



..... **Texas A&M Judicial Court**

Student Government Association

APPEAL PETITION

This Appeal may be submitted online via email to the Chief Justice: chiefjustice.tamu@gmail.com.

Please fill out the grey text boxes and check the appropriate boxes

Name of Appellant: Robert McIntosh **Phone Number** [REDACTED]
Email [REDACTED]

If you are someone filling out this form who is not the Appellant, please provide your name as well as your contact information here.

Name: Garrett Notzon, Aidan Casey, Elton McIntosh **Phone Number** [REDACTED]
[REDACTED] **Email:** [REDACTED]

Please list the organization and/or person that you are filing this case against.

Name: Election Commissioner Rachel Keathley **Phone Number** [REDACTED]
Email: tamuelection@gmail.com

Any student may request a Judicial Advocate at any point. Judicial Advocates are responsible for assisting those who ask for counsel for their hearings in front of the Judicial Court. Judicial Advocates serve at the discretion of their assigned party. They may provide advice and support throughout the appeals process as well as present arguments before the Court if needed.

As of now, would you like a Judicial Advocate to be assigned to you? Yes No

To get a better idea of the case at hand, please answer the following inquiries to the best of your abilities. If needed, you may attach extra pages in your email submission of this form. Although there is no minimum or maximum limit to the number of pages that you may submit, brevity is key. If available, please attach copies of any documents that you deem relevant that would help the Court determine whether or not to accept the case.

Facts

State the facts that are pertinent to your appeal. What occurred that prompted you to seek redress from the Court? Specificity is key. Give details on who, what, when, where, why, and how.

The plaintiff claims that they were wrongfully disqualified by the Election Commission for lack of receipts for glow sticks seen in campaign video under the Texas A&M Student Government Association Election Regulations (Chapter 601 of the Student Government Association Code, henceforth to be referred to as the "Election Regulations").

At 14:53 on Sunday, February 26, 2017, the plaintiff received an email from the Election Commissioner, Rachel Keathley, informing plaintiff of second disqualification from Student Body Presidential election and that the candidate has until 19:00 (4 hours and 7 minutes) to investigate, draft, and finally submit this exact appeal to the Chief Justice unless contacted in those 4 hours by Chief Justice instructing Mr. McIntosh that he has extended time.

Violations filed fall under:

- Section I (Transparency), Section (a)

"The Election Commission shall make all candidates' expense reports publically available at tamuelection.com within twenty-four (24) hours after the election results announcement.

Inaccuracies or omissions suspected in campaign budgets may be reported to the Election Commission in the same way that fines are reported. The complainant must include material or photographic clear and convincing evidence of the error in order for it to be considered by the Election Commission. All such complaints about a posted budget must be made within twenty-four (24) hours of the time that budget is made available online."

-Article VI (Violations), Section IV, Subsection (a)

Common Violation Table

Violation	Fine
Live animal used for campaigning	Minor violation
More than four (4) people campaigning	Minor violation
No disclaimer on email	Minor violation per offence
Lack of receipts or Fair Market Value Form	Disqualification

Major offenses. Major violations include, but are not limited to: offenses against local, state or federal law to any degree; sabotage of opposing campaigns; voting fraud, falsified documents (including finance reports); withheld finance reports and ethics/Honor Code violations.

(a) Major violations shall be assessed by the entire Election Commission. Meetings shall be called at the discretion of the Election Commissioner to address potential major violations. During these meetings, the Election Commissioner shall direct the Election Commission to discuss the violations at hand, take into account all evidence presented, and vote on one (1) of two (2) reasonable actions:

- (1) A maximum fine of 15% of the candidate's allotted budget.
- (2) Disqualification

(a) Any violation found in the Common Violation Table shall be fined the amount therein associated for the first offence, scaled up for subsequent offences thereafter

REGULATIONS REGARDING MATERIALS:

(a) Campaign materials are defined as anything distributed or displayed for the purpose of soliciting votes for a candidate.

(1) Car chalk shall be exempt from regulation under these regulations, except that the car chalk itself must be expensed as any other item / campaign material and cannot be used until the Pre-Campaigning Period.

(a) Each candidate for any office shall be required to keep accurate, up-to-date records of all campaign receipts and expenditures.

