

**AMICUS CURIAE BY DAVID MONLUX SUBMITTED TO
THE COURT IN THE INTEREST OF JUSTICE REGARDING
THE ELECTION BOARD NOT TO DISQUALIFY DECISION:**

To the Honorable Justice of Superior Court,

This amicus curiae is in the interest of seeing justice done in the University of Oklahoma SGA. This amicus curiae will point out the following:

- 1: Irregularities in the Election Board.
- 2: Clear Up Common Misconceptions of how laws are being understood and implied.
- 3: Put things into context of what is actually going on, not already mentioned by any of the other parties involved in the appeal.

This amicus curiae will be in support (NOT on behalf) of the Williams Campaign position to overturn the decision NOT to disqualify, however the reasoning, justifications and motives will be different from the Williams campaign.

David Monlux submits this by himself free from influence of any campaign in the interest of seeing the rules of Title VII in SGA upheld and followed.

ALL Code Annotated References are from official copy of the code from the SGA Website (<http://www.ou.edu/content/dam/sga/common/USG/forms/SGA%20Code%20Annotated%20as%20of%20October%203,%202017.pdf>) last updated on Oct 3rd, 2017

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AMICUS CURIAE STANDING AND COMPLIANCE WITH US SUPREME COURT RULES

(<https://www.supremecourt.gov/filingandrules/2017RulesoftheCourt.pdf>)

Since SGA has no rules for an amicus curiae established and nothing in the code prohibits an Amicus Curiae from being submitted, to be in compliance with **Title I: General Provisions Chapter 1 Definitions: 3: Absence of Rules of Procedure:** “In the absence of specific rules of procedure, those which have stood the test of time are the appropriate ones to guide in deciding the proper way to handle a particular situation.”

Seeing as SGA Superior is the highest Court in the University of Oklahoma Norman Campus Student Government Association and seeing as the US Supreme Court is the highest Court in the land that takes Amicus Curiae having stood the test of time in legal tradition, this Amicus Curia hereby petitions to be accepted on the official record and considered for review before the matter in appeal of the Williams Campaign to overturn the decision of the Election Board NOT to disqualify the Shurbaji and Hiatt campaigns. Using sections of Rule 37 from the Supreme Court:

Rule 37: 1: An amicus curiae brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court.

This will bring to the attention of the Court the 5 following things: 1:

Favoritism publically showed by the Election Board.

2: OK excess misdemeanor law for suspended and revocation of campaigning.

3: Relevancy of SC 2010-05.

4: Explain how the conditions to overturn a decision not to disqualify are met as prescribed in In Re Spring CAC Run-off Election Appeal 2016.

5: Conflicting Statues in that nullify the sentence “No candidate shall be disqualified by election officials within forty-eight (48) hours of the **Title VII-Elections Chapter 4 – Oversight & Enforcement.** election.” of

Rule 37 2(b): An amicus curiae brief in support of a petitioner or appellant shall be filed within 30 days after the case is placed on the docket or a response is called for by the Court, whichever is later.

Seeing as the Williams Campaign submitted their brief on Friday December 1st, 2017 and the decisions will not be ruled on until January leaving a min of 16 days for review and most likely longer, it is both within the time for review by all parties and was submitted prior to the 30 day expiration rule.

Rule 37 3(a): An amicus curiae brief in a case before the Court for oral argument may be filed if it reflects that written consent of all parties has been provided, or if the Court grants leave to file under subparagraph 3(b) of this Rule.

In the interest of time combined with the fact that the Court has never once held oral arguments in any of the cases I have been involved in, I will waive my right to oral arguments unless a counter suit is made against me OR the court orders me to appear for oral arguments.

I hereby humbly petition the court to accept my Amicus Curiae brief in support of the position expressed by the Williams campaign to overturn the decision of the election board NOT to disqualify the Shurbaji and Hiatt campaigns.

STANDING FOR THE WILLIAMS CAMPAIGN

Standing of the Williams Campaign to Appeal: SGA Code Annotated: Title VII: Chapter IV: Oversight & Enforcement: 38 Standing: “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.”

1: Distinct and Palpable Injury to the Williams Campaign: The Williams Campaign is the only campaign in this race that didn't commit a single rule violation while campaigning.

Whereas the Meraz (2), Hiatt (8) and Shurbaji (15) campaigns committed multiple rule violations to gain unfair advantages in the election. The Meraz campaign is still within the legal limit while the Hiatt campaign finished 266% above the legal limit and the Shurbaji campaign 500% above the legal limit of 3. If I was ever pulled over for drunk driving and was 266% or 500% above the legal limit, I would want this Election Board as my jury as to not be convicted for blatant rule violations committed. Under this election board it would be treated as a misdemeanor and I would only pay a fine instead of losing my license (right to continue campaigning and eventually representing the Student Body) and going to jail.

The blatant rule violations committed by the Hiatt and Shurbaji campaigns allowed them to reach greater audiences faster than the Williams campaign thus changing the outcome of the election with advantages that were compounded and multiplied daily by starting early and continuing to commit violations up to election day. Just like Elizabeth Swan learned that the Pirates Code is guideline, this Election Board is treating the SGACA as guidelines.

With the assumption that rules were actually meant to be followed (please forgive them for being Scouts) and enforced instead of lip service/fines/slap on the wrist, it greatly affected the campaign playing field. If you have ever watched the Social Network (The Social Network 2010 – I’m Not a Bad Guy Scene: <https://www.youtube.com/watch?v=JFeaWHDQzQA> 1:50-1:55) Mark Zuckerberg is speaking with Marilyn Delpy. **She tells him “Pay them. In the grand scheme of things, it’s a speeding ticket.”** If the Court chooses not to disqualify the two in questions from the election, this gives cart launch to all future campaigns to now treat campaign violations and fines as speeding tickets. The precedent has been set in the CAC Spring 2016 Election, was reaffirmed in the Fall 2016 Presidential election and now with the third strike in Fall 2017 this precedent is now forever engrained in campus elections unless Supieor Court takes the bold step to overturn and disqualify.

I believe that the distinct and palpable injury caused to the Williams Campaign was them following the rules when others were blatant violators at 266% and 500% above the legal limit. In addition the blatant injury is now double by the board appointed to uphold and follow the rules now violating them while refusing to disqualify the two in question which means the Williams campaign is denied a chance to compete in the runoff against the Meraz/Mazeitis ticket. This amicus curiae will prove that Supieor Court can in fact overturn a decision not to disqualify.

2: Injury Caused by Challenged Activity to the Williams Campaign: The challenged activity is the disqualification vote and the decision not to disqualify.

The injury caused (unless the court overturns) any/all hope for the Williams Campaign of holding the SGA Student Body President position. Had the two campaigns in question been disqualified that would have left the Williams campaign to face the Meraz campaign because the Meraz campaign in either of the two elections didn't receive a majority vote. In order to hold the office of SGA President one must be in compliance with **Article IV: Executive Branch: Section 1**: "The executive power of the SGA shall be vested in a Student President. There shall also be a Student Vice President. Their terms shall begin in the fall semester one week after the validation of election. The Student President and Vice President shall be popularly elected together by majority vote of the ballots cast in an election for that purpose. In such a case that no ticket shall receive a majority, the two tickets having receiving the greatest number of votes shall stand in a runoff election no later than one week after the primary election, the ticket receiving a majority being elected."

Therefore with the blatant rule violations committed by the campaigns the injury was made. The Election Board held a hearing for a disqualification vote like a doctor would hold a surgery for a patient. Instead of healing the wound of the Williams campaign like a doctor would with a remedy, the Election Board took a knife and cut the wound open more trying to bleed the Williams campaign to death. The Election Board stabbed and cut the cord of the Williams Campaign life support after already being the victims of crimes from rule violations. The infection is worse and from the death bed of the Williams Campaign and political future, they have now moved to Superior Court for a second opinion as a last resort in hope to stop the bleeding, close the wound, clean it up and get off life support for one last election chance to take on the only other campaign still below the legal limit of rule violations. For Superior Court to deny standing with a blind eye to the injury, would be like an injured person going into an ER

and begging on the floor as the pain gets worse to only be denied care and die waiting to see a doctor, otherwise the promise land of the ballot box one last time will never be reached.

3: Remedy Supieor Court Can Grant: As was established in the grievances appeals in Echols V the Election Board, Supieor Court can overturn/reverse any decision made by the Election Board. In addition during In Re CAC 2016 the Court laid out conditions in which it can overturn and disqualify an election.

