



STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY TEXAS AT AUSTIN

**Advisory Opinion: Clarification on Financial Disclosure
Deadlines and the Effect They Bear on Disqualifications**

CHIEF JUSTICE JONNALAGADDA delivers the opinion. JUSTICE
MACKEY and JUSTICE TSIOUTSIAS join.

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

No. Fall 2022 – 001

Delivered September 22, 2022

Background: Yesterday morning, the Court received nine individual complaints on behalf of the First-Year candidate Adriel Bustillos. In the afternoon, the Court convened to hold separate hearings for the candidates against whom the complaints were waged and the complainant himself (Mr. Bustillos). The primary content of Mr. Bustillos’s complaints was to hold candidates accountable for failing to submit at least one financial disclosure in a timely manner. It is with these concerns brought forward by Mr. Bustillos that the Court considers whether the evidentiary standard to disqualify the candidates was met. Additionally, rather than issue separate summary judgments for each hearing, the Court finds that since the violation is the same for each complaint, the logic holds true for all hearings brought forward by candidate Bustillos. As such, this summary will contain the judgments for all those whom complaints were levied at.



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I. Financial Disclosure Filing Requirements

Section 3.18 of the Student Government Election Code (hereafter SGSEC) 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, Section 3.25 of the SGSEC mandates that candidates must submit financial disclosures to the Court which “contain all expenses incurred by the candidate during the campaign.” Although it is understood that a candidate may not have any eligible expenditures at the time of the filing deadline, pursuant to the above section, First-Year candidates “must still submit a financial disclosure form to the [Supreme Court], indicating such.”

On the subject of disqualification, as tentatively levied against the First-Year candidates for failing to upload timely financial disclosure statements, the Court holds that the punishment of disqualification is *not* commensurate with the offense committed. While transparency in an election is vital to its integrity and respectability, and while financial disclosures provide such an avenue for maintaining that important standard, disqualifying candidates who failed to disclose is an unreasonably harsh penalty. Admittedly, submitting these statements is paramount regardless of spending. Candidates do *not* receive a pass from doing so, simply because they expended nothing.

Furthermore, upon a close reading of Section 3.27 of the SGSEC, pertaining to disqualification of a candidate for failure to upload accurate financial disclosure statements by the deadline, the Court does not believe that the application of this punishment is wholly justified in this particular case. The above section admits, “Failure to file accurate financial disclosure statements by the deadlines listed in this section, or falsification of financial statements, should allow for disqualification of the candidate(s).” Although disqualification is mentioned, the Court interprets this section to mean that disqualification of a First-Year candidate *must* be reserved for instances in which said candidate failed to file an accurate



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financial disclosure statement with the intent to harm or injure competing First-Year candidates and to benefit personally from doing so.

II. Pease v. ESB

Though the landmark Court decision Pease v. ESB (hereafter Pease) was brought up in these hearings, the Court would like to maintain that these hearings were not explicitly about Pease, but rather the tardy financial disclosure submissions. As such, since Pease was not explicitly on the docket, this summary judgment does not affect it at all.

Rather, what the Court seeks to do in the section is clarify its opinion of the Pease ruling to prevent any further confusion. To be clear, the Pease ruling affects all citations regardless of nature or quality. In order for the Court to pursue disciplinary action, a candidate must bring forth the complaint and be given a hearing as such. Therefore, regardless of nature of the evidence (purely factual in the case of tardy financial disclosure submission), the Court feels that sufficient judicial oversight exists within a hearing, and doing away with hearings only serves to mitigate due process.

III. Summary

In summary, if the complaints were to have been levied a few days earlier, the Court would have applied a smaller punishment (e.g. a Class A or B violation depending on the circumstance). Given that these complaints arose when the only option was disqualification, the Court does not feel as though the underlying treatment of the cases should change given a different position in the election timeline. As such, the Court hereby rules that the First-Year candidates who failed to submit financial disclosure statements in a timely manner are not disqualified from the election.

It is so ordered.