

Complaint #22-13

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.

Petitioner(s): Joshua Martin - For The Students #ChangeUHSGA

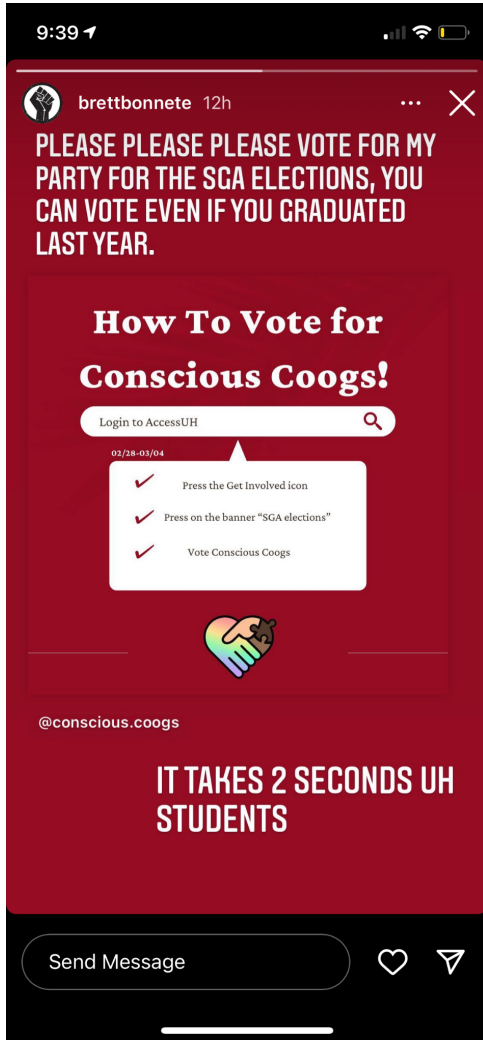
Respondent(s): Brett Bonneté - Conscious Coogs

The following allegations were filed March 1st, 2022 8:23 AM

Article 7, Section 2, Clause 5: *“Election Fraud” is defined as the unauthorized tampering, altering, or abuse of the voting process.*

Article 5, Section 1, Clause 1: *Each member of the Student Body as defined by the Student Government Constitution will be entitled to vote in the Student Government Elections.*

Chief of Staff Bonneté has advocated for individuals not currently enrolled at the University of Houston to vote in this years SGA election. Not only is this tampering of our voting system in the exploitation in what seems to be a loop hole, the Conscious Coogs party is seeking to gain votes that is unrepresentative of the student body. How can the student body have an accurate elected representation on this campus if our voting system is flooded with votes from individuals that do not attend the university of houston. Not only is this a clear breach of the defined membership of the voting base (A5.1.1)z, this is synchronous with the term “election fraud” in (A7.2.5). As the chief of staff to sga, Mr. Bonneté has a sense of credibility as they are supposed to be a source of verifiable information. This is a malicious attempt to undermine the free and fair election process that UH uses to elect its student representatives that will soon control a \$170,000+ budget. The entire Conscious Coogs party stands to benefit from this issue as Mr. Bonneté promoted voting for their “party” with this fraudulent attempt to obtain an inaccurate vote count. This begs the question, is Mr. Bonneté so afraid of the looming results of this SGA election that he would, in a state of panic, solicit the votes of former students to limit the damage?



Defense (filed March 1st, 2022 at 9:40AM:

This statement I made was true the last few years of the election, therefore I assumed it to be true this year. Some students who stayed a bit longer at UH after having graduated or are still informed on the election, in terms of historical precedence, did have the right to vote.

It is no longer the case this year, but I would not identify this as election fraud, as I am not tampering with an election, and if that adjustment or exception HAD been made by the election commission to allow past students to vote in the election, it would be respected and advertised by both parties.

There was no altering or tampering with an election, as students obviously were not able to actually vote after they graduated last year, so I had no leverage or impact on the election or it's outcome. I simply had a misunderstanding that was supported by prior evidence from years before.

Election fraud in the election code is identified as: the unauthorized tampering, altering, or abuse of the voting process.

And I did not do that, I just accidentally released incorrect information.

I would also like to add, that in the case of misinformation, CHANGEUHSGA, has publicized the incorrect election dates on all of their campaign materials and social media before recently changing it. Therefore the same violation may be made applicable, as it is “tampering with the voting system.”

Have a great day!


Brett Bonneté

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 [3/1/22 at 9:20AM]: Petitioner’s complaint **HAS** merit, and this **IS** a violation of the Election Code.

