

***In Res Natalie Butler/Ashley Baker (ESB / SG 2011 – 009)***

Secretary Cameron Miculka 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 violating the Student Government Election Code as defined by §4.20 following the moratorium imposed on the party following *In Res. Natalie Butler/Ashley Baker (ESB / SG 2011-007)*. The respondents were found to be culpable and punishable under the rule and thus subject to penalty.

The relevant section of *In Res. Natalie Butler/Ashley Baker (ESB / SG 2011-007)* reads as follows:

*[T]he Board has deemed a Class B punishment as governed by the Student Government Election Code appropriate, a moratorium of all campaign activities. The moratorium is effective from [12:35 pm] until 3:00 pm, March 10. During this time, candidates, agents and workers shall not engage in any activities that qualify as campaigning under the Student Government Election Code. Furthermore, the candidates, agents and workers shall refrain from any use or distribution of campaign materials as defined under 2.12.*

Election Code Section §4.20 reads as follows:

*If, after a hearing, the Election Board finds that provisions of either this Code or decisions, opinions, orders, or rulings of the Election Board have been willfully and blatantly violated by a candidate, or a candidate's agents or workers, has committed a Class D violation, the Election Board may disqualify the candidate.*

Whereas, the Board has found the campaign to be in violation of campaigning during the mandated moratorium, it was not shown that the responding party acted in a willful and blatant manner that would justify disqualification from the election. As a result, the Board has deemed the act a Class C violation as governed by the Student Government Election Code appropriate, a moratorium of all campaign activities and tax levied against the campaign. Due to present circumstances that inhibit the board's ability to order a moratorium, the responding party shall only be responsible for the fine levied against them. In this instance, the board deemed a tax of 35% of the campaign's allotted budget appropriate for the party's actions.

*Chair Eric Nimmer abstained from voting on the ruling.*