SERIOUSNESS OF THE HIATT CAMPAIGN VIOLATIONS

1st/8 Grievances: October 10th, 2017 filed by Jake Mazeitis: 5-0 decision that the Hiatt campaign violated the use of official university symbols in campaign logos.

2nd/8 Grievances: October 18th, 2017 filed by Casey Shaw: 5-0 ruling for unsolicited messaging in the National Merit Class of 2020 Group Me.

3rd/8 Grievances: October 19th and 23rd, 2017 filed by Daniel Williams and Kimberly Bishop: Illegal Facebook Advertising that ran for 4 days straight. Combined as 1. Third upheld grievance and no appeal was made.



Having reached 3, at this time the Board in accordance with Title VII-Elections Chapter 4 Oversight and Enforcement: 26 Disqualifications: Election officials shall not disqualify any candidate or ballot initiative unless the candidate or proposing entity: (5) commits 3 or more campaign rules infractions. No candidate shall be disqualified by election officials within forty-eight (48) hours of the election. All disqualifications shall be voted on by the Election Board and said rulings shall be publicly posted.

There was more than 48 hours until the election and it was the third strike. **Therefore the Election Board should have held a disqualification vote at that time.**

4th/8 Grievances: October 24th, 2017: Filed by Heather Turner: Official Symbol of the University in Campaign Materials: Election Board voted to uphold 5-0.

Having reached 4, at this time the Board in accordance with Title VII- Elections Chapter 4 Oversight and Enforcement: 26 Disqualifications: Election officials shall not disqualify any candidate or ballot initiative unless the candidate or proposing entity: (5) commits 3 or more campaign rules infractions. No candidate shall be disqualified by election officials within forty-eight (48) hours of the election. All disqualifications shall be voted on by the Election Board and said rulings shall be publicly posted.

There was more than 48 hours until the election and it was the fourth strike. Therefore the Election Board should have held a disqualification vote at that time.

5th/8 Grievances: October 31st, 2017: University Symbol Grievance filed by Mikaela Barns: Upheld 5-0.

6th of 8 Grievances: October 31st, 2017: University Symbol Grievance filed by Kimberly Bishop: Upheld 5-0.

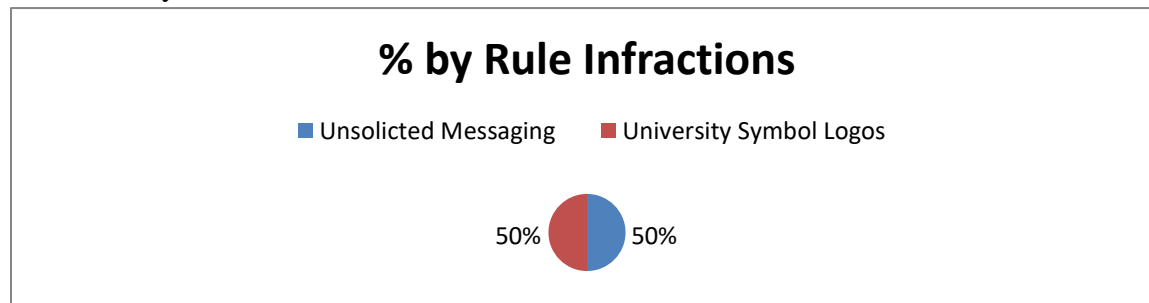
7th/8th Grievances: October 31st, 2017: Unsolicited Messaging in the Alpha-Chi Omega Group Me filed by Kimberly Bishop: Election Board upheld 4-1.

8th/8 Grievances: October 31st, 2017: Unsolicited Messaging in the OU Lacrosse Group Me filed by Joey Scimeca: Election Board upheld 5-0.

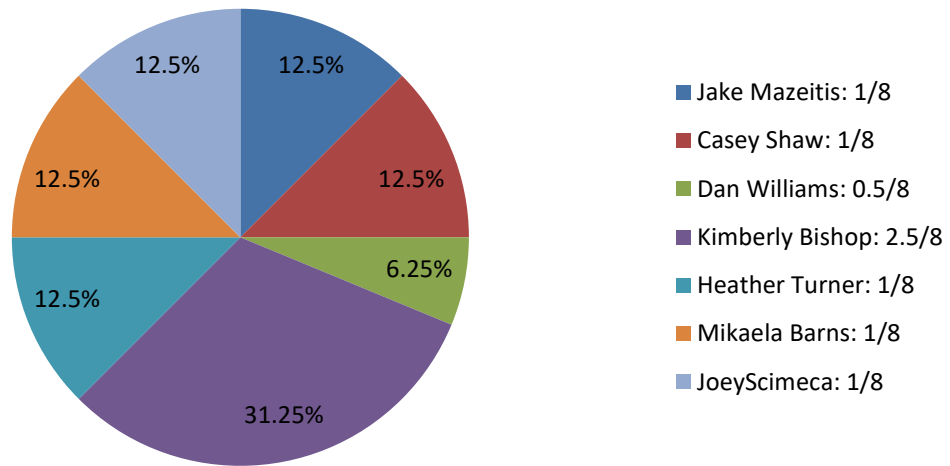
4 Violations in one day (Halloween), whereas the suggestion is 3 for an entire campaign.

COMPLAINTS BROKEN DOWN BY CHARTS

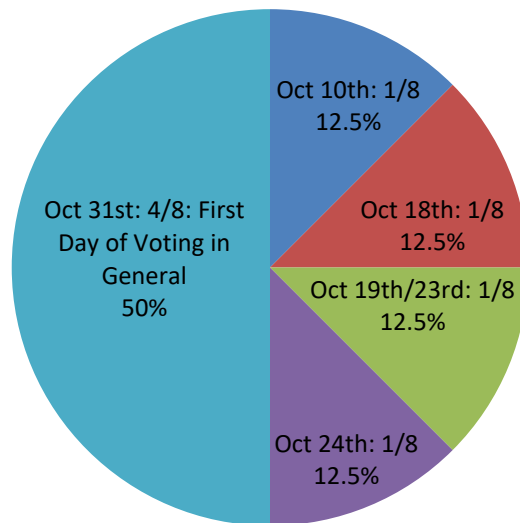
The section below on the next page will have three charts detailing percentage of people by successful filing, percentage of rule infractions earned and percentage of rule infractions submitted by date.



Successful Percentage by Filer



Violations By Date



SERIOUSNESS OF SHURBAJI CAMPAIGN VIOLATIONS

1st/15 Grievances: October 10th, 2017: Filed by Jake Mazeitis: Using campaign material before submitting the form on Org Sync: Upheld: 4-0.

2nd/15 Grievances: October 18th, 2017: Filed by Jake Mazeitis: University Symbol Grievance: Upheld 5-0.

3rd/15 Grievances: October 27th, 2017: Filed by Haley Adams: University Symbol Grievance: Upheld: 5-0.

Having reached 3 at that time, the Board in accordance with Title VII-Elections Chapter 4 Oversight and Enforcement: 26 Disqualifications: Election officials shall not disqualify any candidate or ballot initiative unless the candidate or proposing entity: (5) commits 3 or more campaign rules infractions. No candidate shall be disqualified by election officials within forty-eight (48) hours of the election. All disqualifications shall be voted on by the Election Board and said rulings shall be publicly posted.

Should have held a disqualification vote. There was more than 48 hours until the election and it was the third strike. Therefore the Election Board should have held a disqualification vote at that time. They did NOT. We'll reference this more later in our appeal.

4th/15 Grievances: October 30th, 2017: Filed by Jake Mazeitis: University Symbol Grievance: Upheld: 5-0:

5th/15 Grievances: October 30th, 2017: Filed by Jake Mazeitis: University Symbol Grievance: Upheld: 5-0.

Two (2) on the exact same day, which happened to be the day before polls opened.

6th/15 Grievances: October 31st, 2017: Filed by Jake Mazeitis: Unsolicited Messaging in the OU MSA Group Me: Upheld: 5-0.

7th/15 Grievances: October 31st, 2017: Filed by Jake Mazeitis: Unsolicited Messaging in the National Merit Class of 2020 Group Me: Upheld: 5-0.

