

Preface:

(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 #21-22

Petitioner(s): A (further referred to as “A”, they/them),

Representing N/A

Respondent(s): Rise Up,

Representing Rise Up

Allegations (filed February 27th, 2021 at 3:20PM):

(1) Rise Up violated A4S2C14 of the Election Code:

“Campaigning within the walls of the library, student centers (north, south, and satellite), recreation and wellness center, dining halls, and/or within any dining establishment owned/operated by the University of Houston is prohibited. The Chief Election Commissioner may make exceptions to this at their discretion.”

Defense (filed February 28th, 2021 at 10:00AM):

The masks in this image are simply black masks, two of which have white logos but are not #RiseUP affiliated. There is absolutely no way to tell if the masks are RiseUP affiliated in the evidence, this is a baseless claim. The burden of proof is on the plaintiff; provide evidence with merit or rescind/deny the complaint.

-Rise Up

Defense (filed February 28th, 2021 at PM): *new evidence submission*

Not submitted-

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. I then went through social media to see if a mask

that resembled the aforementioned one had been worn in or around the student center. After this I had enough to come to a decision.

Evidence filed in the complaint:



1



2



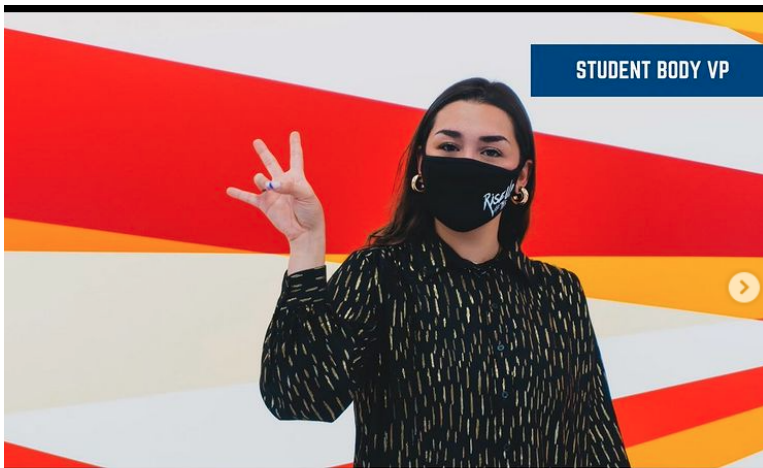
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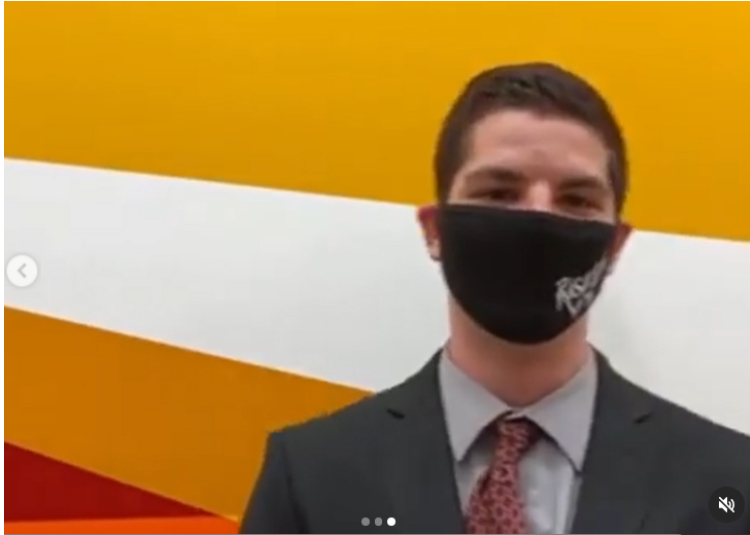
EDMISTON RINCON '21 X #RISEUP



