ASMSU Judicial Council Meeting
March 20, 2017

Meeting convened at 5:16pm.

People in attendance:
Elections Director John Manley, Justice Lauren Myers, Chief Justice Justin Johnson, Justice Hannah Good, Dean of Students Dr. Matthew Caires

General Comments:
The ASMSU Judicial Council webpage is up to date. The rulings section and meeting minutes are up on the website. Backlog rulings are being taken care of.

Motion to suspend all regular business. No discussion.
Vote: 3-0

2017JC-003:
Complaints against Roberts campaign. SEE FORMAL COMPLAINTS APPENDED TO THIS DOCUMENT.

Summaries:
1) Complaint made on March 8, 2017. The presidential candidate was holding a meeting prior to election season. According to election policy, this gives the candidate unfair advantage.

2) Complaint made on March 8, 2017. Email sent to John Manley, Elections Director of the message sent from Amber announcing the meeting.

3) Complaint made on March 9, 2017. The presidential and vice presidential candidates held a meeting and provided pizza, using the meeting for campaigning purposes. Article 2 Section 1 Subsection S was referenced and the meeting was a rally type event before the approved date of campaigning. Meeting students one on one is different, while a public meeting is another thing. Text message invitation from Amber included in the complaint.

4) Confirmation of Kappa Sigma meeting booked by Brady on March 6 through SUB Booking Office. Information available.
5) Affidavit by ASMSU Senator Kade Falls Down regarding plates that were given to Brady for ASMSU purposes. When Senator Brad Jones asked about it, explaining that ASMSU materials were not to be used for campaigning purposes, Kade retrieved the plates back.

Referencing these documents, ASMSU Bylaws (Article 2 Section 1 Subsection C), ASMSU Constitution

Public Comment:

Michael Hollinger, ASMSU Senator representing College of Letters and Science: I was at the meeting and also received the text message that was read previously. I came and they were discussing and talking with senators about running. We came in and there was pizza and senators around the table with the opportunity for questions. I wasn’t sure when campaigning was supposed to begin, but campaigning wasn’t supposed to start until I think today. As we continued going on, people stated what college they were running for. There was a document on the screen. I don’t remember exactly what was up. I can’t remember exactly what they said, but Brady and Amber, I think did mention that they were running, and why, and what things they were running for. I don’t want to elaborate because my memory is hazy. I have two things to say about the meeting, one positive thing. I like that a group of students is getting together to discuss things going on at the University. However, the potential downside is that in relation to the campaign, I see that as a way to get people’s faces out. Brady and Amber are well known, and I don’t think that was the intention. They were also showing where to find bylaws.

Justice Good: If you feel comfortable, can you describe to me what degree to which the meeting was public? Was this an exclusive invite only activity?

Senator Hollinger: It definitely wasn’t an exclusive invite only activity. I don’t think if someone came that they would be turned away.

Justice Myers: What were they trying to direct you to do regarding the bylaws?

Senator Hollinger: They were just directing where to find the bylaws.

Justice Myers: Were you offered, if you were running as a senator, any exchanges?

Senator Hollinger: Not the time I was there.

Justice Myers: Were you there the whole time?

Senator Hollinger: I was there in and out at the beginning but then for the rest of the time.

Chief Justice Johnson: How many people attended the meeting, to the best of your knowledge?

Senator Hollinger: Counting myself, maybe seven or eight.

Justice Myers: Of those, how many were senators or those running?
Senator Hollinger: I was the only senator there.

Justice Myers: Was there a discussion as to which group you belonged to outside of Senate?

Senator Hollinger: I don’t remember. I don’t believe that was asked. We were talking about what college we were from. It was people’s own decision.

Jesse Bair, ASMSU Senator Candidate representing the College of Education: I did attend the meeting and I can attest that everything discussed was relating to public issues such as the turf bills, the alcohol issues—the sunset clause—in regards to the anniversary. Overall, as someone who is new to ASMSU, it was helpful to get the information. However, after thinking about it and talking with Amber it was very clear that her intentions were definitely to rally together. I was actually approached in the SUB to help with the campaign. Like Senator Hollinger said, it was invite only.

Justice Myers: This conversation you had with Ms. Roberts, was this the same as when she invited you to the meeting?

Jesse Bair: I never received the mass text, I was also asked if I was running for the campaign. She mentioned the running points.

