

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 #21-13

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

Representing The Election Commission

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

Representing Rise Up

Allegations (filed February 23rd, 2021 at 1:44PM):

(1) Q violated A4S4C5 of the Election Code:

“No candidate or campaign staff member may offer anything of value nor threaten or promise any particular action to a member of the Election Commission, or a member of the Justice Department with the intention of incentivizing or causing undue influence in the election process. The Election Commission and Attorney General reserves the right to file a complaint against any individual who violates this clause.”

(2) Q violated A4S4C10 of the Election Code:

“No candidate or campaign staff member may make threats towards any individual or group. This includes but is not limited to: physical threats, emotional threats, social threats, or any threat which might prove distressful to an individual or group’s physical, emotional, and/or financial well-being.”

(3) Q violated A2S1C1 of the Election Code:

“The Election Commission is responsible for the administration of the Student Government Association elections, as well as the administration of additional events at the discretion of the Election Commission that aim to promote the elections, inform the student body about the elections, provide the candidates with information, allow candidates an opportunity to promote themselves, or otherwise contribute to a fair, efficient, and publicized election.”

(4) Q violated A2S5C1 of the Election Code:

“The Chief Election Commissioner is the administrative head of the election process and must ensure that all duties of Election Commission are carried out as detailed in Article 2, Section 1 of this Election Code.”

(5) Q violated A3S3C1 of the Election Code:

“All candidates are held accountable to the provisions of this code, Student Government Association Constitution and Bylaws and all other University policies. All candidates, by way of registering and running for office, are agreeing to abide by potential sanctions and policies the Attorney General, Election Commission, Supreme Court, and/or designated lower court deem appropriate based on their interpretation of the Student Code of Conduct and University Policy. No sanction will extend beyond the context of an individual or party’s involvement with Student Government and/or Student Government practice.”

(6) Q violated A3S3C3 of the Election Code:

“Candidates who are members of a party are held individually accountable to the provisions of this code, although parties as a whole may be penalized for violation of this code.”

Defense (filed February 23rd, 2021 at 5:33PM):

“Statement of Defense

to act heinously in disregard for civil law as they please, as the targeted party would no longer have the ability to defend themselves in civil and tort lawsuits if need be.

A3S3C1 -

This clause entirely depends on there being a previous violation, and since it is argued there are no violations, this clause has not been violated.

A3S3C3 -

This clause once again depends on another violation, and once again since no clauses have been violated, this has no merit.

If the election commission wishes to be mad at anyone, it should be at the legal counsel as Quentin acted on behalf of their discretion. So if the election commission would like to personally speak to the legal counsel, please contact Quentin Edmiston to set up a phone call or email conversation.


Finally, according to the Oxford Dictionary, the definition of a threat is, “a statement of an intention to inflict pain, injury, damage, or other hostile action on someone in retribution for something done or not done.” This definition should be held as ironclad, considering the clauses must be analyzed in literal terms due to last year’s legal amendment regarding specificity in interpretation and that includes holding wording true to definition.

Notifying someone that one has been informed by a civil lawyer that they may potentially have a case against individuals that choose to distribute the contents of the mass email is not hostile, nor is it damaging in any sense considering the context of the sent letter. This is especially true once the light-hearted and friendly exchange after-the-fact between Brett and Quentin is taken into consideration.

Statement of Defense

Found in Sent - quentinedmiston@yahoo.com Mailbox

Unable to verify message signature Show Details

 **Quentin Edmiston** 12:15 PM
Re: Complaint 21-04
To: SGA Attorney General

Hi Brett,

These concerns lie within the belief that other members of the current Student Government intend to conspire to release these documents.

For further clarification, this was not directed towards you per se, and to add, I have been more than happy to work with you amidst the journey of this campaign. Obviously, I am willing to chat over a phone call when you are free!

Warmest regards,
Quentin Edmiston

[See More from SGA Attorney General](#)

uhsgaelection ✨ Vice Presidential Candidate Reveal ✨

Laura-Rincon-#RiseUp party

Disclaimer: the lack of a bio is due to the fact the Election Commission did not receive a bio from Laura or the #RiseUp party even after being given additional time. Yes, we could edit this section and simply make one up but it would not be fair to the candidates that submitted their information on time especially considering Laura and #RiseUp were given additional time.

