

**SUPREME COURT OF STUDENT GOVERNMENT, TEXAS
STATE UNIVERISTY**

NO. 08-03

DESALVO-CAMARGO EXECUTIVE ALLIANCE, APPELLANTS

V.

**THE ELECTION BOARD OF STUDENT GOVERNMENT, TEXAS STATE
UNIVERSITY**

**APPEAL TO THE SUPREME COURT OF STUDENT GOVERNMENT, TEXAS STATE
UNIVERSITY**

BACKGROUND

A Notice of Appeal was filed with the Supreme Court by the DeSalvo-Camargo Executive Alliance (further referred to as “*Appellants*”), concerning different issues pertaining to a decision made by the former Election Board Chair on Friday, January 31, 2020 at 1:46am CST. That states, “*Each type of building, academic or residential, have a particular location that fliers are allowed. To be able to put your campaigning material at their designated locations, you need authorization from the buildings. That authorization needs to be sent to the election board. If it is not sent it is in violation.*”

LBJ Building: Student Involvement is in the LBJ building. They have an area designated for fliers. You need authorization from that department. (The director has been given this information because she did not know beforehand.)

Under no circumstance can you campaign in the LBJ teaching theater”

And the Rules Reading Seminar PowerPoint that stated “*No campaigning in LBJ under any circumstances.*”

The primary focus of this appeal before the Court was on three main points:

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1. As to whether the assertion by the Election Board of their “unspecified activity power” under S.G.C. Title III, Chapter 105, Article II, Section 12 has been misapplied to campaigning in academic buildings and the LBJSC.
2. That the Election Code specifies exactly the requirements for legally campaigning in academic building by getting either “college or administrative” approval, of which the appellants availed themselves of the administrative approval process outlined in the (UPPS). The Election Code specifically addresses this form of campaigning and therefore cannot be considered “unspecified activity.” In addition, University Policy provides a clear “administrative” path for approval to campaign in academic buildings.
3. Lastly, a requirement for candidates to provide proof positive is not authorized by the law and is an unsubstantiated new requirement illegally imposed by the Election Board. The Election Board is overextending their oversight power outside of their statutory authorization by requiring proof positive from these academic or administrative departments be forwarded to the Election Board. This new requirement by the Election Board is unsupported by Student Government law, passed precedent, or university policy. In addition, the requirement may be unworkable because students cannot force administrators to do something that is not required of them and is already addressed via university policy.

DISSCUSION

The relief that was presented before the Court was as followed:

1. Vacate the guidance provided in the email (titled: “Authorized campaigning locations.”) issued by Chairwoman Herrera on January 31. Specifically, we wish the Court to acknowledge the UPPS 07.04.02 when posting on campus and the DHRL Posting Guidelines related to posting on campus as the “administrative” channels mentioned in the Election Code Chapter 105, Article II, §12.
2. Invalidate the Rules Reading Guidance in the PowerPoint about campaigning in the LBJSC and declare campaigning in LBJSC permissible so long as it does not interfere with the academic or institutional operations of the university.
3. Issue judicial review guidance to the Election Board to more narrowly tailor its interpretations of the Election Code in all future cases to minimize broad based rewriting of Election Code law. We wish the Court to direct the Election Board to seek guidance from the Dean of Students or designee, on issues of university policy: specifically, UPPS on posting and other free speech policies prior to issuing further guidance to the candidates on these subjects

On vacating the guidance provided in the email titled “Authorized campaigning locations.” The Court has agreed by Majority to appeal this decision made by the former Election Board Chairwoman Maria Herrera on January 31, 2020. The Court has also agreed by a Majority to acknowledge the UPPS 07.04.02 when posting on campus and DHRL Posting Guidelines related to posting on campus as the “administrative” channels as stated in Title III Chapter 105, Article

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II, §12(a). By acknowledging this if Candidates use the “administrative” channels for posting on Texas State campuses (Main Campus and Round Rock Campus), Candidates are also subjugated to its guidelines and violating the guidelines of UPPS 07.04.02 and DHRL Posting Guidelines is a violation of the Election Code.

The Court has agreed by Majority to appeal and invalidate the Rules Reading Guidance in the PowerPoint about campaigning in the LBJSC. The Court agrees with the appellant, that LBJSC is central hub for Student Organizations and Students, by cutting off access from campaigning in LBJSC could cause an adverse effect on a Candidate’s campaign. The Court agrees that campaigning in LBJSC is permissible so long as it does not interfere with the academic or institutional operations of the University.

