

Chief
Justice
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Texas A&M Judicial Court

Student Government Association

Petition for Writ of Certiorari

Whereas the Texas A&M Student Government Association's Judicial Court seeks to maintain justice and fairness between students and those concerned with the university,

Whereas students in dispute with the Student Government Association require resolution and satisfaction, Let it be resolved the Texas A&M Judicial Court establishes a petition for the Writ of

Certiorari. Appellant Information

Name: Joshlyn Javier

Email: [REDACTED]

Phone: [REDACTED]

UIN: [REDACTED]

Filing Against

Name: Cara Maxwell

Organization: Election Commission

Position: Election Commissioner

Statement of Relevant Facts

At 2:01 pm on Wednesday, September 30th, I emailed my expense report to the Election Commissioner's email address (maxwcara@tamu.edu). However, I sent an email requesting confirmation that my expense report had been received at 4:20 pm on Wednesday, September 30th. I did not receive any confirmation or follow up deferring me to communicate with the tamuelection@gmail.com email.

On Wednesday, September 30th at 11:49 pm, I received an email from the Election Commission saying that I had been disqualified and the reasoning was that "You are receiving this email because you failed to properly submit a expense report by 5:00 PM on Wednesday, September 30th to tamuelection@gmail.com for the Fall 2020 Student Body Elections. Article VII, Section III, Part (a) of the 2020-2021 Election Regulations states that "(a) Finance Reports are due

Wednesday of the week of voting at 5:00 PM to a location specified by the Election Commissioner. Candidates failing to comply shall be disqualified." On these grounds, the Election Commission has disqualified you from the Fall 2020 student body elections."

I sent an email back stating that I was confused as to my disqualification because I had requested a follow-up email confirming my expense report had been received before the 5:00 deadline and was not given an appropriate answer as to whether or not it had been received. I was not given any communication either that my expense report had been sent to the incorrect email address and was not redirected to the right email either, especially when there was plenty of time and opportunity for the election commissioner to do so as it is part of her job requirements (stated in the 2020-2021 cabinet application document) to demonstrate excellent communication with students and clarify misunderstandings. My expense report was sent to the election commissioners' email at 2:01 pm on Wednesday, September 30th which was well before the deadline.

Another important reason why I had sent the email to the election commissioner's direct email was that when I typed in the tamuelection@gmail.com email into the recipient field, the name for the email came up as "Election Commissioner". Because of this, I was confused and thought that I should send it directly to the Election Commissioner herself then, especially because the school-wide email about filing that went out on September 11th at 10:26 am was sent by her direct email. All of these factors contributed to my confusion as to where the appropriate place would be to send in my expense report. My confusion and inability to get my expense report to the correct email address were exacerbated by not receiving a follow-up email from the election commissioner telling me that all candidacy communications must go through tamuelection@gmail.com, despite asking for a confirmation.

In addition, I was running as a co-candidate with Samuel Yang, Aktaa Patel, and Manasa Bhaskara. Although we were running as a co-candidacy, my other candidates also each individually submitted an expense report as a precautionary measure, even though in the code it states that only one candidate needs to submit the official expense report and that co-candidates would be treated as an individual in regards to expense reports. Aktaa Patel had sent the expense report promptly to the correct email as well as the election commissioners direct email on behalf of us while Samuel, Manasa, and I had sent it to the election commissioners direct email only. However, Samuel, Manasa, and I were all disqualified from running, despite Aktaa's finance report being validated and accepted.

Applicable Statute(s)

ARTICLE VII. FINANCE, Section (1), part (f) subsection (1): In the case of co-candidacy, one candidate must submit the original receipt and the co-candidates **may** submit photocopies.

ARTICLE VII FINANCE, Section (3) part (b): The Election Commission shall notify the candidate's forty-eight (48) hours prior to the expense report deadline.

ARTICLE III. FILING, Section (2), part (a), subsection (iv), (I) Any group of candidates for any office **may** file as co-candidates.

ARTICLE III. FILING Section (5), part (b), subsection (3) (ii) After filing, a team needs to submit a **co-candidacy form** with each student's name. From that point forward, the team will be treated as **one single candidate**. **This means that only one finance report** must be submitted, only one candidate guide submission may be made, and any violations apply to the team as a whole rather than each individual student.

ARTICLE VII FINANCE. SECTION III. Campaign Reporting (a) Finance Reports are due Wednesday of the week of voting at 5:00 PM to **a location** specified by the Election Commissioner. Candidates failing to comply shall be disqualified.

How the statute(s) is / are applicable

“ARTICLE VII. FINANCE, Section (1), part (f) subsection (1): In the case of co-candidacy, one candidate must submit the original receipt and the co-candidates **may** submit photocopies.”

- As a co-candidacy, Aktaa Patel submitted the expense report on behalf of all all three of us, as our expense reports were identical due to the co-campaigning.

“ARTICLE VII FINANCE, Section (3) part (b): The Election Commission shall notify the candidate’s forty-eight (48) hours prior to the expense report deadline.”

- However, On Monday, September 28th at 5:30 pm a reminder email about sending the expense report had been sent out which was only 47 hours and 30 minutes

“ARTICLE III. FILING, Section (2), part (a), subsection (iv), (I) Any group of candidates for any office may file as co-candidates.”

- Aktaa Patel, Samuel Yang, Manasa Bhaskara, and I all filed as a co-candidacy.

“ARTICLE III. FILING Section (5), part (b), subsection (3) (ii) After filing, a team needs to submit a **co-candidacy form** with each student's name. From that point forward, the team will be treated as **one single candidate. This means that only one finance report** must be submitted, only one candidate guide submission may be made, and any violations apply to the team as a whole rather than each individual student.”

- Aktaa Patel’s finance report was accepted, and as her co-candidate, and under this article, that acceptance should also apply to me as we are to be treated like a single candidate. This article specifically states that only one finance report must be submitted.

“ARTICLE VII FINANCE. SECTION III. Campaign Reporting (a) Finance Reports are due Wednesday of the week of voting at 5:00 PM to **a location** specified by the Election Commissioner. Candidates failing to comply shall be disqualified.”

- Aktaa Patel had sent it to the correct location, and her response was accepted, and as per ARTICLE III. FILING Section (5), part (b), subsection (3) (ii) , this acceptance would apply to me as well. I also submitted my own expense report at 2:01 prior to the 5:00 pm deadline.

“Excerpt from 2020-2021 Executive Cabinet Positions Descriptions document - Election Commissioner Section, Qualifications subsection: “Additionally, this person will need to possess excellent communication skills, as they will be required to update and inform a large group of key people including students, key university administrators, advisors, faculty members, facilities management, and IT, etc.””

- According to the qualifications and requirements to be a successful election commissioner who fully performs their tasks, the election commissioner must possess excellent communication skills as stated above since they will

be updating key people including students, of which I am one. I do not believe this qualification was upheld and that the election commissioner performed her job as it was required of her, as there were no direct updates or excellent communications between the commissioner and me when I reached out for clarification and was not directed or guided in the right direction. I believe that I was not supported well enough as a candidate by the election commissioner and as these fall under their duties, this aspect of their position was not upheld and therefore contributed to the misunderstanding with the email.

Desired Result

The desired outcome of this appeal would be the nullification of the disqualification, and that I would still be eligible to serve in the Student Senate based on the number of votes I had received.

Acknowledgement

I hereby certify to the best of my knowledge, that all statements herein are true and correct. I acknowledge that the submission of false statements is a violation of the Aggie Honor Code.

Digital Signature: Joshlyn Javier

Date: 10/03/20