Tuesday, April 19, 2016
Begin: 8:34 pm
End: 10:40 pm

Attendance: James Crowe, Dimitri Vasilkov, Ivy Missen, Max Freedman (Chair), Josh Savitt, Alex Miller (CLI)

• Chair:
  o The Maroon reporter will be allowed to record during this investigatory hearing.
  o Reminds that this is an Investigatory Hearing.
    ▪ No complaint has been brought because E&R has yet to determine if overspending occurred.
    ▪ A complaint only will come if E&R finds that overspending occurred.

Agenda:
  1. Investigating if overspending occurred
  2. Write in candidate permissions

Issue #1: Investigation into possible overspending
• No official complaint is pending. E&R is investigating to see whether overspending has occurred and one is warranted.
• Investigation of funds used for Facebook page, website for United Progress
  o Domain, layout work
  o Likes on the page: do likes on Facebook have a fair market value?
• Chair reads inquiry from Our Campus for record. Inquiry alleges:
  o Website built by prior iteration of the slate with different people
  o E&R should find a fair market value for the website
  o Same domain as last year.
    ▪ Was it inherited at no cost while others would have to pay?
  o There is value to the graphic design work. Alleges some was inherited from prior UP.
  o E&R should identify fair market value of photography
  o E&R should identify fair market value of the actual website architecture
• Chair introduces investigatory evidence
  o Promoted posts listed for reimbursement in Blueprint last year were for the student government account, not for the campaign account
    ▪ United Progress spent no money promoting posts last year
• Respondent states:
  o Willing to show receipts at any point
  o Disagree that a monetary value can be affixed to likes
  o Spent so far:
    ▪ Domain registration $15.17
    ▪ Nation builder $29/30 days = $58 for two month campaign
    ▪ Total: $73.17
• Josh Savitt: In kind donations matter because they let people skirt spending caps.
  o Make sure discounted donations are taken into account,
  o Is there value in a student performing a service for a campaign?
    ▪ Does it matter if their service is usually paid or free?
  o E&R is focused on finding a level playing field.
    ▪ Do likes materially impact that concept?
• Alex DiLalla: question on fair market value of photography service—could anyone get it for the same price, if not that’s an issue.
  o Can other groups have equal access to 500 likes UP2015 had?
    ▪ If not, shouldn’t there be an inheritance tax?
• Chair introduces Investigatory Evidence:
  o 295 people talking about Our Campus on Facebook
  o 147 people talking about Unite & Support on Facebook
  o 139 people talking about United Progress on Facebook
  o Doesn’t appear as though the likes from prior years have payoff in traffic.
• Respondent: Can labor put into website be monetized?
• Chair: Graphic design work done last year, if it was used again without paying again, is that an issue (designer wasn't paid)?
  o Is the caliber beyond free access?
  o Was website architecture given to someone off the slate?
• Alex DiLalla: What about receiving help from an expert of Nation Builder? What’s the monetary value? Is there professionalism involved?
  o Respondent: Citing the Nation Builder website (transcription of quotation not 100% accurate) “a world where everyone has the freedom and opportunity to create what they want to create” implication that anyone could use Nation Builder
• Chair: With regards to the fair market value of photography, the university can provide students cameras, equipment through Logan Center.
• Alex DiLalla: Our Campus is using graphic designer who did work for United Progress last year, and is paying $75.
  o Wants to know if United Progress is using same designer’s services for less.
    ▪ Respondent: That graphic designer is not working for the campaign this year.
  o Says the inherited likes on Facebook amount to a voter file/incumbency advantage
• Josh Savitt: Is reuse different from handing from one entity to another, does it count toward the donation limit?
  o Future thoughts: Maybe it’s worth crafting a policy outlining when Facebook pages must be started new, or when they constitute a contribution.
• Tyler Kissinger: DU has listhost, that’s also like a data file, and nobody has ever assigned a market value to that.
• Josh Savitt: They have social capital from using the same name—Moose Party
• Chair: Having more likes did not have an effect on “people are talking about it” metric on Facebook, many people who liked from UP2015 graduated.
• Josh Savitt: trying to find the actual impact, likes might not matter now but might matter in the future
• James: is the value of likes conditional on the type of page? (Non-UChicago page versus page from platform of the first year)
• Alex DiLalla: does UP2016 have access to an un-*level playing field*
• Cody Jones: Value of Facebook like doesn’t equal votes because Chase Woods admitted he liked the page, but doesn’t want to vote for UP.
  o Salma Elkhaoudi: Reaffirms Cody’s statement.
• Alex DiLalla: There is value in the ability to communicate their platform via Facebook. Things pop up on the timeline, is that an advantage to other slates?
• Josh Savitt: The spirit of the level playing field matters
• Chair: I have 1600 friends on Facebook, am I that charming? I could ask camp friends to like my page and it’s obviously worth less than student likes are.
  o The barrier to entry is low to gaining likes.
• Our Campus: What about graphic design services for the “logo” on their profile pictures/cover photos?
• Tyler Kissinger: Would we have to start paying campaign volunteers for work provided? If someone campaigns for their friend should they get minimum wage?
• Chair: What then of students with professional experience? Am I experienced because the IOP gave me a Metcalf to work on a presidential campaign in Iowa versus someone who worked in a mayoral race, and if I helped a campaign would my time have a different fair market value?
• Alex DiLalla: There is an automatic advantage to one slate over the other though. There’s a party advantage of handing over the name and Facebook page with supporters.
• Josh Savitt: Maybe Tyler Kissinger would have given the domain name to Our Campus for the same rate UP got it.
  o Tyler Kissinger: *shrugs*
• Josh Savitt: What should count to contribution limit?
  o Cody Jones: Things that can be monetized, or you couldn’t reasonably find in the student body
• Josh Savitt: Is there a place to limit carry over of the same banner/name?
• Josh Savitt: Why did they reuse the UP2015 page if it didn't have an advantage?
  o Cody Jones: Parties arise all the time, personal Facebook pages might be an issue because of strictness of level playing field if likes have value.
  o Eric Holmberg: Similar priorities, values, familiarity with voters
  o Josh Savitt: Symbolizes carry over of the slate
  o Chase Woods: Something inherent of having that base already
• Respondent: UP logo was freshly made, didn't inherit artwork from last year, UP2016 had to pay to have it done again

