

## **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 #21-29**

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

Representing Election Commission

**Respondent(s):** RiseUp,

Representing N/A

## **Allegations (filed March 1<sup>st</sup>, 2021 at 5:29PM):**

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

Clause 1. 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:

Clause 2. 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:

Clause 4. 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 A6S2C6 of the Election Code:

Clause 6. *Each party must be aware of the total expenditures of its members and is responsible for not exceeding its total expenditure limit.*

*A6S2C6 is solid ground for this penalty because it details the fact that every member is responsible for knowing about the expenditures of said party.*

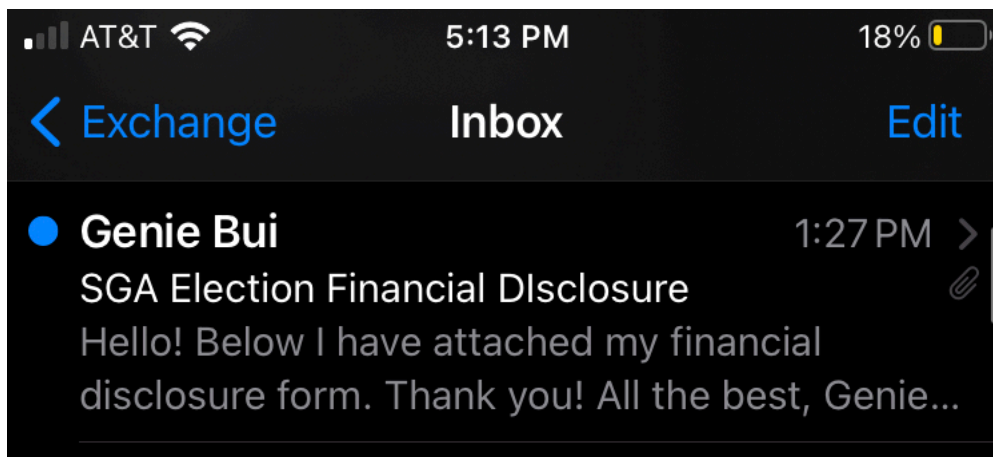
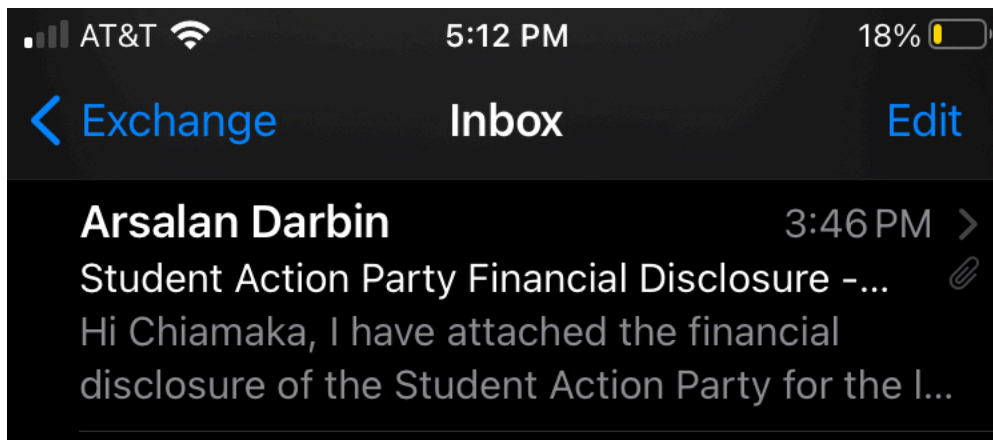
**Defense (filed March 1<sup>st</sup>, 2021 at 9:42PM):**

“I, Laura Rincon, accept full responsibility for this minor mistake. I would like to state that the reason the documentation was turned in late was due to two major factors. The first being that we received an email from the election commissioner stating that we had been disqualified and I was very hesitant to send it in. I was worried more about whether or not I would be allowed to run. The second major factor is extremely personal and dear to my heart. Around the time where I was supposed to submit, I got a call from my brother telling me how his father had died. He was deeply sad and needed my support. My full attention turned towards him. I did not inform the rest of the #RiseUp team, nor did I tell anyone else to turn in the financial disclosure, since it was the last thing on my mind. This was my responsibility and I am very sorry for my mistake. That being said, I ask the Attorney General to please only penalize me for this and not my entire team, since they had no idea what was going on.

I would also like to remind the Attorney General that zero Class C sanctions have been placed on the RiseUp party. At first this number was one, but following the trial concerning Complaint 21-03, the Election Board found that “a ban on the party itself would be misplaced as a campaign staff member can be held accountable for their own mistakes as per Article 7, Section 1, Clause 15”. As such, the Class C from 21-03 should have been removed from RiseUp’s count. Since then, there has been only 1 Class C placed on the RiseUp Party, which was later upgraded to a Class B (Complaint 21-07). Then, Complaint 21-19 was the second Class B sanction placed on the Rise Up Party. As such, as per our tally, there are zero Class C sanctions on the RiseUp Party. If this sanction is applied to the party, we urge it to be considered as the first Class C's.”

-Laura Rincon Bianchi

**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 2<sup>nd</sup>, 2021 at 9:33PM):** Chiamaka's complaint HAS merit and this IS a violation of the Election Code.

**Sanction:** This class C violation will result in a warning, as it is the first-class C.

**Further Analysis:**

- 1.) I sympathize with the respondent and their grief, however, the team ought to have seen that Laura hadn't sent in the disclosure and sent it in for her. I understand this emergency, but as the entire team knew of the financial expenditures that were made throughout the week, there should have been some sort of communication to occur.
- 2.) This is not the first time that a financial disclosure deadline has been missed, therefore it is very difficult to not weigh this violation for its merit. As there has been precedence of missed deadlines, the president, or other staff members should make it their first priority to make sure campaign information is sent in on time.

**Conclusion:** This will serve as a class c violation committed by the Rise Up party.

