

Texas State University Student Government Supreme Court

Advisory Opinion Campaigning at Sewell Park Opinion No: 25-04

Syllabus

Request received – March 17th, 2025. Opinion Issued – March 18th, 2025

The Court received a request for an advisory opinion from a student seeking clarification on campaigning regulation. They want us to clarify whether candidates should be permitted to campaign in Sewell Park.

For this question, we hold that:

- 1- Yes, candidates may campaign in Sewell Park, as long as all university policies pertaining to the park are followed.

A detailed explanation of our decision is found in the opinion below.

Chief Justice Hanzala delivered the majority opinion for a unanimous court, in which Justices Downey, Hernandez, and Nguyen joined. Justice Karki did not take part in this decision.

Texas State University Student Government Supreme Court

Advisory Opinion Campaigning at Sewell Park Opinion No: 25-04

Chief Justice Hanzala delivered the majority opinion of the Court.

We received a request to determine whether Sewell Park should be designated as a permissible campaigning zone. The park currently is not a part of the designated campaign zones that the Court has set. We are asked to analyze and decide on whether to include it as a permissible campaign zone or not.

I

Because there is no direct mention of campaigning zones in the Student Government Election Code (pgs. 41-60, Student Government Code of Laws), we derive the jurisdiction to determine permissible campaign locations from the following provisions of the election code:

Pg 49, Section 1, Article II, Chapter 101 states:

“The Supreme Court governs all elections.”

Section 2 of the same article also states:

“The Supreme Court shall comply with all requirements stated in all Student Government governing documents. If a situation arises not explicitly provided for in the governing documents, the Supreme Court shall determine its validity...”

We also consider the definition of Unspecified Situations found in the code (pg. 44, Article IV):

“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...”

Using these provisions, we look at each request that falls under an unspecified situation on a case-by-case basis.

II

A

For this opinion, we must look at and decide whether candidates are allowed to campaign at Sewell Park. Before we can decide on whether to allow it as a permissible zone, we must analyze if doing so would be in violation of the code.

To assess this, we first look at the campaigning regulations found in the Code.

Pg. 50, Section 1, Article IV, Chapter 101, states:

“No one shall campaign within twenty-five (25) feet of any academic building during elections.”

Then, we look at Section 2 of the same article, which states:

“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.”

Because the park satisfies both these provisions, we do not see allowing it as a permissible campaigning zone to violate the S.G.E.C.

B

As established in Section I of this opinion, the Code gives us discretionary powers to decide matters not directly found in the Code. Even if a potential campaigning area might not violate these provisions, we reserve the right to determine whether to allow or disallow campaigning in that zone. We analyze potential impacts of campaigning in said zone before we deem it permissible or not.

For Sewell Park, we do not see any harm in allowing it as a permissible campaign zone. It is a university park where students go to relax, socialize, and undertake leisure activities. Campaigning at the park does not appear to negatively impact the student body using the space. The park is a general use place, and the student body uses it for a plethora of different activities: relaxing, sunbathing, reading, swimming, sports, etc. To consider adding any new zone to the permissible campaign zone, we consider whether that would put undue strain on the student body's day-to-day activities there. In this situation, we do not think it does.

Therefore, we hold that we do allow Sewell Park as a permissible campaign zone.

C

Since we are allowing campaigning in Sewell Park, candidates must follow all university procedures and policies at the park. A violation of any such provision will be considered an election violation.

Any tabling must go through the following: [Link](#).

Any physical campaigning that does not require tabling, like handing out flyers, verbal vote solicitation, etc., must be in accordance with the policies listed here: [Link](#).

It is so ordered ...