

The Office of the
ATTORNEY GENERAL

To: Chelsea Ball, Assistant Supervisor of Elections

CC: Hannah Fraher, Supervisor of Elections
Matt McCann, Student Body President
Alan Hardman, Speaker of the Senate
Ashley Tinstman, Public Relations Coordinator
Michael Preston, SGA Advisor

From: Cortez J. Whatley, Attorney General

Date: September 14, 2011

Subject: Official Opinion Regarding Active Campaigning.

I, Attorney General Whatley, in accordance with the Constitution and Statutes of the Student Body of the University of Central Florida hereby refer the following opinion to Assistant Supervisor of Elections Ball, and all other interested parties:

Inquiry:

Accordingly, the following questions are to be examined:

1. Can campaign materials be distributed during non-class times such as at RSO meetings?

Considerations:

Title IV, Chapter 402.1 of the Student Body Statutes:

- I. "The Attorney General shall be the legal advisor to the President, and shall hand down opinions of the Constitution of the Student Body, Student Body Statutes, and rights and responsibilities to any member of the student body who shall, in writing, request such opinion."

Title VI, Chapter 600 Definitions:

- II. (A) Active Campaigning- Any display or distribution of tangible items or electronic media for a candidate/ticket for an elective office of the student body.
- III. (P) Tangible Items- Any campaign materials that are inanimate and may be seen or touched.
- IV. (D) Campaign Materials- Any tangible items and/or electronic media which contribute to a candidate's campaign and/or infers that a candidate/ticket intends to run for an elected Student Government office.

Title VI Chapter 604.2(A)(3)(c)

- V. "No campaign material will be distributed within:...Classrooms"

Title VI, Chapter 604.2(A)(3)(d) of the Student Body Statutes:

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VI. “No campaign material will be distributed within:.... The Student Union Building”

Title VI, Chapter 604.2(D) of the Student Body Statutes:

VII. “Candidates that wish to distribute or display material on or in a building must first have secured the written permission of the said building’s manager and shall submit such permission to the Election Commission prior to the distribution or display of said material.”

Examination:

The questions above pertain to the specificity of “Active campaigning.” By defining the terms “Campaign Materials” and “Tangible Items” statutes explicitly state what is to be restricted in regards to distribution. Campaign materials by definition are all tangible items. Tangible items are inanimate items that may be seen or touched. Common examples are objects such as palm card, flyers, and similar items. Statutes are very clear on the restrictions concerning the aforementioned items.

The reasons for the restrictions are irrelevant. The fact of the matter is that Statutes do not permit campaign materials in the Student Union or in classrooms. The only exception is stated in Title VI Chapter 604.2(D). This clause states that candidates must have written permission from the building’s manger and submit proof of permission to the Election Commission. Without permission from the building’s manger, campaign materials cannot be distributed regardless of the time or event.

Official Opinion:

It is the opinion of the Office of Attorney General that distributing campaign material inside the Student Union or in classrooms even during non-class time is a violation of Student Body Statutes.

Cortez J. Whatley
Attorney General
University of Central Florida