



STUDENT GOVERNMENT SUPREME COURT  
THE UNIVERSITY TEXAS AT AUSTIN

**Advisory Opinion: Clarification on Financial Disclosures and  
Establishing Filing Deadlines for First Year Elections**

JUSTICE HASTINGS delivers the opinion. CHIEF JUSTICE JAMES  
and JUSTICE JONNALAGADDA join.

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

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**No. Fall 2021 – 002**

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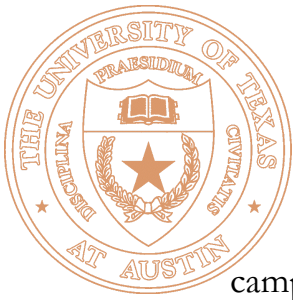
Delivered August 18, 2021

**Summary:** This Advisory Opinion seeks to provide financial disclosure deadlines for the 2021 First-Year Election candidates and provide clarification regarding previous Court interpretations of “expense” vs. “use” as reporting requirements on financial disclosure forms.

**I. Financial Disclosure Deadlines**

The process of filing financial disclosures occurs online and, therefore, is largely unaffected by any University social distancing policies in response to the ongoing COVID-19 pandemic.

§3.18 of the Student Government Election Code states that “each candidate in any Student Government election must keep accurate and up to date records of all campaign receipts and expenditures.” In addition, §3.25 of the Student Government Election Code mandates that



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candidates must submit financial disclosures to the Court which “contain all expenses incurred by the candidate during the campaign.” §3.25 also states if a candidate does not have any eligible expenditures at the time of the filing deadline, they “must still submit a financial disclosure form to the [Supreme Court], indicating such.”

Prior to the pandemic, the Court has required three financial disclosures throughout the campaigning period for First-Year Elections. This requirement was lowered to two financial disclosures for the 2020 First-Year Elections to increase accessibility and decrease burdens placed on students. While Fall 2021 will see a return to many aspects of pre-pandemic student life, there remains a significant amount of uncertainty surrounding the semester, especially with the recent prevalence of the Delta variant. Therefore, candidates will continue to be expected to submit only two financial disclosures during the 2021 campaigning period. The filing deadlines for these disclosures will be as follows:

**4:30 PM on September 17, 2021**

**4:30 PM on September 22, 2021**

Financial disclosures are an essential element in maintaining transparency and integrity in elections. Therefore, §3.27 of the Student Government Election Code states that “failure to file accurate financial disclosure statements by the deadlines listed in this section, or falsification of financial statements, shall allow for disqualification of the candidate(s) or executive alliance(s) by the [Supreme Court.]” As stated in *Fall 2020 - 003*, the Court will only act upon late or missing financial disclosures if an aggravated party makes a formal complaint.

## II. “Expense” vs. “Use” Clarification

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



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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.

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*.

### **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.