



STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY TEXAS AT AUSTIN

**Advisory Opinion: Clarifying the Financial Disclosure
Standard for First-Year Elections**

JUSTICE DODSON delivers the opinion. CHIEF JUSTICE PETON
and JUSTICES HASTINGS, JONNALAGADDA, and JAMES join.

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

No. Fall 2020 – 003

Delivered July 7, 2020

Summary: This Advisory Opinion seeks to clarify the use vs. expense standard set in *Alexander/Johnson v. ESB* for First-Year Elections.

I. Background

On September 23, 2019, this court delivered an opinion in a case—*Bhosale v. Puranik*—between First-Year Representative candidates determining, among other things, that “correct composition of the financial disclosure form necessitates listing of [campaign materials] only if the [materials are] utilized for campaign purposes.” Under such a standard, first-year election campaigns would have to list campaign materials only if they have actually been used for campaigning purposes. However, in a later Court opinion—*Alexander/Johnson v. ESB*—this court endorsed a standard that requires disclosure on the basis of expenditure, not usage, for campus-wide elections.



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First-Year Elections are governed entirely under the authority of the Student Government Specific Election Code (see Student

Government Constitution §6.6). As such, it is possible that an opinion interpreting the financial disclosure standards in campus-wide elections,

where both the Student Government Specific Election Code (“SGEC”) and the Campus-Wide Election Code apply, might not hold significant precedential value in first-year elections. However, because the opinion addressed §3.21(d) of the SGEC as specifically supporting the requirement for disclosure upon expenditure, not use, it becomes impossible to read this opinion in concert with the standard articulated in *Bhosale v. Puranik*. As Professor Trelawney cautioned a rather cadaverous Harry Potter, “neither can live while the other survives.”

II. Applying the Expense Standard to First-Year Elections

The Court will apply the “expense standard” as articulated in *Alexander/Johnson v. ESB* to the financial disclosure requirements for first-year elections. Simply stated, §3.21(d) of the SGEC requires the disclosure of “all expenses” and the expense standard reads this plain text to mean that the burden to disclose arises upon the expenditure of campaign funds, not the use of the campaign material. The section of *Bhosale v. Puranik* conflicting with this standard is in error and is overruled by this opinion.

It is so ordered.