INVESTIGATION OF ELECTION CODE VIOLATIONS
As filed by The Election Board

During the Student Government Association/Graduate Student Council Co-hosted Election Cookout on Wednesday, March 29th, 2017, the Election Board witnessed an individual from the Roberto Navarro Jr./Steven B Maldonado candidate team campaigning and soliciting information to potential voters in line. The individual was asked to leave by the Election Board, as it was in direct violation of the Election Code.

BYLAWS VIOLATION

Section 5: Rules on Campaigns
Subsection 1: General Campaign Rules
A. Candidates and Referendum Parties shall take reasonable measures to ensure that every individual campaigning on behalf of or volunteering for the candidate/Referendum Party is aware of campaign regulations and guidelines. Candidates/Referendum Parties may be liable for the campaign infractions of their campaigners and volunteers even if the candidate/Referendum Party did not specifically direct the offending action.

Subsection 4: Rules on Election Board-Sponsored Campaigns
B. Such materials or events shall not endorse any one candidate or item on the ballot, but shall give unbiased information about the election, candidates, and referenda.

WITNESS STATEMENT
Witnessed by John Carr and David Klein

The presumed violation by the Roberto Navarro Jr./Steven B Maldonado candidate team occurred Wednesday, March 29th, 2017 around 4:00PM at the Graduate Student Council/Student Government Association Co-hosted Election Cookout. The violation took place in the UNT Library Mall and was witnessed by members of the hosting party, including Election Commissioner John Carr and Election Board Member David Klein.

The first time candidates were contacted regarding the Election Board-Sponsored Event was on Saturday, March 25th, 2017 at 9:11AM, which included this excerpt from the notification e-mail:

“The some exciting news, this upcoming Wednesday, March 29th, we will be co-hosting the SGA/GSC Election Week Cookout from 3:00PM – 5:00PM in the library mall! We'll have multiple buffet lines, so encourage our student body to #GetOutAndVote, because their submitted form on the UNT OrgSync Voting Portal will be their ticket into the buffet line. I hope you are all as excited as I am. Here are just a few guidelines I want you all to be sure to follow during the event, please:

1. This event is not designed to be a campaigning opportunity. This is designed to maximize the engagement of the student body and provide them a venue to cast their ballots.
2. This is a great time to chat with constituents, not to distribute campaign materials.
3. Feel free to answer any questions from constituents while at the event, but please focus on the general encouragement of voting.
4. We do have candidates who are current elected members of the Association. During this event, their job is first, to be a resource to the student body, and second, to be a candidate. Thus, it would then be unfair to those members to allow candidates who are not currently elected members of the
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Association, to campaign and publicize their platforms during the event. Again, this is a time only to publicize the action of voting in the SGA Elections. You have 2.5 days prior to this event to solicit your campaigns across campus, please leave this event as campaign-free as possible.

We will have card swipes at the beginning of the buffets lines, but students must also vote in the student body elections via the UNT Voting Portal on OrgSync to receive a meal. Again, their submitted form on OrgSync will be there ticket into the line.”

The second time the respective candidate team was notified about the event was in-person on Wednesday, March 30th, 2017 around 1:00PM when Election Commissioner, John Carr, was approached by the candidate team in regards to questions concerning campaigning at the event. The Election Commissioner made it clear that the candidate team was more than welcome to attend the event, but as stated in the previous e-mail, the intent of the Election Board-Sponsored event was to maximize the engagement from the student body in hopes of increasing the voter turn-out. It was very clear that the only campaigning that was allowed was in the form of answering questions directly addressed to a candidate team who chose to attend the event.

The third time the Roberto Navarro Jr./Steven B Maldonado candidate team, and second time all other SGA Election running candidates were notified of the rules and guidelines of the Election Board-Sponsored Event was via a reminder e-mail at approximately 2:51PM on Wednesday, March 29th, 2017 and included the following information:

“Candidates,

Here’s a reminder about today’s SGA/GSC Election Cookout from 3PM – 5PM in the Library Mall! We’ll have multiple buffet lines, so encourage our student body to #GetOutAndVote, because their submitted form on the UNT OrgSync Voting Portal (or the confirmation e-mail they receive) as well swiping their student ID card will be their ticket into the buffet line. Please be mindful of the following guidelines I want you all to be sure to follow during the event:

1. This event is not designed to be a campaigning opportunity. This is designed to maximize the engagement of the student body, provide them a venue to cast their ballots, and reward them with a nice meal.