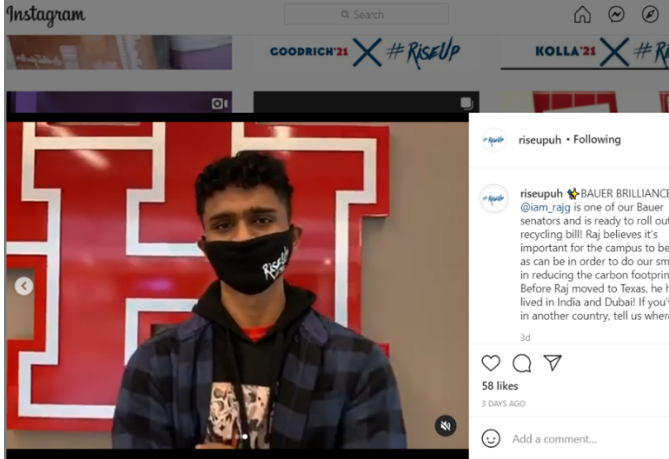
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12:52:34 PM
Sunday, February 28, 2021

February 2021

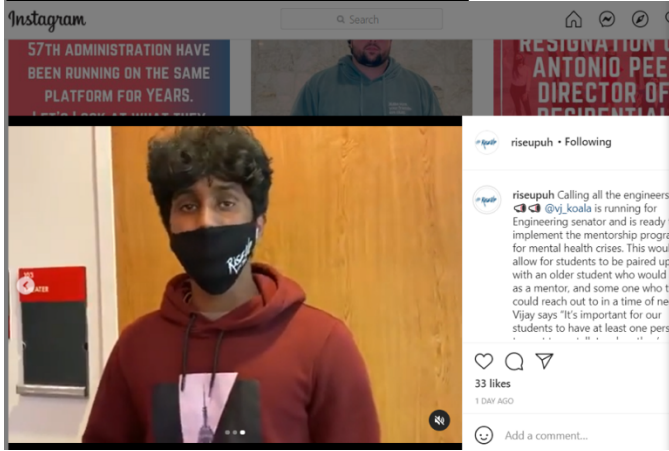
Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	1	2	3	4	5	6
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Today

Add an event or reminder

No events

10



12:45:51 PM
Sunday, February 28, 2021

February 2021

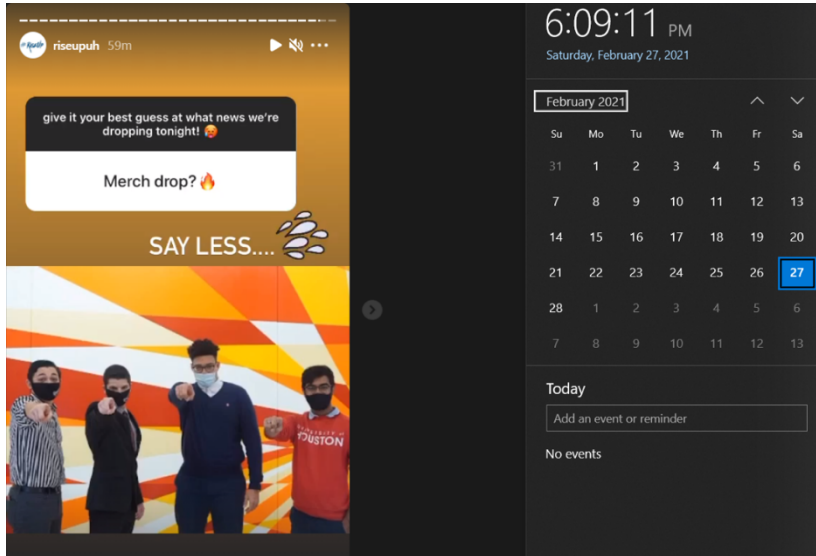
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28	1	2	3	4	5	6
7	8	9	10	11	12	13

