

*In Res Ross Yudkin (ESB / SG 2012 – 006)*

Vice-Chair Truc T. Nguyen delivered the ruling of the Board:

In the matter of Ross Yudkin, candidate for the McCombs School of Business Representative 2011-2012, heard on multiple counts of campaigning within 20 feet of a polling location, as defined in the Student Government (SG) Election Code, and on one count of violating the University regulations governing the use of electronic media.

On the counts of violating the Election Code Title II Subchapter C clause 9.03 regarding the campaigning proximity during voting period, the Board has decided that no punishment would be administered. The Board took into considerations that the two parties have taken steps to resolve the issues. Affidavits and withdrawal statements were submitted to the Board prior to the hearing to explain the situations and to have the complaints dropped.

In response to the count of violating the University regulations of electronic media, the Board found the defendant guilty. According to the University of Texas Information Technology Services (ITS) policies, SPAM is defined as “unsolicited or unwanted email.” The defendant sent out emails soliciting votes using Blackboard without permissions from the receivers, thus defining said action as spamming and coercing attention. While Mr. Yudkin argued that such policy regarding spamming was difficult to find, the Board did not think that ignorance warrants grounds for dismissal. During the hearing, the defendant also acknowledged that he is willing to accept any punishment to rectify the unfair advantage his action had given his campaign.

With all these factors taken into account, the Board has chosen to issue a Class B punishment. This punishment shall entail a moratorium of all campaign activities from the issuance of this ruling until 10 a.m. March the 1<sup>st</sup>. This restricts all activities defined as campaigning under the SG Election Code. In addition, the candidate, agents and workers shall refrain from distributing publicity materials and/or

soliciting votes from any students at the University of Texas at Austin. All sanctioned activities may resume after the scheduled time.