

Elections Court Advisory Opinion - Fall 2021
Per Curiam

The Elections Court of the Central Student Government issues this advisory opinion to note that when the Elections Code was amended to remove the prohibition on false implications of incumbency, the penalty schedule found in § E(1)(b)(iv) was not modified to remove the provision that “implying incumbency [conveys] 2 demerits.”

Notably, this provision no longer specifies that implications of incumbency are only punishable if false. This may have created a statutory prohibition against candidates using terms like ‘reelect’ in their campaign materials, *even if they currently hold the position for which they are running*. This would be a major departure from previous law.

It is the Court’s judgement that this was not the intent of the Assembly, and further that the prohibition on true statements of incumbency raises substantial questions as to the constitutionality of the law. The chilling effect of this dubious provision is not warranted. We therefore will not enforce this provision during the coming election, so that the Assembly is offered the opportunity to more clearly express its intended policy through new legislation.

No candidate will be penalized for implying incumbency in their campaign materials during the current election; campaigns may use terms like ‘re-elect’ at will.