Legal Opinion (S) (55-021)

Subject: Clarification of Election Restrictions

Date: February 3rd, 2015

SGATO Director Gary Manka requested a legal opinion on February 3rd, 2015. Director Manka asked for statute 701.6.9 to be clarified with respect to how it applies to senators marketing their re-election bid.

Student Government statute 701.6.9 states the following:

701.6.9 Campaigns may not use University and Student Government logos or trademarks. Campaigns may not, also, use university administrators, USF Spirit Squad, current NCAA Division I athletes, Student Government employees or members, or any current non-student University employee as official endorsement. Official endorsement shall be at the discretion of the Election Rules Commission and in its Rules of Procedure.

Therefore, it is the opinion of the Attorney General that when the statute mentions “…Student Government employees or members…” that is referring to other Student Government members sponsoring a campaign in their official capacity of their Student Government position. It does not make logical sense that a campaign may not mention their prior Student Government experience in their marketing material, as the purpose of an election is to endorse yourself. Also, I believe the legislative intent of the bill that passed to create this statute was to clarify the role other parties may play in a campaign.

Alexander Johnson
Attorney General

CC:
Student Body President Jean Cocco
Student Body Vice President Rhondel Whyte
Senate President Andy Rodriguez
Senate President Pro-Tempore Abdoool Aziz
Acting Chief Justice Daniel Shapiro
Acting Senior Justice Lindsay Betros
SGATO Director Gary Manka