



STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY TEXAS AT AUSTIN

**Advisory Opinion: Clarification of Dates Governing
the Filing Period and Election Date for First-Year
Elections**

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

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

No. Fall 2019 – 003

Delivered August 21, 2019

Summary: §6.3, §6.4, and §6.5 of the Student Government Constitution provide conflicting guidelines for the timeline of first-year elections.

I. Background

§6.3 of the Student Government Constitution requires first-year elections to “be held on one (1) weekday during the third full week of September.” §6.4 identifies the filing period for first-year elections to “begin the day before the first full day of classes of the fall semester and last for three (3) full weeks.”



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The Fall 2019 semester begins on August 28, which means filing must open on August 27. Three weeks after August 27 is September 17, the filing deadline.

However, in accordance with §6.5, campaigning for first-year elections should “begin the day after the filing deadline and last for one (1) full week.”

A week of campaigning (September 18 - 25) would carry through the end of the third week of September and into the fourth week. As previously mentioned, the date of first-year elections is supposed to be held on a weekday during the third week of September. This establishes the conflict the Court now seeks to remedy.

II. Solution

The Court recognizes the utmost importance of the maintenance and preservation of a fair and participatory democratic process. When conflicts arise under the election code, the Court must resolve the disaccord via reference to this principle. In accordance with this belief, the Court seeks to prioritize the guidelines that serve this purpose.

§6.4 provides a timeline that is designed to maximize the ability of applicable candidates to participate in their representative student government. Similarly, § 6.5 outlines a specific period of time intended to allow applicable voters the opportunity to make a well-informed decision about their representation in student government.

§6.3, however, simply outlines a potential date for the election that accords with the First-Year Representatives’ Terms of Office outlined in §4.18 of the Student Government Constitution, which rules that “first-year representatives shall begin their terms at noon on the first Tuesday of October.”



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Because holding first-year elections in the fourth week of September will not prevent the fulfillment of §4.18, and because satisfying §6.4 and §6.5 are necessary for the continuance of a quality democratic process, this Court construes §6.3 in light of its underlying purpose and with special regard for the principles of participatory democracy enshrined in §6.4 and §6.5 to allow for an election in the fourth week of September to accommodate the particular circumstances of the Fall 2019 First-Year Elections.

It is so ordered.