(1) The term "expenditure" is defined as the fair market value or actual cost, depending on the appropriate circumstance, of all campaign materials used or obtained by any candidate in his/her campaign and any fines incurred by the candidate.

(6) The term "campaign materials" shall be defined as any items, services or materials used or intended to be used in the course of campaigning or preparing for a campaign.

(1) All donated materials are to be expensed at fair market value, regardless of quality.

(c) It is the responsibility of the candidate to assess a fair market value for any donated campaign materials or campaign materials used without any proof of payment. This shall be done by filling out the Fair Market Value Assessment Form provided by the Election Commissioner. Fair Market Values must be assessed using at least three (3) vendors and may use up to five (5). This form shall serve as the receipt for donated items and must be included in the submitted finance report.

(1) The term "campaign materials" shall be defined as any items, services or materials used or intended to be used in the course of campaigning or preparing for a campaign.

Candidates must list the entire cost of each individual expense that results in campaign material that in any way suggests support for their candidacy

(b) Items that have been used in campaigning in any way, or have been purchased with the intent to use in any way unless it is an unused campaign item purchased before the mandatory candidates' meeting, shall be considered necessary for expensing and such items shall be included in audit procedures.

(c) Items to be expensed shall include, but not be limited to, items that fit both of the following criteria:

(1) The item would not be purchased but for the candidate's running for election.

(2) The item cannot be accessed for free by the regular student.

Constitutional/Statutory Citations

Please tell the Court specifically what passages, if any, in the Student Government Constitution, by-laws, or Senate legislation, have been violated. In addition, if any of the aforementioned documents bolster your case in any way, please list those passages as well.

Texas A&M Student Government Association Election Regulations (Chapter 601 of the Student Government Association Code), with particular attention given to the following passages:

Section I (Transparency), Section (a)

"The Election Commission shall make all candidates' expense reports publically available at tamuelection.com within twenty-four (24) hours after the election results announcement.

Inaccuracies or omissions suspected in campaign budgets may be reported to the Election Commission in the same way that fines are reported. The complainant must include material or photographic clear and convincing evidence of the error in order for it to be considered by the Election Commission. All such complaints about a posted budget must be made within twenty-four (24) hours of the time that budget is made available online."

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(a) Each candidate for any office shall be required to keep accurate, up-to-date records of all campaign receipts and expenditures.

(1) The term "expenditure" is defined as the fair market value or actual cost, depending on the appropriate circumstance, of all campaign materials used or obtained by any candidate in his/her campaign and any fines incurred by the candidate.

(6) The term "campaign materials" shall be defined as any items, services or materials used or intended to be used in the course of campaigning or preparing for a campaign.

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(c) Items to be expensed shall include, but not be limited to, items that fit both of the following criteria:

(1) The item would not be purchased but for the candidate's running for election.

(2) The item cannot be accessed for free by the regular student.

Special Circumstances (If Applicable)

Are there any special considerations that the Court should take into account? Does this case need to be heard in a specific time frame? Should the Court act by writing an injunction? Please explain.

Relief That You Are Seeking

What would you like the Court to do to rectify the harm that you have faced in your appeal?

We request the Judicial Court dismiss the violations for the second disqualification under Lack of receipts or Fair Market Value Form. If dismissal is not an avenue the court feels comfortable pursuing, we request the Judicial Court hear this case and then dismiss the violations for the second disqualification under Lack of receipts of Fair Market Value Form.

Certification Statement, Rights, & Signature

I hereby certify to the best of my knowledge, that all statements and documents contained herein and attached are true, and correct. I acknowledge that the submission of false documents and/or statements is a violation of the Aggie Honor Code.

- *I understand that if I have not received a decision within five (5) working days, it is my responsibility to check with the Judicial Court.*
- *I understand that I will receive the decision on this appeal by means of the contact information I provided in this form. If I wish to get a signed copy, I must contact the Judicial Court.*
- *I understand that by submitting this electronically, that constitutes an electronic signature on behalf of the person who submitted it.*

Signature: Robert McIntosh Date:2/26/17

If you have any inquiries, please contact Chief Justice Brenton Cooper: chiefjustice.tamu@gmail.com