

Preface:

(1) All bylaw references will be coded Title (if applicable) ##, Article ##, Section ##, Clause ##, part (if applicable) ##, as “T##A##S##C##P##.” For example, Article 1, Section 1, Clause 1, will be coded as “A1S1C1” for reference;

(2) Any referenced website links may or may not be active by the time future individuals review this write-up.

Complaint #21-02

Petitioner(s): Quentin Nathaniel Edmiston (further referred to as “Q”, he/him),

representing “#FTS”

Respondent(s): Chief Election Commissioner Chukwu (further referred to as “Chiamaka”, she/her),

Representing the Election Commission

Allegations (filed January 28th, 2021 at 12:21AM):

- (1) The Chief Election Commissioner’s refusal of the re-registration of party name “#ForTheStudents” is not permissible because it is a new party and party names can be re-used.

Defense (filed January 28th, 2021 at 12:51PM):

“The petitioner originally wanted to go by the name #FORTHESTUDENTS which I denied on the grounds of pre-campaigning and the fact the prior #FORTHESTUDENTS representatives continued to be involved on campus using the #FORTHESTUDENTS name.

Article 4, Section 3, Clause 2 only counts if the party disbanded and simply put #ForTheStudents did not. If this were not the case, it is safe to assume, former parties like "Spirit Red" and "Students Unite" would not have been able to reuse their name. Furthermore, this Article focuses mostly on campaign materials. It is to be interpreted that it's ok for campaigns to utilize the same party name from year to year so long as 1. The original party disbanded at the end of the previous election cycle and 2. The Election Commission has approved that name. The previous party did not disband and I have not approved the names #ForTheStudents or #RiseUpForTheStudents.

The petitioner then went on to change their name to #RiseUpFORTHESTUDENTS and now claims that because no original members of the original party remain, there is no explicit connection linking Rise up #FTS to #ForTheStudents. Since the President is the only one from the party that has signed up, this point cannot be proven. In addition, just because the party has a new face that doesn't mean they're a whole new party. They still represent the same ideals and

want to accomplish the same thing which to me is becoming elected officials and working to serve students.

Now I'd like to revert the petitioner and the Attorney General's attention to Article 3, Section 5. Clause 5 of the Election Code. This Article states, "The Election Commission reserves the right to refuse any party name so long as the Attorney General is in agreement before the filing deadline." It is my hope that the Attorney General agrees with my assessment and refuses to let the party formerly known as "ForTheStudents" perform this merger rebranding attempt.

It would not be fair to other parties if they were allowed to use the names #FORTHESTUDENTS or #RiseUpForTheStudents. Furthermore, #ForTheStudents have been bolstering their social media presence since the 2020 campaign season ended. Now yes, their initiatives are well meaning, but in the eyes of the Election Code, they have been indirectly soliciting votes, knowing they planned to run again and use the same party name.”

Course of Investigation: I examined the Petitioner’s evidence and reached out for a defense statement. I analyzed the respondent’s defense statement as well. I went through the Election Code and identified if a violation was present. After this I had enough to come to a decision.



SGA Election Commission

1/25/21

Re: Party Name

To: Quentin Edmiston

I would love to explain!

The party known as "#ForTheStudents did not stop existing at the conclusion of the last election. As a result, it would be unfair to other candidates if I allowed any variation of the name to be used.

In addition, I'm not saying you would, but it would be easy for a party to drop the "Rie Up" part of their name and simply go by "#ForTheStudents" when campaigning to potential voters.

If you feel as if you have been wronged in any way, I encourage you to file a complaint so we can get this potential issue resolved. Please, let me know what you decide!

Kindly,

Chiamaka Chukwu (she/her)
Chief Election Commissioner
UH Student Government Association

[See More from Quentin Edmiston](#)



SGA Election Commission

1/25/21

Party Name

To: Quentin Edmiston

Hello Quentin,

Thank you for filling out the candidate registration form!

