

FALL TERM, 2020



JUDICIAL COURT OF TEXAS A&M

Syllabus

JOSHLYN JAVIER *v.* ELECTION COMMISSIONER MAXWELL

CERTIORARI TO THE STUDENT GOVERNMENT ASSOCIATION
ELECTION COMMISSION

No. 73-03. Argued October 22, 2020 — Decided October 24, 2020

Joshlyn Javier (“appellant”), a candidate for Senator for Off-Campus Residences, filed a petition for Writ of Certiorari asking for the reversal of her disqualification. Election Commissioner (“EC”) Maxwell disqualified the appellant for failing to submit her expense report to the appropriate email address. The Court must determine the validity of the EC’s application of the election regulations under the Student Government Association Code (“S.G.A.C.”), and decide whether to uphold or overturn the appellant’s disqualification. The main statutes concerning this case include V S.G.A.C. §601.3(6) (c), V S.G.A.C. §601.4(1) (d)(4), and V S.G.A.C. §601.3(6) (f).

MCINTOSH, C.J., and CHENG, J., delivered the opinion of the Court, in which SCHROEDER, JOHNSON, BERGER, and CASTILLEJA, JJ., joined.

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As designated in V S.G.A.C. §601.3(6) (c), “The Election Commissioner shall announce the days and times that finance reports and receipts are due, and the location(s) at which they must be deposited”. Due to the ongoing pandemic this semester, the EC made the decision to require expense reports be emailed to the official Election Commissioner email, tamuelection@gmail.com. This email was communicated to be the channel that finance forms were to be submitted to at the Mandatory Candidates meeting as well as subsequent emails reminding candidates when finance reports were due.

Per V S.G.A.C. §601.4(1) (d)(4), expense reports for candidates are “to be submitted on the Wednesday during the week of voting by 5:00 p.m”, which would have been September 30th for the fall election. On September 30th at 2:01 pm, the appellant submitted her expense report to the EC’s personal email address, not to tamuelection@gmail.com. The appellant experienced confusion when filling out the receipt field and ultimately sent it to the wrong email address. The appellant stated that her confusion stemmed from the fact that the original email announcing that filing for the Fall Student Body Elections was open had been delivered from the EC’s personal email address through the tamu-opt-students bulk email distribution system.

The appellant emailed the EC’s personal email again on September 30th at 4:20 pm asking for confirmation that her expense report had been received. Neither of her emails received a response.

While the Court recognizes how confusion could arise from the bulk mail distribution, the six Justices present unanimously decided that the EC had properly designated the destination that finance reports were to be sent to and that the S.G.A.C. delegates the power to the EC to select the destination. After the bulk email, the EC’s personal email was not used for any matters concerning student body elections. Further, the EC had no other way to disseminate the original email to the entire student body other than using the TAMU bulk email distribution system which requires a “.tamu” domain

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email address. Because of this, it is not uncommon for student leaders to solicit interest in their organization using their personal school email address while using another email address as their form of official communication.

Furthermore, we found that the EC had properly communicated with candidates when they followed the proper channels, i.e. the tamuelection@gmail.com email. While the EC could have redirected the appellant to the proper email address, the Court determined that the EC was not required to do so by law. As stated by V S.G.A.C. §601.3(6) (f), “all candidates are responsible for all information covered at the Mandatory Candidates’ Meeting without exception”. It is the responsibility of the candidates to make sure that they adhere to the election regulations; this burden does not fall on the EC after they have properly communicated all relevant information.

* * *

It is understandable that a layperson may find the EC’s lack of response from her personal email undesirable, but once again, the Court cannot make rulings based on subjective viewpoints. The law asks the EC to specify the proper locations for the delivery of the required documents, which she did — on multiple occasions. We cannot impose upon the EC what the law does not ask her to do. As Neil Gorsuch, Associate Justice of the Supreme Court of the United States, said — “A judge who likes every outcome he reaches is very likely a bad judge... stretching for results he prefers rather than those the law demands.” Any person could easily empathize with Ms. Javier’s situation, but as members of the judiciary who serve the law, we cannot make rulings based on mere feelings in the gut.

The Court finds the EC’s decision to be valid based on the statutes present in the S.G.A.C., and the appellant’s request for the reversal of her disqualification is denied.

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SIGNATURES OF THE JUSTICES

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Karissa McIntosh, Chief Justice



Yung-Ju "Daniel" Cheng, Associate Justice



Evan Berger, Associate Justice



Kyle Schroeder, Associate Justice



Cameron Castilleja, Associate Justice



Lexie Johnson, Associate Justice

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Point of Notice

CHENG, J., brings about a point of notice, in which MCINTOSH, C.J., JOHNSON, and SCHROEDER, JJ., joined.

There is no denial that this has truly been an unprecedented year in our lifetime. In the midst of a global pandemic, people around the world worked hard to cling on to some sense of normalcy they had prior to the COVID-19 outbreak. The Student Government Association (SGA) of Texas A&M is no different, as all three branches have adapted to meet virtually and safely. Despite all of the inconveniences posed by this pandemic, members of our SGA have worked hard to make the Fall election go smoothly and uphold our democratic traditions as well.

As the majority opinion mentioned (*Ante*, at 2), there exists a flaw in the bulk-mail system that leaves student leaders no choice but to use their personal school email since a “.tamU” domain name is required. Furthermore, due to COVID-19, this was also the first time that all required documents for candidacy had to be turned in electronically to the Election Commissioner (EC). We cannot help but notice that the bulk-mail flaw does indeed have the potential to cause confusion, and the sheer volume of email submissions is likely to make the EC’s job more difficult than usual too.

It is safe to assume, when the early versions of the election regulations were written, none of the drafters had anticipated a global pandemic that would force everyone to adapt with innovative ways. We suggest the legislative branch review the current regulations and make revisions that they deem necessary, if any. Once again, we affirm our judicial role to interpret all codified statutes faithfully as they are written pursuant to the Constitution of the Texas A&M SGA.