

**SUPREME COURT OF STUDENT GOVERNMENT
AT TEXAS STATE UNIVERSITY**

Advisory Opinion

Syllabus

Filed as: #25-01

**Request for Clarification of Pre-Campaign
Regulations, and Alliances.**

Received January 30th and 31st – Decided February 4th

Two requests for clarification were filed with the Supreme Court by a student regarding Campaign regulations and Alliance composition. These propositions are found in the Election Code of the Student Government Code of Laws (pages 41 – 56). This advisory opinion consolidates the two requests into one request, answered here by us.

The questions the petitioner asks are the following:

1. “Is a [candidate] allowed to ask a group to film a promotional video that will be posted during the campaign time?”
2. Can a campaign alliance take photos and film promotional videos before the campaign period to [use] when they are allowed to post campaign material?
3. Can [a candidate] ask for donations from alumni to the campaign prior to the start of the campaign period?
4. Can an alliance [constitute of] a President, Vice president, and up to five senators, or five candidates in total, so up to three senators?”

The Court tackled these four questions by looking at definitions and information codified by the legislature found in the election code. The Court also understands the formal requirements written in the Code regarding advisory opinions and is unanimous in allowing email requests as an option to file for clarification, if the requirements can be derived.

For the four questions asked by the petitioner, the Court holds:

1. Yes, a candidate is allowed to ask a group to film a promotional video before the campaign period, that will be posted during the campaign period.
2. Yes, a campaign alliance can take photos and film promotional videos before the campaign period to use when they are allowed to post campaign material.
3. Yes, a candidate can ask for donations from alumni to the campaign prior to the start of the campaign period.
4. An alliance can only constitute of a President, Vice president, and up to a five senatorial or representative candidates (so seven candidates in total.)

A detailed opinion and the criteria set for these questions is found below. Everything written in the opinion below is binding for this election cycle, and a violation of it will be considered a violation as defined under the Student Government Code of Laws.

Chief Justice Hanzala delivered the majority opinion for a unanimous court, in which Justices Nguyen, Downey, Hernandez, and Karki joined.

Advisory Opinion

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Request for Clarification of Pre-Campaign Regulations, and Alliances.

I- Jurisdiction

Before the Court can decide on any matter, it must first analyze if the case is under its jurisdiction. For that, we first look at the Student Government Constitution, which give us the power to “hear cases arising from the interpretation of the governing documents of the Student Government.”¹ We then look at the Student Code of Laws, which has a dedicated section relating to the election, titled Student Government Election Code, hereby referred to as S.G.E.C.² Article II, Section 1 of the S.G.E.C states:

“The Supreme Court governs over all elections”

We also look at the definition of Unspecified Situations³:

“The Supreme Court has the power to regulate, administer, and take other actions that are expressly authorized or implied in this Title to provide direction and oversight of election-related issues that are not directly codified in herein”

Therefore, the Court looked at these provisions and decided that the answers to these questions were under our jurisdiction.

II - Advisory Opinion Requirements

The next question we asked before we could decide on this matter is the question of the requirements set forth regarding advisory opinions.⁴ The legislature has set forth the following requirements for advisory opinions:

- 1- Questions of interpretation must be submitted ... via formal written memorandum to the Supreme Court Chief Justice.
- 2- An advisory opinion must contain the following:
 - a) A statement of pursuance under which the complainant is filing the action,

- b) A statement of standing under which rules, or law the complaint is referring to,
- c) A statement of the requested outcome of the complainant's filing

When tackling these two questions, we decided to consider the fact that no official rules reading seminar has yet taken place. This is a new constitution, with these being the first elections held since its effect. Therefore, we have decided that a request via email will still be considered as a formal written memorandum. We have also decided that if the answers to point 2a, 2b, and 2c are derived from the request, we are not mandating that the request must have these provisions written as individual statement. These decisions are set to make it easy for potential candidates to ask for clarification on matters pertaining to the election.

For the request filed by the petitioner, we can derive these 3 as the following

- 1- They are asking us to clarify whether the actions written in their request are permitted before the filing period.
- 2- They are asking us to clarify what is an alliance.
- 3- These statements are a request to interpret the definitions of Alliance, Campaign, and Articles III, IV, V of Chapter 101 of the S.G.E.C

Having done so, we accepted the request for clarification and are delivering this advisory opinion as a response.

III - Campaigning Regulations

In this part of the opinion, we respond to the first three questions the petitioner has asked. We looked at the definitions of campaigning, and the rules set in to regulate campaigning, to answer these questions.

A

The first question they ask is whether a candidate is allowed to ask a group to film a promotional video that will be posted during the campaign time. As per the Code, the Supreme Court has set a campaigning window that starts at 8:00 am on

March 17th and ends at 5:00 pm on March 26. No active campaigning is allowed before that.

We hold that yes, a candidate is allowed to ask a group to film a promotion video that will be posted during the campaign time. However, the candidate must not use it to actively campaign before the campaigning period. The S.G.E.C defines Campaign as⁵:

“Statements, literature, activities, or deliberate uses or distribution of materials of any kind including electronic or virtual, that have or are intended to have the effect of soliciting votes, support or interest for a candidate, alliance, or elective office.”

