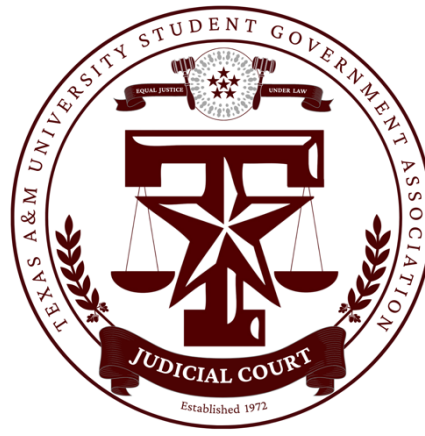


Chief Justice: John David Nesmith

Email: chiefjustice.tamu@gmail.com

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THE JUDICIAL COURT OF TEXAS A&M

Petition for Writ of Certiorari

Petitioner Information

Name: Colton Whisenant

Email: [REDACTED]

Phone: [REDACTED]

UIN: [REDACTED]

Filing Against

Name: Ysaswi Gogineni

Organization: Election Commission

Position: Election Commissioner

Statement of Relevant Facts

A signed finance form was timely submitted by Colton Whisenant on September 27, 2022 prior to the deadline for the submission of said form on September 28, 2022 at 5 p.m.

The election commission acknowledged receipt of the signed finance form by email on September 27, 2022 at 22:19:16 CDT.

In an email received from the election commissioner, Ysaswi Gogineni, on September 29, 2022 at 08:00:57 CDT, the commissioner notified Colton Whisenant as follows:

“You are receiving this email because you have been disqualified from the Fall 2022 Elections as a candidate for Freshman Class President according to Article VI Section III (c): "Any violation found in the Common Violation Table shall be fined the amount therein associated for the first offence, scaled up for subsequent offences thereafter." The violation that you have been given within the Common Violation Table is due to a **"total lack of receipts or fair market value form to expense purchases" on your finance form**, which warrants "disqualification". On these grounds, the Election Commission has disqualified you from the Fall 2022 student body elections.” (emphasis added)

The unofficial elections results indicate that Colton Whisenant won the first round of the election having received 550 votes with the next nearest candidate receiving a mere 285 votes. Even after Colton Whisenant’s first round disqualification and the commission performing eleven rounds of run offs, the second place candidate who the

commission has unofficially declared the “winner” only received 454 votes which is still nearly one hundred votes short of Colton Whisenant.

In order to promote free and fair elections, Colton Whisenant supplemented his finance report with the election commission on October 1, 2022 at 10:07 CDT to include the receipts in his possession for transparency and audit purposes.

Applicable Statute(s)

Article VI Section III_(b): “Disqualification shall only be applied in cases where the violation can be confidently determined to undermine the free, fair, and safe nature of the election, or the candidate has committed an act which prevents them from maintaining qualification as a candidate within the current election.”

- (1) The following acts prevent a candidate from maintaining qualification within a current election: failure to meet eligibility requirements, failure of themselves or their registered proxy to attend the Mandatory Candidates’ Meeting, failure to submit a **signed finance form** by the appropriate deadline, exceeding the defined budget limitations, and, if elected to the position being sought, failure to submit payment of all fines by the appropriate deadline. (emphasis added)

Article VI Section III (c): "Any violation found in the Common Violation Table shall be fined the amount therein associated for the first offence, scaled up for subsequent offences thereafter.”

Common Violation Table

Violation	Fine
Live animal used for campaigning	Minor violation
Unattended campaign materials	Minor violation
Campaigning in unapproved locations	1st Offense-5% of budget 2nd Offense-10% budget 3rd Offense-15% of budget
Missing Mandatory Candidates’ Meeting	Disqualification
Failure to submit Finance Form	Disqualification
Putting flyers on light posts and trees	Minor violation
Total lack of receipts or fair market value form to expense purchases	Disqualification
Less than 2 valid vendors on Fair Market Value Form	Minor violation

How the statute(s) is / are applicable

Article VI Section III_(b) clearly identifies the acts which prevent a candidate from maintaining qualification within the current election and states in relevant part that the “...failure to submit a **signed finance form** by the appropriate deadline” will prevent a candidate from maintaining qualification within the current election. (Emphasis added) Colton Whisenant submitted the signed finance form by the appropriate deadline. Article VI Section III (c) incorporates the Common Violation Table which in relevant part states that a “Total lack of receipts or fair market value form to expense purchases” will result in disqualification. The election commission has no evidence that Colton Whisenant does not possess the required receipts. Colton Whisenant, in fact, has the required receipts and the fair market value form which have been provided to the election commission. The election commission’s disqualification of Colton Whisenant without clear evidence of his failure to possess the required receipts is contrary to the statute. The Common Violation Table **does not require** the submission of the receipts, nor the fair market value form. By its clear language, it only requires the possession of those documents. The statute must be narrowly interpreted and must be interpreted in a manner that will give effect to the clear language of the statute. In this instance, the election commissioner by her own admission in the email referenced above has **added language** to the Common Violation Table to require that the receipts and/or fair market value form be attached to the finance form submission. This is clearly **not** a requirement in the express language of the Common Violation Table which would

result in disqualification. The only language which addresses a disqualification related to the finance form is the failure to submit a signed form contained in Article VI Section III(b) and the Common Violation Table which does not apply to Colton Whisenant.

Desired Result

Based upon the plain and unambiguous language of the statute, the election commissioner's disqualification of Colton Whisenant from the Fall 2022 Elections as a candidate for Freshman Class President should be overturned and/or rescinded. Colton Whisenant should be declared the rightful winner of the election for Freshman Class President.

By signing this document, I hereby certify that all written statements herein are true and correct. I further acknowledge that the submission of false statements is a violation of the Aggie honor code.

Digital Signature: Colton T. Whisenant

Date: October 1, 2022

A handwritten signature in black ink that reads "Colton Whisenant". The signature is written in a cursive, slightly slanted style.