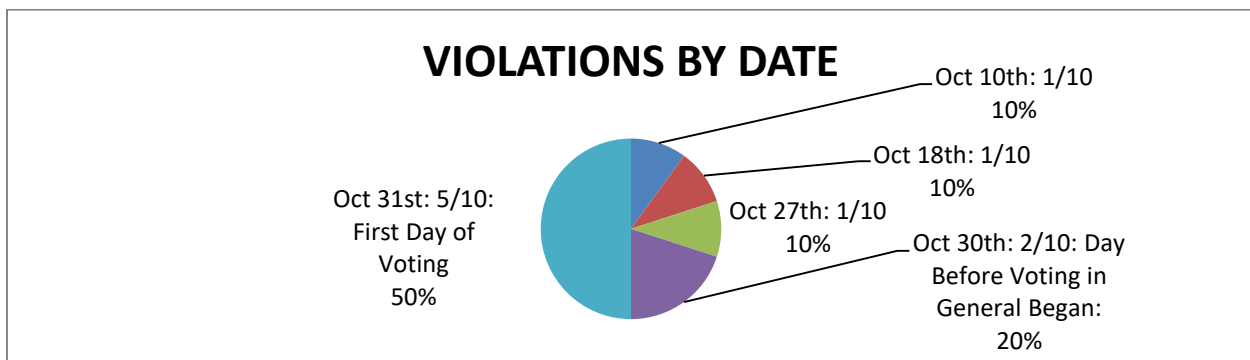
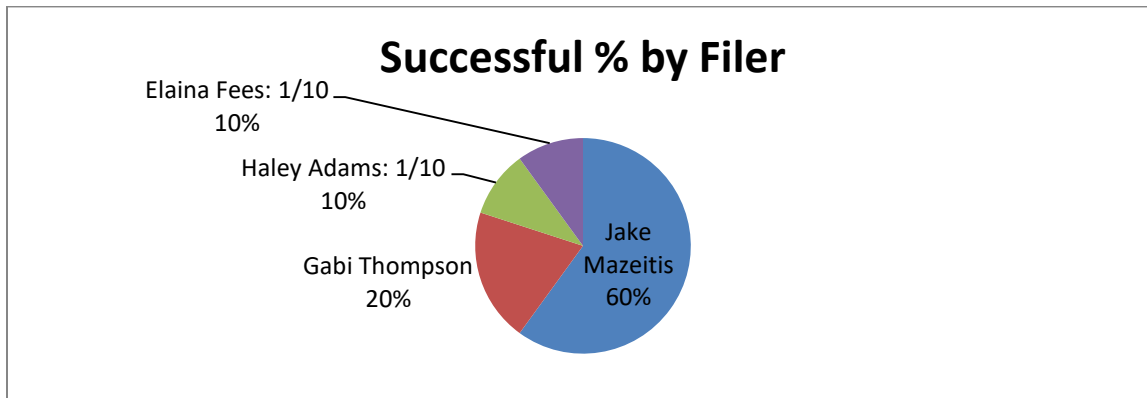
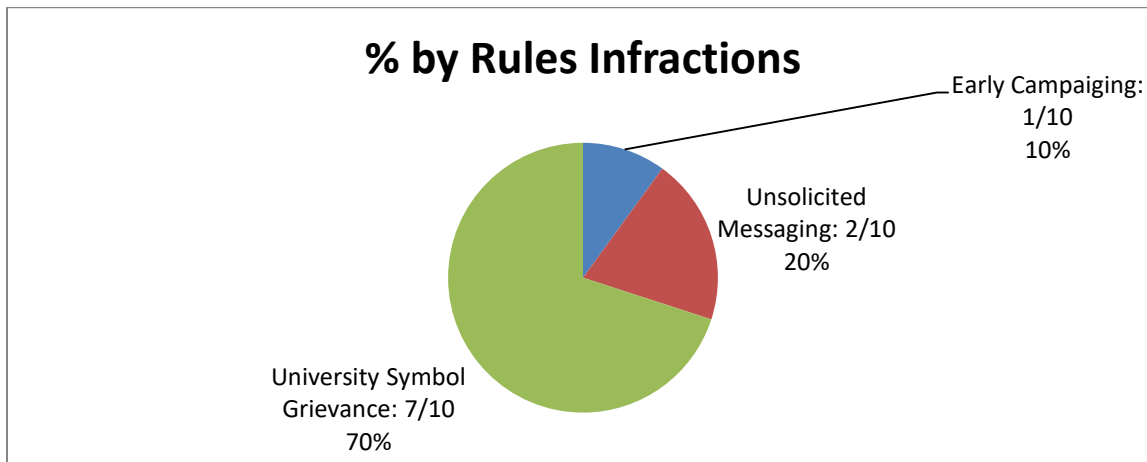
8th/15 Grievances: October 31st, 2017: Filed by Gabi Thompson: University Symbol: Upheld: 5-0.

9th/15 Grievances: October 31st, 2017: Filed by Gabi Thompson: University Symbol: Upheld: 5-0.

10th/15 Grievances: October 31st, 2017: Elaina Fees: University Symbol: Upheld: 5-0.

5 committed on the first day of voting during the election.

1st of 10 UPHELD COMPLAINTS BROKEN DOWN BY CHARTS



Grievances 11-15 have not been officially released yet in the official run off report and I have not been provided with all information, therefore to graph grievances 11-15 of the Shurbaji campaign would be wrong.

REASONING OF THE ELECTION BOARD NOT TO DISQUALIFY

Disqualification Vote Fall 2017 SGA Election

November 29, 2017

Election Chair: Corey Abernathy
Election Board Members: Maggie Marcum, Zoe Brady, Peyton Vann,
Nathan Thompson, Bailey Jarrett

Summary:

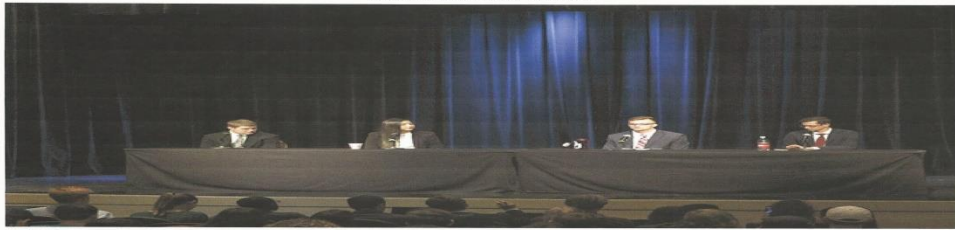
The Board decided not to disqualify the Shurbaji/Hardin campaign or the Hiatt/Aubel campaign. The vote was 4 against disqualification with 1 absent for both disqualifying votes.

Reasoning:

The Board acknowledges the irrefutable fact both the Shurbaji/Hardin and Hiatt/Aubel campaigns were eligible for disqualification. The Student Government Association Code Annotated clearly states that a candidate may not be disqualified unless they have three grievances approved against their campaign, among other reasons. The Shurbaji/Hardin campaign had 15 upheld grievances. The Hiatt/Aubel campaign had eight upheld grievances. After careful evaluation and deliberation, the Election Board did not find substantial cause through these grievances for disqualification. The Board did not see these grievances as indication that either Shurbaji or Hiatt were unfit for presidency nor did they find enough substantial proof that the grievances changed the outcome of the election. The Election Board acknowledges that each grievance was a rule violation and each violation has the potential to sway the electorate, but again, the Election Board did not find this to be the case. The Election Board found that the grievances were not severe enough to justify disqualification. Consequences, including fines, were assigned with each upheld grievance.

FAVORTISM SHOWED & BREAKING OF IMPARTIALITY BY THE ELECTION BOARD

http://www.oudaily.com/news/grievances-unlikely-to-disqualify-sga-presidential-candidates/article_672f9d68-c0ca-11e7-9c8d-c996a0336e40.html
Grievances unlikely to disqualify SGA presidential candidates
 Hannah Pike, news reporter Nov 4, 2017



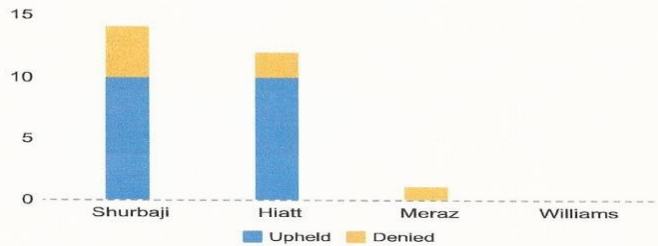
Student Government Association Presidential candidates — Dan Williams, Vanessa Meraz, Chandler Hiatt and Yaseen Shurbaji — speak at the SGA debate in Mosheim Auditorium Oct. 23. Paul Lee/The Daily

Despite sustaining a number of grievances in this year's election, Student Government Association presidential and vice presidential candidates are unlikely to be disqualified from the 2017 runoff race for their infractions. There were 27 total grievances filed against all candidates, and 20 of those were upheld by the SGA Election Board, according to the election report. There are 10 official infractions filed against Yaseen Shurbaji and Hannah Hardin's campaign for Student Government Association president and vice president.

