

The Office of the
ATTORNEY GENERAL

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To: Andrew, Knightnews.com
From: Nicholas S. Gurney, Attorney General
Date: September 13, 2010
Subject: UCFAGO 10-03 : Official Opinion regarding Active Campaigning

I, Attorney General Gurney, in accordance with the Constitution and Statutes of the Student Body of the University of Central Florida, hereby refer the following opinion to Andrew, "Knightnews.com", and all other interested parties:

Considerations:

For the purposes of this opinion, the following are referenced:

Title VI, Chapter 600 of the Student Body Statutes:

- "Active Campaigning – Any display or distribution of tangible items or electronic media for a candidate/ticket for an elective office of the student body."

Title VI, Chapter 603.2 (E):

- "Active campaigning shall begin immediately following the candidates' Declaration of Candidacy."

Title VI, Chapter 602.3 (C):

- "Declaration of Candidacy will take place during the fourth (4th) week of the Fall semester. Declaration of Candidacy will run from 9:00 a.m. until 5:00 p.m. Monday through Wednesday."

Accordingly, the following questions are to be examined:

1. "Are we reading [the statutes concerning Declaration of Candidacy] and interpreting them correctly?"
- ...
2. What would you advise to students who plan on running, in terms of their hosting meetings and garnering support?
3. Would you advise students who plan on running for senate to avoid [active campaigning] until after their official declaration?"

Examination:

When the issue of "Active Campaigning" comes up, as it inevitably does every year, candidates are often advised to err on the side of caution. Often times, things that may just be *perceived* as "Active Campaigning", can end up in the realm of elections violations.

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Statutes that discuss “Active Campaigning” should be read carefully. For example, Title VI, Chapter 600 of the Student Body Statutes defines “Active Campaigning” as “[a]ny display or distribution of tangible items or electronic media for a candidate/ticket for an elective office of the student body.” This section addresses physical and electronic means of campaigning. These include, but are not limited to: websites, most forms of social networking, handouts, tee-shirts, palm cards, posters, banners, signs, etc. that relate to an individual’s run for elective office.

Any individual who utilizes any of the aforementioned means, for purposes reasonably related to a campaign for elective office, should only use such means within the allowable window designated for campaigning. This window is clearly defined in Title VI, Chapter 603.2 (E) of the Student Body Statutes. Use of such means before Active Campaigning is allowed, as outlined in Title VI, Chapter 602.3 (C) of the Student Body Statutes will most likely represent a violation of elections statutes.

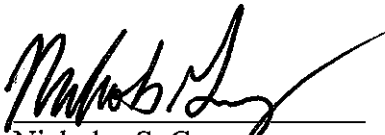
If a prospective candidate wishes to garner support and host meetings before declaration of candidacy, said candidate does so at the candidate’s own risk. Any materials made available at such a meeting, which are reasonably related to a campaign for elective office, would most likely constitute a violation of Title VI of the Student Body Statutes.

My advice to all individuals contemplating a run for elective office is to avoid any form of “Active Campaigning” until Declaration of Candidacy is over. All forms of “Active Campaigning” that are distributed after 5:00 p.m. on the Wednesday of the Fourth (4th) week of the fall semester are not prima facie violations of elections statutes.

Official Opinion:

Given the above, it is the opinion of the Office of the Attorney General that the distribution of anything that could reasonably be construed as “Active Campaigning” made available before the end of Declaration of Candidacy would represent an elections violation.

All candidates are therefore duly warned that all “Active Campaigning” should be withheld until after 5:00 p.m. on the Wednesday of the Fourth (4th) week of the fall semester.



Nicholas S. Gurney
Attorney General
University of Central Florida