**The Judicial Council**

**Of the Student Government Association**

**Of Western Kentucky University**

Opinion 2013SP – 003

In re joint campaigning

March 21, 2013

Associate Justice Justin McDole delivered the opinion of the Judicial Council. Associate Justices Julia Payne and Kara Raley join.

A request was submitted to the Judicial Council to determine if it is allowable under the Constitution and Election Codes for two candidates to campaign together. Seeing nothing in the Constitution or Election Codes that would forbid it, the Council believes this is a valid way to campaign. Joint campaigning shall be allowed under the following condition:

Candidates must split the cost of joint materials equally between both campaigns. For example, if a Presidential candidate and a Senatorial candidate run together, they both can only spend fifty dollars on campaigning materials together because the maximum amount a senator can spend is fifty dollars. The rest of the four hundred dollars a presidential candidate can spend must be campaigning for just himself/herself.

*It is so ordered.*

Chief Justice Seth Church, joined by Associate Justice Kelly Simmons, dissenting.

We are of the opinion that a system prescribed by the majority will lead to improprieties and unfairness with regards to election expenditures. Under their proposed system, a candidate for Senator and a candidate for President who ran together would be allowed to purchase $100 in shared materials using $50 from each candidate’s campaign. This would allow joint campaigners to purchase twice as many posters as long as they represent both candidates. The system creates an unfair advantage for those who are running alone. In addition, the oversight required to monitor two campaigns working together only for a certain amount creates an unneeded burden on office workers and the Judicial Council that sort through the election expenditure sheets. There is also the possibility of conflict within the SGA created by this decision. For example, if the President/Senator joint campaign were to end in the election of one, but not both, candidates, one could conceivably cry foul, which would result in a Judicial Council investigation and possible disqualification of both candidates. Overall, the negative aspects listed above outweigh any positives that come to my mind. For these reasons, we respectfully dissent.