



STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY TEXAS AT AUSTIN

In Re: 2019 First Year Elections in the Case Farias v. Puranik

JUSTICE PETON delivers the opinion. CHIEF JUSTICE DODSON
and JUSTICE JAMES join.

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

No. Fall 2019 – 002

Delivered September 26, 2019

Background: In the case *Farias v. Puranik*, the Court heard argument regarding alleged violations of the election code governing first-year elections by respondent Sid Puranik. Complainant Benjamin Farias alleges that an authorized agent of Respondent’s campaign posted campaign literature (exhibit A) on the University of Texas at Austin Class of ‘23 Facebook group for the purpose of garnering votes on the day of the election.

Facts: Complainant alleges that an authorized agent of the Respondent, Cameron Waltz, posted campaign literature on the University’s official Class of ‘23 Facebook group at 10 A.M., the morning of the 25th, for the purpose of garnering more votes on the day of the election. Complainant mentioned that he discovered the post after perusing through Facebook that morning which prompted him to report the alleged infraction thereafter. Complainant cited Sec. 4.7 and Sec. 4.8 of the Student Government Election Code for the Court’s reference. Respondent claims that while his authorized agent made the post at 10 A.M. the



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morning of the election, he was at the gym and had not seen the post until he was notified that a complaint had been filed against him. Respondent mentioned that as he was distilling the potential reasons for a complaint to have surfaced, he had become aware of the Facebook post and immediately requested the authorized agent to remove the post 4 or 5 hours after the post was created. The post was then removed from the Class of '23 Facebook group.

In their closing, Respondent argued that the intent when posting the campaign material on the Class of '23 Facebook group was neglectful, but not nefarious. The Court finds it useful to pause here and discuss the intent that is relevant when defining classes of violation as per §4.13 of the Campus-Wide Election Code.

Many of the provisions contained in the various documents governing campus elections are technical in nature, dealing with issues of procedure and thus are not amenable to a standard of nefarious or malicious intent. Though it is conceivable that skullduggery might lie behind a late financial disclosure or a technically inaccurate campaign staff disclosure, the more parsimonious explanation is usually negligence or the various exigencies of student life (midterms, term papers, extracurriculars, etc.).

Yet nonetheless, these technical provisions exist as important safeguards of the fairness of campus elections; the standard of intent must be amenable to their enforcement as well.

Informed disregard of the election rules is the primary standard of intent that the Court uses to assess election code violations as required by §4.13 of the Campus-Wide Election Code.



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There are myriad factors that determine where on the spectrum of informed disregard a candidate's intent lies and a listing of such factors exceeds the scope of this opinion. However, it is necessary here to state emphatically that malice, animus, or ill will is not necessary to establish sanctionable intent. A candidate who knowingly disregards election rules is subject to sanction all the way up to disqualification, even if their intent was merely heedless instead of heinous.

Complainant contends that because the post was taken down 4 or 5 hours after the post was created, the potential impact that it may have had on the election is immeasurable but nonetheless present due to the sheer size of the Facebook group (c. 4,800 members at the time of the hearing). Respondent claims that the potential impact was not substantial because of the small number of physical engagements the post had (1 "love" and 3 "like" reactions).

Nevertheless, the prohibition regarding the conduct by the authorized agent of the Respondent was addressed in the [2018 Supreme Court Advisory Opinion 5](#) where the court expanded on the University's regulations concerning spamming on various platforms of social media. The Court also presented information regarding the appropriate use of social media at the candidate seminar and, by virtue of Respondent agreeing to run in the first-year elections race, Respondent agreed to adhere to all the rules and regulations governing first-year elections.

Decision: Therefore, as Sec. 4.7 of the Student-Government Election Code states that "Candidates are responsible for all electoral actions and conduct of their campaign staff", the Court finds that Respondent has violated the following provision of the Student Government Election Code:



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Sec. 4.8 - "ELECTRONIC MEDIA. All campaign materials must be in compliance with University regulations governing the use of electronic media."

Remedy: The Court finds that after considering the severity and intent of the Respondent's infractions, Respondent has committed a Class C violation as outlined in Sec. 4.12(c) of the Campus-Wide Election Code. The Court has chosen this remedy due to the severity of the infraction committed by the authorized agent of the Respondent on the day of the election.

The Court has previously mentioned that the imposition of a Class C violation may yield a 20% reduction in the violator's spending limit as well as a moratorium on campaigning. However, as the first-year elections electioneering timeline has recently concluded, the Court finds that issuing a campaign moratorium would not be an equitable remedy that the Court sees fit. Rather, the Court has decided to considerably increase the reduction of the Respondent's campaign expenditure limit up from 20% to 30%.

It is so ordered.



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Exhibit A: Campaign Post

AT&T 9:09 AM 100%



Cameron Waltz ▶ Class of 2023, The University of Texas (UT) at Austin (Official Group)

49 mins · 📍

Hey I'm not gonna spam y'all but vote for my roommate Sid Puranik for First Year Rep! Keep students safe by expanding night rides to go from wampus to campus, make dorms convenient and secure by using hand scanners, and support our students in need with printing and bilingual service all across campus! Voting closes at 5!

utexasvote.org

(Also make McConaughey the voice of UT cross walks 😊) — with Sid Puranik.



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