

Election Supervisory Board Resolution: 2022-001
In Res. Candidate Seminar Absence
(Resolved: Monday, February 14, 2022)

Election Supervisory Board Chair Jenny Ainsworth delivered the majority opinion of the board:

“In the matter of a candidate not appearing at the Candidate Seminar”

Whereas, Section 6.11 (b) of the Campus-Wide Election Code reads “Attendance at the candidate seminar is required of each candidate running in a race that is part of the Campus-Wide elections process. Failure to attend the Seminar shall not be an acceptable excuse for violating this Code.”

Whereas, Section 6.12 of the Campus-Wide Election Code reads “If the candidate has an excused absence as determined by the Election Supervisory Board, then they may send an authorized agent in his or her place” but that the “Election Supervisory Board must be notified of the substitution at least eight (8) hours in advance of the Candidate Seminar.”

Whereas, Election Supervisory Board Advisory Opinion 2022-002 reads “Any candidate encountering an extenuating circumstance (e.g. family emergency, illness) within the 8-hour window should notify the ESB as soon as possible at esb@austin.utexas.edu. The Board will grant exceptions at their discretion.”

Whereas, Section 4.10 (v) of the Campus-Wide Election Code reads “The complaining party shall bear the burden of proof.”

Whereas, the complaining party did not have proof that Alexander Feinstein and William Meyer failed to attend the main session of the Candidate Seminar before the breakout rooms were assigned and Zoom difficulties arose.

Whereas, Alexander Feinstein and William Meyer provided sufficient evidence they were in attendance during the presentation and faced difficulties getting into the Zoom breakout room where attendance was taken, and therefore, be it,

Resolved, that Alexander Feinstein and William Meyer are found *not* in violation of the Campus-Wide Election Code and will *not* be penalized; meanwhile,

Whereas, Sterling Mosley did not attend the Candidate Seminar on Thursday, February 10, 2022, nor did he inform the ESB of any extenuating circumstances during the 8-hour window after filing closed.

Whereas, Section 4.14 reads “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.”

Whereas, slide 23 of the Candidate Seminar presentation defines classes of violations and the notes in the PowerPoint include that an example of a Class A violation would be “Failing to attend the Candidate Seminar.”

Whereas, the Election Supervisory Board Members present at the hearing has voted to issue a **30%** reduction of spending for failure to attend the candidate seminar; and, therefore, be it,

Resolved, that Sterling Mosely will receive a **30%** reduction in spending for the duration of the 2022 Campus-Wide Election cycle; and

Resolved, That any adversely affected party has the right to appeal this decision pursuant to Section 4.18 of the Campus-Wide Election Code, which reads, “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.”

In conclusion, The Election Supervisory Board submits its resolution on Monday, February 14, 2022, with the majority of board members who were present at the meeting.

Affirmative Votes:

Jenny Ainsworth (Chair)

Carlos Torres (Secretary)

Maria Muñoz

Patricia Dominguez

Riya Gantla