[Grievances unlikely to disqualify SGA presidential candidates | News | Oudaily.com](#)

There were eight official infractions filed against Chandler Hiatt and Jack Aubel, who did not make it to the runoff election. The campaigns of Vanessa Meraz and Jake Mazeitis, who are in the runoff, and Dan Williams and Lauren Lyness, who are not, have no grievances upheld.

Grievances filed against candidates



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Clarification: The total number of grievances is lower than the upheld grievances because separate grievances filed for identical rule infractions were combined into one grievance, according to the report. This is why there were 20 total upheld grievances, with only 10 against the Shurbaji/Hardin campaign and eight against the Hiatt/Aubel campaign.

Corey Abernathy, SGA election chair, said the vast majority of grievances deal with the OU logo symbol or letterhead being used in official campaign materials. There were also grievances filed for posting in GroupMe chats and Facebook groups that were not explicitly created for the campaign.

In the past, however, these types of grievances have not caused disqualifications, he said.

"The SGA code annotated is very vague and ambiguous when it comes to disqualification," Abernathy said.

One of the five criteria for which candidates can be disqualified is for breaking three or more campaign rules, Abernathy said, but the election board is not required to disqualify any candidate and is looking at "all options."

"It's not just the amount of grievances that the board rules on," Abernathy said. "...You look at the margins (of victory) in relation to the grievances that were filed against the campaign, so if the board feels that the grievances filed against the campaign or the rules that the campaign broke may have made that margin possible."

The election report also confirms election results.

Nick Hazelrigg contributed to this report.

Clarification: Part of the attached election report has been redacted because it contained the personal information of students who filed grievances.

Choice	Votes
Kimberley Bishop	30
Vinay Kalvaacherla	26
Anna Gray Buckley	10
Brian Owings	8

Student Congress Social Sciences District Representative—

Results:

Choice	Votes
Mackenzie Cordova	61
Thomas Cassidy	54
Elaina Fees	45
Traci D. Baker	31
Sophie Tiger	30
Tim Kuketz	23
Tyler Rivera	22
Drew Rader	19
Jordan Hulm	2

Student Congress Fine Arts District Representative—

Results:

Choice	Votes
Emma DeAngeli	16

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THE UNIVERSITY OF TULSA COLLEGE OF LAW

TUITION

\$24,600 Full-Time Yearly Tuition (2017)
Reduced Schedule Option Available
Fall, Spring, & Summer Start

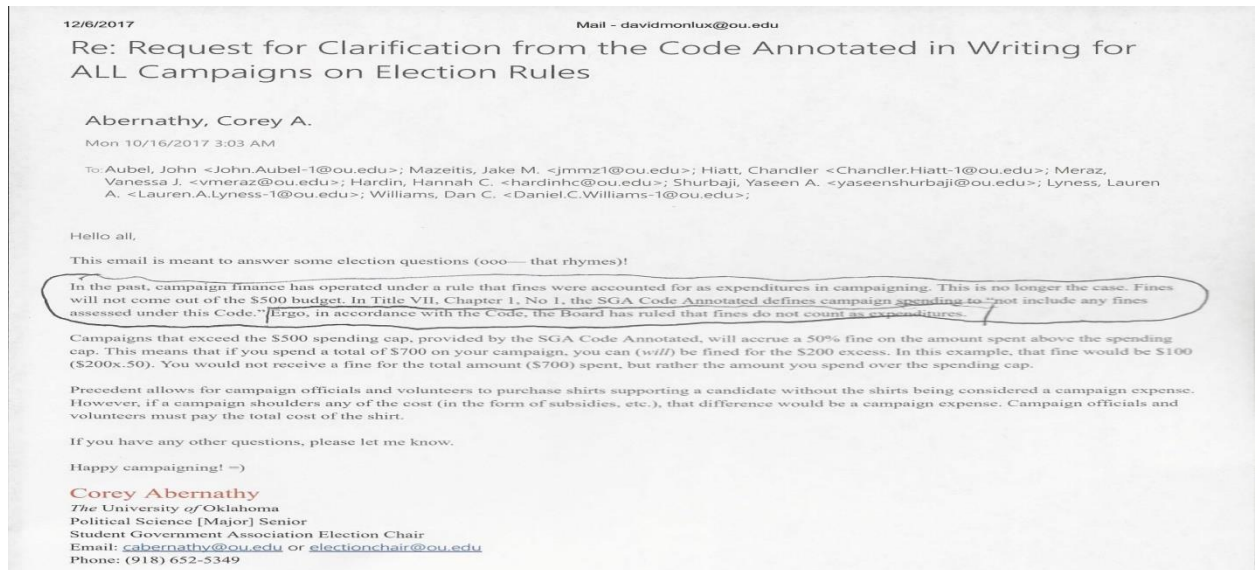
Tags [Homepage News](#)

Hannah Pike

Hannah Pike is a journalism and economics sophomore and a senior news reporter covering the administration. Previously, she was a junior news reporter and covered academic colleges.

DISPUTE OF ELECTION BOARDS REASONING

On Oct 16th, 2017 Election Chair Abernathy sent out an email in response to a question for a ruling. In that email he stated fines no longer count toward the \$500 in expenditures.



In the reasoning of the Election Board not to disqualify on Nov 29th, 2017 they stated:

“The Election Board acknowledges that each grievance was a rule violation and each violation has the potential to sway the electorate, but again, the Election Board did not find this to be the case. The Election Board found that the grievances were not severe enough to justify disqualification. Consequences, including fines, were assigned with each upheld grievance.”

I agree with the Election Board on each grievance being a rule violation while having the potential to sway the electorate. I disagree with the Election Board on their decision about it not being severe enough given the case. Just as a speeding ticket is a misdemeanor, the Board treated them all as misdemeanors and assessed fines. While any individual speeding ticket may not

affect the driving of an individual or be a fluke, repetitive behavior makes one a bad driver and a danger to the general public traffic (SGA and the Student Body), just like repetitive behavior of rule violations in a campaign deserve to be disqualified. Under Oklahoma Law receiving 10 points on the license system can suspend a drivers liscence. The violations have been repetitive behavior to gain an unfair advantage throughout the entire course of the election.

Point System

1. How does the Oklahoma Mandatory Point System work?

- Points are assessed to the driving record of persons convicted of certain violation of the law, generally traffic violations. When your point total on your driving record reaches ten (10) or more points within a five (5) year period your license is suspended.

2. How do I clear a Points Suspension?

- You must serve the suspension period and pay the statutory fee for reinstatement. In most cases, payment of the fee may be done by mail or in person by yourself or another representing you. In some cases the person is required to meet with a Driver Compliance Hearing Officer to apply for reinstatement.

3. How long is a point suspension?

- For a first point suspension, the suspension time shall be for one (1) month. For a second point suspension, the suspension time shall be for three (3) months. For a third point suspension, an individual may petition for six (6) months and for subsequent suspensions the suspension shall be for one (1) year.

4. What is a Driver Improvement or Defensive Driving Course? Can successful completions of one of these courses result in the Reduction of Points from my driving record?

- These are 6 hour schools designed to assist the problem driver in correcting bad driving habits. Two (2) points shall be credited to a person's driving record upon successful completion of an approved Driver Improvement or Defensive Driving Course. However, the two (2) point credit (reduction) will only be given one (1) time in a 12 month period.

5. Are there other ways to obtain a Reduction of Points from my driving record?

- Yes, if a driver goes twelve (12) consecutive months without being convicted of any pointable violation, two (2) points are credited (removed) for the accumulated points on their driving record. If a driver goes three (3) consecutive years without being convicted of any pointable violation, the point level on their driving record is reduced to zero.

6. What is a Motor Vehicle Accident Prevention Course?

- A Motor Vehicle Accident Prevention Course is conducted by organizations and companies to educate their employees on defensive driving and safe driving techniques. Completion of these courses DO NOT qualify for point reduction on your Oklahoma driving record. However, you may want to contact your insurance provider to see if you are eligible for a reduction of your insurance premium by completing this course.

