Syllabus

Petitioner: Frankie Spates

#03-855-096

Petition for an Advisory Opinion was brought by Frankie Spates concerning the ability of candidates to use university resources to advance their campaign.

The primary question before the Election Board was for guidance as to whether or not a candidate could print campaign material on campus to advance his or her campaign.
Advisory Opinion

One of the primary claims brought forth by the petitioner was that students of Texas State University pay for tuition and service fees, which consist of fees for using computers and printers, and should therefore be able to use the computers and printers that the student pays for each semester.

In regards to this request, the Election Board had to first decide whether or not campus computers and printers were considered as university “resources.” In determining this, the Election Board had to define the term university resources. The Election Board, therefore, defines university resources as any asset located on or off Texas State University property that is under the control of the university. The term asset can be considered as, but is not limited to, the following: money, materials, machinery, technological equipment, staff, or any other asset that can be used by the university to function efficiently.

With this said, the Board understands that some candidates may have limited funds and thus rely on university resources, but following S.G.C.. III. §105.2(9) no candidate, agent or worker or any endorsing party may use university resources to advance their campaign.

The Election Board finds it important to state that the Election Code in which we work under is a set of rules and regulations on what can and cannot occur. It might be found that on occasion there can be room for interpretation, but this Election Board does not find that this is one of those times.

It is in the opinion of this Election Board that S.G.C.. III. §105.2(9) is clear in that university resources cannot be used to advance a candidate’s campaign. This, along with the definition of what a university resource is, provided guidance in the Election Board’s decision that computers and/or printers of Texas State University may not be used to advance a candidate’s campaign.

It is so ordered.