

**UNIVERSITY OF OKLAHOMA STUDENT GOVERNMENT ASSOCIATION
FALL 2021 GENERAL ELECTION REPORT**

Isaac Kabrick, SGA Election Commissioner

Election Commission Staff: Alexia Charlton, Jordan Murray, Coy Taylor (*ex officio*)

Pursuant to SGACA Tit. VI Ch. 5 § 33, the following report details the results of the Fall 2021 SGA General Elections. Voting for these elections took place on November 2nd and 3rd.

The Election Commission received a total of 18 complaints:

- 13 were heard as formal petitions. The decisions in those cases are included in this report.
- 3 were received as unofficial notifications. The issues raised are summarized below.
 - 1 formal petition was withdrawn prior to being heard.
 - 1 formal petition was filed after the deadline.

Projected winners of each race are bolded and indicated by an *

Races that are projected to require a runoff are indicated with a †

A runoff report will be filed following the close of the runoff election on November 9, 2021.

SGA President and Vice President

2 tickets

*Zack Lissau and Denzel Akuffo	2223	67.42%
Angelora Castellano and Samantha Hepburn	1074	32.57%

Undergraduate Student Congress Representatives:

Business District: 4 open seats, 2 candidates

Minimum votes needed: 20

***Ismael Carmona Casado** **217**

***Parker McGowan** **215**

Communication District: 2 open seats, 1 candidate

Minimum votes needed: 11

***Alondra Perez** **307**

Earth and Energy District: 1 open seat, 1 candidate

Minimum votes needed: 2

***Arin Chaman** **11**

Engineering District: 4 open seats, 4 candidates

Minimum votes needed: 16

*Michael Williams	125
*Mahmoud A. M. Zaqout	125
*Hadi Fawad	66
*Robel Tesfaselassie	54

Finance and Accounting District: 2 open seats, 1 candidate

Minimum votes needed: 8

*Demetri Papahronis	244
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Fine Arts District: 1 open seat, 1 candidate

Minimum votes needed: 12

*Olivia Payson	134
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Humanities District: 3 open seats, 1 candidate

Minimum votes needed: 5

*Taylor L. Broadbent	94
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International Studies District: 1 open seat, 1 candidate

Minimum votes needed: 7

*Amelia Landry	48
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Interpersonal Studies District: 1 open seat, 1 candidate

Minimum votes needed: 6

*Weslie Griffin	112
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Life Sciences District: 4 open seats, 2 candidates

Minimum votes needed: 5

*Brandon Cheney	245
*Audrey Dao	115

Social Sciences District: 2 open seats, 3 candidates

*David McPherson	192
*Tamera Nealy	128
Connor Boren	113

University College District: 7 open seats, 15 candidates

*Aiden Dodd	392
*Cole Cantu	327
*Austin Cappleman	310
*Michael Stoyak	308
*Jordan Brown	263
*Clayton Chiarello	247
†Christian Binger	244
†Shrey Kathuria	244
Daisy Barrett	199
Lane McCoy	197
Hayden Spigner	174
Linh Ngo	121
Jacob Toth	115
Trace Tuthill	107
Kyle Mershon	85

Rulings on Infractions

Summary

- FA21-001 Representative Graeson Lynskey v. The Lissau-Akuffo Campaign*
2-0 for the Lissau Akuffo Campaign, no points assigned.
- FA21-002 Representative Graeson Lynskey v. The Lissau-Akuffo Campaign*
2-0 for the Lissau Akuffo Campaign, no points assigned.
- FA21-003 Representative Graeson Lynskey v. The Lissau-Akuffo Campaign*
2-0 for the Lissau Akuffo Campaign, no points assigned.
- FA21-004 Representative Graeson Lynskey v. The Lissau-Akuffo Campaign*
2-0 for the Lissau Akuffo Campaign, no points assigned.
- FA21-005 A Petition Filed by Representative Carson Poupore*
2-0 that the petition was not filed in good faith, no points assigned.
- FA21-006 A Petition Filed by Representative Carson Poupore*
2-0 that the petition was not filed in good faith, no points assigned.
- FA21-007 A Petition Filed by Representative Carson Poupore*
2-0 that the petition was not filed in good faith, no points assigned.
- FA21-008 Representative Carson Poupore v. The Castellano + Hepburn Campaign*
1-0 for the Castellano + Hepburn Campaign, no points assigned.
- FA21-009 An Unofficial Notification filed by Representative Graeson Lynskey*
- FA21-010 Representative Carson Poupore v. The Castellano + Hepburn Campaign*
1-0 for the Castellano + Hepburn Campaign, no points assigned.
- FA21-011 Representative Graeson Lynskey v. The Lissau-Akuffo Campaign*
2-0 for the Lissau Akuffo Campaign, no points assigned.
- FA21-012 Representative Carson Poupore v. The Castellano + Hepburn Campaign*
1-0 for the Castellano + Hepburn Campaign, no points assigned.
- FA21-013 Candidate Michael Williams v. Candidate Michael Williams*
Withdrawn by the petitioner before consideration. No points assigned.
- FA21-014 An Unofficial Notification filed by Candidate Aiden Dodd*
- FA21-015 An Unofficial Notification filed by Candidate Aiden Dodd*
- FA21-016 A Petition by the Election Commissioner Involving Campaign Finance Reports*
2-0 in each case against the candidate. 1.0 or 1.5 points assigned as described below.
- FA21-017 A Petition Filed by Candidate Samantha Hepburn*
Filed after the deadline, see EC2021-002 for the Opinion of the Election Commissioner.

