

2015 Election Supervisory Board

In Res Tanner Long
ESB Resolution: 2015-001

Election Supervisory Board member Zachary Long delivered the majority opinion of the board:

In the matter of Tanner Long, candidate for College of Liberal Arts Representative during the 2015 campaign season, the Election Supervisory Board heard one complaint regarding ballot order draw for the College of Liberal Arts race.

Whereas section 3.1 of the Student Government election code states that the *“Election Supervisory Board shall be responsible for the administration of Campus-wide elections”*;

Whereas, pursuant to section 4.11, the Election Supervisory Board conducted a hearing on February 21, 2015, to ascertain the facts of the complaint brought forward by Mr. Tanner Long;

Whereas Mr. Ryan Lutz recused himself from this case and was not present for any deliberations of the Election Supervisory Board in this case;

Whereas the decision to overturn a ballot-order draw is not one to be taken lightly;

Whereas there is no guidance in the election code that ballot order draw be conducted in a similar matter from year to year, or even across different races in the same election cycle;

Whereas Chairman Nicholas Andrew Molina instructed each Election Supervisory Board member to oversee their candidates ballot order process, Mr. Ryan Lutz was following instructions by choosing his own ballot procedure which was consistent within his respective campaigns, McCombs School of Business and College of Liberal Arts;

Whereas Mr. Tanner Long highlights Title 1, Section 1.1 of the election code, that reads, in part *“this code exists to facilitate a fair and education experience for student government positions at the University of Texas at Austin,”* and that he is contesting the “fair”ness of the ballot-order draw process utilized by this year’s Election Supervisory Board;

Whereas, according to Title II, Section 4.11, subsection (a) (v) in the Student Government Election Code, which states:
“The complaining party shall bear the burden of proof;”

Whereas each candidate was present during the initial drawing for the ballot order and there were no objections made by any candidate during the ballot drawing process;

Whereas the instructions for the ballot-order process, as described by Mr. Tanner Long, were for each candidate to:

- 1) Individually tear their own piece of paper,
- 2) Write their name on their own piece of paper, and
- 3) Place their own piece of paper in an envelope

According to Mr. Tanner Long, the candidates were not given clear instructions regarding the size of the piece of paper, weight of the piece of paper, and folding specifications of said piece of paper, and due to that lack of instruction, the pieces of paper were not equal in size or weight;

Whereas Mr. Tanner Long stated that he selected his paper size based on the size of the paper used in the 2014 ballot-order drawing;

Whereas in an Affidavit to Chairman Molina, candidate for College of Liberal Arts Representative Ms. Sammy Minkowitz described the ballot-order process as fair and clear regarding the piece of paper used for selection;

Whereas in the hearing, Mr. Ryan Lutz described that he instructed candidates to write their names on a “small” piece of paper, and emphasized that no candidate’s individual paper was close to or greater than a third of a standard sheet of notebook paper;

Whereas Mr. Tanner Long indicated during his testimony and rebuttal that he offered paper to other candidates, and did not intercede at any point during the ballot-order draw to raise his objections;

Whereas Mr. Ryan Lutz stated during questioning that he had candidates place their ballots in the envelope from left to right, thus, as Mr. Tanner Long was on the far right, he was the last to place his paper into the envelope;

Therefore, let it be resolved that the Election Supervisory Board *does not accept* Mr. Tanner Long’s use of the “fair” clause (Section 1.1) as grounds for considering the re-drawing of ballot order for all races in this year’s election cycle, as the outcome of those ballot-draws and subsequent elections have no bearing on the outcome of his own contest for College of Liberal Arts representative;

Therefore, let it be further resolved that in the matter of a proposed redraw of the ballot-order for the College of Liberal Arts, the Election Supervisory Board has considered the facts at hand and decided that such a redraw is unwarranted based, in part, on the following facts:

- 1) The decision to overturn a ballot-order draw is not one to be taken lightly, and requires concrete evidence of bias, intentional or not, that unjustly penalizes a candidate;
- 2) The complainant, Mr. Tanner Long, did not meet the burden of proof, including collaborating statements from other candidates, to demonstrate unfairness in the process employed by Mr. Ryan Lutz to draw ballot order for the College of Liberal Arts;
- 3) The consequences of a ballot-order redraw will undoubtedly result in ramifications for other candidates in the College of Liberal Arts race that have not made complaints, either formally or informally to the Election Supervisory Board, regarding the process utilized to select ballot-order;

Therefore, the complainant Mr. Tanner Long has the right to appeal this decision pursuant to Title II, Section 5.1 of the Election Code, which states:

“APPEAL OF ESB DECISION. Any party adversely affected by a decision of the Election Supervisory Board may file an appeal with the entity with appellate jurisdiction within twenty-four (24) hours after the adverse decision is announced unless the Election Supervisory Board’s decision takes place during a voting period.”

In conclusion, the Election Supervisory Board submits this resolution on Sunday, February 22nd, 2015 with the majority of board members who were present at the hearing.

Nicholas Andrew Molina, Chair

Virginia Luehrsen, Vice Chair

David Engleman, Member

Zachary Long, Member

Forrest Wolfe, Secretary