



THE STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY OF TEXAS AT AUSTIN

In Re: Spiler v. ESB

JUSTICE RICHARD delivers the majority opinion. JUSTICE
BINDEMAN and JUSTICE BIRENBAUM join in full.
CHIEF JUSTICE MOORE abstains.

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

No. 2018 Spring – 006

Delivered March 4, 2018

On March 3, 2018, the Court heard an appeal of ESB Resolution 2018-006 in which the ESB issued Class D violations, and therefore disqualifications, to multiple candidates for failure to submit their third financial disclosure in a timely fashion. The court heard arguments from the Spiler campaign, the Richardson campaign and the ESB.

The Court has established in Advisory Opinion Spring 2018-004 the powers of the ESB and of the Court in relation to the ESB. The advisory opinion states the following:

“This Court advises that the ESB has the plenary authority to determine which violations belong in each class of violations under Election Code §4.12”

This Court has no ability to review the decisions of the ESB in regard to which class of punishment shall be assigned to a given violation of the governing documents so long as the punishment falls within the guidelines of the governing documents.



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Additionally, the ESB presented a slide from the PowerPoint presentation that was delivered at the mandatory candidate seminar outlining the fact that a late third financial disclosure would result in disqualification. The ESB also instructed candidates at the seminar that they were responsible for all information delivered in ESB resolutions and advisory opinions. The Court considers this notification of candidates at the mandatory seminar to be sufficient in meeting the ESB's communication requirements with candidates.

The appellants alleged that the communication that they received from the ESB was at times confusing or unclear. This Court finds that the burden to resolve individual confusion falls on the candidates rather than the ESB. If a candidate is confused about how they should interpret communications from the ESB, it is that candidate's responsibility to ask for clarification, as the ESB cannot be expected to know when a candidate may be confused if it is not informed of said confusion.

The Courts finds that the ESB has acted within its authority to assign violations and administer the campus wide election.

The Court upholds ESB Resolution 2018-006 and the disqualification of the appellants.

It is so ordered.