
405.325.7512 (fax)

### Decision:

"Be yourself. No one can say you are doing it wrong." – Snoopy

Election Chair Abbey Taylor ruled to fine Aimee Schnebeck's campaign \$35 for the infraction.

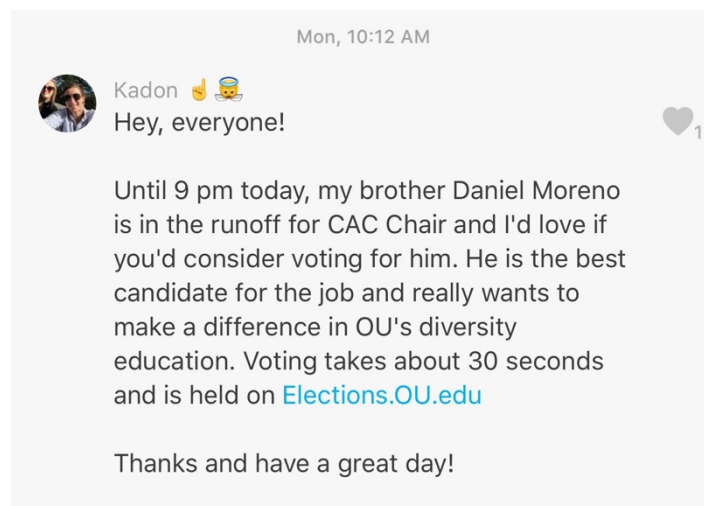
In the meeting on 4/7/16, The Election Board overruled the Election Chair's decision and to deny this grievance. The vote was 2-1. There was no pictorial evidence of the members alleged to be at Traditions nor actual confirmation that there was campaigning going on.

Fines will not be assessed. The vote tally was 2-1.

#### Grievance 2 Background:

An election grievance was filed against Daniel Moreno's campaign on April 4, 2016 by John Grunewald. It contented that on April 4th, the campaign violated Title VII, Chapter 3, Section 21, subsection d iii of the SGA Code Annotated that states, "Candidates shall not send unsolicited electronic messages."

#### Evidence:



#### Decision:

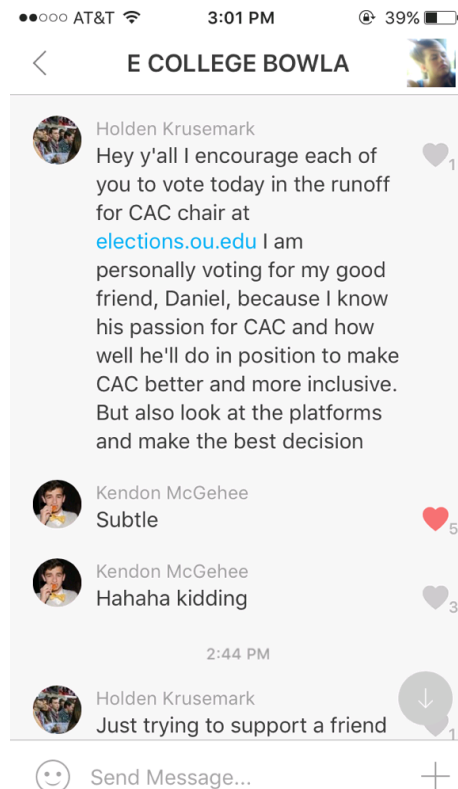
Location was GroupMe and the post was from Kadon Velasco, who is not an official member of Daniel's campaign team and so Daniel cannot be held accountable.

Election Chair ruled to deny this grievance and The Election Board voted 3-0 to uphold the Election Chair's decision and not to fine Daniel.

### Grievance 3 Background:

An election grievance was filed against Daniel Moreno's campaign on April 4, 2016 by Isaac Hill. It contented that on April 4th, the campaign violated Title VII, Chapter 3, Section 21, subsection d iii of the SGA Code Annotated that states, "Candidates shall not send unsolicited electronic messages."