FA21-018 A Petition by the Election Commissioner Involving Campaign Finance Reports
2-0 in each case against the candidate. 1.0 or 1.5 points assigned as described below.

Total Points Assigned

Clayton Chiariello received 3.5 points total.

Daisy Barrett received 3.5 points total.

Hayden Spigner received 3.5 points total.

Linh Ngo received 3.5 points total.

Parker McGowan received 3.5 points total.

Trace Tuthill received 3.5 points total.

Jacob Toth received 3.0 points total.

Mahmoud A. M. Zaqout received 1.5 points total.

Tamera Nealy received 1.5 points total.

Christian Binger received 1.5 points total.

Alondra Perez received 1.0 point total.

Cole Cantu received 1.0 point total.

Hadi Fawad received 1.0 point total.

Michael Stoyak received 1.0 point total.

Weslie Griffin received 1.0 point total.

The Lissau-Akuffo Campaign received 1.0 point total.

No other candidate was assigned any points. No sanctions were applied. No votes were conducted to disqualify any candidate.

Reported Irregularities

The Commission received three Unofficial Notifications detailing election irregularities.

FA21-009 alleged that stake signs used by a campaign for SGA President and Vice President were larger than the stated maximum dimensions per the Code Annotated. *SGACA* Tit. VI Ch. 4 § 26(b) does set maximum dimensions at 16" by 18", but nothing in that title states that exceeding these dimensions is an infraction. The Commission seeks clarity as to the expected recourse for this apparent violation. As **FA21-009** was filed as an Unofficial Notification and alleged no specific infraction reviewable by the Commission, the Election Commissioner opted not to elevate the petition.

FA21-014 and **FA21-015** informed the commission that campaign materials were being unduly removed, damaged, disrupted, or otherwise modified during the course of the campaign. Similar observations were made in **FA21-005**, **FA21-006**, and **FA21-007**, as well as in email correspondence between candidates and the Election Commissioner. In no case was anyone able to identify an alleged perpetrator, and so no infractions were found to be committed. The Commission seeks clarification from the legislature as to what remedy, if any, is available to those candidates whose campaign materials are unduly destroyed or modified.

Decisions of the SGA Election Commission

The decisions of the Election Commission for the Fall 2021 SGA General Election are attached beginning on the next page.

SGA Election Commission
Representative Graeson Lynskey v. The Lissau-Akuffo Campaign
FA21-001 1 Nov. 2021

Holding

2-0 for The Lissau-Akuffo Campaign

No points shall be assigned pursuant to this petition

Facts of the Petition

FA21-001 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Wednesday, October 27, 2021, by Representative Graeson Lynskey via the “Unofficial Election Notification Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting election irregularities. *SGACA* Tit. VI Ch. 5 § 31. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) determined that the form and content of the notification resembled an election complaint, and that the notification would more properly be considered as an election complaint. *Id.* The Commissioner determined that the Lissau-Akuffo Campaign was implicated in the complaint and informed the representatives of that campaign that the claim had been filed. The Lissau-Akuffo Campaign filed a response on October 29, 2021, less than 24 hours after they had been informed of the complaint.

The complaint alleges that the Lissau-Akuffo Campaign committed a Class A infraction by allowing employees of the University of Oklahoma (hereinafter “the University”) to campaign on their behalf while on duty. *Id.* Ch. 4 § 26(a)(ii). As evidence, the petitioner submitted a screenshot apparently taken from the Lissau-Akuffo Campaign Instagram account, apparently depicting an endorsement from one Ms. Mariah Brown, and including in the same image the text, “Tour Guide.” The petitioner alleges that including the employment title of Ms. Brown in the post constitutes campaigning while on duty as a University employee. The Lissau-Akuffo Campaign does not contest that the evidence provided is an accurate representation of their campaign Instagram account, nor do they contest that Ms. Brown was engaging in campaigning activities on their behalf.

Question Considered

- I. Does the inclusion of a title indicating a person campaigning on behalf of a candidate is an employee of the University constitute campaigning while on duty as an employee?

Short Answer

- I. No. Stating the fact of employment is substantially different from the on-duty campaigning contemplated in the Code.

