

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

Advisory Opinion

Syllabus

Filed as: #25-02

**Request for Clarification of Campaigning,
Election Signs, and Student Organizations**

Received February 13th – Decided February 18th

A request for clarification was filed with the Supreme Court by a student regarding Campaign regulations, Election Signs, and Student Organizations. This advisory opinion tackles the requests using the Election Code of the Student Government Code of Laws (pages 41-56).

The petitioner asks us the following:

- 1- If a candidate lives in a residence hall, then is [spreading] word of mouth [in said residence hall] considered campaigning?
- 2- Is a candidate allowed to remind people to vote during the two-day period of voting since they are no longer allowed to campaign
- 3- Can election signs remain up during the voting period or do they have to come down by March 27th, 2025
- 4- If a student group has a meeting in a non-designated campaign area and a candidate meets with them during the campaign period, are they allowed to solicit votes in their meeting space?

We derive the answer for all four questions from the Student Government Election Code. For the four questions asked by the petitioner, the Court holds:

- 1- No, a candidate is not allowed any campaigning in a residence hall, and spreading word of mouth is considered campaigning.
- 2- No, a candidate is not allowed to remind people to vote during the two-day period of voting. Doing so does constitute as campaigning.
- 3- The election signs can stay up during the voting period. They need to be removed within two days after the election (11:59 pm, March 30th)
- 4- No, a candidate is not allowed to solicit votes when meeting with an organization outside a designated campaigning space.

We also set forth some additional guidelines when reaching the conclusions for these answers. A detailed explanation of our findings will be written in the opinion below.

We remind everyone that all the findings written in the opinion below are binding for this election cycle, and any violations will be considered as a violation under the Student Government Code of Laws.

Chief Justice Hanzala delivered the opinion for a unanimous court for questions 1, 3, and 4 in which Justices Downey, Hernandez, Nguyen, and Karki joined.

Justice Hernandez delivered the majority opinion of the court for question 2, in which Justices Karki and Nguyen joined. Justices Hanzala and Downey dissented with the opinion on this question.

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Before the Court can decide on any matter, it must first decide whether it has jurisdiction to rule on said matter. We have established our jurisdiction to advise on matters pertaining to the election in our advisory opinion #25-01 (decided February 4th, 2025)¹. That precedent has been set forth for all future opinions regarding the election.

I – Campaigning in Residence Halls

The first question that the petitioner asks is regarding campaigning in residence halls. They ask whether a candidate, who lives in a residence hall, can spread word of mouth about their election in that residence hall. We hold that no, a candidate cannot do so.

First, we look at the definition of campaigning in the election code. Article II of the Student Government Election Code² (referred to as S.G.E.C henceforth) defines campaigning as:

“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.”

Since the definition specifically mentions statements, we hold that spreading word of mouth would also be considered as making statements. Therefore, it falls under the definition of a campaign.

Having established that spreading word of mouth is considered campaigning, we then decide whether that would be allowed in a residence hall. Article IV, Chapter 101 of the S.G.E.C regulates campaigning. Section 2 states³:

“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. This includes student organization offices, club resources, residence hall work rooms, administration offices and any other location that does not allow open access to all students.”

While it only mentions residence hall work rooms, we hold that residence halls themselves are off limit as well. This is also established in section 3.1 of our operating memorandum for this election⁴. We do so with focus on the last statement of the above section, “.... Any other location that does not allow open access to all students.” Residence halls can limit access to students not living there, and many require key cards access to enter. Since the halls are not universally and openly available to all students of Texas state university, we are prohibiting any sort of campaigning in residence halls.

We have set reservable areas in LBJ, the Quad, and the Bobcat trail as campaign locations. All other academic and residential buildings are off limits for campaigning.⁵

II – Candidates Encouraging Votes

The second question the petitioner asks is whether candidates can encourage students to vote during the election days. For this question, we first decide whether encouraging people to vote can constitute as campaigning. We hold that yes, encouraging people to vote during election days is considered campaigning, so it is not allowed during election days.

