Texas State University Student Government

ADVISORY OPINION

TO: Presidential, Vice-Presidential, and Senatorial Candidates

FROM: Joshua Clarke

SUB: Election Board of the Student Government of Texas State University

Date: February 1, 2019

The Election Board has received a request for an advisory opinion on several matters that include Academic Building Campaigning, Campaign Workers, and Affiliation.

Campaigns need approval from Academic Buildings, Residence Halls, and Student Involvement to be able to place flyers and banners in designated areas. The Election Board cannot give campaigns approval or permission to campaign in those areas because the Election Board does not have authority over those areas.

The Election Code defines an “Agent” as ‘any candidate-appointed worker who is authorized to speak and act on behalf of the candidate’ (Chapter 100, Article IV, Section 10). The code also defines a “worker” as ‘any person that contributes time, effort, or services for the purpose of supporting or furthering a candidacy’ (Chapter 100, Article IV, Section 28). According to Chapter 105, Article II, Section 16, members of Student Government may endorse candidates as individuals. The Election Board has interpreted these definitions as, Student Government members can be workers as Texas State Students, but they are not allowed to be Agents to speak or act on behalf of a candidate. With good judgement, the Board cannot prevent Texas State students in participating in the election process. Members of Student Government cannot separate their title of ‘Senator’ from being a Texas State student. They assumed the title to be a leader on campus and must act accordingly. However, Student Government members can not use their title as a leader on campus to enhance or improve a campaign. As such, Student Government members may endorse a candidate in the capacity ‘that contributes time, effort, or services.

If a campaign worker is also a candidate that is not a part of an Executive Alliance, that is a violation of the Election Code Chapter 105, Article II, Section 14. Candidates outside the Executive Alliance who wear t-shirts of another campaign during the campaign period are in violation of the Election Code. A t-shirt is essentially a flyer with the endorsement of the individual wearing it.

It has come to my understanding that numerous candidates have roots based in Student Government. The endorsement clause in the Election Code is clear that Student Government members cannot use their platform as an official to improve a campaign. However, a candidate deciding to run for office is essentially self-endorsing themselves which the code makes no
mention of. Candidates experience in Student Government should not be a hindrance in their campaign but a qualification to convey to the student body. It is of the opinion of the Election Board that candidates are allowed to use their experience in Student Government to promote their own campaign.

This is an advisory opinion from the Election Board and is appealable to the Supreme Court in the case of the opinion adversely affecting any party.

Thank you,
Joshua Clarke
Election Board Chairman