1 hour ago

Statement of Defense



Liked by thecheyjohnson and 24 others

uhsgaelection ✨ Vice Presidential Candidate Reveal ✨

Laura-Rincon-#RiseUp party

Please note: the lack of a bio is due to the fact the Election Commission did not receive a bio from Laura or the #RiseUp party even after being given additional time.

38 minutes ago

Found in Sent - quentinedmiston@yahoo.com Mailbox

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Quentin Edmiston

Re: Complaint 21-04
To: Brett Bonnete

1:21 PM

Hi Brett,

4:10 is great with me! I'm excited to get to speak with you and just to reiterate, I have admired your hard-work and dedication to impartiality in your position as AG. I hope we can have a conducive and constructive call.

Also, good look on your meeting with the program director at A&M! I will make sure our call is short so that you can have time to properly prepare for your meeting.

Best of luck,
Quentin Edmiston

[See More](#) from Brett Bonnete



Brett Bonnete

Re: Complaint 21-04
To: Quentin Edmiston

1:34 PM

Siri found new contact info Brett Bonnete babbonnete@gmail.com

add...

Hello Q!

My meeting just got pushed back to 6:00PM, so we will definitely have time to discuss this matter in a lax setting.

Thank you so much for the kind words and I look forward to our call!

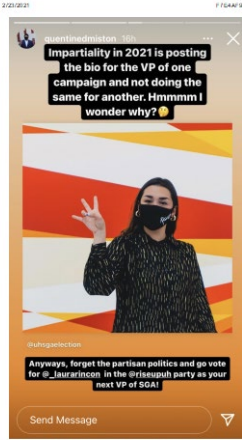
Cordially,
Brett Bonneté (he/they)
Political Science B.A. | University of Houston
Marketing B.B.A | University of Houston
57th University of Houston Attorney General
Cell: (346)-302-2003



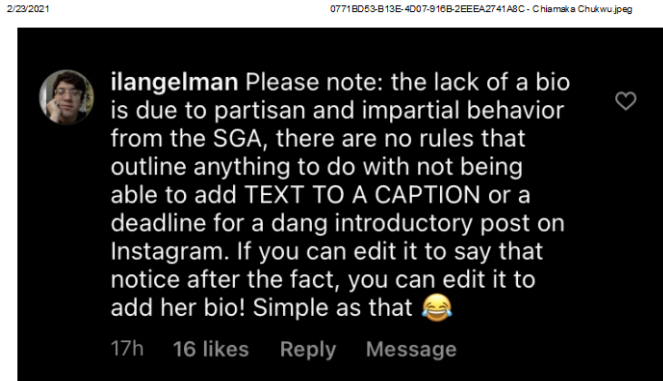
”

-Q

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.

