

IUSG Spring Election 2025

Advisory Opinion #1 of the Election Director

Regarding, R.B. § 3-8-5**Advisory Request:**

RB §§ 3-8-5 (b)(4), (b)(5) makes it a campaign violation to send multiple messages to chatrooms over a period of time (e.g., one message per chatroom per week during the campaign period).

However, some ambiguity exists as the bylaws states "sends more than one unsolicited campaign telecommunication per chatroom," defining "campaign telecommunication" as encompassing individual text messages, but "chatroom" is defined in a narrower sense as a "group messaging platform."

So, the question is: are individual text messages, not in a chatroom, bound by the limits established in RB §§ 3-8-5 (b)(4), (b)(5)?

This interpretation is requested to clear ambiguity as it relates to campaign telecommunication as it is a frequent tool by all candidates and to avoid unnecessary complaints, assessment of points, and disqualifications.

To provide an example of a situation, if I (a candidate) text person A individually via SMS texting (not in a chatroom) with a campaign message and I text Person A again in the same day (assuming this example is in the voting period), does that violation RB § 3-8-5(b)(5)? I would assume that it does not, as the relevant section of the statute only provides limits on chatroom telecommunications, not all campaign telecommunications.

Advisory Opinion

Put simply, under consideration of the entirety of R.B. § 3-8-5 and given past precedent and versions of the bylaws, the Election Director would **advise that text messages could and likely would fall under the limitations established by (b)(4) and (b)(5)**. Candidates should tread lightly on sending large amounts of **unsolicited** text messages to group chats or individuals, with an emphasis on the messages being unsolicited. Seeing as text messages are included in the definition of campaign communications, the only concern falls upon whether the delineation of "chatroom" was specific and intentional to excluding text messages or individual text conversations.

It should be noted that past versions of this section of election code enumerated specific limitations for emails and a separate set of limitations for text messages. Given that those limitations remain for emails but no longer remain in specifics for text messages suggests that they were transferred in area of coverage to sections (b)(4) and (b)(5), or else be for unknown and unfounded reason stricken from code without striking the reference to text messages in the definition (a)(2). Without coverage in (b)(4) and (b)(5), text messages could be unregulated and spammed endlessly, which would certainly not fit the merits of the code nor its past versions.

The definition of chatroom as per (a)(5) also remains broad as to a “group messaging platform”. Text messaging services could certainly be considered as group messaging platforms, as such platforms also contain direct and group messaging on commonly used cell phone devices. The specific usage of campaign telecommunication in section (b)(4) and (b)(5) instead of something like “message” also lends to the idea that this would include text messages.

Finally, the Election Director sees no reason this interpretation of the code would be egregiously harmful to campaigns or the student population. The text messages must still be unsolicited, so any usual communications relating to election matters could happen as frequently as desired, and random text group chats would be protected from unceasing unsolicited spam from campaigns. Looking to individual messaging, considerations for a somewhat ancient technique of campaigns, which was to use automated SMS systems to send campaign messages en masse to many numbers individually, are notable. Protection against abuse of these SMS systems is important, regardless of their technically individual nature, as they likewise enable a form of mass messaging that can quickly annoy and deter voter participation.

In the situation given at the end of the request, person A would have to believe the messages about campaigning to be unsolicited and bothersome enough to submit a complaint

regarding the messaging. If the scenario was repeated campaign related messaging from one campaign staffer to another individual who both does not want the campaign messaging and has provided notice to said campaign staff of clear disinterest or “opting out” of such advertisement, a viable election complaint seems likely. If the other individual was engaging with the campaign staffer in the midst of the alleged “unsolicited campaign telecommunication” in conversation, it would seem unlikely that complaint would be ruled favorably upon. Certainly, more clarification on individual text messaging could be provided, especially to delineate true individual text messaging cases from cases of mass text messaging.

In the end, it is reminded that this advisory opinion is in no way binding and is only meant to help guide further election-related decisions moving forward. Final decisions on election complaints and bylaw interpretations are solely vested within the IUSG Supreme Court.

A handwritten signature in black ink that reads "Jack Tyndall". The signature is written in a cursive, flowing style. Below the signature is a horizontal line that extends to the right, underlining the signature.

Election Director and Legislative Nerd

Signed 2/24/2025