

2016 Election Supervisory Board
In Res. Kallen Dimitroff and Jesse Guadiana
ESB Resolution: 2016-013

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

“In the matter of Kallen Dimitroff and Jesse Guadiana, candidates for Student Government Executive Alliance during the 2016 campaign season, the Election Supervisory Board heard one complaint regarding two counts regarding a failure to list campaign materials on a financial disclosure.”

Whereas, Pursuant to Title II, Chapter IV, Section 4.11, the Election Supervisory Board conducted a hearing on March 10th, 2016, to ascertain the facts of the complaint brought forward by Adit Bior, a student of the University; and,

Whereas, The Dimitroff-Guadiana Executive Alliance campaign failed to report a chili pepper costume that was used on the of the first day of public campaigning on their first financial disclosure; and,

Whereas, The first financial disclosure was due at 4:30 PM on Wednesday, February 17th, 2016 (the first day of public campaigning); and,

Whereas, The Election Supervisory Board interprets the election code as follows: any materials a campaign uses prior to a financial disclosure deadline should be included on that financial disclosure, regardless if the materials are expenditures or in-kind donations; and,

Whereas, The Dimitroff-Guadiana did not report the chili-pepper costume on the first financial disclosure, but did report it on the second financial disclosure, which was due nine days after the first; and,

Whereas, The Dimitroff-Guadiana campaign failed to report two sandbags holding down a campaign sign on any financial disclosure during the campaign period; and,

Whereas, The Dimitroff-Guadiana campaign argued that they were unaware of the sandbags being used to hold down the campaign sign; and,

Whereas, Title II, Chapter I, Section 1.8 of the Election Code states: *“IGNORANCE. Ignorance of this code shall not be an acceptable defense response to any offense 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.”* and,

Whereas, The Election Supervisory Board cannot accept that line of defense from the Dimitroff-Guadiana campaign; and,

Whereas, In ESB Resolution 2015-004, the Election Supervisory Board gave the Rotnofsky-Mandalapu campaign a 10% spending reduction limit for failing to report campaign materials on their financial disclosure; and therefore, let it be,

- Resolved, That the Election Supervisory Board has determined that the Dimitroff-Guadiana campaign has failed to comply with Title III, Chapter III, Section 3.19 by not disclosing the chili pepper costume in a timely manner; and therefore, be it further,
- Resolved, That the Election Supervisory Board has determined that the Dimitroff-Guadiana campaign has failed to comply with Title III, Chapter III, Section 3.22 (c) by not including the sandbags in any of their financial disclosures; and therefore, be it further,
- Resolved, That this failure to comply with the Election Code shall result Class A violation of a 5% fine for both violations, resulting in a total of a 10% fine of the Dimitroff-Guadiana campaign's original spending limit of \$1,023; and therefore, be it further,
- Resolved, That the Election Supervisory Board will update the Dimitroff-Guadiana campaign's third financial disclosure to show the 10% fine, as a courtesy; and therefore, be it further,
- Resolved, That the respondents, Kallen Dimitroff and Jesse Guadiana, have the right to appeal this decision pursuant to Title II, Chapter V, 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) 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 its resolution on Friday, March 11, 2016 with the majority of board members who were present at the hearing.

Zachary Long, Vice Chair

Sofia Aranha, Secretary

Courtney May, Member

Elizabeth Vigants, Member

Elizabeth Roach, Member

David McDonald, Member