Discussion

The Commission holds that the activities presented in the petition do not provide evidence that the respondents committed an infraction. While Ms. Brown is a University employee, and therefore should not engage in campaign activities while on duty in her role as a Tour Guide, stating that affiliation with the University while campaigning does not constitute on duty campaigning. The Code explicitly states that University employees may campaign while off duty, which would seem to indicate that the legislature believed it important to clarify that employees of the University should be able to participate in campaign activities, so long as they refrain from doing so while clocked-in as an employee of the University. *Id.* No evidence has been provided in this matter to suggest that Ms. Brown posted this endorsement while working as a Tour Guide, and the respondent indicates that she was not.

The respondents briefly discuss the question of the permanence of a social media post, and how that might be viewed by the Commission. While this question need not be answered in pursuit of deciding whether an infraction occurred in this case, the Commission posits that if a candidate were an employee of the University and posted materials on campus in a manner otherwise consistent with the Code, that candidate would not be required to remove those posters before each shift as an employee, despite the consideration that they would be continuously displayed while the candidate was on duty as an employee. While the act of putting up campaign materials certainly constitutes campaigning, the fact of that material's display does not.

The Commission finds no infraction has occurred in this matter and assesses no penalty points to any party.

It is so ordered.

SGA Election Commission
Representative Graeson Lynskey v. The Lissau-Akuffo Campaign
FA21-002 1 Nov. 2021

Holding

2-0 for The Lissau-Akuffo Campaign

No points shall be assigned pursuant to this petition

Facts of the Petition

FA21-002 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Wednesday, October 27, 2021, by Representative Graeson Lynskey via the “Unofficial Election Notification Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting election irregularities. *SGACA* Tit. VI Ch. 5 § 31. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) determined that the form and content of the notification resembled an election complaint, and that the notification would more properly be considered as an election complaint. *Id.* The Commissioner determined that the Lissau-Akuffo Campaign was implicated in the complaint and informed the representatives of that campaign that the claim had been filed. The Lissau-Akuffo Campaign filed a response on October 29, 2021, less than 24 hours after they had been informed of the complaint.

The complaint alleges that the Lissau-Akuffo Campaign committed a Class A infraction by allowing employees of the University of Oklahoma (hereinafter “the University”) to campaign on their behalf while on duty. *Id.* Ch. 4 § 26(a)(ii). As evidence, the petitioner submitted a screenshot apparently taken from the Lissau-Akuffo Campaign Instagram account, apparently depicting an endorsement from one Mr. Stockton McGinn, and including in the same image the text, “OU Tour Guide.” The petitioner alleges that including the employment title of Mr. McGinn in the post constitutes campaigning while on duty as a University Employee. The Lissau-Akuffo Campaign does not contest that the evidence provided is an accurate representation of their campaign Instagram account, nor do they contest that Mr. McGinn was engaging in campaigning activities on their behalf.

Question Considered

- I. Does the Commission’s holding in FA21-001 apply to this petition?

Short Answer

- I. Yes, the precedent set in FA21-001 is directly applicable to this petition.

Discussion

As the Commission has previously held, stating the fact of employment by the University does not constitute campaigning while on duty. *FA21-001*. This petition presents a nearly identical situation to the one heard in *FA21-001*. The Commission holds now, as it held then, that no infraction has occurred in this matter and assesses no penalty points to any party.

It is so ordered.

SGA Election Commission
Representative Graeson Lynskey v. The Lissau-Akuffo Campaign
FA21-003 1 Nov. 2021

Holding

2-0 for The Lissau-Akuffo Campaign

No points shall be assigned pursuant to this petition

Facts of the Petition

FA21-003 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Wednesday, October 27, 2021, by Representative Graeson Lynskey via the “Unofficial Election Notification Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting election irregularities. *SGACA* Tit. VI Ch. 5 § 31. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) determined that the form and content of the notification resembled an election complaint, and that the notification would more properly be considered as an election complaint. *Id.* The Commissioner determined that the Lissau-Akuffo Campaign was implicated in the complaint and informed the representatives of that campaign that the claim had been filed. The Lissau-Akuffo Campaign filed a response on October 29, 2021, less than 24 hours after they had been informed of the complaint.

The complaint alleges that the Lissau-Akuffo Campaign committed a Class A infraction by allowing employees of the University of Oklahoma (hereinafter “the University”) campaign on their behalf while on duty. *Id.* Ch. 4 § 26(a)(ii). As evidence, the petitioner submitted a screenshot apparently taken from the Lissau-Akuffo Campaign Instagram account, apparently depicting an endorsement from one Ms. Emily Auer, and including in the same image the text, “Tour Guide.” The petitioner alleges that including the employment title of Mr. McGinn in the post constitutes campaigning while on duty as a University Employee. The Lissau-Akuffo Campaign does not contest that the evidence provided is an accurate representation of their campaign Instagram account, nor do they contest that Ms. Auer was engaging in campaigning activities on their behalf.

Question Considered

- I. Does the Commission’s holding in FA21-001 apply to this petition?

Short Answer

- I. Yes, the precedent set in FA21-001 is directly applicable to this petition.