### Evidence:



### Decision:

Location was GroupMe and the post was from Holden Krusemark, who is not an official member of Daniel's campaign team and so Daniel cannot be held accountable.

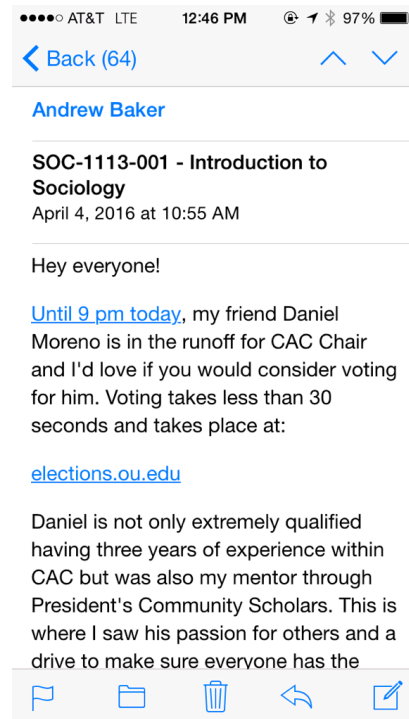
Election Chair ruled to deny this grievance and The Election Board voted 3-0 to uphold the Election Chair's decision and not to fine Daniel.

### Grievance 4 Background:

An election grievance was filed against Daniel Moreno's campaign on April 4, 2016 by Isaac Hill. It contented that on April 4th, the campaign violated Title VII, Chapter 3, Section 21, subsection d iii of the SGA Code Annotated that states, "Candidates shall not send unsolicited electronic messages."



### Evidence:



### Decision:

Location was GroupMe and the post was from Andrew Baker, who is not an official member of Daniel's campaign team and so Daniel cannot be held accountable.

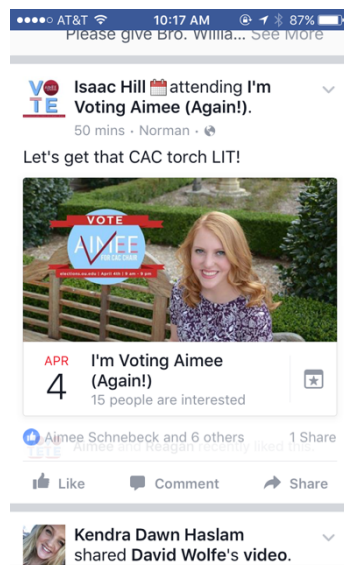
Election Chair ruled to deny this grievance and The Election Board voted 3-0 to uphold the Election Chair's decision and not to fine Daniel.

### Grievance 5 Background:

An election grievance was filed against Aimee Schnebeck's campaign on April 4, 2016 by Taylor Freeman. It contented that on April 4th; the campaign violated Title VII, Chapter 3, Section 21, Subsection D, point X of the SGA Code Annotated that states, "Candidates shall not use the letterhead, logo, or any symbol that represents the University of Oklahoma or University entities."

Isaac Hill and other Aimee supporters have taken to a hashtag that includes mention of the CAC torch. For outsiders, this could appear that CAC is endorsing Aimee, which violates the code as CAC is an entity of the University.

### Evidence:



Decision:

While the word CAC Torch was used and it is an accurate description of the CAC logo, the logo itself or any pictorial representation was not seen. The word “CAC Torch” is not taken to be owned by the University.

Election Chair ruled to deny this grievance and The Election Board voted 3-0 to uphold the Election Chair’s decision and not to fine Aimee.

Grievance 6 Background:

An election grievance was filed against Aimee Schnebeck’s campaign on April 4, 2016 by Taylor Freeman. It contented that on April 4th; the campaign violated Title VII, Chapter 3, Section 21, Subsection D, point X of the SGA Code Annotated that states, “Candidates shall not use the letterhead, logo, or any symbol that represents the University of Oklahoma or University entities.”