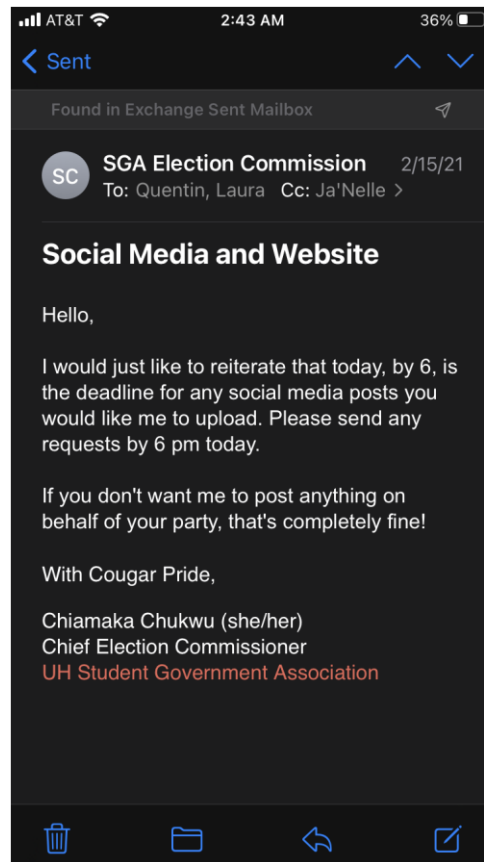


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2/23/2021

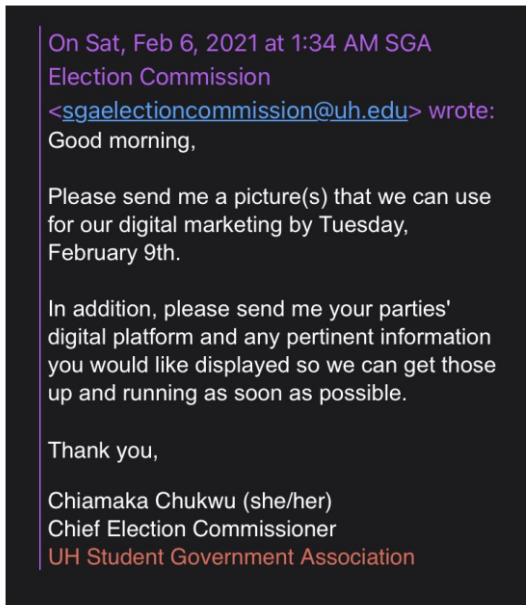
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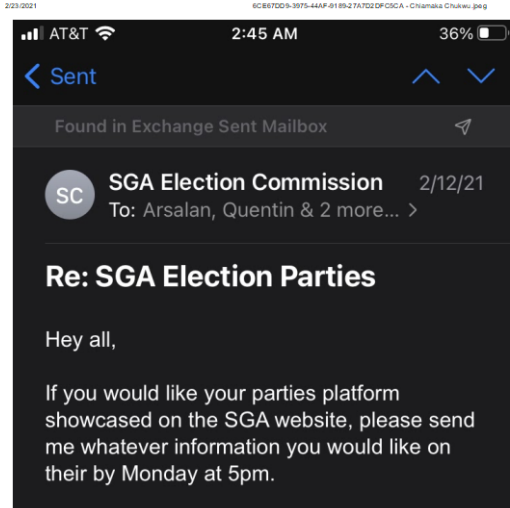
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2/23/2021

D0A42E4C-1736-4308-9535-E855475DD062 - Chiamaka Chu



<https://drive.google.com/file/d/1OX8R1K7n-4y4ogjp1UB3-UvnnFvKLLQ/view>



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To Whom It May Concern,

Let me begin by saying I only felt that consulting an attorney was necessary due to the fact that the entirety of both parties were CC'd and included in the sensitive content of this defense statement. I respect the positions and role that you, the administrative body overseeing the SGA, but I must hold my own best interest at heart to preserve my civil liberties.

It has come to my attention that certain members of the Commission are intending the of "leak" items from my Twitter account which are from a time period before I was a student.

Let me be clear, "leaking" items from a Twitter account that were not posted while I was a student is the same as violating the election rules. In addition, this would be grounds for defamation, libel and/or slander, in which case a civil case will be opened by way of my tort law attorney. Let me remind you, the means of this threat from the SGA by definition reflects that of the mentioned civil tort violations.

These posts were made in my adolescence, and as mentioned in my defense statement, do not accurately reflect my views as a 22-year-old man. I am demanding the Commission cease and desist from these harassing and violative actions. It is imperative for the election rules to be followed so that we can have fair elections, free from self-serving actions by those seeking to advance their own agendas, and moreover, to prevent further legal action from being taken.

Regards,
Quentin Edmiston

Decision (February 24th, 2021 at 11:39PM): Chiamaka's complaint HAS merit and this IS a violation of the Election Code.

Sanction: This is a Class B violation. The penalty will be a 24-hour ban of campaigning on the second day of voting, or Tuesday.