Last Modified on 08/01/2016

BY:

https://www.ok.gov/dps/FAQs/Suspension_Revocation_of_Driving_Privilege_FAQ/Point_System_FAQ.html

Oklahoma Driving Traffic Record Point System

The Oklahoma Driving Traffic Record Point System measures your driving. When a person is ticketed with a traffic offense in Oklahoma, it has further reaching implications and consequences than a simple fine. The Oklahoma Department of Public Safety maintains your driving record and compiles "points" from driving incidents and citations. Each offense has a point value and if too many points are accumulated within a given time frame your driving "privilege" (license) can be suspended. If you have been ticketed for a traffic offense in Oklahoma call the Tulsa [Oklahoma traffic ticket lawyers](#) at the Kania Law Office.

Under the Oklahoma Administrative Code (595:10-7-2) the following citation convictions are assigned the points denoted below:

- Reckless driving – 4
- Failure to stop for school bus – 4
- Speeding in excess of 25 m.p.h. over speed limit – 3
- Inattentive driving resulting in collision – 2
- Left or center or wrong way – 2
- Failure to yield right of way – 2
- Violation of driver license restriction – 2
- Following too closely or improperly – 2
- Failure to obey stop sign or traffic light – 2
- Careless driving – 2
- Speeding – 2
- Contest racing on public traffic way – 2
- Speed in excess of posted maximum – 2
- Speed less than posted minimum – 2
- Speed in school zone – 2
- Radar checked speed violation – 2
- Airplane checked speed violation – 2
- Vascar – 2
- Any violation related to a railroad crossing – 2
- Operating a defective vehicle – 1
- Operating a vehicle without being licensed – 1
- Leaving a vehicle unattended with engine running – 1
- Towing or pushing vehicle improperly – 1
- Failure to dim lights as required – 1

<https://www.kanialaw.com/tulsa-attorneys/criminal-defense/oklahoma-driving-traffic-record-point-system>

- Failure to stop at required stops with explosives or flammable load – 1
- Transporting hazardous substances without safety devices or precautions – 1
- Improper lane usage – 1
- Driving on shoulder, in ditch or on sidewalk – 1
- Making improper entrance to or exit from traffic way – 1
- Loading a vehicle so drivers view is obstructed – 1
- Starting improperly from parked position – 1
- Improper backing – 1
- Spinning wheels – 1
- Operating a vehicle with view obstructed – 1
- Negligent driving – 1
- Improper passing – 1
- Operating a motor vehicle at speed greater than reasonable and proper – 1
- Operating a motor vehicle at speed less than reasonable and proper – 1
- Coasting or operating with gears disengaged – 1
- Failure to follow instructions of police officer – 1
- Failure to obey traffic instructions stated on traffic sign or shown by traffic control device – 1
- Passing through or around barrier positioned to prohibit or channel traffic – 1
- Failure to observe warnings or instructions on vehicle properly displaying them – 1
- Failure to signal intention to change vehicle direction or to reduce speed suddenly – 1
- Giving improper signal – 1
- Improper stopping on roadway – 1
- Improper turns – 1
- Operating defective vehicle after receiving a warning or summons – 1
- Impeding traffic (and under 40 M.P.H.) – 1
- Crossing center median – 1

Oklahoma Drivers License Suspension

Pursuant to the Oklahoma Department of Public Safety Administrative Code (595:10-7-6), when a person's driving record totals ten (10) or more points his or her driving privileges shall be suspended.

In the spirit with being in compliance with civil misdemeanor law in Oklahoma for suspension of license within the point system, I have developed an SGA chart point system based off infractions committed by the campaigns of which should be disqualifiable once a certain number is reached since its been established that all infractions are misdemeanors in the eyes of the Board.

Infraction	Points Assigned
Failure to put Funded By on Campaign Materials: (Leaving Vehicle Unattended with Engine Running)	0.25
Use of Loud Speaker/PA System for Campaign Purposes: (Failure to dim lights (voice) as required)	2
University Symbol Grievance (Improper Lane Usage):	1
Unsolicited Messaging (Driving on Shoulder, Ditch OR Side Walk):	1.5
Early Campaigning (Speeding):	2
Campaigning 50 Feet within Polling Station: (Improper Lane Usage)	2.5
Interference with Opponents Campaign Materials: (Reckless Driving)	4
Paint/Tape/Wet Chalk on Side Walks/Buildings: (Negligent Driving)	0.25
Perjury/Liable (Accuracy/Truthfulness) of Statements/Materials	4
Stickers: (Failure to follow instructions of Police Officer/SGACA)	0.25
Employee Campaigning for Candidate: (Improper Passing)	1.5
Illegally Approaching Student with Voting Device on Election Day: (Following too Closely/Improperly)	4
Campaigning in Classrooms/Canvas: (Failure to Stop for a School Bus/Impeding Learning)	4
Voter Intimidation: (Careless and Reckless Driving. Referral to Student Misconduct Office)	6
Candidate Intimidation: (Crossing Center Medium: Referral to Student Misconduct Office)	8
Guilty of Election Fraud: (Guilty of DUI & Referral to Student Misconduct Office)	10

Below is a chart based off the two campaigns in question:

Violation	Shurbaji	Hiatt
University Symbol	7 (7 X 1 = 7 points)	4 (4 X 1 = 4 Points)
Unsolicited Messaging	2 (2 X 1.5 = 2.5 points)	4 (4 X 1.5 = 6 Points)
Early Campaigning:	1 (2 points)	NA
Total Points:	11.5 (Still Over the Limit. Grievances 11-15 not included which would add to the point system.)	10 Points (Equals Disqualification)

With fines no longer counting as campaign expenditures as ruled by Election Chair Abernathy and stated in the Code being disqualified from the \$500 in expenditures rule, just like Citizens United opened the door to PAC money in Campaigns, this Election Board and now the Court if it doesn't choose to overturn the decision not to disqualify is setting the precedent of/opening the door to **PAY TO WIN** within SGA. The winner in CAC Spring 2016 had the most amount of grievances and wasn't disqualified. President Baker had the most grievances in Fall 2016 and wasn't disqualified. Now in Fall 2017 the Election Board has chosen once again NOT to disqualify the Shurbaji campaign which also had the most grievances upheld against them.

With pay to win now established and fines not counting as campaign expenditures, **in the words of Marilyn Delpy to Mark Zuckerberg from the Social Network "Pay them. In the grand scheme of things, it's a speeding ticket."** That is exactly what the Election Board is **treating campaign grievances as now.** If a campaign knows they won't be disqualified, then they will break the rules and pay fines to obtain the office.

As Mark Zuckerberg planted the story about Eduardo on Chicken Cannibalism, Chair Abernathy went to the Daily for a Nov 4th, 2017 story BEFORE the disqualification vote (25 days before the Nov 29th, 2017 DQ Vote to be exact) and based off that story the Headline read: "Grievances Unlikely to Disqualify SGA Presidential Candidates." This shows that the EB doesn't have the will to disqualify and had already made up their minds before even holding the vote or hearings. Despite this, the run off was still allowed to take place with impartiality from the bench of the election board being broken.

The ruling of the election board was a continuing precedent of **PAY TO WIN**, which was conceived in Spring 2016 during the CAC campaign, brought to term under President Baker in Fall 2016 against the Echols campaign and birth has now been given at the end of the Fall 2017 campaign.

It's a Brave New World as we enter the next era of SGA campaigns, with Alphas & Betas (favored in class warfare) speeding their way to victory (income inequality) over the Gamma, Delta and Epsilon workers (Students who didn't spend enough) or even worse the New Mexico reservation students (those who actually follow the rules) under the new system of pay to win. I would urge the Court to reverse/overturn the Decision of the Election Board and disqualify both the Hiatt and Shurbaji campaigns under the authority granted to them, as we will prove later on in this appeal.