2. This is a great time to chat with constituents, PLEASE DO NOT distribute campaign materials.

3. Feel free to answer any questions from constituents while at the event, but please focus on the general encouragement of voting.

4. We do have candidates who are also current elected members of the Association. During this event, their job is first, to be a resource to the student body, and second, to be a candidate. Thus, it would then be unfair to those members to allow candidates who are not currently elected members of the Association, to campaign and publicize their platforms during the event. Again, this is a time only to publicize the action of voting in the SGA Elections.

Thank you all for your cooperation and enjoy the event! If you have any questions, comments, or concerns, feel free to reach out to me directly.”

As stated above, the presumed violation by the Roberto Navarro Jr./Steven B Maldonado candidate team occurred Wednesday, March 29th, 2017 around 4:00PM during the GSC/SGA Election Cookout. Around 4:00PM is when David Klein, a member of the Election Board first noticed a young lady in line who seemed to be having trouble voting. It was the duty of both Election Boards and elected officials of both GSC and SGA to assist in the voting process throughout the formed check-in line. After asking the young lady if she needed help, she refused and the Election Board Member continued about his job. Around 4:13PM is when the Election Commissioner, John Carr, noticed that same young lady at the end of the check-in line wearing a t-shirt publicizing the Roberto Navarro Jr./Steven B Maldonado candidate...
team “YOU-N-T” campaign. At that point is when the Election Commissioner, John Carr, asked the Election Board member, David Klein, to keep an eye on the young lady, unaware of her lingering presence. Around 4:23PM is when David Klein then asked one of the male individuals he had previously observed the young lady assisting and inquired if the young lady had referred to any candidate by name. The individual identified Roberto Navarro Jr. and his platform by name. David Klein then asked the young lady if she was a part of a campaign after witnessing her physically assist a different student in the voting process via a mobile device. When the young lady answered in the affirmative, the young lady was asked to leave the event. The young lady was later verified by the Roberto Navarro Jr./Steven B Maldonado candidate team as Jaime Esparza, a member of their campaign team. The remaining members of the Election Board, as well as the SGA Advisor, Christa Coffey, were immediately made aware of the situation and decided that a hearing needed to be held before any action was taken.

The Roberto Navarro Jr./Steven B Maldonado candidate team were involved in a previous Election Code Hearing where both parties ensured the Election Board that individuals of their candidate went through multiple informative measures to guarantee their knowledge of the Election Code before being able to receive one of their campaign t-shirts, which Jaime Esparza was dressed in. During the hearing held on March 30th, 2017 the Election Board asked questions regarding the candidate team’s knowledge of the event or the individual involved. The candidate team claimed to have no prior knowledge of the event at large until Wednesday, March 29th after speaking to the Election Commissioner and then informed the board of Jaime Esparza’s role in their campaign. Regardless, as per the SGA By-Laws and Election Code, it is the responsibility of the candidate team to ensure that every individual campaigning on behalf of or volunteering for the candidate is aware of campaign regulations and guidelines. Candidates are liable for the campaign infractions of their campaigners and volunteers even if the candidate did not specifically direct the offending action.

RULING OF THE BOARD

The Election Board took all of the above presumptions into account when making their decision. Upon careful consideration, the Election Board ruled 3-0 that any violation of the Election Code likely did result in a significant impact on the results of the election. The violation of the Election Code will result in the disqualification of the Roberto Navarro Jr./Steven B Maldonado candidate team.

PARTIES PRESENT
John Carr, Election Commissioner
Andrea Allen, Election Board Member
Danielle Sullivan, Election Board Member
David Klein, Election Board Member
Christa Coffey, SGA Advisor