

Preface: RISE UP FINANCIAL DISCLOSURE

(1) All bylaw references will be coded Title (if applicable) ##, Article ##, Section ##, Clause ##, part (if applicable) ##, as “T##A##S##C##P##.” For example, Article 1, Section 1, Clause 1, will be coded as “A1S1C1” for reference;

(2) Any referenced website links may or may not be active by the time future individuals review this write-up.

Complaint #21-07

Petitioner(s): Chiamaka Chukwu (further referred to as “Chiamaka”, she/her),

Representing The Election Commission

Respondent(s): Rise Up (further referred to as “Rise Up”),

Representing N/A

Allegations (filed February 22nd, 2021 at 5:45PM):

(1) Rise Up violated A6S2C1 of the Election Code:

“Each candidate for office is required to keep accurate and up-to-date records of all campaign expenditures. Members of the Justice Department Election Commission may request to view these records at their discretion, and candidates must present these records to the Election Commission within twenty-four (24) hours of receiving the request in writing.”

(2) Rise Up violated A6S2C2 of the Election Code:

“Any good or service actually purchased or paid for by the candidate for their campaign will be reported at the actual value expended by the candidate for the given good or service. All goods or services purchased by a candidate or party must have a reported value reasonably close to a market value (i.e. if a candidate is offered to buy one-hundred thousand fliers for \$1, they still need to apply a reasonable market value to the fliers, and reporting \$1 on their campaign finance expenditure form would be a violation). If items were bought on discount or sale, the discount/sale must be proven to be (1) reasonably well advertised to the public and (2) universally available to all that might wish to participate. Candidates must provide receipts in person or via email to prove the actual value of each good or service purchased or paid for. If the Election Commission requests such, the candidate must provide the original receipt(s) in person.”

(3) Rise Up violated A6S2C4 of the Election Code:

“The first statement of financial disclosure must detail the names and monetary values of each expenditure the campaign has made thus far. Each subsequent statement of financial disclosure must detail the names and monetary values of each expenditure the campaign has made since the submission of the last statement..”

(4) Rise Up violated A6S2C5 of the Election Code:

“Political parties must submit a financial disclosure form that accounts for the spending of all members of the party. This form must be submitted on a weekly basis, defined in the same way as prescribed for independent candidates in Clause 3 of this section.”

(5) Rise Up violated A6S2C6 of the Election Code:

“Each party must be aware of the total expenditures of its members and is responsible for not exceeding its total expenditure limit..”

Defense (filed February 22nd, 2021 at 8:08PM):

“Hello Brett,

Below I have attached evidence of Laura Rincon, the VP candidate, sending in her financial disclosure statements along with screenshots of Venmo statements that properly align with the Election Code requirements re: Finances.

There are time stamps in the emails that show what time the emails were sent.

I am looking forward to hearing back from you.


Best,
Quentin Edmiston



7:48 LTE
[← Sent](#) #RiseUp financial disclosure ^ v





Write a comment Send





7:48 LTE
[← Sent](#) #RiseUp financial disclosure ^ v

Write a comment Send

4:54 LTE
[←](#) **Payment**
 You paid Mariana Cordero - 100,00 US\$
1 Feb 2021 at 5:06 PM
[Public](#)
Pics
Be the first person to like this.

4:54 LTE
[←](#) **Payment**
 You paid Mia Lucio - 60,00 US\$
4 Feb 2021 at 2:07 PM
[Public](#)

Be the first person to like this.

   
New Message

   
New Message

7:48



< Sent #RiseUp financial disclosure ^ v

Write a comment Send

4:54



< Payment



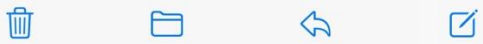
You paid Cheer Creations
31 Jan 2021 at 8:06 PM

- 75,00 US\$

Public

Masks

Be the first person to like this.



New Message



2021 SGA Election Financial Disclosure

Email this form to sgaelect@central.uh.edu every week during the election cycle by 5pm. Please itemize all expenditures and attach receipts to this form. This form must be turned in, even if no money was spent.