Unfortunately, I cannot let your party use the name "Rise Up #FTS." You may use the name "Rise Up" but the "#FTS" part must be dropped for your party to be considered valid.

If you would like more clarification on why, I would be happy to provide my reasoning.

Warmest Regards,

Chiamaka Chukwu (she/her)
Chief Election Commissioner
UH Student Government Association

Decision (February 1st, 2021 at 3:00PM): Q's complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis:

The following clauses were used to support the allegations presented by the Petitioner:

A3S6C10

“A party will become official after being successfully registered to the election commission. The party will cease to exist after the election concludes.”

The “For the Students” party did not cease to exist at the conclusion of the election, rather, by proof of their social media platforms, the party resumed campaigning activities involving their current as well as prospective members. The Instagram account, appropriately named “UHFORTHESTUDENTS”, still includes the story highlights of each party member that ran in the last election, including Isaiah Billions who still positions himself as the president of the party. Matt and Isaiah have continued posting on the social media account well after the end of the last administration’s election; this, as well as the mention of #ForTheStudents still being a cohesive “team” in multiple social media posts, is evidence enough that the party did NOT cease to exist, and therefore cannot be utilized again.

A4S3C2

“All physical and non-physical campaign materials, including but not limited to: Flyers, Social Media, Buttons, T-Shirts, etc., must be originally created, and cannot be reused year to year. This does not include party names.”

The use of this clause as evidentiary basis for the complaint filed is not appropriate, as the re-utilization of the #ForTheStudents social media is not allowed. The Instagram and its members are still very active; therefore, the name cannot be used again, as the new name is just a continuation of a previous platform and not originally created and/or represented.

A4S2C1

“All campaigning is subject to the authority of entities or individuals that have jurisdiction over the location in which campaigning is occurring. If any complaint is filed concerning whether campaigning in a certain building is permissible, the filer must prove a prohibition on campaigning within said building is (1) in writing and (2) well-communicated to students/candidates before the alleged violation took place.”

The use of this piece of legislation is moot and does not pertain to the complaint OR there was no further analysis of its relevance.

A4S2C2

“No campaign may use personal property without the consent of the owner.”

The use of this piece of legislation is moot and does not pertain to the complaint OR there was no further analysis of its relevance.

...

The legislation mentioned utilized above by the Petitioner against the Respondent, does not provide ground for an abuse of power on behalf of the Election Commission.

...

I would also like to direct attention toward the following clauses of the Election Code-

(1) A3S5C4

“Parties must register the party name and candidates with the Election Commission before engaging in campaign practices so long as the filing deadline has passed.”

and

(2) A3S5C5

“The Election Commission reserves the right to refuse any party name so long as the Attorney General is in agreement before the filing deadline.”

- (1) A3S5C4 states that party name registration is conducted by the Election Commission and the process ought to be completed and approved before engaging in campaign practices, including social media posts. The use of the Instagram as previously mentioned, ie. the last post being made five days ago, is a clear violation of campaign limitations.
- (2) A3S5C5 states that it is within the Election Commission’s right to refuse any party name as long as the Attorney General is in agreement before the filing deadline; let this complaint response serve as the Attorney General’s official statement that the re-use of this party name is inappropriate due to the extension of campaigning activities demonstrated by the “#ForTheStudents” party.

Conclusion:

Whereas accurate analysis of election code has been utilized to prove that the use of the #ForTheStudents party name is not acceptable due to multiple infractions, and the complaint

petitioner mentioned an explicit affiliation between “RiseUpForTheStudents” and “ForTheStudents”, I find the Respondent not at fault of the alleged violation. The name may not be used this year as the Election Commission and Attorney General both disprove of it.

I also urge the members of the #ForTheStudents party to change their party name, immediately end social media pre-campaigning as well as de-activate the old account, or at least stop posting, (if it is not made into its own separate account unique to the current election), as an inability to do so constitutes a breach in Election Code.

Delivered to the Chief Election Commissioner: February 1st, 2021 at 3:28PM