Conclusion: While I do not believe this is election fraud in the most offensive way that warrants a Class A violation, I do believe a violation of the Election Code. The election code clearly states “All candidates and their staff and volunteers will be responsible for knowing its (Election Code) contents.” (*Article 1, Section 2, Clause 2*). In the election code, voter eligibility is granted to members of the student body as defined by the Student Government Association constitution. While the constitution does not explicitly state “student body” it is stated that “all currently enrolled students are members of Student Government Association” one can infer that if only CURRENTLY ENROLLED students (essentially the student body) are members, then the definition of student body is currently enrolled students at the University of Houston. A recent graduate of the University is not a student, but an alumni, assuming they are not currently enrolled in post-bacc courses.

Further Analysis: In order to make a correct decision regarding the classification of this violation, I reached out to the Election Commission’s advisors to clarify if students who are not currently enrolled (including those who graduated last year/semester – which would now be classified as alumni) were allowed to vote. The answer was no, and there is no indication that there has EVER been a time where someone who had graduated would be eligible to vote. The defense presented by the Respondent includes incorrect information, stating that “Some students who stayed a bit longer at UH after having graduated or are still informed on the election, in terms of historical precedence, did have the right to vote.” is false. There is no evidence presented that shows previous elections allowed alumni to vote in student government elections.

 **Yolland, Allyson E**
 Tue 3/1/2022 9:43 AM

To: SGA Attorney General; Kowalka, Keith T; Powellson, Tina; SGA Election Commission


Hi Nadiia,


Any currently enrolled student should be able to vote. I am contacting engage about this issue and working through that process. Post Bacc students are allowed to vote, but those individuals must be currently enrolled.

Thanks,
 Ally

Allyson Yolland, Assistant Director
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 **Kowalka, Keith T**
 Tue 3/1/2022 8:41 AM

To: SGA Attorney General

Cc: SGA Chief Justice; Yolland, Allyson E; Powellson, Tina

Only currently enrolled students are eligible to vote. Ally - is this a Get Invoked issue?

Keith T. Kowalka (He/Him/His)
 Assistant Vice President for Student Affairs
 The University of Houston
 832-842-6151
kkowalka@uh.edu
www.uh.edu/dsaes

Sent from my iPhone

On Mar 1, 2022, at 8:20 AM, SGA Attorney General <sgadoj@central.uh.edu> wrote:

Hi Everyone,

Are students who graduated last year/semester allowed/eligible to vote in SGA Elections? People who graduated last year are getting a message about not being eligible but those who graduated last semester are able to access the form and vote.

The Election Code says that anyone in student body as defined in the constitution but the constitution doesn't specify "student body" — it only says all currently enrolled students are members of SGA.

Thank you.

Nadiia Hutcherson
 58th Attorney General
 Student Government Association
 University of Houston

While this may have been accidental misinformation (no evidence has been presented to provide an assumption of malicious intent), this information had the ability to abuse an issue within GetInvolved’s eligibility list, which allowed ineligible voters to view the form and vote. While that did not occur (per Advisor’s double-checking), the possibility to exploit this system error was presented by Mr. Bonneté.



Yolland, Allyson E

Tue 3/1/2022 10:19 AM

To: SGA Attorney General; Kowalka, Keith T; Powellson, Tina; SGA Election Commission

Hi All,

Just got off the phone with Engage. There was an error with one of our eligibility lists, but I have since corrected the issue. Nadiia and Karenina, if you hear of any other voting issues, such as this one, please let me know.

Thanks,

Ally

Allyson Yolland, Assistant Director

Center for Student Involvement

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Yolland, Allyson E

Tue 3/1/2022 11:10 AM

To: SGA Attorney General; Kowalka, Keith T; Powellson, Tina; SGA Election Commission

Hi Everyone,

Did some more digging and pulled everyone who has voted so far and cross-checked with the correct eligibility list and all those that have voted thus far are those eligible to vote. Meaning there have been no incorrect votes or votes of those who graduated.

Hope this helps!

Thanks,

Ally

Allyson Yolland, Assistant Director

Center for Student Involvement

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The election code states that the list in Article 7 is not an exhaustive list of violations (Article 7, Section 2, Clause 2), therefore there is flexibility in regards to how violations can occur, and the classifications of them. In this case, I firmly believe this type of misinformation could have provided a situation of voter fraud, therefore I will be classifying it as a class B violation.

Sanction: Conscious Coogs will be assessed a 4 hour campaign ban. (8am-12pm) on Thursday, March 3rd, 2022.

Nadiia Hutcherson

Attorney General

Delivered to the Chief Election Commissioner: March 2nd, 2022 at 9:45PM