

“Extra Jurisdictional Enforcement”

In the course of any election, there are four entities:

- 1) The legislature, who drafts the rules. In our present case, this would be the Student Assembly.
- 2) The executive, who enforces the rules
- 3) The judiciary, who interprets the rules. In our present case, this would be the Election Supervisory Board (ESB)
- 4) The candidates/affected constituents, who abide by the rules

The ESB has been given the power, as legislated by the Student Assembly, to hear all matters regarding the interpretation of the Election Code that the Student Assembly has passed. But the ESB also has the unique power of enforcement of said Code, also legislated to it by the Student Assembly. These unique powers are granted to the ESB, and solely to the ESB, because, naturally, it is a body that indirectly represents the student body at the University of Texas at Austin. The members of the ESB are appointed by a committee comprised of student leaders, themselves elected by the student population. Hence, the just power of the ESB is derived by the consent of the students; the student body has entrusted the power to interpret the election code and enforce the election code solely to the ESB.

Candidates running for office under said code have guaranteed rights to police each other in the spirit of fairness and justice, but they do not have any mandate, natural or legislated, to either interpret the code or to enforce the code. Candidates, and by extension their agents and workers,

ESB Advisory Opinion (ESB/AO 2012-001)

have not been given any consent by the governed to interpret and/or enforce the election code, else the Student Assembly would have granted it to them, and not the ESB.

Hence, it is the opinion of the Election Supervisory Board, that all announcements from third parties regarding unpublished opinions and/or pending decisions by the ESB, heretofore constitute an exercise by candidates, agents, workers, or any other students who may be directly or indirectly be associated with a candidate and his or her campaign, on extra-jurisdictional matters that no one other than the ESB has been given any natural, legislative, or delegated mandate to opine or enforce. All such announcement heretofore constitutes heresy. The ESB, and only the ESB, has the legislated and natural right to interpret this code and to enforce it.

Should any campaign, and by extension any candidate, agent, worker, or any other students who may be directly or indirectly associated with a candidate and his or her campaign, be accused and convicted, of exercising said extra-jurisdictional powers, the ESB reserves the right to declare, upon accusation and subsequent conviction, which class of violation the exercise constitutes.

Eric Nimmer – Chair, Election Supervisory Board

Truc Nguyen – Vice-Chair, Election Supervisory Board

Blake Baker – Member, Election Supervisory Board

Rick Lewis – Member, Election Supervisory Board

Ryan Lutz – Member, Election Supervisory Board

Charles E. Maddox – Chair Emeritus, Election Supervisory Board

Cody Permenter – Member, Election Supervisory Board

Robert Toto – Member, Election Supervisory Board

Ady Wetegrove – Member, Election Supervisory Board