ITEM	VALUE	SOURCE
Masks	\$150	Cheer creations
Masks	\$60	Mia Lucio
Photos	\$200	Luis Martinez

Total Expenditures:\$510

I/we #RiseUp, hereby file my/our expenses, which I/we spent during the campaign. I/we understand that if our expenditures exceeded all the allotted amount disqualification will result. I/we testify that we abided by all the rules and regulations set forth by the Election Commission and stated in the 2021 Election Code.

Signature of filer: Laura Rincon-Bianchi Date: 02/17/2021

Approved by: Laura Rincon-Bianchi
Date: 02/17/2020

7:48



< Sent



Laura Rincon bianchi

Wednesday

To: SGA Election Commission >

2021 SGA Election Financial Disclosure.docx

Hi,

So for some of the things we've purchased I've just venmoed people and that was it. Can I send you pictures of the Venmo's as the receipts?

Sent from my iPhone

On 17 Feb 2021, at 3:09 AM, SGA Election Commission

<sgaelectioncommission@uh.edu> wrote:

Good-morning Laura,

Please send me this form as well as your receipts by no later than 5pm today.

<2021 SGA Election Financial Disclosure.docx>



New Message

7:48

LTE

< Sent



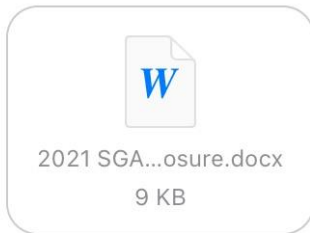
From: [Laura Rincon bianchi](#) >

To: [SGA Election Commission](#) >

17 February 2021 at 4:58 PM



#RiseUp financial disclosure



4:54 ↗

LTE



Payment



You paid Mariana Cordero

- 100,00 US\$

5 Feb 2021 at 3:54 PM

Public

Pics



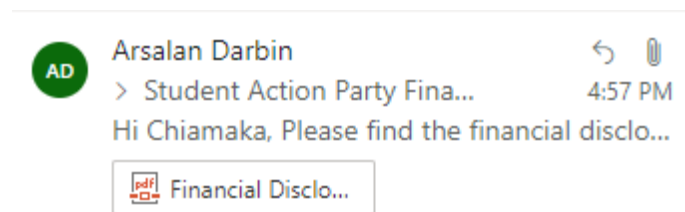
Be the first person to like this.



New Message

-Rise Up

Course of Investigation: I examined the Petitioner's evidence and reached out for a defense statement. I analyzed the respondent's defense statement as well. I went through the Election Code and identified if a violation was present. After this I had enough to come to a decision.



Decision (February 23rd, 2021 at 3:57PM): Chiamaka's complaint HAS merit and this IS a violation of the Election Code.

Sanction: Rise up will be assessed a 2-hour ban on campaigning on the first day of voting from 10:00AM-12:00PM. If the court rules against the previous complaint decision that is up for trial, this will be considered a class c violation, but if the court finds merit in the complaint, this penalty will be upgraded to Class B; while the punishment remains the same, the classification will differ.

Further Analysis: Election Commissioner Chiamaka set clear guidelines for the due date for the financial disclosures and reminded candidates to turn in their materials on time. This standard was met by Student Action and independent candidates which shows it as a reasonable task.

The statement of defense was not relevant to this case, as the evidence was proof of last financial disclosure and not the current one requested; financial disclosures ought to be turned in weekly, and if no expenditures were made, the party is expected to send in the form indicating a total balance of 0\$ for the week.

In order to maintain the integrity of the electoral process, it is important to respect all election guidelines, which is why the Office of the Attorney General upholds the merit in this complaint.

Conclusion: The Election Commissioner need not extend deadlines for all party candidates as this is not equitable and fair to other individuals running. I strongly urge the Rise Up party to send in campaign materials on time to be sure not to be found guilty of another class c violation, as Rise Up already has been assessed two, if the past complaint that is currently up for trial is found to have merit.

Delivered to the Chief Election Commissioner: February 23rd, 2021 at 8:22PM