

In Res Abel Mulugheta/ Sameer Desai (ESB / SG 2011 – 001)

Chair Eric D. Nimmer delivered the opinion of the Board:

In the matter of Abel Mulugheta and Sameer Desai, candidates for University of Texas Student Government (UTSG) President and Vice-President 2011-2012, heard on one count of campaigning before the sanctioned campaigning period as defined in the Student Government Election Code's section §2.13, were not found to be responsible for any infraction that may have been documented and thus not subject to penalty.

Election Code Section §2.13 reads as follows:

“Campaign" and "Campaigning" refer s to any statement, literature, activity, or deliberate use or distribution of materials which have the effect of soliciting votes for an elective office. This includes the formation of any public group on a social networking site”

While it is unfortunate that materials that would be considered “campaign materials” under the standing Election Code were released publicly before the authorized initial campaign date of February 16th, 2011, this incident came into existence because of an administrative error and not by the “deliberate” or calculated design of the respondent.

Whereas, documented precautions were taken and no negligible action was taken in which the respondent could be held culpable for the error the Board concurred not to render any sanction at this time against the respondent.