



JUDICIAL COURT OF TEXAS A&M

Syllabus

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

CERTIORARI TO THE TEXAS A&M STUDENT GOVERNMENT
ASSOCIATION ELECTION COMMISSION

No. 77-03. Argued March 6, 2025 – Decided March 8, 2025.

Following the results of the Spring 2025 Student Body Elections, Quillan Thurman (the “petitioner”) filed a petition for Writ of Certiorari against Election Commissioner Edalur, (the “respondent”) with the Judicial Court. In stating their desired result, the petitioner requested the Judicial Court overturn the decisions of nine different violations listed within the Election Commission’s (the “EC”) Spring 2025 Violation Report. During oral arguments, the petitioner requested that violation number 96 be removed from the list of requested violations to be overturned, as this instance did not relate to the petitioner’s overall desired result. In evaluating the remaining eight decisions made by the EC (violations 20, 21, 22, 23, 95, 97, 98, and 103), the Court must decide whether or not students running on ‘The Goodbull Ticket’ (a group of students campaigning for office together) violated Election Regulations by campaigning in the Memorial Student Center (the “MSC”), failing to expense and report campaign materials, and undermining the free and fair nature of the election through the actions of supporter, Malik Salami.

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

NANDWANI, V.C.J and BAGLEY, J. delivered the dissenting opinion.

In the case of Thurman *v.* the Election Commission, the Dissent contend that the Election Commission has been fair & just in their interpretation and execution of the Election Regulations.

The Dissent further contends that, apart from the violations on which every opinion agrees that nothing should be overturned, the Judicial Court would be injurious & unconstitutional should it be found the Election Commission was not at fault at any time and yet overturns the outcome of a race, outside of one exception which does not apply.

The order of this opinion will first address the violations every Justice concurs that no decision is to be overturned. The Dissent will then give numerous independent reasons why the majority has gone too far in its judgement. Namely, overstepping authority & constitutional powers, the Judicial Court has no ground to overturn the outcome of any race in which the winner is associated with the “Goodbull Ticket”, the standard of proof the majority upholds is severely lacking and inconclusive at best, and finally that ignorance of the Election Regulations and a lack of action is no excuse and is therefore, the fault of the candidate should they violate any related statute.

The contended violation reports that both the majority and dissenting opinions concur to uphold are as follows: Violations # 20, 21, 22, 23, 95, 96, 97, & 98. The Judicial Court unanimously agrees that the Election Commission made the correct decision regarding each of the aforementioned violations. Furthermore, the evidence to link a \$200 dollar giveaway by one Salami-the-Aggie was insufficient and inconclusive. Therefore, no expense needs to be made by any party involved.

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

The Dissent, before answering the majority, shall clarify that the only evidence submitted to the Election Commission regarding Violation #103 was a singular screenshot of an Instagram story in which one “Salami the Aggie” commented on their support for the “Goodbull Ticket” and in a separate sentence insinuated the need to bring in “emoticon of a money bag”. It is evident such a screenshot is insufficient to warrant a financial violation. Furthermore, the precedent set by the Judicial Court in regards to the Election Regulation, as laid out in the majority opinion of 75-03 says “it is not the role of the Court to create new arguments on behalf of the E.C., instead, it is our duty to analyze the E.C.’s application of the cited statutes.” Therefore, clearly the majority is no longer determining the validity of a decision made by the Election Commission, but is in fact making new arguments that have never been presented to the Election Commission. The Dissent understands the majority is no longer acting within the role of the Court. This is further solidified in Article I Section II of the Election Regulations:

*“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.**”¹*

The sole purpose, in the context of the Election Regulations, of the Judicial Court is to *review* regulations, actions, and/or interpretations therein; the Court is given no authority to execute any part of said regulations.

By that same logic, the Court is empowered to *review the interpretation* by the Election Commissioner. The Dissent, upon reviewing the Election Commission’s decisions given the code and information they had, provided compelling reasoning for rejecting the proposition to punish the Good Bull

¹ Text bolded for emphasis

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

Ticket. If the court were to overstep in this realm, the distinction between “review” and “interpretation” would be callously neglected. The court, in issuing a fine and majorly changing the outcome of the race, essentially becomes a second Election Commission. Moreover, the power of judicial review then becomes a power that no entity is entitled to practice, and that is a danger to all of Student Government.