Discussion

As the Commission has previously held, stating the fact of employment by the University does not constitute campaigning while on duty. *FA21-001*. This petition presents a nearly identical situation to the one heard in *FA21-001*. The Commission holds now, as it held then, that no infraction has occurred in this matter and assesses no penalty points to any party.

It is so ordered.

SGA Election Commission
Representative Graeson Lynskey v. The Lissau-Akuffo Campaign
FA21-004 1 Nov. 2021

Holding

2-0 for The Lissau-Akuffo Campaign

No points shall be assigned pursuant to this petition

Facts of the Petition

FA21-004 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Wednesday, October 27, 2021, by Representative Graeson Lynskey via the “Unofficial Election Notification Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting election irregularities. *SGACA* Tit. VI Ch. 5 § 31. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) determined that the form and content of the notification resembled an election complaint, and that the notification would more properly be considered as an election complaint. *Id.* The Commissioner determined that the Lissau-Akuffo Campaign was implicated in the complaint and informed the representatives of that campaign that the claim had been filed. The Lissau-Akuffo Campaign filed a response on October 29, 2021, less than 24 hours after they had been informed of the complaint.

The complaint alleges that the Lissau-Akuffo campaign committed a Class A infraction by allowing employees of the University of Oklahoma (hereinafter “the University”) to campaign on their behalf while on duty. *Id.* Ch. 4 § 26(a)(ii). As evidence, the petitioner submitted a screenshot apparently taken from the Lissau-Akuffo Campaign Instagram account, apparently depicting an endorsement from one Ms. Bright Qiu, and including in the same image the text, “Campus Tour Guide.” The petitioner alleges that including the employment title of Mr. McGinn in the post constitutes campaigning while on duty as a University Employee. The Lissau-Akuffo Campaign does not contest that the evidence provided is an accurate representation of their campaign Instagram account, nor do they contest that Ms. Qiu was engaging in campaigning activities on their behalf.

Question Considered

- I. Does the Commission’s holding in FA21-001 apply to this petition?

Short Answer

- I. Yes, the precedent set in FA21-001 is directly applicable to this petition.

Discussion

As the Commission has previously held, stating the fact of employment by the University does not constitute campaigning while on duty. *FA21-001*. This petition presents a nearly identical situation to the one heard in *FA21-001*. The Commission holds now, as it held then, that no infraction has occurred in this matter and assesses no penalty points to any party.

It is so ordered.

SGA Election Commission
A Petition Filed by Representative Carson Poupore
FA21-005 1 Nov. 2021

Holding

2-0 that the petition was not filed in good faith
No points shall be assigned pursuant to this petition

Facts of the Petition

FA21-005 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Friday, October 29, 2021, by Representative Carson Poupore via the “Election Formal Petition Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting suspected campaign infractions. *SGACA* Tit. VI Ch. 5 § 28. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) was unable to identify an implicated party from the text of the petition.

The petition explains that certain campaign materials belonging to the Lissau-Akuffo Campaign were displaced, disfigured, and otherwise damaged. The petition includes images of stake signs which appeared scratched and defaced. The petitioner fails to identify an accused party in the filing.

Question Considered

- I. Was FA21-005 filed with the objective belief that the alleged misconduct violated a rule under the Code?

Short Answer

- I. No. The petitioner fails to identify a candidate or a candidate’s agent in the complaint, providing reasonable doubt that the party responsible for the damage to the signs is a candidate or a candidate’s agent.

Discussion

While the Commission is grateful to Representative Poupore for bringing this matter to our attention, it is impossible to determine from the evidence provide whether the signs were damaged and displaced by a campaign, a student unaffiliated with a campaign, or even environmental factors. The election rules outlined in the Code generally apply only to candidates and those campaigning on their behalf. Therefore, without knowing who allegedly damaged and displaced the signs, it is reasonable to believe that the alleged perpetrator is not subject to the rules of this body. We find that this petition was not filed with the objective belief that a rule was violated, and that it was therefore filed in bad faith. *Id.* Ch. III § 27.

It is so ordered.

SGA Election Commission
A Petition Filed by Representative Carson Poupore
FA21-006 1 Nov. 2021

Holding

2-0 that the petition was not filed in good faith
No points shall be assigned pursuant to this petition

Facts of the Petition

FA21-006 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Friday, October 29, 2021, by Representative Carson Poupore via the “Election Formal Petition Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting suspected campaign infractions. *SGACA* Tit. VI Ch. 5 § 28. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) was unable to identify an implicated party from the text of the petition.

The petition explains that certain campaign materials belonging to the Lissau-Akuffo Campaign were displaced, disfigured, and otherwise damaged. The petition includes images of stake signs which appeared scratched and defaced. The petitioner fails to identify an accused party in the filing.

Question Considered

- I. Was FA21-006 filed with the objective belief that the alleged misconduct violated a rule under the Code?

Short Answer

- I. No. The petitioner fails to identify a candidate or a candidate’s agent in the complaint, providing reasonable doubt that the party responsible for the damage to the signs is a candidate or a candidate’s agent.