Today

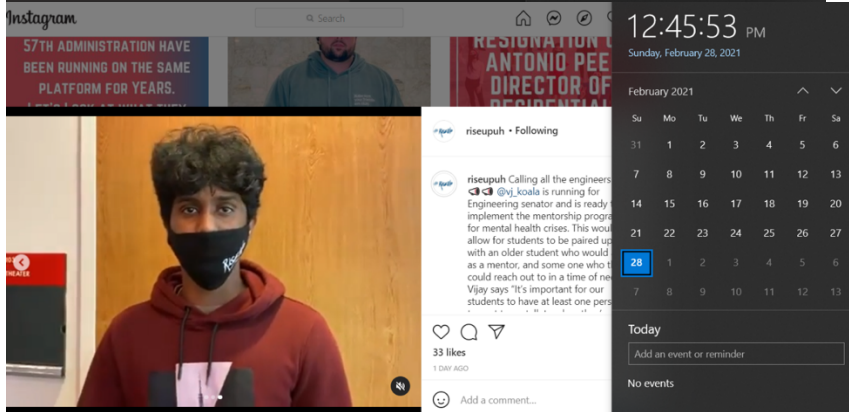
Add an event or reminder

No events

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Decision (February 28th, 2021 at 8:00PM): A's complaint HAS merit and this IS a violation of the Election Code.

Sanction: Class A violation. This case goes to the court.

Further Analysis:

EVIDENCE

- (1) This is a screenshot of a clip of three female candidates from the RiseUp party walking in a line on their Instagram, they are all in the Student Center and the Rise Up masks are in view. This is a violation of A4S2C14 because this is an indirect solicitation of votes using campaign materials.

A4S1C1

Definition of campaigning

“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 a known and/or prospective candidate or campaign staff member with the purpose of effecting the election outcome.”

A4S1C3

Definition of indirect solicitation of votes

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

- (2) This is another screenshot from the clip of the female RiseUp candidates, where are all wearing their masks. There seems to be about seven individuals. This is a violation of A4S2C14.
- (3) This is a screenshot of a clip of what appears to be seven male candidates of the RiseUp party, all wearing their campaign merchandise masks. This is a violation of A4S2C14.
- (4) Members of the RiseUp party are walking around the Student Center and then sitting by each other on the couches for their Valentine’s Day video. This is a violation of A4S2C14.
- (5) Members of the RiseUp party are walking around the Student Center and then sitting by each other on the couches for their Valentine’s Day video. This is a violation of A4S2C14.
- (6) Candidates are seen wearing a Rise Up mask in front of the Student Center wall for their candidate photos. This is a violation of A4S2C14.
- (7) Another candidate of the RiseUp party is seen wearing a mask around the student center, as the reflection of the glass displays the wall. This is a violation of A4S2C14.

- (8) Candidates are seen wearing a Rise Up mask in front of the Student Center wall for their candidate photos. This is a violation of A4S2C14.
- (9) A candidate in the Rise Up party is seen to be wearing a Rise Up mask while speaking in front of the Student Center. This is a violation of A4S2C14.
- (10) I cannot quite tell where this photo was taken. This piece of evidence is disregarded.
- (11) A candidate is seen to be speaking in a video while wearing a RiseUp mask in front of the Student Center Theater (room 103). This is a violation of A4S2C14.
- (12) Though the image is blurry, it is evident that the individuals on the left are wearing the same masks that they were wearing during their videos and candidate photos taken later that day, as they are dressed the same as well.
- (13) A candidate is seen to be speaking in a video while wearing a RiseUp mask in front of the Student Center Theater (room 103). This is a violation of A4S2C14.

Also- the placement of the white text on the masks in the evidence presented are identical to the placement of the white text on the Rise Up masks. It is safe to assume that they are the same mask. Regardless, the new pieces of evidence submitted still satisfy the requirement for a penalty.

Conclusion: This is a clear violation of election code per the definition of campaigning and indirect solicitation of votes. The ambiguity regarding whether or not this is purposeful campaigning is determined by the AG. There is no other option that the AG can take regarding the evidence filed other than hearing the case in the supreme court.

Delivered to the Chief Election Commissioner: February 28th, 2021 at 7:50PM