S.G.C Title III, Chapter, 101, Article I, §1, Jurisdiction states:

“The Election Board shall have jurisdiction over Student Government elections, special or general, and shall enforce and interpret the Election Code. The Board shall enforce all provision of the Constitution, the S.G.C., University policy and procedures, and other relevant regulations on candidates in the context of their campaign. The Board shall have the power to enforce the listed regulations before filing begins, during the election process, and until the completion of all election related activity.”

S.G.C Title III, Chapter 100, Article III, §3, Unspecified Situations states:

“The Election Board is empowered to regulate, administer, and take other actions as are necessary to provide direction and oversight of the Student Government elections and referendums in situations not embraced by this code.”

In relation to the third concern by the Appellant in tailoring the Election Boards interpretations of the Election Code in all future cases to minimize broad base rewriting Election Code law.

It is the opinion of the Court that the former Chairwoman of the Election Board Maria Herrera attempted to utilized the above sections of the Election Code to issue guidance to the Candidates, by stating, *“To be able to put your campaigning material at their designated locations, you need authorization from the buildings. That authorization needs to be sent to the election board. If it is not sent it is in violation.”* The Court does agree with the Appellant that the wording of the guidance can be interpreted as the university administration must provide a statement of approval to campaign in an Academic building or Residential hall. And this guidance can force the university administration to do something they normally do not do. But the Court agrees by a Majority that the Election Board under the S.G.C Title III, Chapter 100, Article, III, §3, Unspecified Situations, has the right to request Candidates show some proof of approval to the Election Board, so they may have proper oversight on what is being posted around campus. An example of proof that can be given to the Election Board is showing a campaign flyer with the

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approval stamp from Student Involvement. This will be classified as a perfect example, because Student Involvement must stamp all campaign flyers before they are posted on bulletins around campus. Regarding proof from DHRL, it has been brought to the attention of the Court that DHRL does not give out approval notices or stamps for campaign materials to be posted in Residential Halls all is needed is the approval stamp from Student Involvement and DHRL will post them in the Halls on the behalf of the Candidate. If a flyer is posted in a Residential Hall and it bares the stamp from Student Involvement it is approved to be there, and Candidates do not need to show approval from DHRL.

Lastly, the Court agrees and will direct the Election Board to seek guidance from the Dean of Students or designee, on issues of university policy: specifically, UPPS on posting and other free speech policies prior to issuing further guidance to the candidates on these subjects. So that further harm will not be put on Candidates and their campaigning.

SUMMARY

It is unfortunate that the Supreme Court must address the inconsistencies of the former Election Board. However, as an appellant court, these are the duties we must assume to remedy the situation that is presented to the Court.

In summary, the Court has agreed on several points of the appeal. Those points are as followed UPPS 07.04.02 and DHRL Posting Guidelines will be added as the administrative channel to Title III Chapter 105, Article II, §12(a), and Candidates who follow this channel are subjugated to its rules and violating UPPS 07.04.02 and DHRL Posting Guidelines will be also a violation of the Election Code. The Rules Reading Guidance in the PowerPoint namely slide 15 is hereby invalid and appealed Candidates may Campaign in LBJSC if it does not interfere with the academic or institutional operations of the University.

Furthermore, Under S.G.C Title III, Chapter, 101, Article I, §1 titled “Jurisdiction” and S.G.C Title III, Chapter 100, Article III, §3, titled “Unspecified Situations”. Under these sections of the Code the Election Board does have the authority to require Candidates to show proof of approval from the university administration to Campaign in Academic Buildings or Residential Halls. This proof could be showing a campaign flyer with the approval stamp from Student Involvement. Additionally, DHRL does not give out approval notices or stamps for campaign materials to be posted in Residential Halls all is needed is the approval stamp from Student Involvement and DHRL will post them in the Halls on the behalf of the Candidate. If a flyer is posted in a Residential Hall and it bares the stamp from Student Involvement it is approved to be there, and Candidates do not need to show approval from DHRL.

This is a necessary step so that the Election Board can have proper oversight on what is being posted around campus. And properly enforce all provisions of the Constitution, the S.G.C.,

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University policy and procedures, and other relevant regulations on candidates in the context of their campaign.

Lastly, the Election Board of Student Government, Texas State University is hereby required to seek guidance from the Dean of Students or designee, on issues of university policy: specifically, UPPS on posting and other free speech policies prior to issuing further guidance to the candidates on these subjects. So that further harm will not be put on Candidates and their campaigning.

It is so ordered.

William Frank-Cadoree, Chief Justice