Discussion

While the Commission is grateful to Representative Poupore for bringing this matter to our attention, it is impossible to determine from the evidence provide whether the signs were damaged and displaced by a campaign, a student unaffiliated with a campaign, or even environmental factors. The election rules outlined in the Code generally apply only to candidates and those campaigning on their behalf. Therefore, without knowing who allegedly damaged and displaced the signs, it is reasonable to believe that the alleged perpetrator is not subject to the rules of this body. We find that this petition was not filed with the objective belief that a rule was violated, and that it was therefore filed in bad faith. *Id.* Ch. III § 27.

It is so ordered.

SGA Election Commission
A Petition Filed by Representative Carson Poupore
FA21-007 1 Nov. 2021

Holding

2-0 that the petition was not filed in good faith
No points shall be assigned pursuant to this petition

Facts of the Petition

FA21-007 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Friday, October 29, 2021, by Representative Carson Poupore via the “Election Formal Petition Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting suspected campaign infractions. *SGACA* Tit. VI Ch. 5 § 28. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) was unable to identify an implicated party from the text of the petition.

The petition explains that certain campaign materials belonging to the Lissau-Akuffo Campaign were displaced, disfigured, and otherwise damaged. The petition includes images of stake signs which appeared scratched and defaced. The petitioner fails to identify an accused party in the filing.

Question Considered

- I. Was FA21-007 filed with the objective belief that the alleged misconduct violated a rule under the Code?

Short Answer

- I. No. The petitioner fails to identify a candidate or a candidate’s agent in the complaint, providing reasonable doubt that the party responsible for the damage to the signs is a candidate or a candidate’s agent.

Discussion

While the Commission is grateful to Representative Poupore for bringing this matter to our attention, it is impossible to determine from the evidence provide whether the signs were damaged and displaced by a campaign, a student unaffiliated with a campaign, or even environmental factors. The election rules outlined in the Code generally apply only to candidates and those campaigning on their behalf. Therefore, without knowing who allegedly damaged and displaced the signs, it is reasonable to believe that the alleged perpetrator is not subject to the rules of this body. We find that this petition was not filed with the objective belief that a rule was violated, and that it was therefore filed in bad faith. *Id.* Ch. III § 27.

It is so ordered.

SGA Election Commission
Representative Carson Poupore v. The Castellano + Hepburn Campaign
FA21-008 1 Nov. 2021

Holding

1-0 for The Castellano + Hepburn Campaign

No points shall be assigned pursuant to this petition

Mr. Murray abstained from this decision, and did not participate in discussion about to it

Facts of the Petition

FA21-008 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Friday, October 29, 2021, by Representative Carson Poupore via the “Election Formal Petition Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting suspected campaign infractions. *SGACA* Tit. VI Ch. 5 § 28. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) determined that the Castellano + Hepburn Campaign was implicated in the complaint and informed the representatives of that campaign that the claim had been filed. The Castellano + Hepburn Campaign filed a response on October 29, 2021, less than 24 hours after they had been informed of the complaint.

The complaint alleges that the Castellano + Hepburn Campaign committed a Class C infraction by failing to include the attribution statement required for campaign materials on a graphic of their campaign logo posted as the group logo for a GroupMe group (hereinafter “the Group Chat”) titled “Castellano Hepburn 4 SGA.” *Id.* Ch. 4 § 25(c)(i). As evidence, the petitioner provides a screen shot apparently taken of the Group Chat which features a graphic with the text, “Students First” and “Castellano + Hepburn for SGA.” The Castellano + Hepburn Campaign does not dispute that the logo appeared as it does in the screenshot, nor do they dispute that the attribution statement was not present.

Question Considered

- I. Does a logo for a GroupMe group constitute campaign material per the Code?

Short Answer

- I. No. The use context of the logo as depicted does not qualify as campaign material per the Code and is not subject to several of the rules governing campaign materials.

Discussion

The code states that all campaign materials must be accredited to the sponsoring candidate using the phrase “Approved by [said sponsoring candidate].” *Id.* While the Code does not provide a clear statutory definition of “campaign materials,” there are several contextual

considerations that must be made when determining whether something is in fact campaign material. “Campaigning” is defined explicitly in the code as “Working in an organized and active way to promote a candidate as a representative of or at the directive of that candidate.” *Id.* Ch. 1 § 1(c). The Code contemplates a situation where a candidate is “campaigning” but not using “campaign materials.” *See, e.g., SGACA* Tit. VI Ch. 4 § 21. In the same section, the Code states that “the Office of Student Affairs shall be notified of all SGA campaigning before any campaigning takes place via the Election Commissioner’s prescribed method. Failure to complete the campaign material registration form that is provided by the Elections [*sic.*] Commissioner will disallow candidates from all but oral campaigning and the Information on Candidates Booklet... Candidates may only use types of campaign material listed on their campaign material registration form.” *Id.* This would seem to establish that all campaigning besides oral campaigning and the *Information on Candidates Booklet* must be registered through the Campaign Material Registration Form (hereinafter “the Registration Form”), including any electronic documents, images, videos, or other correspondence used to promote a candidate. The Code also contemplates, however, that candidates may send electronic messages via “third-party group chats, social medias [*sic.*]” and other means. *Id.* § 25(c)(ii).

