

Student Government Association  
Elections Board  
Violation Hearing  
Wednesday, March 30, 2021

Meeting Attendance

Daniela Mederos (Present)  
Simonpietro Magrelli (Absent)  
Ryan Vidal (Present)  
Scarlett Chirino (Present)  
Linabel Armas (Present)

Filer: David Luis (Present)  
Accused: Luis Moros (Present)  
Witness: Samantha Burgos (Present)  
Public Spectator: Teresa Schuster (Present)

Meeting Start

9:35 P.M on zoom platform

Abbreviations/Definitions:

FIU: Florida International University  
SGA: Student Government Association

Hearing Notes

David Luis (filer of writ) explains the writ filed to the whole room. The candidate had posted and tagged the FIU SGA Instagram on a post of their campaign. The candidate's post was then promoted on the SGA Instagram, which violates Sections 6005.9 and 6006.9 from the Elections Code. SGA Statute Section 6005.9 states "No candidate/ticket shall use Student Government Property or Activity and Service Fee Funds to actively campaign" based on this violation, this is a direct violation of the Elections Code because the candidate used "Student Government Property", meaning the Instagram account, to actively campaign for their candidacy toward the School of International and Public Affairs Senator position. Going forward, SGA Statute Section 6006.9 states "No Candidate shall utilize Student Government Office, resources, physical or virtual spaces for the purpose of campaigning. This shall include but not be limited to the distribution of flyers, promotional material, tangible campaign materials (ie. Buttons, shirts, pens) or other material to campaign." Based on the evidence below, the candidate utilized the Student Government's Instagram account to influence their campaign. With the evidence presented, you can also see that the candidate acknowledged that FIU SGA gave them a shoutout. With witnesses being

presented, you will be able to tell that the candidate acted contrary to Student Government Governing Documents, directed someone to violate the Student Government Governing Documents, and acknowledged the post, while not trying to stop a violation from occurring.

Samantha Burgos: witness testifies on David's behalf. Testifies to the fact that the accused Luis Moros was blocked on the FIU SGA instagram and that there was a previous social media head that resigned after they had posted the accused Luis Moros campaign flyer.

Luis Moros: Stated that he was unaware that FIU SGA instagram would repost his flyer and reposted it because he did not believe he was violating any sections of the elections code.

Questions for David Luis:

Lina Armas: If David was ever reposted on the SGA instagram: David said not in terms of campaigning but he has been in the past because of his active role in SGA currently.

Ryan Vidal: If he has any influence of what gets posted on the FIU SGA instagram): David stated that he has no influence on what the FIU SGA instagram account posts.

Questions for Luis Moros:

Lina Armas: (Any evidence of Fiu sga instagram blocking him): Luis responded that he did not have any evidence.

Ryan Vidal: (If he had read the elections code) Luis responded yes.

Scarlett Chirino: (Are you aware of the elections code and have you looked through them) Luis responded yes.

Final Questions:

Ryan Vidal (Asked to show evidence of violation)

David Luis proceeds to screen share the posts that he mentioned in his original writ.

Closing Statement: David Luis - "As we have seen throughout this whole elections period we can tell that this is a clear violation of the elections code. There is nothing within the elections code that allows for no penalty against a candidate for not knowing, after they have accepted they have read through all the statutes and have acknowledged the statutes as well. The candidate has violated two very serious sections of the elections code those being 6005.9 and 6006.9 both of those go into what happened within this occurrence. With the witnesses being presented you are also able to tell that the candidate did act contrary to student government governing documents, directed someone to violate the student government governing document through tagging the FIU SGA account and they also acknowledged the post without trying to stop a violation from occurring. Thank you."

Closing Statements: Luis Moros - "As I stated before it was never my intention to commit to break the rules or violate the constitution and the elections ethics code of SGA. It was never my intention and I was not planning to do so. It was not a regular account that reposted me it was FIU SGA account, it is an official account. And by doing so I thought that I was doing the right thing, that this was permitted and allowed because they reposted, which is an affirmation that what I was doing was right. And as Daniela

has mentioned before, right now, two hours ago, I had two videos I wanted to post and asked, 'oh can I repost this?', 'can I post this', 'can this go on my personal platform'. Because like I said every single post that is on my instagram and on my platform has been approved and has been confirmed by the FIU elections commissioner. It was never my intention to do so and I consider on my behalf it is a negligence of SGA to block me without letting me know what is going on. And that is something that really bothers me because I was not expecting that. I am an FIU student and I deserve to know what is going on. That you did this and this and this and that is why you are blocked. That is why we have to do this but I was never informed about the block I figured out about a week later. I just figured out everything with this call, with this zoom meeting and this is really unexpected.

Deliberation:

Members of the Elections board are deliberating in terms of each of the sections of the code that may have been violated. The topic of whether the SGA Instagram was property of Student Government arose and the elections board decided it was. It was also deliberated if the accused Luis Moros did this with bad intentions but it was concluded by that board that it was not. As for clarification, Elections Commissioner Daniela Mederos looked through previous messages with Luis Moros to confirm if he had ever mentioned tagging the FIU SGA Instagram in any of the posts. After looking it was found that Luis had never stated to the elections commissioner that he would tag the FIU SGA Instagram. After deliberation it was motioned to move into voting.

VOTE FOR VIOLATION OF SECTION 6005.9 OF ELECTIONS CODE:

Lina: YES  
Scarlett: YES  
Ryan: YES  
Daniela: YES

VOTE FOR VIOLATION SECTION 6006.9 OF ELECTIONS CODE:

Lina: YES  
Scarlett: YES  
Ryan: YES  
Daniela: YES

VOTE FOR VIOLATION TIER

Lina: tier 3  
Scarlett: tier 3  
Ryan: tier 3  
Daniela: tier 3

VOTE FOR SANCTION

Lina: 48 hours  
Scarlett: 48 hours  
Ryan: 48 hours  
Daniela: 48 hours

The meeting was called to an end and all people present were aware of the sanctions presented. It was voted as a tier three violation. The sanction is for the Accused Louis Moros is to abstain (as well as his political party) from campaigning him/himself for 48 hours. Everyone was made aware that these minutes were public information.

Meeting End

10:36PM on zoom platform