Asking a group to film a promotional video does not violate any of this, if the candidate does not use it to solicit votes, support, or interest. We also hold that the group that the candidate uses must still adhere to the requirements set in the S.G.E.C⁶:

“No candidate may utilize any facilities, equipment, or services which receives university funding and are not available to the general student body for use during campaigning.”

Therefore, if the group a candidate uses does not violate the above, they are allowed to use them to prepare material for the campaigning window.

B

The second question the petitioner asks is if “a campaign alliance take photos and film promotional videos before the campaign period to [use] when they are allowed to post campaign material?”

Here, once again, we hold that yes, a campaign alliance can take photos and film promotional videos before the campaign period for use during the campaign window. We apply all the requirements and guidelines we set out in the previous section (Section III-A) of this opinion. The material must not be distributed or used to solicit votes or interest.

C

The third question the petitioner asks is if [a candidate] ask for donations from alumni to the campaign prior to the start of the campaign period?

We hold in the affirmative. Yes, a candidate can ask for donations from alumni to the campaign prior to the start of the campaign period.

To answer this question, we look at Article V of the S.G.E.C.⁷ where Section 1 states:

“No campaign may use any funds, directly or indirectly from the university on campaigning. This clause excludes paychecks distributed by the University to an individual worker.”

The question we ask is, are alumni allowed or disallowed by this provision? Since this clause excludes paychecks distributed by the University to an individual worker, we interpret this clause to mean that a candidate cannot use funds directly provided by the university, or that originate from the university. However, gaining funds from donations from individuals is allowed. Therefore, a candidate can ask for donations from alumni.

We also don't include fundraising as campaigning. No definition provided in the S.G.E.C would include it under that umbrella. Therefore, a candidate is allowed to fundraise before the election.

IV - ALLIANCE COMPOSITION

The final question the petitioner asks is regarding the composition of an alliance. They state: “Can an alliance [constitute of] a President, Vice president, and up to five senators, or five candidates in total, so up to three senators?”

We hold that an alliance can only constitute of a President, Vice president, and up to five senators. That is, that it must include a presidential candidate, a vice-presidential candidate, and then an additional maximum of 5 senatorial or representative candidates.

There was some ambiguity in the code regarding this question. We derive our answer from two provisions.

First, we look at the definition of Alliance. Article II of the S.G.E.C defines alliance as:

“a collaborative campaign between a presidential, vice presidential, and senatorial candidates that are approved by the Supreme Court.”

This, however, does not specify the number of total candidates. Even then, the use of the word “and senatorial” candidates make us infer that an alliance must have a presidential and vice presidential candidate.

We decided the total number of candidates allowed using Article V of the S.G.E.C⁸. where section 4 sets the maximum spending limit of an alliance at \$3500. Considering that Section 2 sets the limit of Presidential and Vice-presidential candidates at \$1,000 each, we come to the conclusion that a ticket can have up to an additional five senatorial candidates. Each senatorial candidate is allowed a maximum limit of \$300. This would put the total limit of a ticket at \$3500 only if we allowed five senatorial candidates in addition to the Presidential and Vice-presidential tickets. Here is a breakdown of what we mean by that:

- 1- A presidential candidate is allowed \$1000
- 2- A vice-presidential candidate is allowed \$1000
- 3- Each senatorial candidate is allowed \$300. Having five senatorial candidates would bring this total to \$1500.
- 4- So, \$1000 + \$1000 + \$1500 would bring the total to \$3500, which is also the designated limit for a ticket codified in the S.G.E.C

Therefore, we come to the conclusion that an alliance can have a maximum of seven candidates: a presidential, a vice presidential, and five senatorial candidates.

We do advise candidates forming alliances to be cognizant of one thing. The \$3500 limit is only available to alliances with the maximum number of candidates (which is seven). If you form an alliance with less candidates, the limit will be lower than that. Each senatorial candidate’s individual allowance, added into the presidential and vice-presidential candidates’ allowances will determine the total limit. We have decided it to be the following:

For alliances including a Presidential, Vice presidential,
and:

- 1- 5 senatorial candidates, the limit is \$3500
- 2- 4 senatorial candidates, the limit is \$3200
- 3- 3 senatorial candidates, the limit is \$2900
- 4- 2 senatorial candidates, the limit is \$2600
- 5- 1 senatorial candidate, the limit is \$2300.

A violation of these limits will be considered a financial
violation.

It is so ordered...

References:

- 1- Article VI, Section 2A of the student constitution.
- 2- Page 41, Student Government Code of Laws.
- 3- Chapter IV, Definition of UNSPECIFIED SITUATION, S.G.E.C
- 4- Chapter 101, Article 1, Definition of ADVISORY OPINIONS, S.G.E.C
- 5- Article II, Definition of CAMPAIGN, S.G.E.C
- 6- Article IV, Section 2, S.G.E.C.
- 7- Article V, Section 1 and 2, S.G.E.C
- 8- Article V, S.G.E.C

Amendments:

- 1- Added a filing number. Added Page numbers. 02/14/24