

Election Supervisory Board Resolution: 2022-006
In Res. Exceeding Campaign Spending Limits
(Resolved: Tuesday, February 22, 2022)

Election Supervisory Board Secretary, Carlos Torres, delivered the majority opinion of the board

“In the matter of candidates’ financial disclosure reported expenditures exceeding prescribed spending limits”

Whereas, Section 7.2 of the Campus-Wide Election Code reads “SPENDING LIMITS”: Each group participating in campus-wide elections will set its own spending limits for campaigns and is responsible for enforcing these limits with the candidates running in their respective races; and

Whereas, Section 7.3 of the Campus-Wide Election Code reads “EXCEEDING SPENDING LIMITS”: Candidates whose total expenditures exceed 120% of their designated spending limit will be immediately disqualified. In extenuating circumstance, ESB may apply a substitute sanction; and

Whereas, Section 4.10 of the Campus-Wide Election Code reads “ESB HEARING PROCEDURE”: The complaining party shall bear the burden of proof; and

Whereas, complainant, Suseth Munoz, failed to be present during the hearing concerning the matter against accused, Samantha Burg and Thomas Vahalik; and

Whereas, even in spite of complainant’s failure to be present, accused proffered testimony that the discrepancy in the financial disclosure expenses information was likely the result of honest error; and

Whereas, even in spite of complainant’s failure to be present, accused proffered evidence in the form of digital receipts that demonstrated accurate expenditures not exceeding the prescribed spending limits for their campaign; therefore, be it,

Resolved, that complainant, Suseth Munoz, failed to carry her burden of proving that accused, Samantha Burg and Thomas Vahalik, exceeded the prescribed spending limits for their campaign; and

Resolved, that the ESB is satisfied in light of the circumstances that the financial disclosure discrepancies giving rise to this complaint are the result of honest error that do not show accused exceeded the prescribed spending limits for their campaign, and

Resolved, that accused, Samantha Burg and Thomas Vahalik, are found *not* in violation of the Campus-Wide Election Code and will *not* be penalized; 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, “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.”

In conclusion, the Election Supervisory Board submits its resolution on Tuesday, February 22, 2022, with 6 votes out of the 6 board members who were present at the hearing.

Affirmative Votes:

Jenny Ainsworth (Chair)

Sanjna Reddy (Vice-Chair)

Carlos Torres (Secretary)

Maria Muñoz

Riya Gantla

Wesley Brewer