To clarify the crux of the contention is a singular new piece of evidence, in which “Salami the Aggie” made a comment on a social media post that satirically insinuated some form of payment to pay the bills, was made available to the Judicial Court and was not submitted to the Election Commission. The normal process of submitting any violation would include a report of said violation, background or circumstances surrounding an alleged violation, any and all evidence relating to the alleged violation, and the statutes that may apply. Every time a report is made, only the information submitted in said report is to be considered. The new evidence that was presented to the Judicial Court was available prior to the deadline of reporting violations. The Dissent contends that, should the petitioner wish to have it be considered, said evidence and information should have been reported in a timely manner as required by the Election Regulations. The Dissent furthers that in not submitting evidence to the Election Commission and exclusively presenting it to the Court, the Petitioner is attempting to circumvent the Election Regulations, which in no case should be allowed.

The first claim the Dissent contends is the authority of the Judicial Court to issue fines, determine violations independently, and to make decisions on the Election Regulations that have not been heard by the Election Commission. The majority has decided what violation has occurred, the penalty therein, and what parties are in violation. As stated previously, a singular screenshot of a social media post is insufficient evidence to prove a financial violation. Moreover, Article VI Section IV(c) stipulates: “Decisions must be the result of a majority of the Election Commission members present.” This article expressly defines the two tiers of violations, their penalties, how each is to be

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

decided upon, and the numerous limitations and requirements for each violation. Given only the Election Commission can decide upon new instances of a violation, the majority is once again going beyond the bounds set forth in these regulations. The Dissent wishes to make note that the original decision to not issue a violation & penalty based on a singular social media post that can be construed as satire, was the correct judgement and the majority does not contend this. The contention is based on a new alleged violation that occurs in a comment of a post, should be considered with violation #103, in spite of the fact it was never presented to and decided upon by the Election Commission. In considering this, the majority is now infringing on the rights and powers granted to the Election Commission by the S.G.A.C.

The Dissent also contends the majority's second claim that the Court has grounds to change the outcome of a race in the case of Thurman *v.* the Election Commission. According to Article X Section IV, there is only one rule in which the Judicial Court may agree with the Election Commission and still change the outcome of a race. This is not applicable to the current appeal given only one individual was named on the petition: Election Commissioner Edalur. As stipulated below, should a petitioner desire a change in any given race, the winner of said race must be named on the petition. It is imperative to note that the appeal granted by the Court did not ask nor desire a change in the outcome of any race. The express wishes of the Petitioner was to overturn the Election Commission's decision, not any race. Furthermore, the Dissent notes the majority is making mostly interpretations & jumps in logic, whereas the Dissent is strictly adhering to the text of these regulations.

The Dissent contends that, given the evidence present at the time, the Election Commissioner did not err in their decision to not fine the *Good Bull Campaign*. Due to this fact there was no "improper application of these regulations," and thus to place the election commissioner as the defendant in this context is improper in light of the arguments presented by the petitioner.

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

SECTION IV. Judicial Court Appeal

(a) A candidate may contest a decision by the Election Commission at any time up to forty-eight (48) hours after the unofficial results are announced by filing an appeal with the Judicial Court stating the basis on which the election is contested.

(1) In any appeal concerning election fines, disqualifications, or the improper application of these Regulations, the defendant shall be the Election Commissioner.

(2) In any appeal challenging the constitutionality of any of these Regulations, the defendant shall be the Student Senate.

(3) In any appeal that would change the outcome of a race, the defendant shall be the election commissioner and not the winning candidate in that race who would lose their status as the winner if the appeal were decided in favor of the plaintiff. The ruling of the Judicial Court on the outcome of the reported violations or other ground for the appeal shall be final and not subject to review by a subsequent appeal by the originally winning candidate.

(i) The plaintiff may be required to name any or all of these parties as defendants under this rule depending on the circumstances of the appeal.

Given the finality of this decision, the Court should hold the highest standard for evidence and reasoning when it comes to changing the outcome of any race. At no point during the hearing was any specific race called out or the current winners of said race. Furthermore, the *plaintiff* has not expressed any desire to change the outcome of a race, only to challenge the application

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

of the election regulations. It is in the opinion of the Dissent that every party involved should have been expressly and explicitly named in order for the Court to even consider evaluating new alleged violations. As no explicit request was made to change the outcome of any race, the Court can and should only consider the first rule, given the petition accepted. Note that the application of the Election regulations in evaluating violation #103 was fair and just as no evidence suggested a mutual, consensual agreement between any candidate and *Salami the Aggie*.

It is imperative to note that the Election Commissioner is a non-voting member, except in tie breakers, and only has the responsibility of communication & interpretation upon request and to facilitate meetings in which a violation shall be decided upon by the other members of the Election Commission. Given this, it would be unjust and unconstitutional to blame the Election Commissioner for this decision and circumstances surrounding it, until proven otherwise.

