

ASUC Judicial Council

Advisory Opinion

On this date, the Fifth of April, Two Thousand and Seven

By Associate Justice Josh Templet, with whom
Chair Marisa Cuevas,
Assistant Chair Kate Feng, and
Associate Justice Aurora Masum-Javed join

The ASUC Judicial Council, by request of Elections Council Chair Jessica Wren, considered today whether a Residence Assistant's forwarding of an ASUC campaign-related e-mail to his or her residents on behalf of an ASUC elections candidate would violate the ASUC By-Laws.

Campaigning in the Residence Halls is explicitly restricted by Title IV, Sections 12.3.11, 12.3.12, and 12.3.13 of the ASUC By-Laws. Included among sanctionable campaign activity is "engaging in any behavior that may be construed as active campaigning in the Residence Hall."¹ As the Council has held in the past, the sending of campaign-related e-mails constitutes active campaigning. Therefore, in forwarding a campaign-related e-mail to his or her residents, a Residence Assistant would be engaging in a behavior prohibited within the Residence Hall by the ASUC By-Laws. This activity would be akin to the Residence Assistant's door-to-door distribution of campaign-related flyers to his or her residents, an activity defined in the Guide to Student Living² and clearly proscribed by Section 12.3.12 of the By-Laws.³

In addition, a Residence Assistant who forwards campaign material via e-mail from the ASUC elections candidate to his or her residents is considered "an agent of that candidate acting within the scope of his/her delegated authority." Hence, as per Title IV Section 12.8.2 of the ASUC By-Laws, the candidate would be in violation of The Campaign Rules⁴ and could be subject to censures.

¹ Title IV, Section 12.3.13 "Engaging in any behavior that may be construed as active campaigning in the Residence Hall. This includes but is not limited to pressuring residents to vote for a certain candidate, party, proposition, initiative, or referendum; walking with a laptop with the intention of asking students to utilize it for the purposes of voting; and disregarding orders or warnings given by a Residence Hall official, such as a Residential Advisor, Program Advisor, or Residential Director."

² Description of Residential Conduct Code 21, p. 33 of The Guide to Student Living "With the exception of Residential and Student Service Programs staff and elected Hall association officers fulfilling housing or University duties, no individual, group or organization may solicit residents door-to-door or at the dining tables in the Dining Commons."

³ Title IV, Section 12.3.12. "Engaging in any campaign solicitation in any dormitory under the jurisdiction of Residential Family Living that would be prohibited as stated in the Guide to Student Living as if it were a commercial solicitation."

⁴ Title IV, Section 12.8.2: "A candidate, but not his/her party, shall be considered guilty of a violation of the Campaign Rules by an agent of that candidate acting within the scope of his/her delegated authority."