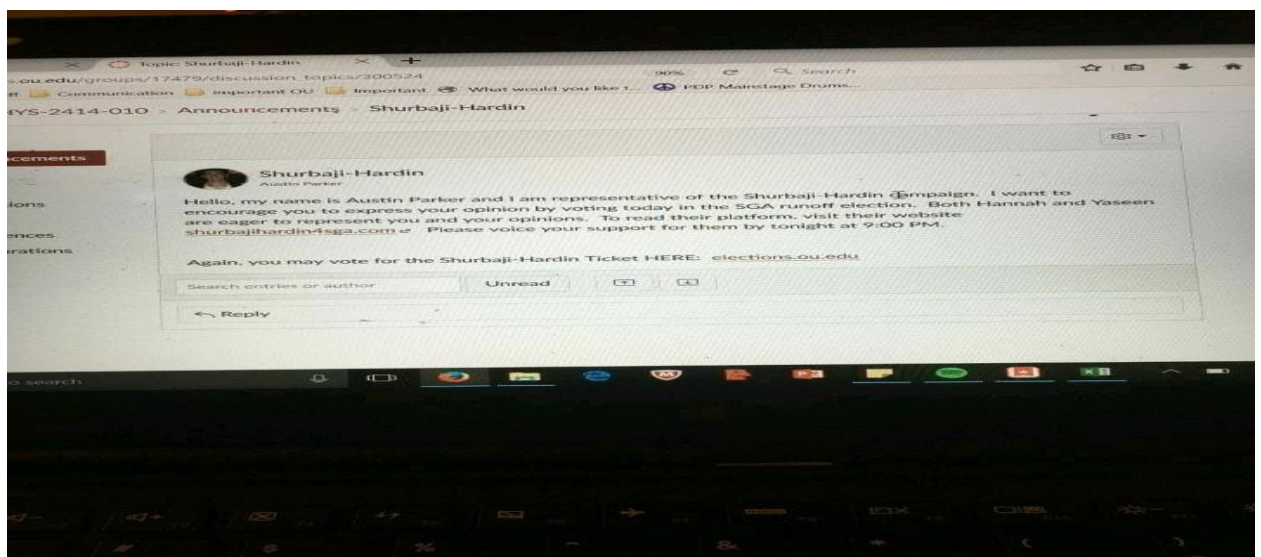
SC 2010-05 RELEVANCY

In this case going back to Spring 2010, there were two issues which resulted in a \$75 fine and one issue that invalidated the entire election. The issues as play were the Meek Voting System, illegal employee media endorsement by President Ms. Katie Fox for the Galvas campaign and the Galvas campaign setting up an illegal polling station to gain votes. I believe all 3 are relevant by overlapping similarities. On the surface one drink might appear to be 100% red and another 100% purple with different smells, but after chemical analysis test, both are Kool aid. Below each issue will be addressed and make the case how they coincide with the Fall 2017 Election where this is comparing Kool Aid with Kool Aid instead of Apples against Oranges where red always destroys orange.

1: Galvas Campaign Creating an Unauthorized Polling Station: This resulted in a \$75 fine of election fraud. The official facts in the case went as followed: The Galvas campaign went to a polling station that closed at 5 P.M. despite the online system still taking votes thru the end of the night before closing. There they set up their own laptops and opened up a polling booth while wearing campaign T-Shirts. As students passed by, they talked to them and ended up convincing 50 students to vote while hovering over their shoulder. The Court found them guilty of Election Fraud, but the votes gained were not enough to change the outcome of the election. They were fined \$75 and referred to the office of Student Misconduct.

In the Fall 2017 Election (sent to me after the time statute of limitation for appeal had expired and I assume it was filed by someone else in grievances 11-15 upheld against the Shurbaji campaign which I still haven't been provided a copy of) a member of the Shurbaji

Campaign posted in Canvas attempting to gain votes. In doing so, to a reasonable person, it was a clear violation of **Title VII: Chapter 3: Candidates: E: Additional Campaign Rules: II: Academic Buildings: ii: a) Instructional Times:** *“Campaigning in classrooms shall not be allowed during instructional times. Instructional time is that measurable period during which the action, practice, or profession of teaching is occurring. Campaign material cannot remain posted in the classroom during instructional times.”* Within the Canvas system professors can have ongoing discussion post, video lectures, simulations and it wasn’t part of a class assignment. In addition electronically it remains during an exam even if one is in lock down browser mode. In addition it would fall under unsolicited messaging.



How they are similar: Today most people vote online in SGA Elections instead of at the polling booth. Keeping in mind that a direct link was provided in an online classroom and it’s a friend/fellow classmate telling you to vote for the Shurbaji campaign, that is similar to being approached walking by an illegal set up polling booth.

The staff was Austin just like staff set up in 2010. The direct link to the elections website were the laptops set up. The votes that occurred from this, were the 50 gained in 2010. As has been set in precedent, we ask the Court to find the Shurbaji campaign guilty of election fraud and as was done against the Galvas Campaign in 2010, fine them \$75. This thing by itself cannot invalidate the election, but the interest here is in ensuring the rules are enforced.

2: YouTube Video Created by Madam President Katie Fox: In this instance President Fox created a video as a sitting SGA President to endorse another campaign in a heated/contested 4 candidate ticket race just like the one in Fall 2017. She was found guilty on the basis of University Employees not being allowed to endorse candidates. She was considered an employee because she received a stipend, an office and a Faculty/Staff parking pass as compensation for her services.

In this election on Nov 4th, 2017 (25 days before the Disqualification Vote) the Election Board Chair Abernathy went to the daily on a public article and commented on matters pending before his Election Board bench implying that no disqualification would take place breaking impartiality. **Under Title VII: Chapter II: 13: Election Funding: b: Compensation:** The Election Chair receives a stipend of \$350 thus making them a University employee. So his going to the Daily before the DQ Vote took place (had it been after, then it would be perfectly legal) created an unfair Election Board. As President Fox was found guilty and fined \$75 for Election Fraud and abuse of office, we ask the Court to find Chair Abernathy guilty of Election Fraud. While the sitting President wasn't grounds enough to invalidate the election, we think the Election Chair is grounds enough to invalidate the election since all initial appeals are heard by the Election Chair and it shows the decision before the vote even took place.

3: Meeks Voting System: The Meeks Voting System is what ultimately invalidated the election in Spring 2010. The similarity presented is similar despite initial surface appearance. No run off was held in 2010, because people ranked their preferences thus denying tickets the chance at a run off. In Fall 2017, 50% of the tickets were eligible for disqualification and preferences weren't ranked along with the disqualification votes not being held until after the election was over. It's possible that the race could have been Hiatt vs Meraz OR Williams vs Meraz. Instead the Election Board waited until after the runoff was over to hold the vote and felt pressured to uphold the results. Just like people didn't understand the Meeks Voting system of preference along with denying them a run off, the election board created a false scenario of preferences for the voters by not holding a disqualification until the election was over. When there was still more than 48 hours until the election prior to the large number of grievances submitted and committed with less than 48 hours till the election including election day, the Shurbaji was at 3 and the Hiatt campaign at 4. **“Title VII-Elections Chapter 4 – Oversight & Enforcement.** No candidate shall be disqualified by election officials within forty-eight (48) hours of the election.” This states the Election Board should have held a disqualification vote, otherwise the Board can deliberately wait until less than 48 hours or after in this case and not disqualify anyone leading to the unfair advantage with a false choice preference of the Shurbaji campaign in the run off. With this, we ask the Board to invalidate the runoff election.

Using the 3 arguments above based off case law and precedent I ask the Court to declare posting voting links in Canvas to be an unauthorized polling location, to once again reaffirm that officials of the board can't publically speak before a decision has been made (breaking impartially from the election bench) and as people were presented with a false pretense of

preferences in the 2017 runoff as voters were under the Meeks system in 2010 to declare the runoff election invalid.

As is clear from the 2010 campaign, people were using the Power of the Force for bad purposes to gain unfair advantages in an election just like Darth Vader in Star Wars working for the Galactic Empire. Luke Skywalker now begs Superior Court (Jedi Council) through the power of the Force for a chance to go to the Center of the Death Star to face his Father, Darth Vader. Pay to Win (Luke Skywalker) can either destroy Darth Vader and save the Jedi in 2017 (by disqualifying the two campaigns in question) or Pay to Win (Luke Skywalker) can change history and join the Galactic Empire, further opening the door for corruption in SGA elections with Pay to Win now established since campaign violations are speeding tickets.

DIFFERENCE BETWEEN FALL 2017 & IN RE SPRING

CAC RUN-OFF ELECTION APPEAL 2016.

