

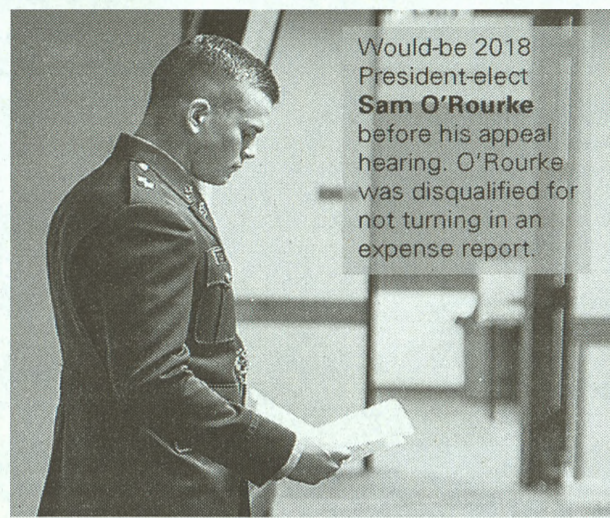
# J-Court denies 2018 president's appeal

By Lindsey Gawlik

▷ The Judicial Court of the Texas A&M Student Government Association ruled Wednesday afternoon to uphold the disqualification of Class of 2018 presidential candidate Samuel O'Rourke.

O'Rourke, a history freshman, will not serve as the Class of 2018 president, despite acquiring 78 percent of the vote. O'Rourke filed an appeal this weekend after learning he had been disqualified from running for not filing an expense report, despite spending no money on his campaign.

Election rules require students to file an expense report or a null-expenditure statement.



Would-be 2018 President-elect Sam O'Rourke before his appeal hearing. O'Rourke was disqualified for not turning in an expense report.

"All candidates must submit a finance report and all receipts from campaigning on the first day of voting by

5:00 pm," according to the case summary read. "Candidates failing to comply shall be disqualified the first day

of voting at 5:00 p.m."

O'Rourke said he disagrees with the ruling and felt he had a compelling argument.

"I even gave an alternative to disqualification — I referred to Article 4 Section C, which lists a withheld finance report, which was the reason Ms. Douglas gave for disqualifying me, as a major offense, which, according to the regulations, can result in one of two 'unreasonable' penalties," O'Rourke said. "A fine of up to 15 percent of the candidate's total allotted budget — \$60 in my case — or disqualification."

O'Rourke said he hopes SGA better clarifies this rule and others in the future.

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# Student Senate rejects 'Fee Neutrality Bill'

By Nikita Redkar

▷ The Student Senate docket Wednesday included the Fee Neutrality Bill, which proposes the student body president election endorsement by *The Battalion* editorial board was an inappropriate use of student fees and advocates the outlet's fee allocation should be stripped.

Before it could reach committee, a vote was passed to postpone indefinitely the bill.

Academic Affairs Chair David Sonka said no student fees should go to a news source that endorses a candidate. "Student fees were used to bolster the campaign of one candidate in particular, and a student-funded news source should not be taking sides," Sonka said. "We shouldn't have our vote of dollars taken from us."

Rule and Regulations Chair Aaron

Mitchell said he agreed *The Battalion* should not endorse candidates, but said the campus needs a student newspaper and proposed speaking with *The Battalion* staff instead.

"A daily paper exists to report daily news and to give students journalism experience," Mitchell said. "We need Aggie journalists. There are t-sips out there running the world of journalism. It's rude to ask to defund somebody's organization."

Senator Joseph Hood said defunding *The Battalion* would set a dangerous precedent of defunding other student organizations that endorse a candidate.

"Many other organizations that endorse candidates do receive student fees in one way or the other," Hood said. "If this bill passes, it sends a message to the rest of the student body."

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Academic Affairs Chair David Sonka debates a bill Wednesday that advocated against *The Battalion's* student fee allotment.

