

2020 Election Supervisory Board

In Res. Connor Alexander and Camille Johnson

ESB Resolution: 2020-003

Election Supervisory Board Chair Sergio Cavazos delivered the majority opinion of the board:

“In the matter of Connor Alexander and Camille Johnson, candidates for Student Government Executive Alliance, the Election Supervisory Board heard one count of unauthorized campaigning.”

Whereas, Title II, Chapter VIII, Section 8.3 states: “UNAUTHORIZED CAMPAIGNING. All candidates are prohibited from campaigning, soliciting or otherwise bringing attention to their campaign or election before the sanctioned campaign period.” and,

Whereas, Title II, Chapter VIII, Section 8.3 (b) states: “However, this prohibition does not include the personal individual recruitment by a candidate of individual team members” and,

Whereas, Section 2.11 of the Campus-Wide Election Code: “‘CAMPAIGN’ and ‘CAMPAIGNING’ refer to statements, literature, activities or deliberate uses or distribution of materials of any kind that have or are intended to have the effect of soliciting votes, support or interest for a candidate or elective office. Campaigning should only occur during the official campaign period as defined in this Code.”

Whereas, Pursuant to Title II, Chapter IV, Section 4.11, the Election Supervisory Board conducted a hearing on February 24, 2020, to ascertain the facts of the complaint brought forward by Livia Frost; and,

Whereas, the complainant, received an email from Fox Walker, the Outreach Coordinator for the Connor and Camille Campaign, asking to setup a time for Connor and Camille to speak to the group about their platform and vision for UT; and,

Whereas, the email sent by Fox Walker, a registered agent of the Connor Alexander and Camille Johnson Campaign, was received on February 15, 2020 at 10:23 P.M., approximately 26 hours before the start of campaigning; and,

Whereas, Election Supervisory Board Advisory Opinion 2020-003 states “A candidate may not campaign for their position until the campaign period begins on Monday, February 17, 2020 at 12:01 AM but can solicit campaign workers and agents before the campaign period with certain restrictions”; and,

Whereas, Election Supervisory Board Advisory Opinion 2020-003 states that “Campaign activity that takes place prior to the designated campaign period is considered Early Campaigning and may be punished up to the point of a Class D violation, resulting in disqualification.”; and,

Whereas, Election Supervisory Board Advisory Opinion 2020-003 states the following:

“Below are several examples of communication from previous elections that were considered Early Campaigning and explanations on why these messages were found in violation.

1. “So as you may know, a dear friend of mine, [redacted], is running a campaign for student body president with [redacted] as his VP! We would love to have your support, could I have your email address so we can send you a bit more info about our goals?”

This message resulted in a Class B Violation because the message was sent during the precampaign period and the use of the word “support” indicates the campaign worker was attempting to bolster “support or interest” for the candidate.

2. “Does anyone know [redacted]? She is running for Student Body VP and would love to have some [redacted] Sorority reps. You go to a meeting like once a month and wear shirts and support them. If you’re interested, text me and I can give you more details!”

This message resulted in a Class A Violation because, while the message solicits campaign workers, it was sent to a group chat. The recruitment of campaign workers or agents needs to be “individual recruitment...of individual team members.”

Whereas, Election Supervisory Board Advisory Opinion 2020-003 further states the following:

“Below are two helpful tips candidates and campaign agents can use to avoid early campaigning when recruiting campaign workers or agents:

- 1. Do not send mass messages/group messages.** Such messages include Facebook group messages, group messages through GroupMe, and mass emails to recruit workers and/or supporters. You may only reach out to people individually. If an individual has agreed to be an agent of your campaign, they too may individually solicit campaign workers but are bound by the same outreach rules.[1]
- 2. Do not be ambiguous.** Refrain from using vague language when recruiting campaign workers. Simply asking for “support” is considered campaigning. Ask them if they would like to

be a campaign worker, be a member of the campaign, work for the campaign, join the campaign staff, etc.”

