

# INVESTIGATIONS

## NOTICE OF FINDING

**COMPLAINT:** #C52-S2017

**FILED BY:** Anonymous

**ALLEGED VIOLATION:**

An email went out 5/1/2017 in which the slate invites all email recipients to join them at Rocco's Tavern during the evenings of 5/1/2017-5/5/2017 to enjoy Bruins United inspired alcoholic beverages and food. In addition to the slate violating 8.2.3.g.iii of Election Code which prevents campaigning "within any food services or eating areas," the action also condemns the slate to violate section 9.3, Campaign Finance Rules and Regulations. Because the specials offered provide significant discounts on food and drinks, the sum of all discounts should be considered a donation to the slate. Unless a limit on the sum of donations (the total difference between the value of all drinks ordered and their discounted price) has been placed (so that the total difference does not exceed spending limits and is consistent with their filed finance report), the slate cannot accurately anticipate the total amount of this donation, which would have to have been disclosed to the Election Board in their expense report prior to the event(s). In addition to the clear violations of 8.2.3.g.iii., this scenario would render the Bruins United expense report inaccurate and subject to appropriate sanction, given that this email was sent to thousands of Bruins, and that there is Election Board precedent for sanctioning Bruins United for promotional discounts.

**ELECTION CODE ARTICLE(S) CITED:**

8.2.1.a For the purposes of this Election Code, the term "Campaigning" shall be defined as any effort by any individual or group to influence the decision of any student in support of or against any USAC candidate, slate, initiative, referendum, recall, or constitutional amendment appearing on the ballot in the next election through the use of verbal or nonverbal interaction, electronic correspondence of any kind, or the use of physical materials.

8.2.3. Campaign Regulations: On Campus Campaigning

g. Campaign material may not be distributed in the following areas, in accordance with this Election Code and University Rules and Regulations:

iii. Within any food services or eating areas;

9.1 Campaign Finance Rules and Regulations

1. Enforcement:

a. Enforcement of the Election Code shall be the responsibility of the Election Board. The Finance Committee is the chief administrator of campaign finance restrictions. The public has the right to obtain any candidate's spending information, but the information is not required to be widely disseminated by the Election Board.

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- b. The Election Board has the ability to determine fair market value for any campaign material not accompanied by a receipt. The interpretation of fair market value may be appealed to the Judicial Board.
  - c. Campaign materials that count as part of a candidate's spending, must have been produced, or authorized, by the candidate and/or parties which act in coordination with the candidate.
  - d. Any campaign material advocating, by name, office seeking, or ballot number, more than one candidate, shall have its cost divided equally among all candidates listed on the material. However, if the campaign material advocates for all the candidates in a slate, then it is accounted as a slate expenditure.
  - e. The Election Board shall be responsible for investigating alleged violations of this Code.
2. Submission of Expense Account
    - a. An expense account form must include a signed statement by the candidate or Designated Campaign Representative attesting to the accuracy of that campaign expense account form.
    - b. The expense account will be due on the date designated by the Election Board Chairperson. The candidate and Designated Campaign Representative will be held accountable for all declared and/or undeclared campaign expenses in the campaign expense account forms.
3. Auditing of Expense Accounts
    - a. The following must be included in the expense account form:
      - i. A sample of all material used in the campaign (except sandwich boards and the campaign signboard);
      - ii. An original copy of each type of campaign literature;
      - iii. A listing of all expenses associated with the campaign (whether or not they are used in a campaign);
      - iv. Original receipts for all expenses, including the names and phone numbers of all businesses dealt with. Receipts must include information on what was purchased and the amount spent;
      - v. Direct sources citing where the resources (for resources/amounts above twenty dollars (\$20)) came from by providing Election Board the name, monetary amount and affiliation with the source.
    - b. Regulations regarding receipts
      - i. These receipts must be turned in as generated, no later than two (2) school days from the date of purchase, to the Election Board office.
      - ii. Purchases made before campaigning are allowable; however, these receipts must be turned in to the Election Board office no later than three (3) calendar days after on-campus campaigning begins.
      - iii. Campaign Expense forms must accompany the receipts.
      - iv. All receipts must be dated by the merchant from whom the materials were purchased, including services obtained from a professional.
    - c. The expense account must be signed by the candidate and Designated Campaign Representative and the signature will be taken as an affirmation on his/her part as to the validity of the expense account form.