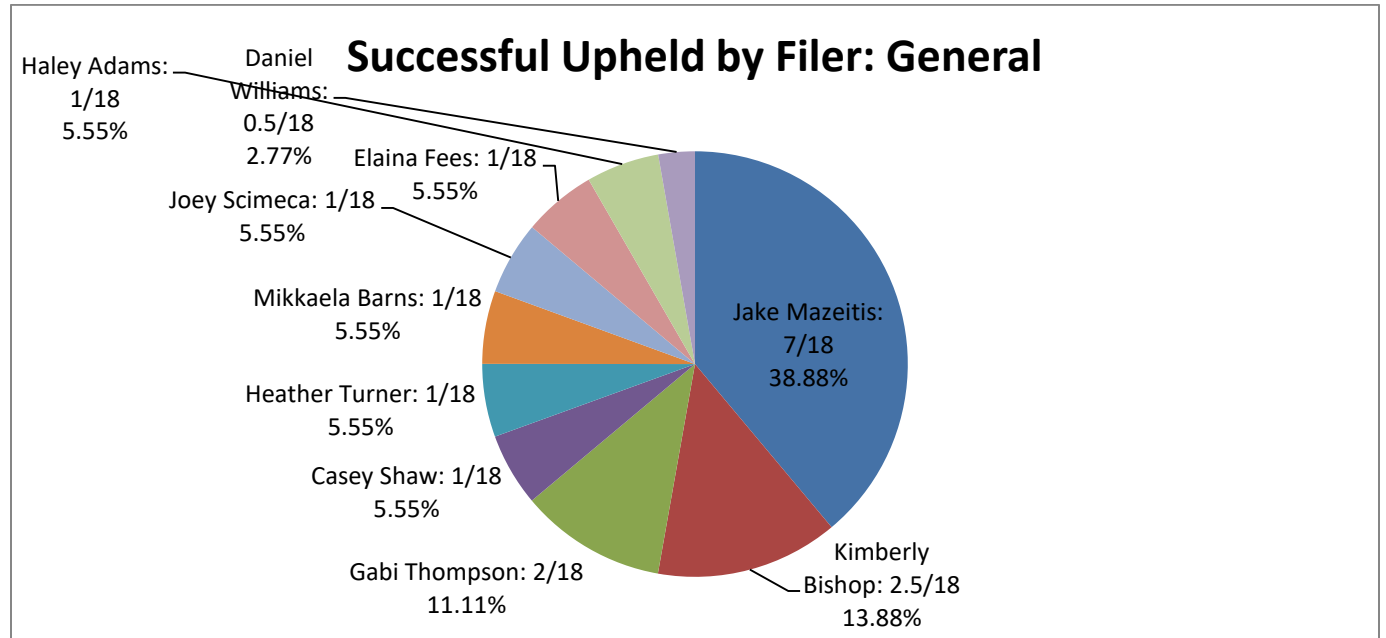
In Spring 2016, the losing campaign (Daniel Moreno) didn't agree to an appeal being submitted, whereas in Fall 2017 the Williams Campaign submitted an appeal. In addition the Strike Count was at 4 upheld grievances for Aimee Schnebeck whereas the Hiatt campaign is at 8 (double Schnebeck & Baker) and the Shurbaji campaign is at 15 (375% above Schnebeck and Baker).

In addition during the opinion of the court they stated:

“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.”

Just like there were multiple filers in Spring 2016, for the general alone in Fall 2017 there were 10 different successful filers that had 18 total upheld grievances in the general alone over

wrongdoing, which shows there was mass concern of wrong doing and not just one person intent greater than CAC Spring 2016. Below is a chart to illustrate.



In addition the chart above doesn't include any of the filings that weren't filed due to statute of limitations expiring, intimidation, combined grievances, grievances determined to be filed in bad faith by the election board, grievances in good faith but denied or any of the ones filed during the Run Off Election on top of the two upheld against the Meraz campaign plus the 5 additional earned by the Shurbaji campaign during the run off that shouldn't have taken place with the Shurbaji campaign in it. Using basic math, if the total of 6 (4 + 2) between the two campaigns were to be followed by the court logic with large numbers of filers creating a chaotic scene between the two in question (assuming only 1 person filed each grievance and wasn't a multiple in Spring 2016), there would be an increase from 6 filers to 10 in Fall 2017 or a 66% increase with more filers being 4 more people joining in.

Later on in the opinion issued, the Court stated:

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.** We see no such abuse and no such violation in their decision to not disqualify Schnebeck.

In response to this by the Court from In Reply CAC 2016, here is where I believe that the Election Board violated the SGACA & Constitution while abusing its discretion in decision making.

1: The Board was late to issue each report causing the process to be dragged out longer.

2: The Chair of the Election Board went on record in the Daily on Nov 4th, 2017 article in which the headline read “Grievances Unlikely to Disqualify SGA Presidential Candidates.” This broke the tradition of not commenting on matters pending before the bench.

3: From the denied injunction request, Chair Abernathy didn’t dispute the Pirates of the Caribbean Reference in which as the Pirates Code was being treated as guidelines just as the SGACA is now being treated as Guidelines, thus giving implied consent that it is being treated as guidelines under the current Board.

In that same ruling the Court also stated: 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”

The petitioner’s in that case were right and the court was wrong. The precedent was set in CAC Spring 2016, it was then carried to term under President Baker and now that birth has been given to Pay to Win by the Shurbaji Campaign, the Shurbaji campaign has skirted the guidelines while only paying fines in order to achieve the office of SGA President.

The Spring 2016 the Election Board chose not to disqualify with 4. In Fall 2017 a year and a half later, the court only envisioned going as high as 7 which at that time was a stretch. Today it is at 8 and 15. Does the number have to be 20 violations for disqualification? 50? 100? Or does the Board and the Court no longer have the will to disqualify?

I argue that the Board has abused its power in discretion. In their 1 page statement of reasoning they stated “The Election Board acknowledges that each grievance was a rule violation.” This court has one final chance to reverse Pay to Win and PREVENT the argument of

Marilyn Delpy **“Pay them. In the grand scheme of things, it’s a speeding ticket.”** from becoming the new reality. Otherwise, what was first brought to lite by the petitioner’s advocating for Daniel Moreno, has officially come true. We therefore ask the Court to disqualify both the Hiatt and Shurbaji campaigns to prevent this precedent from going further than it already has. If the Court doesn’t, then we have left it to “May the Odds be Ever in Your Favor”.

REMEDIES THE COURT CAN GRANT

1: **ALL** decisions of the Election Board are appealable to Superior Court and subject to be overturned. In this case we are asking Superior to overturn the decisions not to disqualify.

2: Invalidate the election in accordance with **SGACA Title VII: Chapter 4: Oversight & Enforcement: 40: Grounds for Invalidation**: “The Superior Court shall not enjoin or invalidate an election unless there is clear and convincing evidence that the true will of the voting public is not reflected. To set aside an election, there must be gross fraud which leaves the intent of the voters in doubt **or irregularities in the conduct of the election of such nature as to affect the result.** The wrongs against the freedom of election must have prevailed, not slightly or in individual cases, but generally and to the extent to render the result doubtful.”

First off it doesn't say AND, **it only says “OR”** with the highlighted portion. This second part is divided into two (2) prongs: The first is irregularities in conduct of the election. The second is, did those irregularities affect the result.

1ST Prong: Irregularities in the Election: 1: The Board was late to issue each report causing the process to be dragged out longer.

2: The Chair of the Election Board went on record in a Daily on Nov 4th, 2017 article in which the headline read “Grievances Unlikely to Disqualify SGA Presidential Candidates.” This broke the tradition of not commenting on matters pending before the bench.

3: From the denied injunction request, the Election Board Chair didn't dispute the Pirates of the Caribbean Reference in which as the Pirates Code was being treated as guidelines, so is the SGA Code Annotated being treated as Guideline, thus giving implied consent that it is being treated as guidelines under the current Board.

2nd Prong: Affect in Outcome of the Result: The Election Chair by not holding the disqualification vote until after the runoff election was over, felt the pressure to uphold the results. Had the disqualification vote taken place and if both or 1 campaign was disqualified its possible that a Meraz, Hiatt & or a Williams Presidency could be the favored possibility right now instead of the Shurbaji campaign. Instead, today we are looking at Shurbaji Presidency who paid 15 fines on his way to victory thanks to the Election Board. If that is wrong or justified, this Court will determine that. Just as Benjamin Franklin had the Pennsylvania Delegation polled in the Broadway Musical and Movie 1776 before Dr. Willison voting of yea with a split delegation (EB: 1 & Williams: 1) while every map maker in the world was awaiting his decision, every future campaign and CAC/Presidential hopeful in SGA is awaiting the decision of Pay to Win from this Court.

