

Preface: financial disclosure donut

(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 #21-24

Petitioner(s): Maryam Alghafir (further referred to as “Maryam”, she/her),

Representing N/A

Respondent(s): Rise Up

Representing Rise Up

Allegations (filed February 28th, 2021 at 12:56PM):

(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 A4S2C13 of the Election Code:

“Campaigners cannot offer anything of value to a voter on the condition the voter casts a vote for said campaigner or said campaigner’s team. Anything given to voters by candidates must be unconditional in nature.”

Defense (filed February 28th, 2021 at 6:20PM):

“In the evidence provided, the individual clearly states that he was not told, but rather was asked nicely to support the campaign. That is quite literally the definition of what campaigning is- garnering support. He did not offer anything in exchange of value, as once again, he was asked nicely to support the campaign. **I didn’t have to post I was just asked nicely.**”

Second, there is no evidence given in the photo that shows this actually occurring. Rather, it is hearsay.

Third, the cited complaint outlines specifically that nothing of value is to be exchanged for a vote. The voting period has not begun, therefore this action simply cannot occur. This complaint lacks merit and should be discarded.”

-Q/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 (March 1th, 2021 at 12:15PM): Maryam’s complaint LACKS merit and this IS NOT a violation of the Election Code.

Sanction: N/A

Further Analysis: The Election Code states:

“Campaigners cannot offer anything of value to a voter on the condition the voter casts a vote for said campaigner or said campaigner’s team. Anything given to

voters by candidates must be unconditional in nature.” A4(2)(13)

This is a very clear and specific clause, that you cannot offer something to voters *on the condition* that the voter vote for someone or some team specifically. The code then broadens out from voting and says that *Anything* given to voters *must be unconditional in nature*. Therefore, candidates should be mindful that they cannot require ANY action or lack of action by a candidate in exchange for any material/non-material good/service offered by a candidate or team.

The Office of the Attorney General fully reject the second part of the respondent’s defense. There are instances where witness account may be admissible as evidence, and plainly, a 4K video with perfect audio is not always the burden of proof the petitioners must meet when proving an action took place.

The Office of the Attorney General fully reject the third part of the respondent’s defense. A candidate and/or party can make conditional offers to voters outside of the voting period of an SGA election, and a candidate and/or party can make conditional offers related to an individual’s vote/ballot outside of voting days.

Conclusion: This complaint has no merit, but candidates should keep in mind, when giving away things to voters, they cannot require the voter take any action (whether it be voting or otherwise).