For this, we use the definition of campaigning from the S.G.E.C (see Section I of this opinion). Encouraging individuals to cast their votes during the two-day voting period is perceived as campaigning if there appears to be any correlation between the candidate’s solicitation of support for voting and causing any potential interest in them as a candidate when they do so. Therefore, even if a candidate does not explicitly request votes, their reminder to vote could be interpreted as an attempt to advantage their campaign by augmenting voter turnout among their supporters. Any student being reminded or encouraged by a certain candidate to go vote may develop interest or inclination to vote for said candidate, specially if they were undecided or unaware about

the election. Gaining any sort of interest, intended or unintended, by a candidate's activities or statements is considered campaigning.

The definition of campaigning in the S.G.E.C also includes the following sentence⁶:

“Campaigning must only occur during the official campaign period, as defined in this code.”

Since we interpret encouraging people to vote as covered under the definition of campaigning, encouraging people to vote outside of campaigning period would ultimately result in violating campaign regulations.

III – Election Sign Removal

The next question the petitioner asks us is regarding when the election signs need to be removed. They are asking for clarification on whether these signs can stay up during the election.

For this question, we look at section 3, article III, chapter 101 of the code⁷. This states:

“... Each candidate shall be responsible for the removal and disposal of all campaign paraphernalia bearing his/her name within two days after the election.”

Therefore, we interpret this clause to allow campaign materials to stay up during the voting period. The S.G.E.C defines campaign material as⁸:

“all materials and literature of any kind, including electronic or virtual, concerning any candidate that has or is intended to have the effect of soliciting votes, support, or interest for a candidate or elective office.”

All candidates will have until the end of March 30th, two days after the election, to remove any campaign materials and signs.

IV – Meeting Student Groups Outside Designated Campaign Area

The last question the petitioner asks for clarification is regarding student groups. They ask whether a candidate can meet with a student group at the group's meeting place to solicit their votes during the campaign period.

We hold that no, a candidate cannot meet with a student group at the group's meeting place to solicit votes.

To answer this question, we look at two provisions. First, section 2, article IV, Chapter 101 of the S.G.E.C⁹ states:

“No candidate may use any facilities, equipment, or services that receive university funding and are not available to the general student body for use during campaigning. This includes student organizations offices, club resources, residence hall work room, administration offices and any other location that does not allow open access to all students”

Not all student organizations have open access to all students. Some require members to pay dues to participate, while others set forth different requirements. Furthermore, the latter section of this article explicitly doesn't allow the use of student organization offices or club resources.

Secondly, we also look at section 1 of the same article¹⁰:

“... No candidate may verbally address any individual who is within the academic building marked by the Supreme Court.”

In our operating memorandum, we have designated only reservable areas at LBJ, the Quad, and Bobcat Trail as designated campaigning locations. All Academic and residential buildings are off limits for campaigning (not including posted campaign materials. See our operating memorandum for that).

Our interpretation of these two provisions lead us to not allow a candidate to go to a student group's meeting area if it is outside the designated campaign areas. However, a candidate is free to invite any students to meet them in a designated campaign area while they are campaigning.

It is so ordered ...

References:

- 1- Advisory opinion: Request for Clarification of Pre-Campaigning Regulations, and Alliances, Feb 24th 2025
- 2- Article II, Definition of Campaigning, S.G.E.C.
- 3- Section 2, article IV, chapter 101, S.G.E.C
- 4- Election Operating Memorandum, 2025
- 5- Section 3.1, Election Operating Memorandum, 2025
- 6- Article II, Definition of Campaigning, S.G.E.C
- 7- Section 3, Article II, S.G.E.C
- 8- Article II, Definition of Campaign Materials, S.G.E.C
- 9- Section II, Article IV, Chapter 101, S.G.E.C
- 10- Section I, Article IV, Chapter 101, S.G.E.C