

**OCTOBER**



# **Recall Special Election Code**

**2021**

**ATTORNEY GENERAL NADIIA HUTCHERSON**

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## **Article 1: General Provisions**

### **Section 1: Purpose**

Clause 1. This document serves as the Recall Election Code to fulfill the Constitutional responsibility outlined in Article 7, Section 7.02, Clause 8 to “conduct and schedule any Recall Elections”. This document applies solely to the Recall Election scheduled for October 2021.

Clause 2. This document outlines that the Office of The Attorney General has original jurisdiction over any matter related to a Recall Election. The regulations in this document are final, and not open for appeal or discussion.

### **Section 2: Accountability**

Clause 1. Every member of the Student Government Association will have access to a copy of this document.

Clause 2. All members of the Student Government Association, including their staff and volunteers will be responsible for

knowing its contents. Any questions or concerns will be addressed directly to the Attorney General.

## **Article 2: The Recall Election Commission**

### **Section 1: Responsibilities**

Clause 1: The Attorney General is responsible for the administration of the Student Government Association Recall Election, as well as the administration of additional events at the discretion of the Attorney General that aim to promote the Recall, inform the student body about the Recall, provide information regarding the Recall, or otherwise contribute to a fair, efficient, and publicized election.

Clause 2. The Attorney General must act impartially to any parties participating in the Student Government Association Recall Election, acting in accordance with the Student Government Bylaws and the Student Government Constitution.

## **Article 3: Candidate and Involved Parties**

### **Section 3: Responsibilities of Candidate and Involved Parties**

Clause 1. A “candidate” will be defined as a member of the Student Government Association who is listed on the Recall Election special ballot.

Clause 2. An “Involved Party” will be defined as any member of the Student Government Association that brought forth the vote for a Recall Election to the Senate.

Clause 3. The candidate and involved parties, along with anyone under the suspicion of acting on their behalf, will be held

accountable to the provision of this document, Student Government Association Constitution and Bylaws and all other University policies.

Clause 4. By way of participating in this special election, all candidates and involved parties are agreeing to abide by potential sanctions and policies the Attorney General and/or the Supreme Court deem appropriate based on their interpretation of the Student Code of Conduct, Student Government Governing Documents, and University Policy. Any decision during this period made by the Attorney General may be appealed to the SGA Supreme Court. The decision of the Supreme Court is final, as noted in the SGA Constitution.

Clause 5. The official method of communication between the Attorney general and involved parties (including the candidate) is by way of e-mail. Any information missed due to lack of reading, or any otherwise unstated reason is the sole responsibility of the individual and not the Attorney General.

#### **Article 4: Campaigning**

##### **Section 1: Definition of Campaigning**

Clause 1. Campaigning is defined as the intentional direct or indirect solicitation of votes, the purposeful bolstering of one's personal brand and/or name, and/or any form of personal, group, or mass advertising initiated by the candidate or involved parties with the purpose of effecting the Recall Election outcome.

Clause 2. “Direct solicitation of votes” is defined as an attempt to obtain votes through personal communication.

Clause 3. “Indirect solicitation of votes” is defined as an intentional attempt to obtain votes through materials that can be seen or heard by potential voters.

Clause 4. In the case of ambiguity related to whether an activity constitutes “campaigning,” the decision is at the discretion of the Attorney General.<sup>1</sup>

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## **Section 2: Prohibitions on Campaigning**

Clause 1. A member<sup>2</sup> of the Student Government Association may not participate in or assist an organization in campaigning on behalf of their cause. If the Attorney General has evidence of an involved party or candidate campaigning or working with an organization to campaign, an investigation will take place and be presented to the Supreme Court.

Clause 2: In lieu of campaigning, the candidate and involved party will each prepare a statement, no more than 500 words, detailing their side of the matter (pro vs. against).

Clause 3: The Attorney General, as the chief Recall Election official, will publish these statements broadly in and around the University to inform the students about positions of

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<sup>1</sup> The Attorney General does not and will not consider objective speech that is not an indirect or direct solicitation of votes by the definition outlines in Clause 2 and 3, to be campaigning.

<sup>2</sup> Our governing documents consider all students at the University of Houston to be members of SGA. However, in relation to the Special Election code, this definition will be reduced to only official members of the Legislative, Judicial and Executive Branches, along with their Emerging Leaders. Please note that mentors are responsible for their interns.

candidates and involved party, as well as the market the Recall Election.

### **Section 3: Ethics**

Clause 1: No candidate, involved party, or known associate of, may make threats towards any individual or group. This includes but is not limited to: physical threats, emotional threats, social threats, or any threat which might prove distressful to an individual or group's physical, emotional, and/or financial well-being.

Clause 2: No candidate, involved party, or known associate of, may offer anything of value nor threaten or promise any particular action to any student at the University of Houston (including,

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but not limited to, voters, the Attorney General, or a member of the Justice Department) with the intention of incentivizing or causing undue influence in the Recall Election process.

The Attorney General reserves the right to file a complaint against any individual who violates this clause.