Evidence:



Decision:

The OU Logo is clearly visible in this graphic.

Election Chair ruled to accept this grievance and The Election Board voted 3-0 to uphold the Election Chair's decision and to fine Aimee \$25.

Grievance 7 Background:

An election grievance was filed against Aimee Schnebeck's campaign on April 4, 2016 by Taylor Freeman. It contented that on April 4th; the campaign violated Title VII, Chapter 3, Section 21, Subsection D, point i that states "All campaign material shall be accredited to the sponsoring candidate, organization or entity. Said material shall include the following phrase: "Funded by [said sponsoring candidate, organization or entity]."

Evidence:



Decision:

The Code Annotated defines campaign material as "written or printed". Electronic graphics are not written or printed and are free to create so no funding was necessary.

Election Chair ruled to deny this grievance and The Election Board voted 3-0 to uphold the Election Chair's decision and not to fine Aimee.

Grievance 8 Background:

An election grievance was filed against Aimee Schnebeck's campaign on April 4, 2016 by Annie Shen. It contented that on April 4th; the campaign violated Title VII, Chapter 3, Section 2, Subsection D, point xx that states "On the day of voting, if an individual affiliated with a campaign approaches a student with a voting device, the individual cannot give any indication of the campaign that the individual is affiliated with and cannot encourage the student to vote in a particular way or wear promotional material of a particular campaign team."

Evidence:



Decision:

Though in the picture, it is unclear to see the actual t-shirt the two students are wearing, the SGA Election Chair saw this violation in person. The two members are Joey D'Amato and Isaac Hill, while Joey is not an official member of Aimee's campaign team, Isaac Hill is. They were seen handing out their phones in the Oklahoma Memorial Union while wearing the Aimee for CAC shirts.

Election Chair ruled to accept this grievance and The Election Board voted 3-0 to uphold the Election Chair's decision and to fine Aimee \$30.

Email Clarification from Daniel Moreno

**From:** Moreno, Daniel  
**Sent:** Monday, April 18, 2016 4:01 PM  
**To:** Valdez, Crystal D.  
**Subject:** Re: Appeal Clarification

Hello Crystal,

I believe it was Sarah Segner, Annie Shenn, and Evan Rabb. They submitted it independently as a group and not on behalf of my campaign. At least that was my understanding of the situation.

Boomer Sooner,  
***Daniel Moreno***  
*Greek Liaison* | Class of 2017 Council  
*Jobsite Relations* | The Big Event Exec  
Psychology/Pre-Med Major | University of Oklahoma 2017  
Contact Information: (405) 274 - 3159 | Daniel@ou.edu

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**From:** Valdez, Crystal D.  
**Sent:** Monday, April 18, 2016 3:03 PM  
**To:** Moreno, Daniel  
**Cc:** Ahmadi, Kasra G.  
**Subject:** Appeal Clarification

Hi Daniel,

Can you please clarify exactly who filed the appeal (yourself, a person on behalf of your campaign, or someone else) and what their official role is in your campaign?

I will be getting back to you soon on whether or not we will need oral arguments.

Thank you,  
Crystal

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Crystal D. Valdez  
Juris Doctor Candidate, 2016  
University of Oklahoma College of Law

Email Clarifications from Annie Shen

From: Shen, Annie G.

Sent: Thursday, April 21, 2016 5:22 PM

To: Valdez, Crystal D.

Subject: Re: CAC Run Off Appeal Supplemental Request

Hi Crystal,

Yes I submitted the appeal, along with a Sarah Segner and Zachary Alamrew.

Who wrote the appeal?

We had some help from a few other people that reviewed and edited it, but I wrote the appeal with Sarah Segner and Zachary Alamrew.

Who was the appeal brought on behalf of? (E.g. yourself, someone else, etc.)

We bring the appeal on the behalf of Daniel Moreno.

What standing does that person/yourself have for the appeal?

