



**SGA General Counsel Opinion
GC 2022-001
September 14, 2022**

Question Presented

At what time may a prospective candidate for Student Government Association President or Campus Activities Council Chair begin gathering the signatures required for filing as a candidate in a general election?

Brief Answer

So long as their activities are limited to gathering signatures instead of campaigning, a prospective candidate for either office may start gathering signatures immediately following the certification of the most recent corresponding election.

Background

This question was posed to the General Counsel by a student interested in potentially running as a candidate in a general election within the Student Government Association (hereinafter “SGA”). The answer to this question is important for all candidates to be aware of so that no candidate has an advantage over another. For this reason, the General Counsel has chosen to answer this question through the following binding opinion so that it can be publicly available to all candidates.

Discussion and Analysis

Candidates for either the SGA presidency or the Campus Activities Council (hereinafter “CAC”) Chair position are required by the SGA Code Annotated (hereinafter “the Code”) to gather a number of signatures in order to file as a candidate. *SGACA* Tit. VI, Ch. 3 § 16(a). The amount of signatures is based on the amount of votes cast in the prior corresponding election: “...20% of the total number of votes in the last corresponding election or five hundred (500) signatures, whichever is less, by the time of the filing deadline.” *Id.* At the least, this provision shows that in order to properly determine how many signatures a candidate needs to file for either SGA president or CAC chair the most recent corresponding election must have been certified.

The Code does not explicitly define what period of time candidates are allowed to gather their signatures, nor does it explicitly point to any time where they are not allowed to do so. The only hint comes from the provision described above. Since a candidate would not know how many signatures they needed to gather until after the previous corresponding election has been certified, it would not make sense to allow candidates to begin gathering signatures prior to that point. To

hold otherwise would have the effect of confusing potential voters, as it could confuse voters if a prospective candidate for a future election solicited their signature prior to the end of a separate, ongoing election. Beyond that, there appear to be no restrictions on a prospective candidate's timeline to gather their required signatures, other than the fact that they must gather them prior to the filing deadline for the relevant election. *Id.* To make it as clear as possible: A prospective candidate for SGA President for the upcoming election could have started gathering signatures immediately following the certification of the last SGA presidential election. A prospective candidate for the Spring 2023 CAC Chair election could have started gathering signatures immediately following the last CAC Chair election.

This opinion should not be construed to mean that a candidate for either SGA president or CAC chair would be allowed to *campaign* during that same timeframe. Campaigning is defined as: "Working in an organized and active way to promote a candidate as a representative of or at the directive of that candidate." *SGACA* Tit VI, Ch. 1 § 1(c). Additionally, the "campaign time frame" is defined as beginning after the completion of the Candidates Booklet, which occurs after candidates have already completed the signature process *Id.* at §1(b). For these reasons, a prospective candidate looking to properly gather signatures must avoid campaigning in doing so. The easiest way for them to do this, in the view of the General Counsel, would be to make it clear to anyone they talk to that they are *not* a candidate because they have not completed the formal requirements to file as a candidate. When seeking signatures, a prospective candidate should make sure students know that they are planning to run for office or hoping to run for office. It goes without saying that any prospective candidate who tried to find a way to use the signature-gathering process as an attempt to campaign as an affirmative candidate is in violation of the Code and is working to frustrate the intent of those who crafted its election provisions.

A final piece of support for this opinion comes from the fact that former SGA Election Commissioner Isaac Kabrick offered a similar opinion to a candidate during the last presidential election. Though this opinion was unofficial, it is still precedent that has been relied upon in the past. Without any clear intent from the legislative branch to alter these provisions, the General Counsel sees no reason to upset this unofficial precedent.

This holding will affirm a vast timeline for prospective candidates to gather signatures, a timeline that is nearly a year long. Some may argue that this timeline is too long, but even if that were the case it would be an issue that the legislative branch would need to solve — the role of the judiciary is simply to interpret existing law, not edit it.

This is the opinion of the SGA General Counsel.



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