

2016 Election Supervisory Board
In Res. Kevin Helgren, Binna Kim, and Adit Bior
ESB Resolution: 2016-001

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

“In the matter of Kevin Helgren, Binna Kim, candidates for Student Government Executive Alliance, and Adit Bior, agent for the Helgren-Kim campaign during the 2016 campaign season, the Election Supervisory Board heard one count of unauthorized campaigning.”

- Whereas, Title II, Chapter VIII, Section 8.2 states: *“UNAUTHORIZED CAMPAIGNING. All candidates are prohibited from campaigning, soliciting, or otherwise bringing attention to their campaign or election before the sanctioned campaign period.”* and
- Whereas, Pursuant to Title II, Chapter IV, Section 4.11, the Election Supervisory Board conducted a hearing on February 9, 2016, to ascertain the facts of the complaint brought forward by Alexander Chase, a student of the University and candidate for The Daily Texan Editor-in-Chief; and
- Whereas, The complainant, Alexander Chase, received a Facebook message from Adit Bior soliciting his support for the Kevin Helgren and Binna Kim campaign for Student Government Executive Alliance; and
- Whereas, In the document submitted to the Election Supervisory Board by the respondents, Adit Bior is referred to as “an agent for Kevin Helgren and Binna Kim’s Student Body President and Vice President campaign” and Adit Bior’s position in the campaign is the Head of Rules; and
- Whereas, Title II, Chapter II, Section 2.2 states: *“‘AGENT’ refers to any candidate-appointed worker who is authorized to speak and act on behalf of the candidate.”* and
- Whereas, The Facebook message sent by Adit Bior was on behalf of the Helgren-Kim campaign for Student Government Executive Alliance; and
- Whereas, The contents of the message solicited Alexander Chase’s support for the Helgren-Kim campaign for Student Government Executive Alliance; and
- Whereas, Title II, Chapter II, Section 2.3 states: *“‘CAMPAIGN’ AND ‘CAMPAIGNING’ refer to statements, literature, activities, or deliberate uses or distribution of materials of any kind that have or are intended to have the effect of soliciting votes, support or interest for a candidate or elective office. Campaigning should only occur during the official campaign period as defined in this code.”* and
- Whereas, Adit Bior asked for Alexander Chase’s email to “send [him] more info about the [Helgren-Kim campaign] goals; and

Whereas, Title II, Chapter II, Section 2.4 states: “*CAMPAIGN MATERIALS*’ refers to all materials and literature of any kind concerning any candidate that have or are intended to have the effect of soliciting votes, support, or interest for a candidate or elective office but excludes and individual endorsement not approved by the candidate.” and

Whereas, Title II, Chapter VIII, Section 8.2 (b) states: “*However, this prohibition does not include the personal individual recruitment by a candidate of individual team members.*” and

Whereas, The respondents claimed that the Helgren-Kim campaign was attempting to recruit Alexander Chase to be a campaign worker, which is allowed under Title II, Chapter VIII, Section 8.2 (b). However, the message contained the word “support,” which can imply they were soliciting his vote; and

Whereas, The Helgren-Kim campaign solicited the support of Alexander Chase; and

Whereas, A Class B violation would normally go into effect twenty-four (24) hours after the resolution is submitted. However, since the campaign period has not begun, the consequence must take place when the authorized campaign period begins; and therefore, let it be

Resolved, That the Election Supervisory Board has determined that the Helgren-Kim campaign failed to comply with Title II, Chapter VIII, Section 8.2 of the Election Code by attempting to solicit the support of Alexander Chase; and therefore, be it further

Resolved, That this failure to comply with the Election Code shall result in a Class B violation of a thirty-six (36) hour moratorium of the Helgren-Kim campaign that shall go into effect on February 17, 2016 at 12:01 am; and therefore, be it further

Resolved, That the respondents, Kevin Helgren, Binna Kim, and Adit Bior, 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 Wednesday, February 10, 2016 with the majority of board members who were present at the hearing.

Zachary Long, Vice Chair

Sofia Aranha, Secretary

Kyle Mason, Member

Courtney May, Member

Matt Gmitro, Member

David McDonald, Member

Elizabeth Vigants, Member