

*In Res Natalie Butler/ Ashley Baker (ESB / SG 2011 – 005)*

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

In the matter of Natalie Butler and Ashley Baker, candidates for University of Texas Student Government (UTSG) President and Vice-President 2011-2012, heard on one count of campaigning before the authorized election date, as defined by section §6.03 of the Student Government Election Code, were not definitively proven to have been in violation of the named section. Although said party was found to be fully culpable and punishable under section §2.12.

Election Code section §6.03 reads as follows:

*No campaigning or endorsing will be allowed until the official campaign period has begun as determined by the Election Board. Please refer to section §2.13 and §2.14 of this Code for a definition of campaigning and endorsing.*

Whereas, the petitioners' claim could not be substantiated in regard to the intent of solicitation or its inherent public aim and/or nature, the charge could not be considered in its aggregated form.

Election Code section §2.13 reads as follows:

*"Campaign Materials" refers to all materials and literature concerning any candidate. Campaign Materials shall include, but not be limited to: signs, handbills, buttons, email and other advertisements, but excluding any individual endorsement not approved by the candidate or ticket.*

Whereas, the Board has deemed a Class A punishment as governed by the Student Government Election Code appropriate, a taxing of 5% (five percent) of the party in question's allotted budget shall be levied. This penalty shall be paid and accounted for on the candidates' next financial statement.

While it was thoroughly and consciously understood by the Board that the respondent made cognizant efforts to limit the distribute their materialized requests to a limited population, that being of the executive leaders of various student organizations, the objective fact remains that the information that was passed does in fact qualify as campaign materials and is thus impermissible to distribute before the provided date. The inclusion of the language notifying said audiences of the fact that the website was not indeed "live" still does provide the parties in question with the proof of its existence and location for future reference. This early conveyance of knowledge was, and rightfully so, not afforded to other campaigns and thus has been found in violation.