Further Analysis:

One of the most notable violations is A4S4C5 in the Election Code. The actions taken by Q such as threatening a lawsuit are a clear reason why this falls under a Class B sanction. He is trying to push back on efforts to maintain a fair and balanced election by threatening with his lawyer if we don't go along with his desired outcome. We must recognize as the Attorney General and Election Commission that we cannot be subdued by such tactics. Class B violations are described in A7S2C8 as "*Class B violations include but are not limited to: deliberately defacing, altering, or destroying the campaign material of another candidate without that candidate's explicit written permission; the obstruction of the Election Commission in the discharge of their official duties; exceeding campaign spending limits; and/or failing to appear*

before the Supreme Court or designated lower court for hearings.” The notable point here is the obstruction of the Election Commission in the discharge of their official duties. By threatening a lawsuit he is obstructing our ability to discharge our official duties.

For A4S4C10, this is very similar to my statements above. The threat by Quentin to potentially move forward with legal action clearly follow the clause as this is both an emotional threat and would be distressful to an individual's financial well-being. Lawsuits are known to be expensive, and this threat would have heavy consequences should it going forward. The Election Commission is simply trying to move forward and conduct a fair and free election. This also connects to our classification as a Class B Violation because this would fall under as an obstruction of the Election Commission in the discharge of their official duties.

Moving on to A2S1C1, there is clear negligence on behalf of the #RiseUP party. In the many emails sent by the Election Commissioner, she asks for photos and information so that she is able to inform the student body about the election and the candidates. This was a request met by the Student Action party which proves that it is a task that can be accomplished. By not providing this information in due time, he has violated the clause. To connect it to our Class B violation, the Election Code clearly states that class B violations are defined as

“Class B violations include but are not limited to: deliberately defacing, altering, or destroying the campaign material of another candidate without that candidate's explicit written permission; the obstruction of the Election Commission in the discharge of their official duties; exceeding campaign spending limits; and/or failing to appear before the Supreme Court or designated lower court for hearings.”

As with the previous two, there is an obstruction of the Election Commission by failing to provide content to her at an appropriate time. This lack of actions stops the Election Commissioner from better informing the student body on the Instagram page. Considering this is an all-digital election, the transmission of this data should be of the utmost importance to better spread the word of all the candidates in an unbiased fashion.

Moving on to A2S5C1. This is similar to the first two violations cited. The threat by Quentin to take legal action over normal correspondence by SGA officials obstructs her ability to carry out her duties as the Election Commissioner. The email is clear in its intent of changing the course of her actions regarding content that he views as sensitive. The job of the election commissioner is to deal with many topics and some of which may contain sensitive information. The idea that you can just shut down her work because you dislike it is just absurd. Like everything else so far, this connects to the Class B violation because he is attempting to obstruct the Election Commissioner and her ability to discharge the duties of her office.

The Defense in this falls apart after some basic analysis. The Defense tries to claim that the reference to A3S3C1 is not relevant because the clause is “based on previous violations. This ignores the fact that the clause is specifically about how candidates by running are consenting to falling under the jurisdiction of the Attorney General, Election Commission, Supreme Court and potentially lower courts. He is ignoring the power we have in our ability to regulate candidates and implement policy standards. We are within our realm to take action like not posting content on our social media page or distributing content of a trial due to its relevancy.

Quentin violated this code through his threats of legal action. We reserve the right to administer sanctions to either individuals or parties as a whole. What we have seen occur in this case is his threat of real world legal action in order to obstruct the ability of the Election Commission to function. If every sanction is going to be met with threats of legal consequence than we are never going to be able to properly administer an election. This again falls under the obstruction of the Election Commissioner which is mentioned in A7S2C8. For all of these reasons we have reason to believe that the sanction is valid and should be administered in the way that the Attorney General intended it to be.

It is also important to note that it is the Attorney General’s responsibility to post complaint responses on the website. It is not slander to do the job that the AG is responsible to do per the election code. It is within the jurisdiction and decision of the AG to chose whether the case be sealed or not, and as the tweets themselves were not in the response, there is no reason that we should be held accountable or at fault for these tweets potentially “leaking.” The Office of the Attorney General is not responsible for the distribution of public information; we are not able to regulate these actions.

Conclusion: Though I understand the intent of the respondent, it is important to note that due solely on the basis of election code, I must impose a sanction on the threat of legal action, as it puts stress on those managing the election, and disallows them to properly conduct their jobs without the burden potential financial and mental trauma.

Delivered to the Chief Election Commissioner: February 24th, 2021 at 7:48M