Another independent reason why the majority has made the improper judgement is that nowhere in the S.G.A.C. is a ticket defined, allowed, and applied for any race outside of the Student Body President & Vice President races, as outlined in Article IV Section I(a). Said races must be on a joint ticket and have very specific rules which only apply to said race. There is no warrant or ground given by the S.G.A.C. which would allow the Election Commission nor the Judicial Court to apply a singular instance of a violation to every person on a so-called "*ticket*". Because a ticket does not exist in any of the S.G.A. legal code, the "*Goodbull Ticket*" cannot be considered a legal term or classification. The Dissent holds that should one candidate related to said *ticket* have a penalty, there exists no legal code that would require or allow the penalty to be extended to any other candidate.

The Dissent also disagrees with the third claim that the majority holds: two instances of one party insinuating payment of some kind is sufficient to determine that a monetary transaction has occurred. For the sake of the

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

argument, the Dissent shall assume the Court should consider the new evidence that was able to be and yet was not submitted to the Election Commission. Under this assumption, the Dissent argues that the evidence is one sided at best. The evidence suggests that *Salami the Aggie* has received or expects to receive some form of monetary compensation. It is important to note that the “evidence” is a screenshot of a story (from violation #103) in which the “Goodbull Campaign” is mentioned along with an emoticon of a money bag, that is used to imply a connection between payment & support for said campaign. The issue that arises is the verbage and emoticons used can be easily understood as satirical and should not be taken as a written form of testimony. Article V Section III(a) of Electronic Campaigning only allows the Election Commission to consider any activities that occur over electronic media in which a monetary transaction **HAS** occurred. Given a lack of receipt and/or proof of a consensual agreement for payment to one Salami the Aggie by any candidate, no financial violation or falsification can be confidently determined to have occurred. The Dissent furthers in that the standard of a monetary transaction is one in which proof of an agreement or transfer of monetary value has occurred between **TWO or more parties**. Assuming that the Court is right in considering the new evidence, the only party making a connection to a monetary transaction is one Salami the Aggie. Given no candidate can be linked to any sort of consensual agreement nor proof of a monetary transaction having occurred. The Dissent considers the evidence presented to the Judicial Court to be hearsay, one-sided, satirical, and inconclusive at best. Should this evidence of a comment on an instagram post have been submitted to the Election Commission, given the past decisions of the Election Commission and Judicial Court, it is evident that no penalty would have been granted.

The implication that all it takes is one individual to insinuate a form of payment for support or service is enough for the Court to grant a violation and fine is a very dangerous and injurious standard to set. The Dissent would also further that the majority does not give sufficient reasoning nor code citations to support such a standard, in which no concrete proof or explicit

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

agreement between a candidate and third party has been presented. The Court has always required a concrete and irrefutable piece of evidence when it comes to overturning decisions of the Election Commission, not to mention overstepping the bounds set forth in the S.G.A.C. based upon very doubtful and flimsy evidence like the ones presented in regards to violation #103. The majority argues a preponderance of evidence is available, however no candidate has been shown to have consented to the alleged transaction nor has any candidate been named by Salami the Aggie, therefore the Court would be remiss to accept enough occurrences of hearsay in place of explicit agreement and/or receipt of any financial transaction. It is simply not enough for one person on social media to imply they are being paid, no matter how many times, for another individual to be guilty of that one person's claims. The majority is basing the entire opinion on hearsay without any definitive proof of **TWO** or more parties in which monetary items are being traded for the purpose of a candidate's campaign.

The last claim the Dissent has contention with is that the Petitioner should not be held responsible for their lack of submitting sufficient evidence according to the Election Regulations. The majority argues that the Petitioner is able to circumvent Article VI Section 2 through the Judicial Court's Period of Discovery. The evidence admitted to the Court of the comment, in which Salami states "Whatever pays the bills lil' bro". The Dissent would like to point out that no link to the "*Goodbull Campaign*" is made in the screenshot nor should this serve as proof of payment in any manner. It is unreasonable and erroneous to suggest that such a statement would have affected the Election Commission. The majority's stance is that this is conclusive enough evidence to issue a financial violation to numerous single seat races because payment of one *Salami the Aggie* was not properly expensed. Additionally, the majority provides insufficient reference to statutes and reasoning on why this is the standard of proof to set for both the Election Commission to issue a violation and for the Court to determine a violation has occurred.

