



STUDENT GOVERNMENT SUPREME COURT
THE UNIVERSITY TEXAS AT AUSTIN

**Advisory Opinion: Clarification for the Administration of 2021
Student Government First-Year Representative Election**

CHIEF JUSTICE JAMES delivers the opinion. JUSTICE HASTINGS
and JUSTICE JONNALAGADDA join.

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

No. Fall 2021 – 001

Delivered August 18, 2021

Summary: This Advisory Opinion seeks to provide an outline that addresses the administration of First-Year Elections.

I. Background

§1.1 of the Campus-Wide Election Code (CWEC) 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.”



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To that end, §1.2 of the CWEC in no uncertain terms states 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.” In addition, §1.7 specifies that “Candidates, agents, or workers for any election shall be responsible for the regulations relevant to their election, as defined by this Election Code.” As such, given §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

§7.6 of the Campus-Wide Election Code provides that “each candidate must complete and submit a Campus-Wide Elections Filing Agreement for each race s/he is entering”. Filing is a necessary administrative process that is required to move on in the election process. Given the outbreak of COVID-19, this section seeks to generally outline the filing process and address the changes that have been made to accommodate the pandemic this year.

First, the general timetable. §6.4 of the Student Government Constitution puts forth 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.” That means that this year, filing will begin at 9:00AM (CST) on Tuesday, August 24th and end at 12:00PM (CST) Tuesday, September 14th. Anyone who wishes to become a First Year Representative **must complete** the filing process by that time.



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See the Court's Advisory Opinion *Fall 2021-003* to understand how COVID-19 will affect the filing process. However, revised guidelines do not change the obligation of filing before the specified deadline.

III. Candidate Seminar Requirements

To foster and sustain an impartial and democratic first-year election, the Court **requires all** First-Year candidates to attend a candidate seminar the day filing ends to review guidelines and procedures to follow throughout the election process; absence from this meeting risks missing crucial information. This view is reflected in the code - §7.9(b) of the CWEC clearly states "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." The candidate seminar this year will take place in a hybrid format at 9:00PM(CST) on Tuesday, September 14th.

§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. In the event that the Court is given a legitimate reason for missing the seminar, a candidate must send an **authorized** agent of their campaign to attend in their stead after notifying the court of this substitution 24 hrs in advance. Unless this exception to the rule is invoked and extenuating circumstances are presented, candidates will be disqualified from the election for failure to attend the candidate seminar.

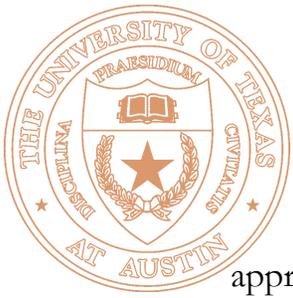
IV. Sanctioned/Unsanctioned Campaigning



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The general timeline of the authorized campaigning period is addressed in §6.5 of the Student Government Constitution: “Campaigning shall begin the day after the filing deadline and last for one (1) full week. All campaign regulations shall be determined by the election code of the Student Government.” Therefore, the campaign period will be held from 12:01AM (CST) on Wednesday, September 15th until 5:00PM (CST) on Wednesday, September 22nd. As §8.3 of the CWEC states, campaigns are specifically prohibited from “campaigning, soliciting, or otherwise bringing attention to their campaign or election before the campaign period... includ[ing] all attempts to secure endorsements, sponsorships, or any other presentation of information made for public consumption or use”. The only permitted action before the campaign period starts is, according to the code, “the personal individual recruitment by a candidate of individual team members”. To clarify, the candidate cannot broadcast via social media that they are looking for someone to join their team, they can only **personally** recruit **individuals** to join their campaign.

While **not** an exhaustive list, the following section seeks to outline general principles to heed while campaigning. First, §4.1 of the Student Government Election Code (SGEC) states that for First-Year Representatives, the maximum spending limit is \$204.00. Second, §4.12 of the SGEC 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.” Third, §4.13 of the SGEC states that “candidates, as well as their agents and 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.” Fourth, §4.20 of the SGEC 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



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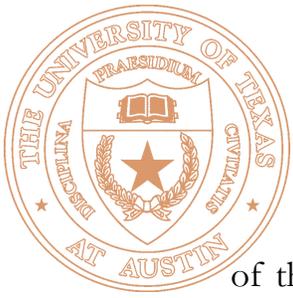
these records are disclosed to the [Supreme Court] in an appropriate manner.” Finally, §4.17 of the SGEC affirms that “All electioneering activities of a candidate and/or his/her respective campaign staff must adhere to the parameters set forth by this code, the Student Government Constitution, University policy, system rules, state and federal law, and any other established policy applicable to the action in question.”

An important note: §4.7 of the SGEC makes clear that “candidates are responsible for all electoral actions and conduct of their campaign staff”. Therefore, **if a member of a campaign’s staff violates the code, the candidate will be held responsible for the infraction.**

V. Financial Disclosure Requirements

§3.18 of the SGEC is clear: “Each candidate in any Student Government election must keep accurate and up-to-date records of all campaign receipts and expenditures”. Ensuring transparent campaigning practices, financial disclosures are an integral aspect of the election process. This year, there are two specific financial disclosure deadlines: 4:30PM (CST) on Friday, September 17th and 4:30PM (CST) on Wednesday, September 22nd. §3.21 of the SGEC specifies that “each financial disclosure statement must have all expenditure receipts attached” and “all expenses must be included in the financial disclosure report.”

Given that infractions in relation to financial disclosures threatens the integrity of the entire election itself, §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]” when a complaint is brought before the court. Therefore, the Court reserves the right to



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disqualify or sanction candidate activity depending on the severity of the infraction.

It is so ordered.