

SPRING TERM, 2022



JUDICIAL COURT OF TEXAS A&M

Syllabus

RAMON RODRIGUEZ *v.* ELECTION COMMISSIONER MAXWELL

CERTIORARI TO THE STUDENT GOVERNMENT ASSOCIATION
ELECTION COMMISSION

No. 74-01. Argued March 9, 2022

Ramon Rodriguez (“appellant”), a candidate for Sophomore Class President, and current Freshman Class President, filed a petition for a Writ of Certiorari with the Judicial Court asking to be placed on the ballot for the Class of 2025 President the week of voting. The appellant had been removed from the ballot following his disqualification by Election Commissioner (“EC”) Maxwell for failing to meet all of the leadership requirements that are outlined in the Constitution of Texas A&M University Class Councils. Following his disqualification by the EC, the appellant sought out that an exception be made by the Class Councils’ advisor and executive team that would enable him to meet the leadership requirements for Class President. The Court must determine (1) the validity of the EC’s application of the election regulations under the Student Government Association Code (“S.G.A.C.”). (2) Determine if the EC’s decision to not place the appellant back on the ballot was valid according to the rules of the S.G.A.C. and (3) Whether to uphold or overturn the appellant’s disqualification. The main statutes concerning this case include V S.G.A.C. §601.1(2), V S.G.A.C. §601.1(4), V S.G.A.C. §601.2(1) (d), V S.G.A.C. §601.3(1) (a)(1), and V S.G.A.C. §601.9(3) (d).

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Opinion of the Court

MCINTOSH, C.J., NESMITH, V.C.J., BAGLEY, MEISENHEIMER, and MOSTY, JJ., delivered the opinion of the Court, in which SCHROEDER, J., joined.

On Wednesday, February 23, 2022, at 5:51 pm, the appellant was notified via email by the EC that he had been disqualified due to stipulations outlined in the Constitution of Class Councils. That same evening, the appellant expressed to the EC that under Article IV, Section 1, Subsection 3, Paragraph C of the Class Councils Constitution he could receive an exemption that would allow him to be involved in Class Councils.

On February 28 at 9:45 pm, the Class Council's Executive Team and advisors met to hear the appellant's request for an exemption. Following the meeting, a Class Councils' advisor provided an email that his request for an exemption had been approved and that:

“this exemption... solidifies Ramon's current qualifications to submit candidacy for Class of 2025 President pending the recommendations and approval from the Texas A&M election commissioner and judicial court. As stated in the meeting, this is not official approval of eligibility to run, this is simply an approval from Class Councils that election commissioner and judicial court can use to inform their decisions for approval or denial. This does act as an official vote from Class Councils Executive Team that Ramon is able to maintain his current role as Class President for the remainder of the Spring 2022 semester.”

After receiving this email, the EC informed the appellant that “because Class Councils did not issue a decision on your eligibility as a result of their internal appeal process prior to the finalization of the ballot, I am unable to include your name on the ballot at this time.”

The appellant asserts that by receiving an exception from Class Councils, he should have been placed on the ballot by the EC, as he was then eligible to run.

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In our review, the Court has determined that Class Councils does not have the jurisdiction to make such an exception after a candidate has already been disqualified by the EC. The only entity able to grant reprieve for extenuating circumstances at the point in which the appellant found himself in the election process is the Student Government Judicial Court.

When any entity agrees to have its elections conducted by the Election Commission, it agrees to abide by the Student Government Association (“SGA”) Election Regulations. Further stipulated in V S.G.A.C. §601.2(1) (d), “In the event of any conflict between these regulations and the governing documents of an organization outside of SGA, these regulations shall take precedence.” Once disqualified, candidates are fully subject to the processes and remedies provided only by the S.G.A.C. Thus, the appropriate forum for remedy for the appellant, without question, would be the Judicial Court. While the Judicial Court could consider the opinion of the Class Councils, we remain the sole authority to overturn a candidate’s disqualification.

To further assert the SGA’s sovereignty in the matter, per V S.G.A.C. §601.3(1) (a)(1), to be eligible to run, “all candidates must meet the qualifications for their respective offices as set forth in the Texas A&M University Student Rules and their respective organization’s governing documents.” Through this clause, the S.G.A.C. establishes that the enforcement of outside organizations’ qualifications falls within the jurisdiction of the Election Commission.

Additionally, it is explicitly stated throughout the Election Regulations of the S.G.A.C. that the Judicial Court shall be the only entity to overrule the Election Commission’s application of the regulations.

1. V S.G.A.C. §601.1(2): “These regulations are subject to interpretation only by the Election Commissioner and are subject to review only by the Student Government Judicial Court. Additionally, any liberties of interpretation given specifically to the Election Commissioner are subject to review by the Student Government Judicial Court.”

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2. V S.G.A.C. §601.1(4): “The only entity that may grant reprieve due to extenuating circumstances from any penalties incurred due to a violation of the rules and regulations outlined in Title V, Chapter 601 is the SGA Judicial Court.”
3. V S.G.A.C. §601.9(3) (d): “Candidates who are disqualified at least seven (7) days prior to the start of voting may appeal that disqualification to the Judicial Court immediately.”

Therefore, once the appellant was disqualified by the EC, the only way for the appellant to have had his disqualification reversed would have been by appeal to the Judicial Court.

Moreover, the Class Councils advisor acknowledges that his ability to run is ultimately up to the EC and Judicial Court - “this is not official approval of eligibility to run, this is simply an approval from Class Councils that election commissioner and judicial court can use to inform their decision for approval or denial”. It is also important to note that the purpose of the executive meeting was to allow the appellant to remain in his current role as Freshman Class President for the class of 2025. Their decision was provided to the EC only for her consideration of the appellant’s eligibility to run again.

* * *

External organizations choose to have their elections conducted by the Election Commission to be able to participate in a free and fair election that the Student Government Association seeks to facilitate. The appellant had the ability to seek reprieve due to extenuating circumstances through the Student Government Judicial Court but instead pursued another avenue to receive an exception by way of an appeal to the Class Councils Executive Board. While it was established through 72-01: David Cabrera Salas *v* Election Commissioner Schaffer that a mechanism for addressing extenuating circumstances should be in place, the Student Senate responded by granting that authority solely to the Judicial Court through the addition of V S.G.A.C. §601.1(4).

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After reviewing all of the relevant facts, this Court finds that should a candidate choose to seek reprieve during elections, the authority to do so is entrusted solely to the Student Government Judicial Court and therefore the adjudication process cannot be tampered with or replaced by any other entity.

In regard to the questions at hand, the court finds that (1) The EC applied the election regulations under the S.G.A.C. correctly and (2) by not accepting the exception granted by Class Councils, the EC's decision to not place the appellant back on the ballot was valid. Therefore, the Student Government Judicial Court unanimously upholds the disqualification of the appellant.

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SIGNATURES OF THE JUSTICES

No. 74-01


Karissa McIntosh, Chief Justice


John Nesmith, Vice Chief Justice


Sawyer Bagley, Associate Justice


Catherine Meisenheimer, Associate Justice


Caleb Mosty, Associate Justice


Kyle Schroeder, Associate Justice