

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 #21-28

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

Representing: N/A

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

Representing: N/A

Respondent(s): RiseUp,

Representing N/A

Allegations (filed March 1st, 2021 at 2:44 PM):

RiseUp violated A4S2C13, A6S2C1, A6S2C2, A6S2C4, A6S2C6, A6S2C10, A3S3C, A3S3C1

(1) 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.”

“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.”

“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.”

“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.”

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

“No candidate or campaign staff member will falsify any entry on a statement of financial disclosure.”

“All candidates are held accountable to the provisions of this code, Student Government Association Constitution and Bylaws and all other University policies. All candidates, by way of registering and running for office, are agreeing to abide by potential sanctions and policies the Attorney General, Election Commission, Supreme Court, and/or designated lower court deem appropriate based on their interpretation of the Student Code of Conduct and University Policy. No sanction will extend beyond the context of an individual or party’s involvement with Student Government and/or Student Government practice.”

Defense (filed March 1st, 2021 at 10:40PM):

“Violation One :

Complaint 21-28

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.

The petitioner asserts that:

“The Rise Up party is requiring students follow their instagram, like their post, share their post onto their stories, tagging them, subscribe to their remind 101 and be in their GroupMe. They also have to tag three people in the post and comment on the post.”

Response

This assertion is true, however there has never been a single indication of a requirement that a participant had to cast a vote for #RiseUP to be entered into the giveaway. The giveaway is unconditional in nature as any UH student, regardless of who they vote(d) for could follow the account, like the post, tag us, and subscribe to our remind 101. The giveaway is not conditional in any nature and must be evaluated as such. Each campaign is allotted the same, \$1,200 spending limit. It is up to each party to decide how to spend this allotment and use it how it sees fit.

Violation 2:

The petitioner asserts that:

“The Rise Up party is clearly exceeding their spending limits. A three day trip to South Padre Island for multiple people (giveaway is clear that it's for the person winning and their friends) is far above the \$1,200 spending limit, especially given they've probably got less than that because they've likely already spent a portion of their budget.”

The giveaway in question was a stay provided by SPI Realty at the price of \$200. This price was offered in office and was available to anyone who had walked into the office that day. The price of this offer is provided in the receipt below. The giveaway is simply for a 2 day 3 night stay at the property. A golf course is located nearby but it is not included in the package provided.

Season	Date	Day of week	Room Rate	Discount	Extra Charge	Total
Winter Season 2021	02/27/2021	Saturday	\$135.00	\$35.00	\$0.00	\$100.00
Winter Season 2021	02/28/2021	Sunday	\$135.00	\$35.00	\$0.00	\$100.00
Total Room Rate:						\$200.00
Total:						\$200.00
[+]Tax:					0%	\$0.00
Total (includes all taxes & applicable fees):						\$200.00

It is worth noting that the link provided by the petitioner references offers for a week long stay. As stated previously, our giveaway refers to a two night, three day stay. Once reviewing this claim, our team looked at AirBNB to see similar properties in the area. We found these screenshots to provide as additional evidence.

NEW EVIDENCE:

The evidence provided follows the logic of our defense for violation one:

“The giveaway is unconditional in nature as any UH student, regardless of who they vote(d) for could follow the account, like the post, tag us, and subscribe to our remind 101. The giveaway is not conditional in any nature and must be evaluated as such. Each campaign is allotted the same, \$1,200 spending limit. It is up to each party to decide how to spend this allotment and use it how it sees fit.”

Conclusion


Furthermore, the petitioner has provided no evidence whatsoever other than an assumption that the #RiseUP party has exceeded our \$1,200 spending limit. It is up to the petitioner to prove a misappropriation of value.”

-Srijith Kambala/Rise Up

it's okay

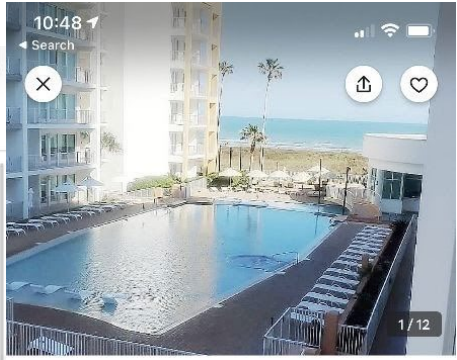
Search

Request to book



Deluxe Room with Spa
Credit \$30.00 USD + Infnit...
2 beds · 1 bath
★ 4.6 (58)

This is a rare find. Nancy's place is usually booked.



Your trip

Dates [Edit](#)
Mar 1, 2021–Mar 3, 2021

Guests [Edit](#)
1 guest

Is this a work trip?

**Deluxe Room with Spa
Credit \$30.00 USD + Infinity
Pool with Beachfront
Access**

★ 4.60 (58)
South Padre Island, Texas, United States

This is a rare find. Nancy's place on Airbnb is usually fully booked.

Price details

\$76.00 x 2 nights	\$152.00
Cleaning fee	\$20.00
Service fee	\$0.00
Occupancy taxes and fees	\$29.24

**Private room in
apartment
hosted by Nancy**




\$174 ~~\$76~~ / night

[Reserve](#)

10:48

Search

Request to book



Deluxe Room with Spa
Credit \$30.00 USD + Infnit...
2 beds · 1 bath
★ 4.6 (58)

This is a rare find. Nancy's place is usually booked.

