



THE STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY OF TEXAS AT AUSTIN

**Advisory Opinion: Consequences of Failing to File a
Financial Disclosure for First-Year Elections**

CHIEF JUSTICE BIRENBAUM delivers the opinion. JUSTICE
SLAGLE, JUSTICE DARROW, JUSTICE NGUYEN, and
JUSTICE JEON join.

**SUPREME COURT OF THE STUDENT
GOVERNMENT OF THE UNIVERSITY OF TEXAS
AT AUSTIN**

No. 2018 Fall – 002

Delivered August 21, 2018

The Court is issuing an advisory opinion regarding the consequences of first-year representative candidates failing to file financial disclosures for first-year elections.

This Court finds that the Supreme Court itself is given substantial power to decide on cases for first-year elections. Student Government Constitution §6.6 states:

FIRST-YEAR ELECTION OVERSIGHT. The Supreme Court shall oversee the elections of the First-year representatives.

Additionally, the Student Government Election Code states clearly that candidates must keep careful records. Under Student Government Election Code §3.19:

RECORD KEEPING. Each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures.

The Student Government Election Code, however, gives little guidance for the consequences of first-year candidates not filing financial disclosures in first-year elections. Further, because first-year elections



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are distinct from campus-wide elections, first-year elections do not fall under the jurisdiction of Campus-Wide Election Code. Therefore, the Court may decide the consequences of not filing financial disclosures for first-year elections. This authority includes deciding that failure to file a first disclosure requires a different class of violation from failure to file a second disclosure.

Given this discretion, the Court will give the following punishments for first-year election candidates who, absent extenuating circumstances, fail to file financial disclosures:

- Late filing of the first disclosure results in a 10% reduction in the campaign's spending limit (Class A violation).
- Late filing of the second disclosure results in a 20% reduction in the campaign's spending limit and a 24-hour moratorium on campaign activities (Class C violation).
- Late filing of the third disclosure results in disqualification.

The 2018 schedule for financial disclosure is as follows:

- First disclosure is due Friday, September 21, 2018, at 4:30 p.m.
- Second disclosure is due Monday, September 24, 2018, at 4:30 p.m.
- Third disclosure is due Wednesday, September 26, 2018, at 4:30 p.m.

The Court reminds candidates that, if they miss a deadline, they still must submit the financial disclosure late. If a candidate, for example, misses the second disclosure deadline and still submits their third disclosure, then that third disclosure will be treated as a second disclosure, and the candidate will be given the punishment of missing their third disclosure.

Additionally, this Court rules that candidates may submit financial disclosures starting 48 hours before the financial disclosure deadline.

It is so ordered.