**The Judicial Council**

**Of the Student Government Association**

**Of Western Kentucky University**

Opinion 2014SP – 001

In re joint campaigning (II)

March 27, 2014

Chief Justice Seth Church delivered the opinion of the Council. Associate Justices Julia Payne, Jackie Stewart and Megan Lemmons join.

A request was submitted to the Judicial Council to determine if it is allowable under the Constitution and Election Codes for three candidates to campaign together. Previously, in 2013 SP-003 “In re joint campaigning,” the Judicial Council ruled that it was allowable for two candidates to campaign together and laid out guidelines to allow it. However, the Judicial Council did not address joint campaigning of more than two candidates. The Council was asked to further clarify this rule, particularly when involving more than two candidates.

The Council hereby overrules 2013 SP-003 and will delineate a new standard to govern joint campaigning.

Candidates wishing to campaign jointly may campaign for other candidates and openly support them during campaigning. Candidates may also donate money to other candidates’ campaigns. However, this money cannot come from donations raised by one candidate and the donation must be included on the election expenditure sheet of the candidate receiving money.

Concerning joint campaign materials, candidates may campaign jointly and share campaign materials according to the following rule:

Take whatever the lowest election expenditure cap of the joint campaigners is and divide it by the number of joint campaigners. That is the maximum amount that each candidate can donate to a joint campaign (they are not required to donate the full amount but the amount must be shared equally between the three campaigns). Once the amount to be spent on joint campaign materials, every candidate will subtract the amount spent on the joint campaign from their election expenditure allowance. The remaining money can only be spent on personal campaign materials.

For example, in a Senator/Senator joint campaign, each campaign could donate a maximum of $25 to a joint campaign, making the maximum joint campaign expenditure $50. Then, each Senator must subtract the $50 that is going to joint campaign materials from the $50 expenditure allowance, meaning they have no money left to spend on personal campaign materials. If the candidates choose to only spend $20 on joint campaign materials, each candidate would donate $10 to the joint materials and subtract the $20 from their $50 limit, meaning they can spend $30 on personal campaign materials.

In a three way President/EVP/AVP campaign, each campaign could donate a maximum of $83 (one third of the AVP allowance of $250), making the maximum joint campaign fund $250. After subtracting $250 from each candidate’s expenditures, the President would then have $100 remaining in personal funds, the EVP would have $50 and the AVP would have no remainder. If they all chose to only spend $100 on joint campaign materials, each campaign could donate $33, leaving the President with $250, EVP with $200 and AVP with $150 for personal campaign materials.

In short, you cannot have your name on more than your total allotted expenditure’s worth of posters/stickers/yard signs etc. whether it is individual or joint campaigning.

To account for this on the expenditure sheet, put “1/2 (or 1/3 etc...) of joint campaign with [name]” and include the amount you contributed to joint campaign materials. Then, write separately “joint campaign forfeiture” and include the amount equal to what you contributed to the joint materials. This way, you will be counting the forfeiture and the joint campaigning money into your total election expenditure costs.

Since this rule is new and complicated, the Judicial Council will take any attempts to comply with this ruling on good faith and will exercise leniency as long as the candidates attempt fully to comply with the tenants of this decision. If two candidates had already begun campaigning under the previous ruling, they will immediately comply with this opinion.

Also, section 3.2 of the Election Codes prohibiting a Justice from providing a candidate with an “official opinion or interpretation of SGA policy” will not apply to questions regarding this opinion. Any justice may tell prospective joint campaigners verbatim how much they can spend under the math of this opinion if they are confused and the Judicial Council will defer to that judgment in review.

*It is so ordered.*

Chief Justice Seth Church

Chief Justice Seth Church, concurring

I write separately to address my dissent in 2013 SP-003, the original joint campaigning decision. I dissented in that case because I believed the system described by the council would lead to “improprieties and unfairness with regards to election expenditures” by allowing candidates to spend increase the amount of money they could spend by a third. While this opinion makes the standard more complicated, it ensures that all candidates are spending the same amount of money regardless of whether they are joint campaigning or not. This creates a fundamental fairness that I believe to be necessary in elections. This standard is much better than the previous standard. For the reasons articulated in the opinion above and my concurrence, I happily concur in the opinion of the Council.

Associate Justice Kara Raley took no part in this decision.