

2021 Election Supervisory Board
In Res. Unapproved Campaign Materials
ESB Resolution: 2021-002

Election Supervisory Board Member Mayson O'Brien delivered the majority opinion of the board:

“In the matter of campaigns using unapproved campaign materials”

Whereas, Section 4.6 of the SG-Specific Election Code reads “FILED CAMPAIGN MATERIALS. A sample of all campaign materials must be filed with the Election Supervisory Board prior to its public distribution or publishing. Candidates who distribute, publish, or disseminate their campaign materials prior to approval from the Election Supervisory Board shall be appropriately sanctioned for each violation of this section,” and,

Whereas, Section 2.10 of the Campus-Wide Election Code reads as ““CAMPAIGN MATERIALS”” refers to all materials and literature of any kind concerning any candidate that have or are intended to have the effect of soliciting votes, support, or interest for a candidate or elective office but excludes any individual endorsement not approved by the candidate,” and,

Whereas, Slide 21 of the Candidate Seminar PowerPoint says “File your campaign material: Take a picture of all your campaign signage and material before you start campaigning and send it to your ESB representative,” and,

Whereas, The SG Supreme Court determined in SG Supreme Court AO – 2020-001 – Clarification of Pease v. ESB that “where the ESB maintains a position of privileged information, the ESB enjoys limited *sua sponte* authority in accordance with the Court’s ruling in Gardner/Guevara v ESB (2012),” and,

Whereas, the student body at large does not have access to the information necessary to submit a complaint for unapproved campaign materials; and,

Whereas, the Election Supervisory Board discovered 4 promotional graphics on the Peton & Williams 2021 Instagram page (@dwightdomanique2021) that were not approved by the Election Supervisory Board; and,

Whereas, the Election Supervisory Board discovered 4 promotional graphics on their Instagram (@lopezbuffa2021) and website (www.lopezbuffa2021.com) that were not approved by the Election Supervisory Board; and,

Whereas, the Election Supervisory Board discovered 11 promotional graphics on the Metta & Strokes website (<https://www.gq2021.com>), Instagram page (@gq2021campaign), and Twitter page (@GQ2021campaign), and 3 promotional videos on the Metta & Strokes Instagram page that were not approved by the Election Supervisory Board; and,

Whereas, the Election Supervisory Board discovered 8 promotional graphics and 1 promotional video on the Amanda Garcia Instagram page (@amanda4uwide) that were not approved by the Election Supervisory Board; and,

Whereas, the Election Supervisory Board discovered 3 promotional graphics on the Jesse Martinez Instagram page (@jessemxrtinez) that was not approved by the Election Supervisory Board; and,

Whereas, the Election Supervisory Board discovered 4 promotional graphics on the Inbar Turjeman Instagram page (@inbar4urep21) that was not approved by the Election Supervisory Board; and,

Whereas, the Election Supervisory Board discovered 2 promotional graphics on the Harsh Kumar Instagram page (@harshforut) that was not approved by the Election Supervisory Board; and,

Whereas, the Election Supervisory Board discovered 2 promotional graphics on the Jeremiah Baldwin Instagram page (@jeremiah.baldwin) that was not approved by the Election Supervisory Board; and,

Whereas, SG Supreme Court AO 2020-001 – Clarification of Pease v. ESB stated that “If these conditions obtain, the ESB is not required to hold a full hearing as outlined in Section 4.9. However, that is not to say that the ESB cannot choose to afford candidates some of the procedural measures (fair notice and a chance to respond and present evidence) outlined in Section 4.9.”; and,

Whereas, the Election Supervisory Board provided fair notice to the aforementioned candidates via email of the discovered unapproved materials on **March 1st** and provided them with 24 hours to respond and present evidence of any error (“If this is an error and you or a representative of your campaign staff did submit material, please forward the original communication for our review by **9:00 P.M on Tuesday March 2nd**”); and,

Whereas, none of the aforementioned candidates were able to provide the Election Supervisory Board with any exculpatory evidence showing that these materials had been submitted for approval; and,

Whereas, the Election Supervisory Board has voted each of these infractions of Section 4.6 of the SG-Specific Election Code to be a Class A violation; and,

Whereas, Section 4.13 of the Campus-Wide Election Code states “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,” and,

Whereas, the Election Supervisory Board has voted to add a 2% fine to the listed campaign’s expenditures for each of the unapproved promotional graphics, a 5% fine for each of the unapproved video promotions; and, therefore, be it,

Resolved, That the following candidates are hereby fined with the listed reductions in budget spending for the duration of the 2021 campus election cycle:

Candidate Name	Candidate for	Reduction in Spending
Dwight Peton & Domanique Williams	Student Government Executive Alliance	Cumulative Reduction of 8% 4 graphics (2% each)
Javier Lopez & Danielle Buffa	Student Government Executive Alliance	Cumulative Reduction of 8% 4 graphics (2% each)
Gautham Metta & Quenton Strokes	Student Government Executive Alliance	Cumulative Reduction of 37% 11 graphics (2% each) 3 videos (5% each)
Amanda Garcia	University-Wide Representative	Cumulative Reduction of 21% 8 graphics (2% each) 1 video (5% each)

Jesse Martinez	University-Wide Representative	Cumulative Reduction of 6% 3 graphics (2% each)
Inbar Turjeman	University-Wide Representative	Cumulative Reduction of 8% 4 graphics (2% each)
Harsh Kumar	University-Wide Representative	Cumulative Reduction of 4% 2 graphics (2% each)
Jeremiah Baldwin	University-Wide Representative	Cumulative Reduction of 4% 2 graphics (2% each)

Resolved, that any adversely affected party has the right to appeal this decision pursuant to Section 5.1 of the Campus-Wide Election Code, which reads, “APPEAL OF ESB DECISION: Any party adversely affected by a decision of the Election Supervisory Board may file an appeal with the entity with appellate jurisdiction within twenty-four (24) hours after the adverse decision is announced, unless the Election Supervisory Board’s decision takes place during a voting period.”

In conclusion, The Election Supervisory Board submits its resolution on Wednesday, March 3rd, 2021 with the majority of board members who were present at the meeting.

Affirmative Votes:

Jenny Ainsworth (Chair)

Robert Toto (Vice-Chair)

Jack Bumgardner (Secretary)

Justin Gonzales

Mayson O’Brien

Wesley Brewer