HOW THIS ISN'T LEGISLATING FROM THE BENCH

In reading ruling after ruling from this court, it has caught my attention that in most decisions issued, the court states “**What the petitioner ask us to do in said request, would be legislating from the Bench. This Court refuses to legislate from the Bench.**” Given the tendency of the Court, I have a feeling the Court will try to claim this again. To alleviate any concerns, this part of the appeal will state how its NOT legislating from the Bench.

SGAGC : Title VII: Elections: Chapter 4: Oversight and Enforcement: 41 Penalties: “The Superior Court shall have no authority to disqualify any candidate except when confirming a decision of the Election Board.”

The Standard definition that the Court uses is for this is the first sentence about only confirming a disqualification decision. This law has not changed for a long time. However in Congressional Bill No 970802 (much more recent in which 2 authors (Mazeitis and Bourland) are still present to ask them about the intent) a section was added to 31 Appeals under Title VII. It states: “The Election Board shall not be able to hear appeals of its own decisions. The deadlines in this section are amendable at the request of any party with approval of the Superior Court.”

In affect this brings the two statues into conflict. By the courts hands being tied, this gives the Election Board free reign to be king makers.

If the Election Board can't hear appeals of its own decision and Supieor can't overturn a vote not to disqualify then there is no recourse for a campaign to overturn a bad decision

not to disqualify by the Board which would be in violation of both 29 and 31 under Title VII.

Therefore 41 in Title VII violates both the 3rd sentence of 29 **“The Election Chair’s rulings shall be considering binding on elections until overturned by the Superior Court:”** and 31 Appeals **“The Election Board shall not be able to hear appeals of its own decisions.”**

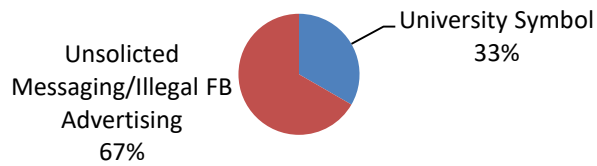
Both statues quoted are more recently amended and current than 41. 41 is NOT in the Constitution but rather the SGACA and two statues within the SGACA (more than 1) make 41 invalid and Supieor Court would be completely within its rights using the Statues to overturn the decision without legislating from the bench.

Therefore since it isn’t legislating from the Bench, I ask the court to disqualify both the Shurbaji and Hiatt campaigns creating a runoff between the Williams and Meraz campaigns.

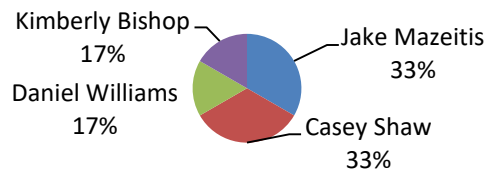
WHAT THE COURT IS BEING ASKED TO DO

- 1: Accept this Amicus Curiae Brief.
- 2: As numerous traffic tickets with results in fines can lead to a suspended license and disqualification of driving privileges, have the excessive violations disqualify the Shurbaji and Hiatt campaigns.
- 3: Correct the distinct and palpable injury of the Williams Campaign by disqualifying the Shurbaji and Hiatt campaigns by invalidating the first runoff election and ordering a new one between the Williams and Meraz campaign.
- 4: Find the Shurbaji campaign guilty of an illegal polling site on Canvas resulting in Election Fraud as was done in 2010 within SC 2010-05.
- 5: Find Election Chair Abernathy guilty of Election Fraud with a \$75 fine for breaking impartiality from the bench with his public comments in the Nov 4th, 2017 OU Daily Article. Have the \$75 deducted from his \$350 stipend leaving him with a paycheck of \$275.
- 6: Invalidate the runoff based off a false pretense of choices of eligible candidates to the voters just as the Court did with the Meeks system in 2010 which denied a runoff between the 2 proper tickets.
- 7: As was changed in Congressional Bill No 970802 (authored by Mazeitis and Bourland) declare Title VII: Elections Chap 4 Oversight and Enforcements: 41 Penalties to be in violation of Title VII §29 3rd Sentence “**The Election Chair’s rulings shall be considering binding on elections until overturned by the Superior Court:**” and §31 of Title VII “**The Election Board shall not be able to hear appeals of its own decisions.**” If the court doesn’t do this, then its forfeiting its power to overturn decisions of the Election Board and in effect by tying its hand no disqualification decision can ever be successfully appeal thus eliminating checks and balances on a fair election. Both 29 & 31 were changed in Congressional Bill 970802 making them newer and a more accurate reflection of the will of the legislative branch on regulations of elections.
- 8: Since the Hiatt Campaign had 3 grievances on October 23rd, 2017 and it was more than 48 hours until the election, order the board to hold a disqualification vote on the Hiatt campaign looking at only those 3. This is what it would look like:

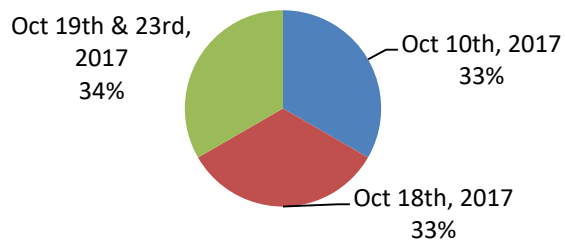
Hiatt Grievances



Hiatt Grievance by Filer

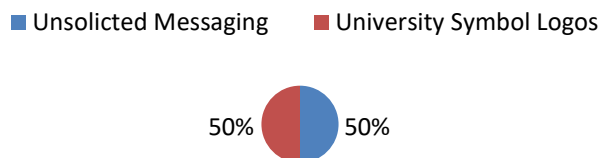


Hiatt Grievances by Date

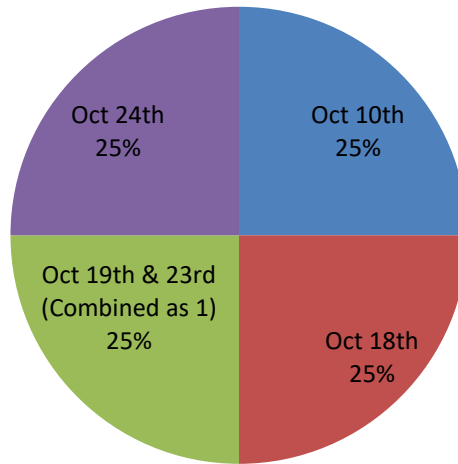


9: Since the Hiatt Campaign had 4 grievances on October 24th, 2017 and it was more than 48 hours till the election Board to hold a disqualification vote on the Hiatt campaign: This is what it would look like:

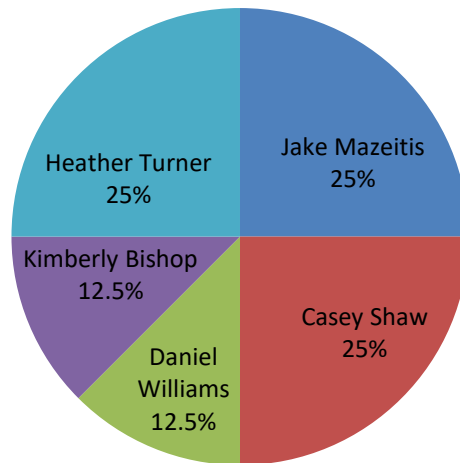
% by Rule Infractions



% of Hiatt Infraction by Date

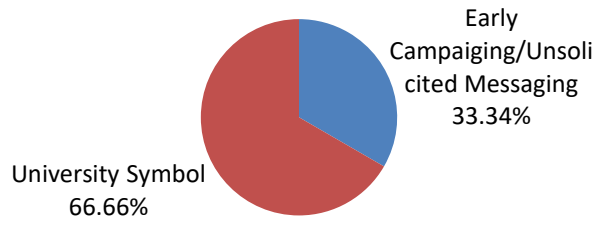


% of Hiatt Successfully Upheld by Filer

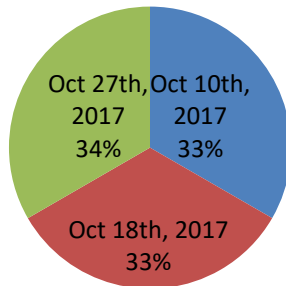


10: Seeing as the Shurbaji Campaign was at 3 grievances on October 27th, 2017 with more than 48 hours before the election, I ask the court to order the Election Board to hold a disqualification vote on the Shurbaji campaign over the first three grievances with it looking like this:

Shurbaji % by Rule Infractions



Shurbaji Infraction by Date



% Upheld by Filer against Shurbaji

