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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: Dennis Herrera

Email: [REDACTED]

Phone: [REDACTED]

UIN: [REDACTED]

Filing Against

Name: Cara Maxwell

Organization: Election Commission

Position: Election Commissioner

Statement of Relevant Facts

- Thursday March 3rd 2022 I received an election notice of disqualification for On-Campus Student senate.
- Reason for disqualification was failure to properly submit a finance report by 5:00 PM on Wednesday, March 2nd to the proper "Finance Form Submission" form found on election.tamu.edu.
- Due to disqualification I decided to go an alternative route as a write-in candidate in order to still be able to attain the position.
- However due to election regulations I remained on the ballot for the Spring 2022 elections.
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Applicable Statue(s)

- Article IX. Voting. Section III(d): "Candidates who are disqualified after that time shall not be removed from the ballot under any circumstances, and the disqualification shall not be publicized by the Election Commission until the announcement of unofficial results after voting has taken place"

- Article IX. Voting. Section I. General (c): The Election Commission shall make every attempt to conduct voting in a way free from coercion or pressure. Those obstructing the free and fair nature of the voting process, by which voters may cast a ballot by free choice, are in violation of these regulations and the Aggie Honor Code.
- 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.
- ARTICLE III. FILING. SECTION IV. Write-In Candidates (a) To be considered for a write-in seat, a candidate must receive at least 5 votes for that position. If elected, write-in candidates shall be accepted provided they meet the requirements for the office to which they have been elected. Upon election, write-in candidates must be certified as eligible by the Student Government Advisor and submit the following within seventy-two (72) hours or be subject to disqualification: (1) The same finance report or null expenditure report as is submitted by candidates on the ballot (2) The filing fee for the position to which they were elected (3) Fines payable shall be enforced in the same manner as those assessed against balloted candidates.

How the statute(s) is / are applicable

- Article IX. Voting. Section III(d): “Candidates who are disqualified after that time shall not be removed from the ballot under any circumstances, and the disqualification shall not be publicized by the Election Commission until the announcement of unofficial results after voting has taken place”
- In regard to my disqualification, it prevented my name from being removed from the ballot. This practice in the election regulations cause confusion since voters selected my name without knowledge I was disqualified and conflicted with my write-in candidacy. Therefore, this practice done by the Election Commission regulations may have obstructed another one of their regulations in this scenario. The other statute from their rules and regulations would be [Article IX. Voting. Section I. General (c)].
- Article IX. Voting. Section I. General (c): The Election Commission shall make every attempt to conduct voting in a way free from coercion or pressure. Those obstructing the free and fair nature of the voting process, by which voters may cast a ballot by free choice, are in violation of these regulations and the Aggie Honor Code.
 - The election commission uses regulations that may not lead to conducting elections in a free and fair manner. It leaves the names of disqualified candidates on the ballot which voters may not be knowledgeable about which can be misleading when voters cast their votes. This practice of keeping names of disqualified candidates on the ballot may be an obstruction of the free and fair nature of the voting process. Because it caused the people that wanted to vote for me to choose the button selection thinking that their vote would count and be upheld. If the election commission was trying to run *fair* elections, then they would have removed my name from the ballot so that the voters that still wanted to vote for me could write it in and have their vote actually count.
- 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.
 - I was disqualified due to submission of my “Null expenditure form” being and late and submitted in the wrong designated area at 6:44 PM.
- ARTICLE III. FILING. SECTION IV. Write-In Candidates (a) To be considered for a write-in seat, a candidate must receive at least 5 votes for that position. If elected, write-in candidates shall be accepted provided they meet the requirements for the office to which they have been elected. Upon election, write-in candidates must be certified as eligible by the Student Government Advisor and submit the following within seventy-two (72) hours or be subject to disqualification: (1) The same finance report or null expenditure

report as is submitted by candidates on the ballot (2) The filing fee for the position to which they were elected (3) Fines payable shall be enforced in the same manner as those assessed against balloted candidates.

- Regardless, if I was disqualified as a ballot candidate, I should be eligible to continue to be in the running as a write-in candidate.

Desired Result

Given that the election commission has regulations that prevent write-in candidates who were previously disqualified to participate in a free and fair nature election, the desire result is to have the votes casted to my name under the selection of "Senator for On-Campus Residencies" merged into votes casted to my write-in name. I would like to have the votes that were casted for "Dennis Herrera" which was disqualified to apply towards any and all votes casted for write-in candidate "Dennis Herrera. As well as part of the desire result, I would like that my disqualification to not have affected my write-in candidacy which the election commission may have used to nullify my write-in votes. Also, I would like the court to look into how the Election Commission conducted the acceptance of my write-in votes because I am confident that they nullified some votes who selected my name and wrote-in my name which could have obstructed the election.

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:



Date: 03/04/2022