

## **2015 Election Supervisory Board**

In Res. Xavier Rotnofsky and Rohit Mandalapu ESB Resolution: 2015-004

Election Supervisory Board Vice-Chair Virginia Luehrsen delivered the majority opinion of the board:

*"In the matter of Xavier Rotnofsky and Rohit Mandalapu, candidates for Student Government Executive Alliance during the 2015 campaign season, the Election Supervisory Board heard one complaint regarding failure to accurately report campaign expenses in relation to the candidate debate during the campaign season."*

Whereas: Title II, Chapter 7, Section 7.16 states: *"CAMPAIGN EXPENDITURE RECORDS. Each candidate must keep accurate and up-to-date records of all campaign receipts and expenditures."*

Whereas: Pursuant to section 4.11, the Election Supervisory Board conducted a hearing on March 11, 2015, to ascertain the facts of the complaint brought forward by [REDACTED], defeated-candidate for Student Government President;

Whereas: The complainant stated that the Rotnofsky-Mandalapu campaign failed to disclose the cost of New Jersey pink roses and brownies distributed by Rotnofsky-Mandalapu campaign workers at the candidate debate on Monday, March 2, 2015;

Whereas: The Rotnofsky-Mandalapu campaign stated that they did not see these items as tools to advance their campaign, but a gesture of goodwill to moderators and other candidates;

Whereas: The Rotnofsky-Mandalapu campaign stated that every candidate who received roses, lunchables, and brownies did not claim these gifts as in-kind donations on their financial disclosures;

Whereas: Title II, Chapter 1, Section 1.8 states: *"IGNORANCE. Ignorance of this code shall not be an acceptable defense in response to any offence committed in any election under this code; either by the candidates themselves, their agents or workers, or the election regulatory bodies, as defined by this code; either by the candidates themselves, their agents or workers, or the election regulatory bodies, as defined by this code;"*

Whereas: Precedent for this situation was set in In Res Madison Gardener/Antonio Guevara (ESB / SG 2012-003), where failure to report resulted in a Class A violation and levy of a 10% fine; Therefore, let it be resolved: That the Election Supervisory Board has determined that the Rotnofsky-Mandalapu campaign did fail to disclose the cost of New Jersey pink roses, brownies, and lunchables given out to candidates at the candidate debate, and this failure to report shall result in a Class A violation and levy of a 10% fine of total campaign budget in accordance with precedence set in Res Madison Gardener/Antonio Guevara (ESB / SG 2012-003);

Therefore, let it be further resolved: That the Rotnofsky-Mandalapu campaign is required to report this expense, as well as the resultant 10% fine on their next financial disclosures, or be subject to further sanctions by the ESB;

Therefore, let it be further resolved: That the respondents, Xavier Rotnofsky and Rohit Mandalapu, 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 11, 2015 with the majority of board members who were present at the hearing.

Nicholas Andrew Molina, Chair

Virginia Luehrsen, Vice Chair

Forrest Wolfe, Secretary

Ryan Lutz, Member

Preston Covington, Member

Zachary Long, Member

Ali Al-Nahi, Member