

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 #21-08

Petitioner(s): Srijith Kambala (further referred to as “Srijith”, he/him),

Representing Rise Up

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

Representing The Election Commission

Allegations (filed February 22nd, 2021 at 7:36PM):

(1) Chiamaka violated A3S6C13 of the Election Code:

“Candidates will be prohibited from switching from one party to another after the registration period has passed, but parties may move candidates from one position to another internally (for example, a person may not switch from “party A” to “party B”, but “party A” may move this person from an undergraduate at-large candidate to a business candidate) so long as the party leadership and the effected candidate(s) confirms this in writing to the Chief Election Commissioner in writing, before the ballot has been finalized..”

Defense (filed February 22nd, 2021 at 8:55PM):

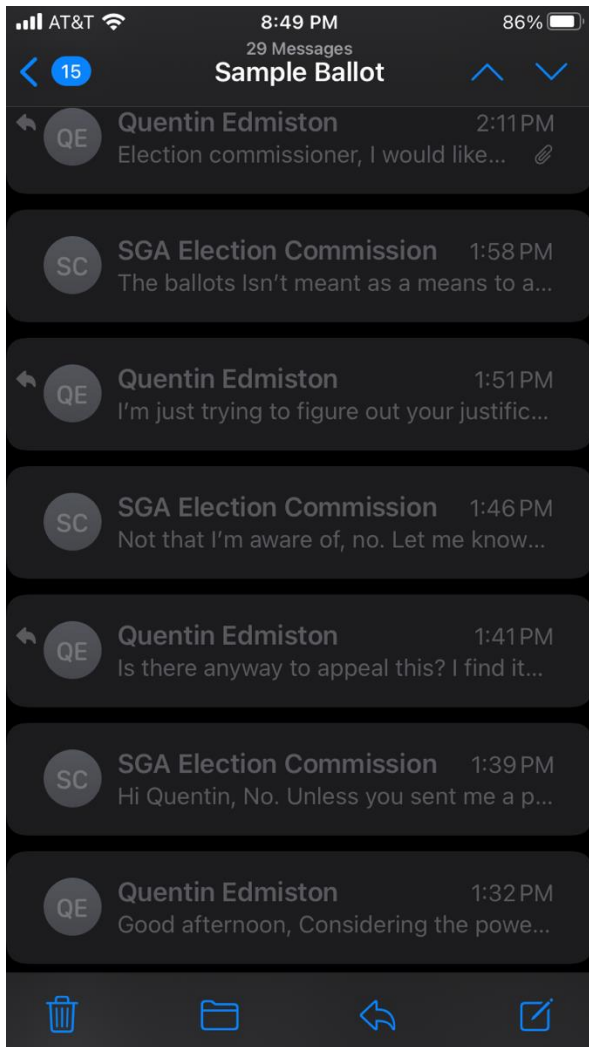
“Before I start, I just want to bring your attention to Article 2 Section 1 Clause 1 of the Election Code. I have done my best to administer this election in the fairest way possible.

Then I would like to draw your attention to Article 5 Section 4 Clause 3-4. The purpose of the sample Ballot is to ensure that individual's names are properly spelled and for other administrative purposes. I will admit that I did not post the sample ballot after the election seminar and for that, I do accept responsibility, but I did send the ballot as soon as I could. If we are following the times and dates set by the Election Code, which we ought to, then Rise Up actually had until 5pm on Friday February 12, 2021 to make any changes to their party structure and email me. That time frame is before the winter storm came and took the power and water from many Texans.

Now I would like to move on to discussing Article 3, Section 6, Clause 13 of the Election Code. That part states that changes can be made "so long as the party leadership and the effected candidate(s) confirms this in writing to the Chief Election Commissioner in writing, before the ballot has been finalized requested changes before the deadline." During the winter storm, I was actually in contact with Laura Rincon, a part of the leadership of the Rise Up party. Not once during our email exchanges did she state any changes she wanted to be made even though she has emailed me about changes before. Furthermore, with the winter storm in mind, I gave the candidates until Monday at noon to email me and Quentin emailed me after that extended deadline.

I have included a screenshot of my email to show that Q's email did in fact occur after the extended deadline of 12pm on 02/22/2021.

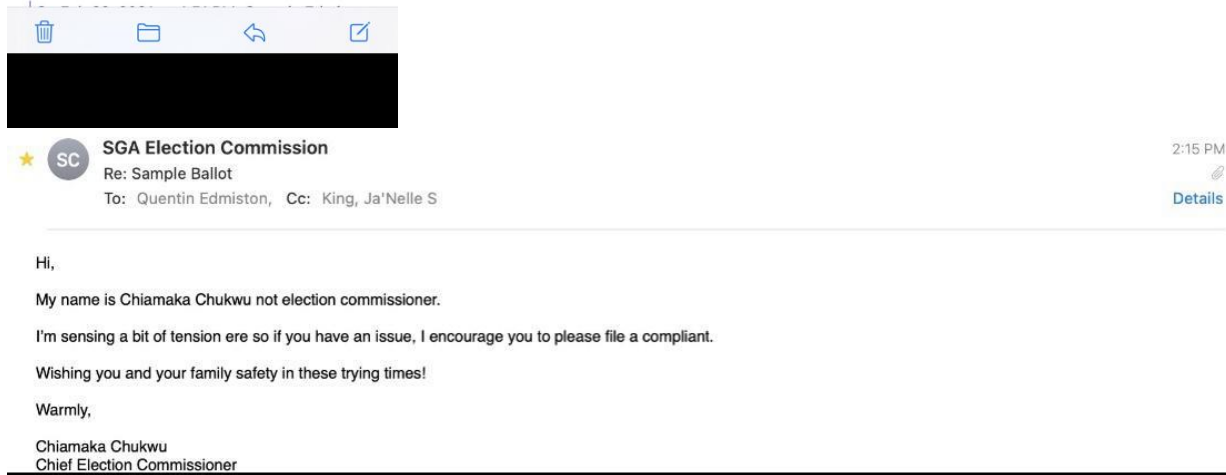
I would also like to note that the Student Action Party and independent candidates was able to meet the new deadline and send me their changes before 12pm.



-Chiamaka Chukwu

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.





Decision (February 23rd, 2021 at 8:53PM): Srijith's complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis:

Evidentiary Basis (screenshots)

These ought not to be considered as we operate as the Student Government Association at the University of Houston Main Campus and not Katy or Sugar Land. It was also clear in the defense statement that Chiamaka had been communicating with Rise Up members during the outage, therefore a claim that the reopening of the university on Monday still did not accommodate their party's ability to submit this request is not reasonable, as these conditions should have been brought to the attention of the Election Commission much sooner.

Defense Statement

The defense statement entails that despite the failure to meet the previous deadline. Chiamaka extended it until noon on Monday, and the party still had not met the time constraint.

Election Code

Per A3S6C13 of the Election Code cited in the complaint, Chiamaka ought to adhere to the requests to move candidates around before the deadline is elapsed, but as the email communication between Q and Chiamaka indicates, the requests were filed after noon.

Conclusion: Rise Up missed the deadline to re-arrange candidate positions, and therefore the Chief Election Commissioner reserves no obligation to grant the aforementioned requests.

Delivered to the Chief Election Commissioner: February 23rd, 2021 at 9:00PM