Justice Myers: If I were to approach you in the SUB, and you had already received my text message at the time she as telling you about the running points, did she invite you during that same time period?

Jesse Bair: Yes, I received another text message later on.

Justice Myers: When you guys were talking about issues, did they offer their own opinion first or were they asking of other people’s first?

Jesse Bair: Everything they said was strictly informative.

Justice Myers: Did they offer a position?

Elections Director Manley: You said they mentioned something about other candidates, can you specify on that, please?

Jesse Bair: I think we can understand that she did reach out to a number of individuals well before the meeting began.

Justice Myers: About?

Jesse Bair: Whether or not they would support.

Justice Myers: Are you aware of any other presidential or vice presidential candidates being invited to this meeting?
Jesse Bair: To my knowledge, I was not aware.

Chief Justice Johnson: Please note that other presidential candidates were invited, information was confirmed by other elections complaints.

Justice Good: The conversation was between you and Amber exclusively?

Jesse Bair: Yes. She called me over.

Justice Good: When you attended the meeting, was your impression the same? At the actual public meeting, was that same intention blatantly evident to everyone that was present?

Jesse Bair: I will say that when Senator Kade Falls Down and Senator Michael Hollinger were present, it was.

Justice Myers: To clarify, after they left the meeting, the intentions became clear or your interactions with Amber became clear?

Jesse Bair: Beforehand, it was clear she wanted my support. During the meeting, it was strictly informative.

Chief Justice Johnson: Are you aware of any other campaign activities prior to this meeting? What was on the agenda rather, any other campaign activities?

Jesse Bair: No.

Chief Justice Johnson: Was there an official agenda for this meeting?

Jesse Bair: The agenda was basically going down from the anniversary, the sunset clause, and we just went down the document.

Justice Myers: Were you there at the very beginning of the meeting?

Jesse Bair: I was there at the very beginning.

Justice Myers: Was there a purpose stated?

Jesse Bair: To my knowledge, no. I would argue that those happened well before the meeting started.

Candidate Brady: I would like to state that Ms. Roberts is in D.C. working on legislation for the agriculture department. Senator Hollinger and Jesse, thank you for coming up here. Can I give a direct response to their comment?

Chief Justice Johnson: You are free to public comment as you see fit.

Candidate Brady: I apologize for the name of the meeting. If I knew what I know now I would have named it differently. Amber and I were approached and we thought we would send them all
down and we would talk to them about current issues. Senator Kade Falls Down, I apologize about the plates, I wasn’t aware of that. The sole purpose of this meeting was to inform individuals on what is going on. The majority of those in attendance were those thinking about running. There were 12 people total including us, just to get the numbers straight. I would like to validate that there was no prospective present regarding clubs involved with. It was invite only, we sent text messages, didn’t make a Facebook event or print out flyers. Yes we supplied pizza, that is accurate. In response to the accusations, there was no rallying of support. It was open to the public, I know that was a hot topic. Thanks.

Justice Good: At what point were you made aware you might have violated some of the elections directions?

Candidate Brady: The first thing we heard about was when Kade came down and told us about the plates and we realized that it could be misconstrued. It was literally just to talk about issues.

Justice Myers: Were you provided a copy of the bylaws.

Candidate Brady: Amber and I went through them. Nothing about our meeting was in direct violation of anything. We do know now that there was a gray zone we were in. Which is why we are here, to decide what is gray and what is black and white.

Justice Myers: What would you have titled it now, based on it was an informative meeting?

Candidate Brady: Probably just an informative meeting?

Justice Myers: Why was Michael Hollinger invited if it was for people running?

Candidate Brady: It wasn’t just for people planning on running. There were some people who just know Amber and I and they just want to know what is going on at Senate. Just so we can bring everyone on the same page. Michael Hollinger came in with Kade early on and I asked him to stay because he was a Senator and we could get his perspective on it.

Justice Myers: Are you aware that ignorance is no defense?

Candidate Brady: Yes. The purpose was to inform people. There was no bias on our part. We just wanted to let people know the timeline of these issues.

Justice Myers: Are you aware that the Senate meetings are available?

Candidate Brady: Yes, but not everyone does.

Chief Justice Johnson: Why did you think you needed to do this instead of referring to senators?

Candidate Brady: To make it more personal. These were friends of Ambers and I that wanted to hear from us.
Justice Myers: We do have avenues that constituents are supposed to reach out to their senators. Were you going around this because you felt it was more personal or were you advocating another way?