Given the volume of candidates, and their capacity to send messages in large quantities within the provisions of the Code, it cannot be reasonably assumed that the legislative intent of the Code is for the Commissioner to individually approve each instance of campaigning. An interpretation to this end would unduly hamper the ability of candidates to campaign effectively and responsively, inhibiting the fairness, equitability, and efficiency of the elections. *Id.* Ch. 1 § 3.

With this in mind, the definition of campaign materials must be limited somewhat to include only those materials which one could expect to encounter through their normal operations as OU Students, such as posters and chalk around campus. These campaign media exist in the spaces where students normally operate in the course of their education or work, and SGA Members are likely to encounter them without seeking them out. It makes sense, then, that the added context provided by an attribution statement would be important for SGA Members to discern who created the material and for what purpose.

The Group Chat in question had to be sought out by members; it did not exist in spaces where students normally operate in the course of their education or work. In order to view the logo in question, an SGA Member would have had to navigate to the Group Chat via a link which, to the knowledge of the Commission, was not distributed widely via any normal avenue of University operations (i.e., OU Email, OU ENGAGE, and other University maintained services). There is, then, a reasonable expectation that anyone navigating to this Group Chat knew that they were doing so in support of the Castellano + Hepburn Campaign. The commission holds that seeking out campaign messaging like that found in the petition constitutes soliciting messaging from that campaign, and that the logo in question then does not qualify as campaign material.

The Commission holds that failing to include the attribution statement in this case does not constitute an infraction, that no infraction has occurred in this matter, and assesses no penalty points to any party.

It is so ordered.

SGA Election Commission
Representative Carson Poupore v. The Castellano + Hepburn Campaign
FA21-010 1 Nov. 2021

Holding

1-0 for The Castellano + Hepburn Campaign

No points shall be assigned pursuant to this petition

Mr. Murray abstained from this decision, and did not participate in discussion about to it

Facts of the Petition

FA21-010 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Friday, October 29, 2021, by Representative Carson Poupore via the “Election Formal Petition Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting suspected campaign infractions. *SGACA* Tit. VI Ch. 5 § 28. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) determined that the Castellano + Hepburn Campaign was implicated in the complaint and informed the representatives of that campaign that the claim had been filed. The Castellano + Hepburn Campaign filed a response on October 29, 2021, less than 24 hours after they had been informed of the complaint.

The complaint alleges that the Castellano + Hepburn Campaign committed a Class C infraction by failing to include the attribution statement required for campaign materials on a graphic of their campaign logo posted as the profile picture for the Castellano + Hepburn Campaign Instagram account (hereinafter “the Account”). *Id.* Ch. 4 § 25(c)(i). As evidence, the petitioner provides a section of an image apparently captured from a screen displaying the Account which features a graphic with the text, “Students First” and “Castellano + Hepburn for SGA.” The Castellano + Hepburn Campaign does not dispute that the logo appeared without the attribution statement.

Questions Considered

- I. Does the Commission’s holding in FA21-008 apply to this petition?

Short Answer

- I. Yes, the precedent set in FA21-008 is directly applicable in this case.

Discussion

The Commission held previously that certain forms of campaigning do not constitute campaign materials, and therefore do not require the attribution statement. *FA21-008*. In that holding, the Commission considered whether the logo at issue at that time was displayed in such a way that an SGA Member could expect to encounter it in their normal operations as an OU

Student. The Commission found that the steps required to find the logo constitutes soliciting messaging from the campaign, and that the logo did not require the attribution statement. *Id.* The facts of this case are sufficiently similar that the precedent of that decision must apply.

The Commission holds that no infraction has occurred in this matter and assesses no penalty points to any party.

It is so ordered.

SGA Election Commission
Representative Graeson Lynskey v. The Lissau-Akuffo Campaign
FA21-011 1 Nov. 2021

Holding

2-0 for The Lissau-Akuffo Campaign

No points shall be assigned pursuant to this petition

Facts of the Petition

FA21-011 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on October 29, 2021, by Representative Graeson Lynskey via the “Unofficial Election Notification Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting election irregularities. *SGACA* Tit. VI Ch. 5 § 31. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) determined that the form and content of the notification resembled an election complaint, and that the notification would more properly be considered as an election complaint. *Id.* The Commissioner determined that the Lissau-Akuffo Campaign was implicated in the complaint and informed the representatives of that campaign that the claim had been filed. The Lissau-Akuffo Campaign failed to file complaint for 24 hours following the time they were notified.

The complaint alleges that the Lissau-Akuffo Campaign committed a Class C infraction by failing to include the attribution statement required for campaign materials on a graphic of their campaign logo posted on the landing page for the Lissau-Akuffo Campaign Linktree website (hereinafter “the Linktree”). *Id.* Ch. 4 § 25(c)(i). As evidence, the petitioner provides a screen shot apparently taken of the Linktree which features a graphic with the text, “Lissau Akuffo for SGA”. Directly below the graphic are the words “@lissauakuffo4sga”.

