

Election Supervisory Board Advisory Opinion (ESB/AO 2017-003)

- Whereas,** The appellate court provided clarification on the inherent *sua sponte* privileges entitled to the Election Supervisory Board; and
- Whereas,** The ESB is “empowered by the code to *sua sponte* raise omissions and errors in financial disclosures without a complaint having been filed.” and
- Whereas,** It would be an absurd reading of the code to require non-ESB members to submit a complaint to enforce trademark infringements on behalf of the University; and
- Whereas,** The Election Supervisory Board is charged with providing a fair election on behalf of the University and on the behalf of students at the University
- Whereas,** The ESB is responsible for enforcing trademark infringements in a similar way that it is tasked with enforcing financial disclosures and “If the ESB could not enforce this section *sua sponte*, it would be forced to recruit straw-man complainants to file under this section, a result which we think could not possibly have been intended by the code authors,”
- Resolved:** The ESB has *sua sponte* privileges to enforce trademark infringements and violations on behalf of the University and the University trademarking department.
- Resolved:** The ESB reaffirms the decision of the Student Government Judicial Court in the case of Gardner-Guevara v. ESB of 2012 as well.

Catrin Watts, Chair
Alex Byron, Vice-Chair
Sara Fahim, Secretary
Luis Lemon, Member
Catherine Wright, Member
Alexandra George, Alternate Member
Sofia Aranha, Alternate Member
Maysa Alqaisi, Member
Hudson LaMothe, Member