

Fall 2023 First-Year Elections
Election Supervisory Board Advisory Opinion 2023-005
(Issued: August 19th, 2023)

Subject: Clarifying Violations for First-Year Elections

The Election Supervisory Board (ESB) is issuing an advisory opinion regarding candidate seminar and attendance requirements.

The ESB is authorized to oversee and decide on cases for first-year elections. Student Government Constitution Sec. 6.7 states:

“The Election Supervisory Board shall oversee the annual fall first year student elections of the first-year representatives.”

The Student Government Election Code provides very little guidance for consequences of first-year candidates that violate the election rules and procedures. Furthermore, since First-Year Elections are different from that of Campus-Wide Elections, First-Year Elections do not fall under the authority of the Campus-Wide Election Code. Therefore, the ESB has the authority to determine consequences for violating election rules and procedures for First-Year Elections as described below:

CLASSES OF VIOLATIONS. Violations for First-Year Elections will be divided into four classifications:

- a. Class A violation shall result in a fine.
- b. Class B violation shall result in a moratorium of campaigning.
- c. Class C violations shall result in a combination of moratorium of campaigning and a fine.
- d. Class D violation may result in a disqualification from the election.

DEFINING CLASSES OF VIOLATIONS. Within the ranges established by the Election Supervisory Board, the Election Supervisory Board shall select the amount of the fine or length of the suspension most appropriate to both the severity of the infraction and the intent of the violator as determined by the Election Supervisory Board. At the candidate seminar, Election Supervisory Board shall clearly define what would constitute each class of a violation.

CONSEQUENCES OF A CLASS A VIOLATION AND FINE LIMITS. If a candidate, or a candidate’s agents or workers, commits a violation resulting in a Class A violation, the ESB has the authority to fine the candidate.

- a. Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined by each race’s respective code of origin.
- b. Any fine leveraged against a candidate by the ESB is additive and is added to their total expenditures and moves the candidate closer to their spending limit. Candidates are required to list fines in their expenditure reports after they have been assigned by the ESB.

CONSEQUENCES OF A CLASS B OR C VIOLATION. If, after a hearing, the ESB finds a candidate, or a candidate’s agents or workers, has committed a Class B or Class C violation, the ESB may restrict the candidate, or the candidate’s agents or workers, from engaging in some or all campaign activities for some or all of the remainder of the campaign period. If an order is issued covering only part of the remaining campaign period, it shall take effect within 24 hours so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the election days.

- a. A moratorium of campaigning is defined as restricting a candidate, or a candidate's agents or workers, from soliciting votes from students or promoting materials that have the intended purpose of soliciting votes.

Furthermore, the SG Specific Election Code states that violating the following provisions may result in the disqualification (i.e. a Class D Violation as referenced above) by the ESB:

Sec. 3.4 PERMITTED ASSOCIATION. Only the presidential and vice presidential candidates that have jointly filed under this code as an executive alliance are allowed to participate in campaigning together, endorse each other, and otherwise engage in joint, collaborative campaigning planning or activities.

- a. All non-executive alliance candidates in the election must campaign separately, without written or verbal endorsements, collaboration, financial or other tangible support from any fellow candidate in any campus-wide election.
- b. Candidates found in violation of this rule may be subject to sanctions under this code, including but not limited to, disqualification.

Sec. 3.27 DISQUALIFICATION. 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 Election Supervisory Board.

Sec. 4.15 ID COLLECTION. The collection of personal identifiers or student identification to facilitate voting is prohibited in accordance with the policies of the University IT Security Policy Office, and shall subject the candidate to disqualification by the Election Supervisory Board.

Any candidate or first-year student who believes that a candidate has violated the election rules and procedures may submit a complaint to the ESB up until 11:59 p.m. on Monday, August 18, 2023 by visiting utexasvote.org.

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