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

SECTION II. Reporting

*(a) A student who wishes to **report an alleged violation** of the Election Regulations may do so **by filing a** written account or online **report** of the alleged violation with the Election Commission **within seventy-two (72) hours of the alleged violation**. The violation report can be found at election.tamu.edu*

*(b) **Violations will not be accepted after 7 p.m. of the day that results are announced.***

To reiterate, the just and proper criteria to serve as proof of any monetary transaction is either explicit mutual & consensual agreement between two parties involving monetary payment or a receipt between two parties, one of these parties must be the candidates involved in the violation report. It is in the opinion of the Dissent that no sufficient proof was presented to the Judicial Court nor the Election Commission, therefore the Dissent seeks to uphold the Election Commission's decision in all cases presented in the petition, especially violation #103. Insinuation or implication is not a form of proof and should the Court make it as such, this opens the door for opposing campaigns to set up third parties that pretend to support and then admit to having been paid for said support. As the majority does not require proof of consent or mutual agreement, much less a receipt, such a precedent and standard shall be set.

Finally, the majority assumes that *Salami the Aggie* is an advertiser as opposed to a student who supports the campaign. There is no conclusive evidence to suggest that any agreement was made in which one *Salami the Aggie* would or should be expected to receive compensation for his services. The Dissent offers the brightline that ought to be followed: a student is a supporter and/or delegate so long as no compensation is to be given and/or expected. The majority fails to draw the line between when a student with online influence is no longer a supporter/delegate but instead to be considered

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

as an advertiser. Moreover, this is a **new argument** that was never presented before the Election Commission. The violation report maintained that the insinuation of payment was proof that a transaction had occurred but was not expensed. The majority is now making new arguments that were not presented nor decided upon by the Election Commission. To reiterate, an implication of payment is insufficient to prove any transaction has or will occur. For all the Court knows, Salami the Aggie could have been under the false impression he would be paid but no payment or formal agreement occurred. Without definitive proof, the Court must assume that any involved candidate is innocent until sufficient proof to condemn has been presented. As it stands, the races & winners in question cannot & should not be implicated as no legal classification of a *ticket* exists within the S.G.A.C. nor is there concrete evidence of a transaction having occurred. The post and comment by *Salami the Aggie* could have been satirical and it is reasonable to assume that *Salami the Aggie* was merely acting as a delegate for the candidates he supported. To reiterate, no candidate can be implicated in a transaction that cannot be proved to have occurred nor a violation levied against any candidate due to the total lack of a *ticket* existing in the S.G.A.C.

To crystalize the Dissenting opinion, the majority relies too heavily on interpretation and stretching of statutes while also setting poor standards for evidence, opening the door for abuse of the Election Regulations via both poor criteria for what constitutes a transaction and using a Judicial Court appeal to go around the very specific time constraints put upon violation reporting and evidence submission. The majority walks a very dangerous line by encroaching on what the Dissent views as the Election Commission's constitutional role and authority by independently deciding upon the Election Regulations, issue a violation & related penalties and fines, not fulfilling the role to solely evaluate the validity of actions of members of the Election Commission as it pertains to the S.G.A.C. The majority does not require proof of consent or agreement for payment by a candidate. No candidate in any race can be shown to have paid or agreed to pay *Salami the Aggie*, no matter how much *Salami the Aggie* may insinuate or imply.

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

The Dissent has found that no evidence presented to the Court meets the proper standard to either overturn the Election Commission's decision or to change the outcome of numerous races, which affect several caucuses, as the majority is suggesting. Note that no definition of a ticket exists for these races, no proof of payment not being expensed properly, the Petitioner is attempting to circumvent the regulations for reporting violations & corresponding evidence (which was available at the time) and of which the Petitioner is to be blamed of any ignorance and to be held accountable for every statute in the Election Regulations per Article I Section I. **Let it be understood that it is not the role of the Court to create new arguments on behalf of the E.C., instead, it is our duty to analyze the E.C.'s application of the cited statutes.** Having evaluated the Election Commission's decision, the Dissent finds it to have been just and right according to the duties and responsibilities under the Election Regulations.

The Dissent recognizes the many flaws & lack of clarity in these Election Regulations. Given said regulations change yearly & the recent overhaul, there are many gaps and continued incongruities of these Regulations but the Election Commission is not to be held accountable nor their decision be discounted because of this.

QUILLAN THURMAN *v.* ELECTION COMMISSIONER EDALUR

Dissenting in Part Opinion

SIGNATURES OF THE JUSTICES

No. 77-03

Zaki Nandwani

Zaki Nandwani, Vice Chief JusticeA handwritten signature in black ink, consisting of a large, stylized 'S' followed by a 'B' and a horizontal line extending to the right.

Sawyer Bagley, Associate Justice