Questions Considered

- I. Does the Commission’s holding in FA21-008 apply to this petition?

Short Answer

- I. Yes, the precedent set in FA21-008 is directly applicable in this case.

Discussion

The Commission held previously that certain forms of campaigning do not constitute campaign materials, and therefore do not require the attribution statement. *FA21-008*. In that holding, the Commission considered whether the logo at issue at that time was displayed in such a way that an SGA Member could expect to encounter it in their normal operations as an OU Student. The Commission found that the steps required to find the logo constitutes soliciting

messaging from the campaign, and that the logo did not require the attribution statement. *Id.* The facts of this case are sufficiently similar that the precedent of that decision must apply.

The Commission holds that no infraction has occurred in this matter and assesses no penalty points to any party.

It is so ordered.

SGA Election Commission
Representative Carson Poupore v. The Castellano + Hepburn Campaign
FA21-012 1 Nov. 2021

Holding

1-0 for The Castellano + Hepburn Campaign

No points shall be assigned pursuant to this petition

Mr. Murray abstained from this decision, and did not participate in discussion about to it

Facts of the Petition

FA21-012 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on Friday, October 29, 2021, by Representative Carson Poupore via the “Election Formal Petition Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting suspected campaign infractions. *SGACA* Tit. VI Ch. 5 § 28. Upon review, the SGA Election Commissioner (hereinafter “the Commissioner”) determined that the Castellano + Hepburn Campaign was implicated in the complaint and informed the representatives of that campaign that the claim had been filed. The Castellano + Hepburn Campaign filed a response on October 29, 2021, less than 24 hours after they had been informed of the complaint.

The complaint alleges that the Castellano + Hepburn Campaign committed a Class C infraction by failing to include the attribution statement required for campaign materials on a graphic of their campaign logo posted on the landing page for the Castellano + Hepburn Campaign Linktree website (hereinafter “the Linktree”). *Id.* Ch. 4 § 25(c)(i). As evidence, the petitioner provides a screen shot apparently taken of the Linktree which features a graphic with the text, “Students First” and “Castellano + Hepburn for SGA.” Directly below the graphic are the words “Castellano + Hepburn for SGA” and “Approved by Castellano + Hepburn”. The petitioner states that the logo was changed to include the attribution statement at “about 5 p.m. on Friday, 10/29.” The Castellano + Hepburn Campaign does not dispute that the logo appeared on the Linktree without the attribution statement.

Questions Considered

- I. Does the Commission’s holding in FA21-008 apply to this petition?

Short Answer

- I. Yes, the precedent set in FA21-008 is directly applicable in this case.

Discussion

The Commission held previously that certain forms of campaigning do not constitute campaign materials, and therefore do not require the attribution statement. *FA21-008*. In that

holding, the Commission considered whether the logo at issue at that time was displayed in such a way that an SGA Member could expect to encounter it in their normal operations as an OU Student. The Commission found that the steps required to find the logo constitutes soliciting communication from the campaign, and that the logo did not require the attribution statement. *Id.* The facts of this case are sufficiently similar that the precedent of that decision must apply.

The Commission holds that no infraction has occurred in this matter and assesses no penalty points to any party.

It is so ordered.

SGA Election Commission
A Petition by the Election Commissioner Involving Campaign Finance Reports
FA21-016 7 Nov. 2021

Holding

2-0 in each case that all respondents committed an infraction

Points are assigned as follows:

- 1.0 point assigned to the following candidates/campaigns: Hadi Fawad, the Lissau-Akuffo Campaign, Jacob Toth, Weslie Griffin, Cole Cantu, Michael Stoyak, Alondra Perez.
- 1.5 points assigned to the following candidates: Trace Tuthill, Parker McGowan, Mahmoud A. M. Zaqout, Tamera Nealy, Daisy Barrett, Hayden Spigner, Linh Ngo, Clayton Chiariello.

Facts of the Petition

FA21-016 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on November 4, 2021, by the SGA Election Commissioner (hereinafter “the Commissioner”) via the “Election Formal Petition Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting suspected campaign infractions. *SGACA* Tit. VI Ch. 5 § 28. The petition states prior findings by the Commission that several candidates for office in the Fall 2021 SGA General Elections failed to file initial financial reports that were correct and complete in form, in violation of the Code. *Id.* Ch. 4 § 25(b)(vi). Quoting from the petition:

The following candidates provided the commission with initial campaign financial reports that were incomplete, incorrect, or both. These reports were due to the Commission by 5:00 PM on Monday, October 25, 2021.

Candidate Hadi Fawad submitted a campaign financial report that didn't specify the office being sought. The report was submitted on time.

The Lissau-Akuffo Campaign submitted a campaign financial report which is believed to omit the the [sic.] donated cost of headshots and other photographs taken for campaign materials. The report was submitted on-time.