## **Article 5: Voting**

### **Section 1: Voter Eligibility**

Clause 1. Each member of the Student Body as defined by the Student Government Constitution will be entitled to vote in the Student Government Recall Election.

### **Section 2: Election Date**

Clause 1: The Recall Election voting will open be open for forty-eight (48) hours, opening the 26th of October at 12:00 AM and closing the 27th of October at 11:59PM.

### **Section 3: Polling Locations and Regulations**

Clause 1: Voting will take place through the Get Involved portal.

Clause 2: No University of Houston student, faculty, or staff member may solicit people to vote.

### **Section 4: Ballots**

Clause 1: All ballots will be cast online through the Get Involved portal.

Clause 2: The Recall Election ballot will include:

- a. The statement in favor of Recall Election and removal of the candidate.
- b. The statement against the Recall Election and continuation of the candidate.
- c. A question for voting for or against the removal of candidate from office.

### **Section 5: Special Election Results**

Clause 1: The candidate must receive a majority (50% + 1) of the votes cast to remain in office.

Clause 2: The results of the Recall Election will be announced by the Attorney General in an appropriate campus location on Friday October 28th, by 5pm.

Clause 3: The results of the Recall Election will be made available on the Student Government Association website within 5 business days of the end of the Recall Election.

## **Article 6: Recall Election Finance**

## **Section 1: Expenditures**

- Clause 1. The Candidate and Involved Parties in the Recall Election are not allowed expenditures.
- Clause 2: All of the Attorney General's expenditures related to the Recall Election will be financed from Student Government Association. As this Recall was requested by the Student Senate, funds will be used for the management of the Recall Election from the Senate's portion of the SGA budget.
- Clause 3. Expenses related to the Recall Election will not need to be approved by the Speaker of Senate or President. They will be sent directly to the Student Government Association Recall Election Advisor for review and University processing.
- Clause 4. The Attorney General's office will keep an accurate and up to-date records of all Recall Election expenditures.
- Clause 5. To promote transparency, the Attorney General will provide the Speaker of the Senate a quote of all expected Recall Election expenses no later than 5 class days after the initiation of the process.
- Clause 6. At the end of the Recall Election, the Attorney General will provide a complete breakdown of the expenses (receipts, quotes, etc.) to the Auditor, to be included in their monthly audit report.

## **Article 7: Recall Election Continuity**

### **Section 1: Consistent Recall Election Application**

- Clause 1: This document will be preserved for history and to be used as a guide for all Recall Elections, as needed.

## **Article 8: Violations**<sup>3</sup>

### **Section 1: Complaints and Reporting**

Clause 1. Any University of Houston student, faculty, or staff member may file a complaint. The filer of the complaint has one (1) calendar days after the incident to file the complaint. No complaints filed after one (1) calendar days of the incident will be considered by the Attorney General or Judiciary.

Clause 2. An official complaint must first be filed with the Student Government Association Attorney General. The Attorney General will then reach out to the accused and provide them the option to submit a Statement of Defense, to be submitted within five (5) hours of the Attorney General reaching out.

If the Attorney General solicits a Statement of Defense after 8:00 PM, then the accused will have until 11:00 AM the following day to provide the Statement of Defense. The Attorney General will then investigate said complaint and decide its merit.

Clause 3. The Attorney General will make a decision pertaining to the merit of the complaint, and provide substantive reasoning based on the Recall Election Code, Constitution, Bylaws, Student Code of Conduct, and/or any other University policies.

Clause 4. The Attorney General will decide within one (1) class day whether a complaint has merit. If the complaint is deemed legitimate, then the Attorney General may penalize the

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<sup>3</sup> This section serves as an amendment based on the concerns of the Legislative and Executive Branch. Effective 10/13/2021.

candidate(s)/individuals according to the penalties prescribed in the Recall Election Code.

Clause 5. The Attorney General will make final complaint decisions public within one (1) business day after delivering the final decision to relevant parties.

Clause 6. All fruits of investigation will be made available upon request, including but not limited to: the original complaint filing, any written correspondence (including email), and all evidence supporting and/or negating the complaint. The Attorney General has the discretion to withhold names should the Attorney General determine it necessary to protect an individual's identity.

## **Section 2: Violations and Penalties**

Clause 1. The penalty for violating the Recall Election code is suspension. During a suspension, the party is not allowed to participate in any Student Government Association activities<sup>4</sup>, including but not limited to: Senate meetings, Committee Meetings, Cabinet Meetings, social activities, or tabling.

Clause 2. The penalty for the first (1<sup>st</sup>) violation of the Recall Election Code is suspension through November 1st, 2021.

Clause 3. The penalty for the second (2<sup>nd</sup>) violation of the Recall Election Code is suspension through the remaining of Fall 2021 semester.

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<sup>4</sup> Members of SGA that receive a stipend will still be allowed to complete the duties of their office for pay.

Clause 4. The penalty for the third (3<sup>rd</sup>) violation of the Recall Election Code is suspension until March 1st, 2022.

Clause 5. If an involved party or candidate is found to have violations exceeding three (3), the penalty is subject to the decision of the Supreme Court, which may include removal from position.