Daniel Moreno was the other running candidate in the Campus Activities Council Chair Election. Throughout the campaign, Daniel performed his duty of educating his campaign team of the potential violations that could be incurred and the reinforcing the responsibility of his campaign team in upholding these rules. This is reflected in the lack of infractions and fines (0) against him and his campaign team.

What specific remedy does that person/yourself seek? (Not just overturn the Election Board)

The Rules and Regulations are outlined so that no one candidate can gain inordinate group exposure or pressure students to vote for a specific candidate. The excessive amount of infractions committed by Schnebeck and her campaign team, that are brought forth solely from when Schnebeck's team was caught breaking campaign regulations, can account for the greater percentage of votes reflected in the election results. The remedy we seek is the voiding of Aimee Schnebeck's candidacy for CAC Chair. This remedy would ensure that we uphold the leaders in our community to the standards of integrity set forth by the Student Government Association as well as University Integrity Code.

Please let me know if I can provide you with any other information or any additional input necessary to rule on this decision.

Best wishes,

Annie Shen

Petroleum Engineering & Masters in Business Administration Candidate | Class of 2017

CAC Soonerton | Morale Exec

Ashen@ou.edu | (405) 317-7640

University of Oklahoma



Email Clarification from the Election Chair

On Apr 18, 2016, at 4:28 PM, Taylor, Abbey A. <[abbeytaylor@ou.edu](mailto:abbeytaylor@ou.edu)> wrote:  
Crystal,

The Board voted on whether or not to disqualify Schnebeck because according to Title VII, Chapter 4, Section 26 of the SGA Code Annotated, Schnebeck was eligible for disqualification due to fact that her campaign had committed 3 or more campaign rules infractions. The Code states “all disqualifications shall be voted on by the Election Board and said rulings shall be publicly posted.”

Because Schnebeck was eligible for disqualification, the Election Board was required by the Code to vote on the pending disqualification.

Please let me know if there’s anything else you need from me!

Sincerely,  
Abbey Taylor  
SGA Election Chair  
OU College Democrats Vice President  
Public Affairs & Administration | Women’s & Gender Studies  
University of Oklahoma 2017  
(918) 625-5558 | [abbeytaylor@ou.edu](mailto:abbeytaylor@ou.edu)

On Apr 18, 2016, at 12:52 PM, Valdez, Crystal D. <[Crystal.D.Valdez-1@ou.edu](mailto:Crystal.D.Valdez-1@ou.edu)> wrote:

Hi Abbey,

One of our justices has requested if you could write a statement (even just one sentence) clarifying the question:

“Why did the Board vote on whether or not to disqualify Schenbeck?”

What was the reason for the vote occurring? Just a simple statement (even through



email) of "The Board voted on whether or not to disqualify Schenbeck because..."  
That specific information was missing from all of our appeal papers (we can't find it, if it's there please let me know where!). And it is needed so that we can address this specific vote.

Best,  
Crystal

--

Crystal D. Valdez  
Juris Doctor Candidate, 2016  
University of Oklahoma College of Law

Email Clarification from Annie Shen

**From:** "Shen, Annie G." <[ashen@ou.edu](mailto:ashen@ou.edu)>  
**Date:** April 21, 2016 at 9:42:22 PM CDT  
**To:** "Valdez, Crystal D." <[Crystal.D.Valdez-1@ou.edu](mailto:Crystal.D.Valdez-1@ou.edu)>  
**Subject: Re: CAC Run Off Appeal Supplemental Request**  
Crystal,

I'm sorry to get back to you so late. I've been at a philanthropy event and dance practice. I am one of Daniel's campaign managers, the other two are also on Dan's campaign team. Daniel himself did not request to bring the appeal. We did so of our own volition because not only as members of Dan's campaign, but also as members of Campus Activities Council, we felt it necessary to ensure that the leadership of our organizations are held accountable for their actions.

Thank you,  
Annie