

Fall 2023 First-Year Elections
Election Supervisory Board Advisory Opinion 2023-003
(Issued: August 19th, 2023)

Subject: Prohibition on Early Campaigning

The Election Supervisory Board (ESB) is issuing an advisory opinion clarifying language regarding early campaigning.

The ESB is authorized to oversee and decide on cases for first-year elections. Student Government Constitution Sec. 6.7 states:

“The Election Supervisory Board shall oversee the annual fall first year student elections of the first-year representatives.”

The Student Government Constitution Sec. 6.6 states:

“Campaigning shall begin the day after the filing deadline and last for one full week. All campaign regulations shall be determined by the election code of the Student Government.”

Regarding early campaigning, Sec. 4.5 of the SG Specific Code states:

“No campaigning or endorsing will be allowed until the official campaign period has begun as determined by the Election Supervisory Board.”

This section should be interpreted to mean that:

1. All candidates and their campaign staff are prohibited from campaigning, soliciting, or otherwise bringing attention to their campaign or election before the campaign period.
2. This prohibition includes all attempts to secure endorsements, sponsorships, or any other presentation of information made for public consumption or use.
3. However, this prohibition does not include the personal individual recruitment by a candidate of individual team members.”

Additionally, Sec. 2.3, Sec. 4.7 and Sec. 4.17 of the SG Specific Election Code state:

Sec. 2.3 “CAMPAIGN STAFF” refers to any and all individuals coordinating with a candidate, including, but not limited to, all agents and workers.

Sec. 4.7 CANDIDATE RESPONSIBILITIES. Candidates are responsible for all electoral actions and conduct of their campaign staff.

Sec. 4.17 All electioneering activities of a candidate and/or [their] 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 actions in question.

ESB has set the official campaign period for the 2023 First-Year Elections to begin on Monday, September 11, 2023, at 12:01 AM and end on Monday, September 18, 2023, at 5 PM.

Lastly, the SG Specific Election Code does not provide a clear definition on what constitutes “campaigning”. §4.5(a) of the SG Specific Election Code, erroneously states that a definition of “campaigning” can be found in §2.3 but this definition is for “Campaign Staff”. Thus, ESB would like to clarify what entails campaigning and will refer to Sec. 2.3 of the Campus-Wide Election Code for guidance in that “campaigning” shall refer to:

“... statements, literature, activities or deliberate uses or distribution of materials of any kind that have or are intended to have the effect of soliciting votes, support or interest for a candidate or elective office.”

Thus, campaign activity that takes place prior to the start of the designated campaign period on **Monday September 11, 2023, at 12:01 AM** is considered early campaigning and may be punished up to the point of a class D violation, resulting in disqualification.

Opinion Authorized by:

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