Your trip

Dates [Edit](#)
Mar 1, 2021–Mar 3, 2021

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1 guest

Is this a work trip?

Price details

\$76.00 x 2 nights	\$152.00
Cleaning fee	\$20.00
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Occupancy taxes and fees	\$29.24

-RiseUp

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. Two complaints were merged, and a new defense statement was requested. I went through the Election Code and identified if a violation was present. After this I had enough to come to a decision.

I have included below the financial disclosure filed this Monday:

ITEM	VALUE	SOURCE
uber gift card	\$20	heb
lululemon gift card	\$30	heb
urban outfitters gift card	\$30	heb
ulta gift card	\$30	heb
Whataburger gift card	\$15	heb
canes gift card	\$15	heb
chick fila gift cards (2)	\$30 (\$15) each	heb
Starbucks	\$15	heb
palm cards	\$170	alphagraphics
Instagram Ads	\$90	instagram

Total Expenditures:\$

ITEM	VALUE	SOURCE
tshirts	\$105	hub92 prints
linkTree Pro	\$6	tinkTree

Total Expenditures:\$410

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

\$445+\$111+\$510+200(Trip)= \$1,266



\$15 GIFT CARDS!

up to Election Day at the end of the week with a series of giveaways for you Coogs! 🍗❤️

Requirements to enter:

- MUST be a UH student
- Must be following @riseupuh, like this post, and share this post onto your story tagging us!
- Must be subscribed to our remind 101 and in our GroupMe (links in bio)
- Tag 2 friends you'd steal a chicken-mini from *.* & comment what YOU'd like to see #RiseUp implement into campus! You name it! 🍗🔥

Winners (2) will be announced tomorrow March 2nd at 9pm! 🍗

20m

Liked by itsishakalra and 8 others

20 MINUTES AGO

Add a comment... Post



\$15 GIFT CARDS!

riseupuh Who doesn't love @chickfila?! 🍗🍗

At #RiseUp we are celebrating with you our election journey all the way up to Election Day at the end of the week with a series of giveaways for you Coogs! 🍗❤️

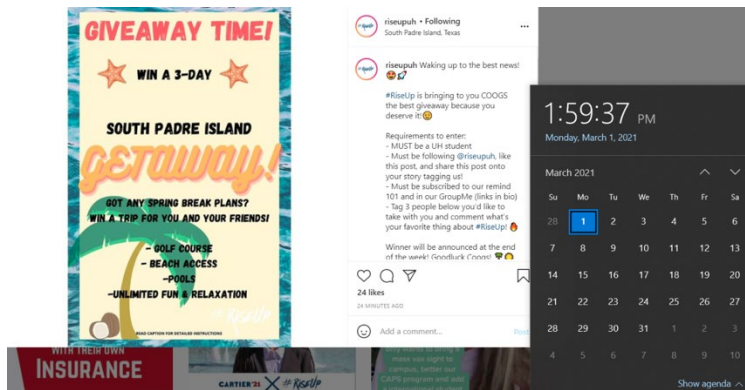
Requirements to enter:

- MUST be a UH student
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- Must be subscribed to our remind 101 and in our GroupMe (links in bio)
- Tag 2 friends you'd steal a chicken-mini from *.* & comment what YOU'd like to see #RiseUp implement into

Liked by itsishakalra and 8 others

20 MINUTES AGO

Add a comment... Post



Decision (March 2nd, 2021 at 10:28PM): Maryam’s complaint HAS merit and this IS a violation of the Election Code.

Sanction: This is a Class B Sanction on the entirety of Rise Up with a suspension of campaigning from 12PM-2PM on Wednesday.

Further Analysis:

The violation on behalf of RiseUp is regarding the solicitation of votes through money, exceeding campaign spending and the promotion of traveling during a pandemic.

For the solicitation of votes or A4S2C13, there is a clear connection between entering the giveaway and voting for RiseUp. The giveaway requires the students to essentially campaign on behalf of RiseUp in order to have a chance to win the prizes. The prizes are steep in price and are clearly trying to convince the students to vote for them on behalf of this giveaway rather than their own merits. This provision is in the Election Code specifically to ensure that candidates are not able to purchase victory which is what is being attempted by RiseUp.

Onto the excessive campaign spending. Through the financial disclosure information provided by the Chief Election Commissioner, the money spent on the election comes up to \$1,266, which is more than the \$1,200 limit that is imposed on the party, These additional expenditures are a breach in election code.

Conclusion:

Simply, the violation here comes from the solicitation of votes through money and exceeding the codified spending limit for parties. There is clear evidence through the public posts made by RiseUp that they are trying to win over voters by offering a vacation in exchange for campaigning on their behalf. This is a clear violation of the election code.

Additionally, the clearest violation of them all is the financial disclosure and the true cost of this trip. Through the tabulation of campaign expenditures, Rise Up goes over their allocated budget limit.

I believe the sanction placed is a just one as it holds the party accountable and reminds everyone of the severity of trying to buy elections. We must uphold the Election Code and make it as fair as possible to everyone.