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- d. Sales tax may be excluded as a campaign expense.
- e. The candidate and Designated Campaign Representative will be responsible for declaring in the expense account forms all campaign material that is publicly or privately displayed or distributed, on- or off-campus, by the campaign and the direct sources of the funding.
- f. Candidates and/or slates may not use funds allocated to student groups.
- g. If candidates and/or designated campaign representatives choose to share materials purchased together, the total cost of the material must be accounted for completely in the set of expense account forms of participating candidates or Designated Campaign Representatives. Each Designated Campaign Representative is responsible for reporting their respective portion. If the total is not completely accounted for, all candidates or campaigns using the material in question are subject to disqualification.
- h. The Election Board Finance committee shall review charges against candidates who allegedly commit violations. If there is a failure to adhere to any of the rules above, the Finance Committee shall report any failures to the Election Board Chairperson. The Finance Committee shall not counsel any candidates.
- i. Incorrect and/or incomplete information may result in disqualification. A candidate (even after elected) will always be held accountable for the information declared on the expense account forms. The provision of incorrect and/or incomplete information by an elected and certified candidate may result in the Election Board recommendation to the USAC for a petition to recall to begin circulation.
- j. Failure to adhere to any of the rules above including, but not limited to, misrepresentation of funding sources, failure to report direct sources of funding, failure to report expenditures, etc. will result in sanctions, with the potential of disqualification. Failure to turn in expense reports and direct sources is means for immediate disqualification as a candidate. Falsifying their expenditure/sources is means for immediate disqualification. Any funds distributed through a source from an unidentified individual is means for disqualification.
- k. There shall be no additional expenses allowed after the final expense account deadline.
- l. Donated Materials and/or Services
  - i. All donated materials and/or professional services, whether sought or offered, related to a campaign, including previously owned material, must be declared at its present fair market value. The fair market value will be computed as follows: The candidate or Designated Campaign Representatives will secure three (3) price estimates (that are available to the general public) of the exact item to be used on the campaign. These three estimates (with the names, addresses, and phone numbers of the companies and/or individuals furnishing these estimates), along with the average price, shall be included in the expense account form submitted to the Election Board. This average price shall be considered the fair market price. Candidates and Designated Campaign Representatives are allowed to accept a discount for materials and/or services rendered; however, the candidates and designated campaign representatives

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are required to declare the expense at its fair market value.

- m. The deadline for turning in the Spring Quarter election expense account forms shall be at a time no more than one (1) week before the voting week which will be determined by the Election Board and approved by the USAC. Failure to turn in expense account forms that are complete, accurate, and on time may result in penalties as determined by the Election Board Chairperson.
- n. All expense accounts of every campaign shall be made available to all UCLA students, staff, and faculty for inspection during normal Election Board office hours with Election Board approval. The Election Board shall publish in the *Daily Bruin* the total expenses of each campaign before voting ends.

### 11.3 Penalties

- 1. Violation of the above provisions may result in penalties imposed by the Election Board Chairperson. The penalties may range from suspension of all or part of a campaign to the campaign's disqualification. The appeals procedure is delineated in Section 11.4 of this Election Code.
- 2. The Election Board Investigations Committee shall determine whether or not a violation occurs via social media posts, pictures, messages, etc. Should a violation occur, the following penalties may apply but are not limited to:
  - a. Candidates may post no status in regards to their campaign;
  - b. No posts shall be published about the candidate either by the candidate themselves, by agents of the campaign, or by the slate's official page;
  - c. No candidate shall be included in any tags (whether textual posts, pictures, hashtags, etc.) for the duration of the sanction; or,
  - d. No new posts or tags may appear on the candidate's profile within the duration of that candidate's sanction.
- 3. Charges of Election Code violations may be made to the Election Board Investigations Committee by the Investigations Subcommittee Director or other individuals.
- 4. The Election Board Investigations Committee with consultation of the Election Board Chairperson shall decide the case and impose the appropriate penalties.
- 5. Upon the charge of any violation of this Election Code, the Election Board shall employ the following guidelines in order of decreasing importance in determining penalties:
  - a. The validity of the charge.
  - b. The severity and effect of the offense on the election.
  - c. The intent of the offender and/or his/her campaign staff and the number of times this same violation has been found to be valid.
  - d. The cooperativeness of the offender and/or his/her campaign staff.
- 6. The Election Board shall respond to complaints submitted during campus leafleting days within 24 hours.

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### **FINDING:**

Upon investigation, the Election Board has determined that the Bruins United slate has not violated Article 8.2.3.g.iii, as that section of the Election Code refers to on-campus campaigning.

However, the Election Board has determined that the Bruins United slate submitted an incorrect Expense Account, including the lack of acknowledgement of a sponsorship from the company Barpay in its Sources of Funding Form. In addition, the Expense Accounts filed by the Bruins United slate do not address the additional services provided by the Barpay company, including, but not limited to: the cost of printing of the Barpay logo on the Bruins United t-shirts and tank tops, as paid for by the Barpay company; the email sent to the Barpay app listserv campaigning on behalf of Bruins United; the demarcation of Bruins United candidate names on the listing of specific drink and food items at Rocco's Tavern in Westwood, as listed on the Barpay app; the inclusion of Bruins United campaigning in the form of photographs on the Barpay app; and the aggregate value of the discount of all drink and food items sold using the Barpay discount associated with the Bruins United slate. The Bruins United slate has clearly violated Articles 9.1.3.l.i and 9.1.3.j of the Election Code.

### **SANCTION:**

The Bruins United slate shall be prohibited from campaigning in any form, including but not limited to, on-campus and social media campaigning, from 7:00 a.m. on Wednesday, May 3, 2017 until 7:00 a.m. on Thursday, May 4, 2017. In addition, the Bruins United slate is required to submit an updated and correct Expense Account(s) and Source of Funding Form(s) by 7:00 a.m. on Thursday, May 4, 2017, which reflect all services provided by the Barpay company. If the Bruins United slate fails to submit these documents before the deadline, the prohibition of campaigning will continue until the necessary documents have been submitted to the Election Board.

Grant Tobenkin  
Grant Tobenkin, Investigations Director

5/02/2017  
Date

10:51 p.m.  
Time