Candidate Brady: Not an alternative away, just a more personal one.

Justice Good: To you knowledge, did you or Amber state your position on any bills?

Candidate Brady: No.

Justice Myers: Do you have a copy of the presentation?

Candidate Brady: No.

Justice Myers: Where did you get your information?

Candidate Brady: Senate. Amber and I had been attending meetings.

Chief Justice Johnson: Has that document been edited since?

Candidate Brady: Not to my knowledge.

Justice Myers: If you were in my position, what would you do?

Candidate Brady: I would refer to my other justices.

Chief Justice Johnson: I would like to yield the floor to Senator Hollinger.

Senator Hollinger: First thing, I don’t know if Brady is aware or not but I did receive a text from Amber inviting me to the meeting. I have the text on my phone showing that. Regarding a question and comment regarding edits to the document used. Brady says he has not made edits to it, my question is, is he speaking just on his part or on behalf of both candidates? Was everyone invited allowed to make edits? If that’s the case, we would want to know if everyone is invited to edit? Thank you.

Justice Myers: You said it was a personal meeting, but why did you not open it up to the public?

Candidate Brady: We didn’t think everyone would be interested. That document if it is still around, I’m sure it has been tweaked or edited.

Justice Myers: Were you aware that he was sent a text message?

Candidate Brady: I wasn’t.

Chief Justice Johnson: Do you feel that there should be sanctions imposed for the use of those materials independent to candidacy?

Candidate Brady: After speaking with Kade Falls Down, I can see how the materials used can be used for candidacy.

Justice Good: Direct question for Kade Falls Down. Were those plates labeled with anything related to ASMSU?

Senator Falls Down: No, there was not.
Chief Justice Johnson: Do you think you have gained an unfair advantage for exposure because of this meeting?

Candidate Brady: No, I do not.

Jesse Bair: In my further confiding with Amber, I want to release that she was the main driver of the idea, as well as she confided in me that there was at least a little strategy involved with who was invited.

Chief Justice Johnson: Is there a motion to move into executive session.

Justice Good: I move to make it so.

Justice Myers: I second

Chief Justice Johnson: Discussion?

Vote- 3-0 in favor

Chief Justice Johnson: We are now in executive session. Thank you.
March 10, 2017

FOR PUBLIC RELEASE

Submission for Judicial Council Review

2017-JC-003:

- **Topic** - Elections
  - Complaint filed against Bollum/Roberts Campaign

- **NOTE**
  - In pursuant of the regulations set forth by Article III of the ASMSU Elections Policy, the Judicial Council shall investigate submitted elections disputes.
  - All formal rulings resulting from 2017-JC-003 will be made accessible on the ASMSU Judicial Council webpage.
  - The information in this document will be made public through the meeting minutes in which the disputes are discussed (all executive session debate will not be recorded). Personal contact information, and names of complaints who wish to remain anonymous, will be excluded for privacy.

Referenced Documents:

The following documents listed are being referenced in an elections complaint. The Judicial Council will review these, and other portions of the governing documents, to make an informed decision and impose sanctions if necessary.

- **ASMSU By-law Reference** - Article 7, Section 7, Subsection B-C
- **ASMSU Election Policy Reference** - Article II, Section 1, Sub-section C;
  Article II, Section 2, Sub-section A
- **ASMSU Constitution Reference** - Section 23

Governed Documents Information:

- All By-law references are made using the latest, updated version from 6 March 2017
- All Constitution references are made using the version passed Fall semester 2015
- All Elections Policy references are made using the policies posted on ASMSU webpage.
Submission Specifics:

- Documented Complaints:
  - Submitted March 8, 2017 at 3:42 pm
  - Complaint filed using online submission; anonymous.