Whereas, in ESB Resolution 2017-003, the Election Supervisory Board found “that failing to individually recruit campaign workers has typically received a Class A violation of approx. 5%”; and,

Whereas, the case of Helgren-Kim ESB-Resolution 2016-003 resulted in a Class A Violation and \$59.50 fine (approx. 5.8% of that year’s SG Executive Alliance spending limit); and,

Whereas, the case of Helgren-Kim ESB-Resolution 2016-010 similarly resulted in a Class A violation and \$59.50 fine (approx. 5.8% of that year’s SG Executive Alliance spending limit); and,

Whereas, the text of the email received by the complainant reads as follows:

“From: Phillip F Walker <REDACTED>
Date: Sat, Feb 15, 2020 at 10:23 PM
Subject: Connor and Camille Campaign Speaking Request
To: <REDACTED>

Dear UT Club/Organization,

I'm Fox Walker, and I'm working as the Outreach Coordinator on behalf of the Connor and Camille Executive Alliance Campaign for Student Body President and Vice President. We would love to speak to your group about Connor and Camille's platform and vision for UT. Please let me know your group’s meeting times, and we can work to coordinate our schedules accordingly to have campaign representatives briefly speak.

Thank you for your consideration, and I look forward to your response!

All the Best,
Fox Walker”

Whereas, at the hearing, the Election Supervisory Board was provided with a copy of the email in question by the Connor Alexander and Camille Johnson Campaign that omitted the “To” section of the email that would identify the recipients of said email; and,

Whereas, the Election Supervisory Board requested that the Connor Alexander and Camille Johnson campaign provide evidence, in the form of email receipts, confirming the emails were individually personalized solicitations; and,

Whereas, the Connor Alexander and Camille Johnson campaign was then provided several opportunities to produce the recipients' section of the email in question and stated they were not willing to do so; and,

Whereas, at the conclusion of the hearing, Fox Walker acknowledged that he was seeking the opportunity for the candidates to speak before the organization and not the complainant's individual support; therefore, be it

Resolved, That the Election Supervisory Board has determined that the Connor Alexander and Camille Johnson campaign failed to comply with Title II, Chapter VIII, Section 8.3 of the Election Code by failing to recruit campaign workers individually; and,

Resolved, the Connor Alexander and Camille Johnson campaign failed to comply with the two suggestions from Election Supervisory Board Advisory Opinion 2020-003 in the following ways: they failed to provide evidence that the emails were not mass communication and the text of the email was ambiguous since at no point did it imply that its intent was to ask the recipient to join the campaign team, but rather was trying to schedule time to speak before an organization; and,

Resolved, pursuant to the distinction drawn in Election Supervisory Board Advisory Opinion 2020-003, an attempt to recruit workers via mass messaging is a Class A Violation, as opposed to the Class B violation that would result if the campaign had been asking for support of the campaign; and,

Resolved, pursuant to ESB Resolution 2017-003, the Election Supervisory Board has voted to add a 5% fine to the Connor Alexander and Camille Johnson campaign's expenditures; and,

Resolved, That the Connor Alexander and Camille Johnson campaign is hereby issued a Class A violation and a 5% reduction in budget spending for the duration of the 2020 campus election cycle; and,

Resolved, That the Connor Alexander and Camille Johnson campaign's expenditures, initially listed as \$452.02, was adjusted to \$595.10 after the imposition of a 28% fine in ESB Resolution 2020-002; and,

Resolved, Upon the imposition of a fine of 5%, the Connor Alexander and Camille Johnson campaign expenditure is now priced to be \$620.65, thus placing their current expenditure to be 121% of the \$511.00 spending limit; and,

Resolved, Sec. 4.3 of the Student Government Election Code states that "Candidates whose campaign expenditures exceed 120% of their designated spending limit shall be immediately disqualified by the Election Supervisory Board"; and,

Resolved, as a result of their exceeding 120% of the designated spending limits, the Connor Alexander and Camille Johnson Campaign is hereby disqualified; and, therefore be it

Resolved, That any adversely affected party has the right to appeal this decision pursuant to Section 5.1 of the Campus-Wide Election Code, which reads, “APPEAL OF ESB DECISION: Any party adversely affected by a decision of the Election Supervisory Board may file an appeal with the entity with appellate jurisdiction within twenty-four (24) hours after the adverse decision is announced, unless the Election Supervisory Board’s decision takes place during a voting period.”

In conclusion, The Election Supervisory Board submits its resolution on Monday, February 24, 2020, with the majority of board members who were present at the meeting.

Affirmative Votes:

Sergio Cavazos (Chair)

Devika Manish Kumar (Secretary)

Jessica Zhang

Katherine Birch

Jenny Ainsworth

Hyun Jung

Chris Brooke

Molly Comeaux

Recused:

Nicholas Eastwood (Vice Chair)