Explanation:
When the committee deliberates, it will either find that overspending occurred and lodge a formal complaint, or it will not find that overspending occurred and either do nothing, or issue an advisory opinion for clarity.
Issue #2: The issue of write in candidate permissions at E&R Events
  • Chair: Write-in candidates must submit a petition and a signature to be valid write-ins.
    o Write-ins must abide by other election rules. Does that mean they also get benefits?
    o They specifically do not appear on the ballot and are not reimbursed.
    o E&R will decide during deliberation if the write-in candidate in question should be invited to the debate.

Enter Deliberation, Chair asks those not on the Committee to leave.

Issue #1:
Motion: The Committee shall issue the following advisory opinion.
In favor: 4
Opposed: 0
Abstaining: Chair

Advisory Opinion:

Election Code Article II, § 5 references items or services that are given to one campaign and not available to the “general public” at the same cost. E&R does not consider items or services to be in-kind donations that must be expensed if campaigns can reasonably obtain them from the student body or university at no cost. United Progress has identified aspects of establishing their website and domain that have a fixed cost for any potential user, and have identified how much they will pay for that good. They have also identified services such as graphic design work for which they will pay during the campaign. However, the effort expended in building the website is something that can reasonably be found within the student body at no cost. Further, regarding a good or service inherited from a prior campaign, if that good or service counted towards the limit in a prior campaign, then it counts towards the limit during the current one, even if inherited. In the case of Facebook “likes”, the Committee cannot identify a monetary value for acquiring the likes initially and therefore will not assign one now. As a result, the Committee finds that, at this time, United Progress is operating within the expenditure limit, and no official complaint will be filed by E&R.

Issue #2:
Motion: Invite the present write-in candidate to participate in the Undergraduate debate conditional upon her payment of the Candidate Deposit, and signing a copy of the Candidates Packet. We reiterate that write-in candidates must adhere to all election rules even if they do not attend a Candidates Meeting.

In favor: 4
Opposed: 0
Abstaining: Chair