2015 Election Supervisory Board
In Res. [REDACTED]
ESB Resolution: 2015-003

Chairman of the Election Supervisory Board Nicholas Andrew Molina delivered the majority opinion of the board:

In the matter of [REDACTED]*, defeated candidates for Student Government Executive Alliance during the 2015 campaign season, the Election Supervisory Board heard one complaint regarding mass campaign emails being received without a direct affiliation with the* [REDACTED] *Executive Alliance.*

Whereas: Section 11-404 of the Institutional Rules on Student Services and Activities, Student Discipline and Conduct reads: *(a) Notwithstanding any action taken on account of the violation by civil authorities or agencies charged with the enforcement of criminal laws, the dean of students may initiate disciplinary proceedings under subchapter 11–500 against a student who:*
(18) engages in an inappropriate or disproportionate use of an information technology resource owned or controlled by the University or The University of Texas System or uses an information technology resource for an illegal, threatening, or intentionally destructive purpose; prohibited conduct includes but is not limited to circumventing system or network security, committing copyright infringement, **transmitting unsolicited e-mai**l*, sharing a University-issued password, falsifying an email header, and using resources for personal financial gain or profit;*

Whereas: [REDACTED] accepted the majority of responsibility for compiling the list of emails used in his campaign email;

Whereas: When questioned by members of the Election Supervisory Board, the [REDACTED] Executive Alliance was unable to sufficiently describe the origin of the large number of emails;

Whereas: Several members of the Election Supervisory Board also received unsolicited emails from the [REDACTED] Executive Alliance;

Whereas: The Election Supervisory Board hosted the Candidate Seminar on February 17th, 2015 explaining the rules regarding sending unsolicited emails to large numbers of students;

Whereas: The Election Supervisory Board released Advisory Opinion 2015-001 regarding sending unsolicited emails to large numbers of students;

Whereas: The Election Supervisory Board held this hearing after the [REDACTED] Executive Alliance was defeated;

Therefore,
let it be
resolved: That the Election Supervisory Board is issuing a Class B Violation for the [REDACTED] Executive Alliance. A moratorium of 2 days would have applied if the campaigning cycle was still in session. This would restrict any activity defined as campaigning under the Student Government Election Code. Furthermore, the candidates, agents and workers would have refrained from any use or distribution of campaign materials as defined in the Student Government Election Code. All sanctioned activities may have resumed after the scheduled date.

Therefore,
let it be
further
resolved That this Class B Violation is meant to guide future elections in lieu of an update to the Election Code;

Therefore,
let it be
further
resolved: That the Election Supervisory Board will be providing recommendations to Student Government in early-May 2015 on how to appropriately address the issue of mass-emails for future campaign seasons;

Therefore,
let it be
further
resolved: That the respondents, [REDACTED], have the right to appeal this decision pursuant to 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 Wednesday, March 11th, 2015 with the majority of board members who were present at the hearing. *Nicholas Andrew Molina, Chair Forrest Wolfe, Secretary*

Ryan Lutz, Member

Preston Covington, Member

Zachary Long, Member

Kali Lang, Member

Ali Al-Nahi, Member