**Formstack Submission for form Elections Dispute**

*Submitted at 03/08/17 3:42 PM*

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<tr>
<td>Phone Number:</td>
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<tr>
<td>Name of candidate(s) involved:</td>
<td>Brady Bollum and others (VP candidate and several running senators)</td>
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<td>Please briefly explain your dispute:</td>
<td>The presidential candidate is holding a campaign meeting with other potential senate candidates prior to the campaign season to rally &quot;support&quot;. This meeting violates several rules in both the bylaw and election policy. According to the election policy is a severe violation as it gives &quot;the candidate a considerable, unfair advantage&quot; and is beginning campaigning prior to &quot;the time set on the elections calendar as the start of official campaigning.&quot;</td>
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<td>Which section in the governing documents supports your dispute (i.e. Constitution, bylaws, election policy, etc.):</td>
<td>The elections policy and bylaws are directly involved by this activity</td>
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• Submitted March 8, 2017 at 9:11pm -
  o Complaint filed by emailing elections director, by [redacted] (prefers anonymity)

From: [redacted]
Sent: Wednesday, March 8, 2017 9:11 PM
To: ASMSU Elections
Subject: Campaign Meeting Legality

Hi John,

I'm [redacted] and I'm planning on running for the ASMSU Senate. You'll have my application on file tomorrow. I've been contacted by the Bollum-Roberts campaign regarding a meeting for senatorial candidates and potential affiliation with their campaign. I am questioning the legality of this meet-up and while I'm not interested in participating with them, I think it's worth contacting you over.

Here's the message I was sent:

"Brady and I are planning on meeting with the senators that are running and that we are supporting tomorrow at 8pm in SUB 326 [236] there will be pizza provided, we hope to see you there lol"

What are your thoughts? It's not entirely clear to me how that would play out with the "no campaigning until the 20th" rule.

Thank you,

• Submitted March 9, 2017 at 12:59pm
  o Complaint filed using online submission, by [redacted] (prefers anonymity)

Formstack Submission for form Elections Dispute
Submitted at 03/09/17 12:59 PM

Name: [redacted]
I wish to remain anonymous: Yes
Email: [redacted]
Phone Number: [redacted]
Name of candidate(s) involved: Amber Roberts and Brady Bollum
Please briefly explain your dispute: At 8:00pm, on Wednesday, March 8th, Presidential and Vice Presidential candidates Amber Roberts and Brady Bollum hosted a campaign gathering in SUB room 236 and invited multiple students who are planning running for senate. They provided pizza for these potential candidates and used the meeting as an opportunity to ask these potential candidates and to campaign for them and in exchange they would campaign for the candidates. I feel this is in direct violation of Article II, Section I, Subpoint C of the Elections Policy because they are publicly campaigning and soliciting these potential candidates and eligible voters in a "rally" type event before the approved date to begin campaigning. This event is a public display of their intent to run and allows them to influence potential voters and current students before the official elections meeting. I believe that meeting students one-on-one to gather support is one thing but hosting a large gathering publicly is another.
Which section in Election Policy, Article II, Section 1, Subpoint C
complaint (cont.)

Attached Documentation:

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Tuesday 2:25 PM

Brady and I are planning on meeting with the senators that are running and that we are supporting tomorrow at 8pm in SUB 326 there will be pizza provided, we hoping to see you there:)

My mistake: SUB 236

Room rental conformation between SUB and representative of Bollum/Roberts campaign:

Kappa Sigma Fraternity; Campaign Meeting (26998)

Wednesday, March 08, 2017

Version: 3/10/2017 2:56:28PM

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<td>Ordered Attendance: 12</td>
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<td>Phone</td>
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<td>Event Coordinator(s)</td>
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<td>Coordinator 1:</td>
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<td>Mindy Grobe</td>
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AFFIDAVIT OF SUPPORT

Montana State University

State of Montana

Comes now, Kade Louis Falls Down, and states as follows,

1. I am at least 18 years of age and currently reside in the state of Montana and attend Montana State University as a full time student.
2. On Wednesday, March 8, 2017, I was in the ASMSU offices working on homework when Brady Bollum entered the offices and asked to borrow some plates from ASMSU. I said yes and handed him some plates that were on the same table where I was working.
3. Approximately fifteen (15) minutes later, ASMSU Senate Speaker Bradley Jones entered the offices and asked me if I knew anything about a meeting happening. I replied I did and told him that I gave them plates. He informed me that ASMSU is not allowed to do that as the meeting was possibly a campaign rally.
4. I was told to retrieve the plates and inquire about the meeting. The attendees willingly gave back the plates and informed me that they were students running for ASMSU office who wanted to meet with other possible candidates to discuss issues that MSU is currently facing.
5. I did tell them that there had been complaints from various individuals about the meeting.

I declare that, to the best of my knowledge and belief, the information herein is true, correct, and complete.

Executed 18th day of March 2017.

Name (Printed): Kade Louis Falls Down

Signature: