

STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY TEXAS AT AUSTIN

**Advisory Opinion: Clarification for the administration
of the Campus-Wide Election Code and the Student
Government Election Code**

JUSTICE PETON delivers the opinion. CHIEF JUSTICE
DODSON and JUSTICE JAMES join.

**SUPREME COURT OF THE STUDENT
GOVERNMENT OF THE UNIVERSITY OF
TEXAS AT AUSTIN**

No. Fall 2019 – 002

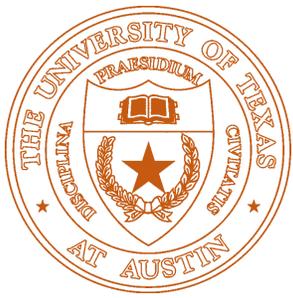
Delivered August 21, 2019

Summary: A general timeline of the election, the various applicable rules, and infractions that may attend those rules.

I. Background

§1.1 of the Campus-Wide Election Code explains that the PURPOSE of the Campus-Wide Election code is to facilitate a fair and educational experience for student governance positions at the University of Texas at Austin. The election of students is designed to expand their knowledge on running for office, navigating political systems, and building community coalitions for the purpose of express advocacy.

In order for the court to facilitate a fair and educational democratic process, §1.2 of the Campus-Wide



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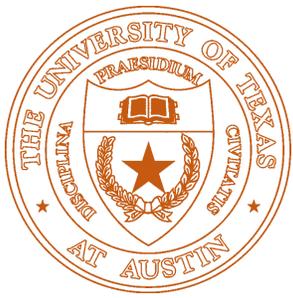
Election Code provides that “all entities participating in Campus-Wide Elections agree to adopt the Campus-Wide Elections Common Code and have their candidates and races adhere to the Code.” Additionally, §1.7 explains that “candidates, agents, or workers for any election shall be responsible for the regulations relevant to their election, as defined by this Election Code. Therefore, as is outlined in §1.8 of the CWEC, “ignorance of this Code shall not be an acceptable defense in response to any offense committed in any election under this Code, either by the candidates themselves, their agents or workers, or the election regulatory bodies, as defined by this code.”

II. Filing

This section seeks to address the question of whether a candidate who, with the intention of filing for First-Year Representative, walks into the Student Government Office and stands in line for filing at 11:57 AM but finishes filing at 12:01 PM should be disqualified.

§7.6 of the Campus-Wide Election Code states that “each candidate must complete and submit a Campus-Wide Elections Filing Agreement for each race s/he is entering” Meaning, each candidate who is interested in running for First-Year Representative must complete the filing requirement in order to be considered a candidate in the first-year elections. §6.4 of the Student Government Constitution states that “[f]iling shall begin the day before the first full day of classes of the fall semester and last for three (3) full weeks. This year filing will open at 9:00 a.m. Tuesday, August 27th and last until 12:00 noon on Tuesday, September 17th.

The code states clearly that the filing deadline ends on September 17th, at 12:00 noon (CST) which means that the last time to **finish** filing for First-Year Representative



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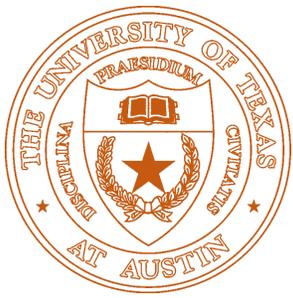
would be at 12:00 noon (CST). Therefore, the Court finds that a student who has walked into the Student Government Office before the deadline but completes the filing requirements after the deadline has not filed within the time period outlined in the code and cannot be considered a candidate in the first-year Elections.

III. Candidate Seminar Requirements

In order for the Court to ensure a fair, educational, and democratic first-year elections process, the Court finds that all candidates must attend the candidate seminar. The candidate seminar is designed to introduce first-year election candidates to the rules, codes, and procedures governing this process. A candidate's absence introduces the likelihood that they missed and/or lack vital information pertaining to first-year elections. This understanding is reflected in §7.9 of the Campus-Wide Election Code, which states that "attendance at the candidate seminar is required of each candidate running in a race that is part of the Campus-Wide elections process. Failure to attend the Seminar shall not be an acceptable excuse for violating this code."

§6.6 of the Student Government Constitution states that "the Supreme Court shall oversee the elections of the First-year representatives," a charge which grants the Court authority to disqualify any candidate who fails to attend the candidate seminar. However, in the event of a candidate providing a legitimate reason for missing the candidate seminar, a candidate shall be required to instruct an **authorized** agent of their campaign to take their place. Any candidates who do not perform the above requirements absent extenuating circumstances will be **disqualified** from running for First-Year Representative.

IV. Sanctioned/Unsanctioned Campaigning

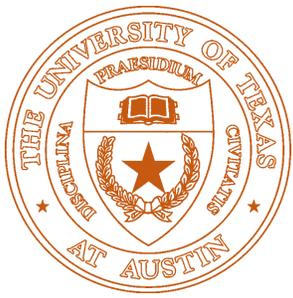


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§6.5 of the Student Government Constitution states that “campaigning shall begin the day after the filing deadline and last for (1) full week. All campaign regulations shall be determined by the election code of the Student Government.” Likewise, §4.5 of the Student Government Election code states that “No campaigning or endorsing will be allowed until the official campaign period has begun as determined by the [Supreme Court].” Maintaining a fair democratic process in Student Government elections is central to ensuring accurate and proper student representation. This idea necessitates the implementation of an official campaign period with oversight from the Court.

§4.7 of the Student Government Election Code states that “candidates are responsible for all electoral actions and conduct of their campaign staff.” As campaign staff represent the activity of their candidate, responsibility for actions of campaign workers belongs to the candidate.

The following sections provide a get of guidelines for appropriate campaign practices. §4.8 of the Student Government Election Code states that “all campaign materials must be in compliance with University regulations governing the use of electronic media.” §4.1 of the Student Government Election code states that “candidates in all Student Government campus-wide elections shall adhere to the following spending limits: (c) First-year representative: \$204.00 in any general election or special election.” §4.12 of the Student Government Election Code states that “candidates shall refrain from knowingly deceptive campaign activities, including any act or statement reasonably calculated to injure or compromise the rights or interests of any student, faculty member, or administrator.” §4.13 of the Student Government Election Code states that “candidates, as well as their agents and



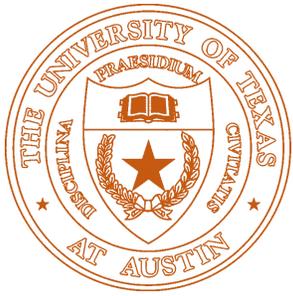
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workers, shall not engage in campaigning activities that subject students, faculty, or the administration to demeaning verbal harassment as determined by the University’s institutional rules.” Adhering to these guidelines is essential in protecting the legitimacy of Student Government elections, and as such, §4.17 of the Student Government Election Code states that “All electioneering activities of a candidate and/or his/her respective campaign staff must adhere to the parameters set forth by this code, the Student Government Constitution, University policy, system rules, state and federal law, and any other established policy applicable to the action in question.”

To similarly assist in supporting fair election conduct, §4.20 of the Student Government Election Code states that “it shall be the responsibility of all campaign staff to ensure accurate and up-to-date records of workers are kept and is the candidate’s responsibility to ensure these records are disclosed to the [Supreme Court] in an appropriate manner.” Transparent election practices can only improve the validity of Student Government elections.

V. Financial Disclosure Requirements

§3.18 of the Student Government Election Code states that “each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures.” Just as with records of campaign workers, maintaining transparency in election finances can only uphold the legitimacy of Student Government elections. Similarly, §3.25 of the Student Government Election Code states that “the financial disclosure statements in TITLE III, Sec. 3.19-3.24 must contain all the expenses incurred by the candidate during the campaign” and “candidates who have no eligible



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expenditures to declare must still submit a financial disclosure form to the [Supreme Court,] indicating such.”

Conducting equal and authentic elections begins with conducting honest and transparent campaigning. Thus, §3.27 of the Student Government Election Code states that the “failure to file accurate financial disclosure statements by the deadlines listed in this section, or falsification of financial statements, shall allow for disqualification of the candidate(s) or executive alliance(s) by the [Supreme Court].”

It is so ordered.