## YELL LEADERS CONTINUED

Student Senate rules and regulations chair Aaron Mitchell on behalf of Senior Yell Leader-elect Steven Lanz, argued Lanz deserved proper representation in the Judicial Court.

Election regulations say a winning candidate — if the outcome of the appeal would strip their position — should be named a defendant. Because Lanier's appeal failed to name Lanz, the counter appeal argued it should be dismissed.

Tyler Boykin, general engineering sophomore and judicial advocate for Lanier, said there is no way to know if Lanz's spot would change.

The court will answer two questions. First, whether the appeal was improperly filed and should be thrown out. Second, whether a recount is merited.

Emma Douglas, SGA election commissioner and a defendant in the initial appeal, said IT limitations would require a manual recount of the 11,000-plus ballots cast.

"IT has said multiple times that it's impossible to do on the computers so we'll have to do it manually," Douglas said. "So to follow this rule we'd have to do it manually and the recount would have a large margin of error, and huge liabilities with interpretation issues. It's not 100 percent verifiable, it's not secure, there's no way in ensuring that it's 100 percent accurate."

Boykin said the IT department would, in fact, be able to count the three votes on each ballot, based on a conversation he and Lanier had with the department Tuesday.

"They specifically told us they do have all the second place votes, they do have all the third place votes, they have all the fourth place, fifth place," Boykin said. "In every single category they have the raw data — they have it compiled and it's absolutely untrue that they wouldn't be able to count that up."

Lanz said he does not want to win on an inaccurate case, and he only wants to make sure he was properly represented in the court.

"I filed the appeal because I wanted to have a voice — I wanted to make sure that I wasn't going to have a case against me that wasn't going to allow me to have a voice to speak on my behalf," Lanz said. "I understand and I recognize that the votes were the way they were, or weren't tallied the way they were supposed to be tallied, as in they were just first place votes."

Lanier said the student body is misrepresented and expects this mistake to be made right.

"If we were to decide to dismiss this one, and then just try to fix future races and leave this one be, I think then we are dismissing 66 percent of the student body's voice," Lanier said.

A decision will be made within 48 hours.

## SBP CONTINUED

the Texas A&M Student Government Association Election Regulations.

The defense's pre-trial stance largely centered on two arguments — that the appeal is inherently flawed by lumping Benigno's and Douglas' allegations into one appeal, and that A&M's Judicial Court has no jurisdiction to rule on traffic violations without a previous ruling by a Texas court of law.

"Emma and I have been improperly lumped together," Benigno said. "The case as it stands would not be due process. To vote to move on with this case is a vote against due process."

The defense argued that two separate trials should be held to determine individual guilt before grouping the two together.

Russo argued on Murtha's behalf that the court must hear the case to establish consistency and legitimacy within SGA, referencing previous fines levied against former student body president candidate Isaiah Tsau.

Tsau was fined \$200 and \$300, respectively, by the election commission for two instances of campaigning in off-limit areas.

"The issue is if the same standards were applied in a previous case adjudicated by the election commission, if the election commission were to be consistent, that would place the defendant over budget," Russo said. "That is why we filed a complaint against both parties."

Russo also referenced J-Court appeal regulations, which state the plaintiff may be required to name any or all defendants in the case.

To further challenge the case's procedural workings, Benigno's defense argued the court does not have original jurisdiction over the case on the grounds that any state or local convictions were never handed down in a state court of law.

Citing Article V of the Texas Constitution, the defense stated that, for misdemeanor cases punishable by fine only, original jurisdiction lies with the Justice of the Peace Court, leaving SGA fundamentally incapable of determining guilt.

To rebut this claim, the plaintiff's counsel argued a conviction is not necessary to show a violation of the rules, citing photographic evidence of Benigno actively campaigning in off-limits areas.

"Ignoring state penal code, this still has to be heard for the same reasons the O'Rourke case was heard," economics senior Clayton Cromer said on Murtha's behalf. "They broke the rules that say you can't hold campaign materials off campus."

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