

*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 and Speech.

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 a declared candidate make an announcement in a classroom if the professor has given that candidate permission?
2. Can a declared candidate speak to a RSO inside the Student Union if the candidate has been invited by the RSO?
3. Can a declared candidate speak to students in a classroom during non-class times?

**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"

*The Office of the*  
**ATTORNEY GENERAL**

---

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

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

**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.

However, language provided in Statutes does not consider the issue of speech. The reason why speech was not factored in the composition of Statutes is irrelevant. The fact of the matter is that speech can neither be seen nor touched. It fails both of the requirements necessary to be a tangible item. Consequently, speech cannot be considered campaign material. Furthermore, only campaign materials are prohibited from being distributed in classrooms and in the Student Union. As long as candidates are not distributing campaign materials, they are permitted to speak to groups in the Student Union and in classrooms.

**Official Opinion:**

It is the opinion of the Office of Attorney General that it will not constitute as a violation of Student Body Statutes for a declared candidate to solely make an announcement in class.

It is the opinion of the Office of Attorney General that it will not constitute as a violation of Student Body Statutes for a declared candidate to solely speak to a RSO inside of the Student Union.

It is the opinion of the Office of Attorney General that it will not constitute as a violation of Student Body Statutes for a declared candidate to solely speak to students even if it is in a classroom during non-class times.

---

Cortez Whatley  
Attorney General  
University of Central Florida