Candidate Jacob Toth submitted a financial report which is believed to be incorrect, listing materials that were not used for campaigning purposes such as an excess quantity of ink, paper, and other materials, and potentially providing the wrong vendor for these supplies. The report was submitted on time.

Candidate Weslie Griffin submitted an initial campaign financial report on Wednesday, October 27, 2021, at 4:43 PM

Candidate Cole Cantu submitted an initial campaign financial report on Monday, October 25, 2021, at 5:28 PM

Candidate Michael Stoyak submitted an initial campaign financial report on Monday, October 25, 2021, at 5:50 PM

Candidate Alondra Perez submitted an initial campaign financial report on Tuesday, October 26, at 2:57 PM

Candidate Trace Tuthill failed to submit an initial campaign financial report.

Candidate Parker McGowan failed to submit an initial campaign financial report.

Candidate Mahmoud A.M. Zaqout failed to submit an initial campaign financial report

Candidate Tamera Nealy failed to submit an initial campaign financial report.

Candidate Daisy Barrett failed to submit an initial campaign financial report.

Candidate Hayden Spigner failed to submit an initial campaign financial report.

Candidate Linh Ngo failed to submit an initial campaign financial report.

Candidate Clayton Chiariello failed to submit an initial campaign financial report.

Upon review, each of these candidates was named as a Respondent to this petition and informed that they had 24-hours to file a response or request an oral hearing. After 24-hours, no candidate had requested a hearing, and only two responses were filed, both of which stated in their entirety: "I do not contest this petition." The Commission considered the petition as a unit.

Questions Considered

- I. Were the implicated candidates campaign financial reports incorrect or incomplete by the deadline?
- II. Shall penalty points be assessed, and if so, how many?

Short Answers

- I. Yes, none of the implicated parties had a financial report on file that was correct and complete by the deadline
- II. Per the code, points shall be assessed in the value range of 1.0 to 2.0, with consideration given to negligence and severity

Discussion

In reviewing the financial reports, the Commission found unanimously in each case that the alleged infractions occurred. There are essentially three categories of infraction as the Commission considered the matter: Incomplete or incorrect reports which were filed on time, complete and correct reports that were filed late, and reports that were not filed. The commission

decided to assign 1.0 point to the two former categories and 1.5 points to the latter as an indication of the severity of the infraction. Failing to submit a report, having been provided ample reminder and opportunity to request assistance both through OU Email and at the Mandatory Candidates Meetings, constitutes a degree of negligence and is deserving of more points.

It is so ordered.

SGA Election Commission
A Petition by the Election Commissioner Involving Campaign Finance Reports
FA21-018 7 Nov. 2021

Holding

2-0 in each case that all respondents committed an infraction

Points are assigned as follows:

1.5 points to Christian Binger

2.0 points to the following candidates: Clayton Chiariello, Daisy Barrett, Hayden Spigner, Jacob Toth, Linh Ngo, Parker McGowan, Trace Tuthill.

Facts of the Petition

FA21-018 was submitted to the Student Government Association (hereinafter “SGA”) Election Commission (“the Commission”) on November 5, 2021, by the SGA Election Commissioner (hereinafter “the Commissioner”) via the “Election Formal Petition Form Fall 2021.” This form was established in accordance with the SGA Code Annotated (hereinafter “the Code”) to provide SGA members an electronic form for reporting suspected campaign infractions. *SGACA* Tit. VI Ch. 5 § 28. The petition states prior findings by the Commission that several candidates for office in the Fall 2021 SGA General Elections failed to file final financial reports, in violation of the Code. *Id.* Ch. 4 § 25(b)(vi). Quoting from the petition:

The following candidates failed to provide the Election Commission with a final campaign finance report by the deadline of 5:00 PM on Thursday, November 4, 2021: Christian Binger, Clayton Chiariello, Daisy Barrett, Hayden Spigner, Jacob Toth, Linh Ngo, Parker McGowan, Trace Tuthill.

Upon review, each of these candidates was named as a Respondent to this petition and informed that they had 24-hours to file a response or request an oral hearing. After 24-hours, no candidate had requested a hearing, and no responses were filed. The Commission considered the petition as a unit.

Questions Considered

- I. Were the implicated candidates campaign financial reports incorrect or incomplete by the deadline?
- II. Shall penalty points be assessed, and if so, how many?

Short Answers

- I. Yes, none of the implicated parties had a financial report on file that was correct and complete by the deadline
- II. Per the code, points shall be assessed in the value range of 1.0 to 2.0, with consideration given to prior violations

Discussion

In reviewing the financial reports, the Commission found unanimously in each case that the alleged infractions occurred. The Commission has previously held that candidates failing to submit a financial report for the first time shall be assigned 1.5 points. *FA21-016*. This standard applies here, so Candidate Binger shall 1.5 points. All other respondents were previously found to have committed the same infraction, and shall be assigned 2.0 points as a result.

It is so ordered.