

**Ruling #1**

March 2013 Executive and BoG Election

Pre-campaigning: Social Media – Petros Kusmu, Candidate for President

***Parties to the Ruling***

- Petros Kusmu, Candidate for President
- Saadiq Sumar, Candidate for President
- Navneet Khinda, Volunteer for Petros Kusmu
- Farid Iskandar, Chief Returning Officer

***Applicable Bylaws, Rules, and Regulations***

- Bylaw 2200 §2 (p) (Definition of Campaign Activities)
- Bylaw 2200 §21 (Pre-campaigning)
- Rules & Regulations §2.1 (Pre-campaigning)

***Facts***

1. Petros Kusmu, candidate for President and Saadiq Sumar, candidate for President were present at the mandatory candidates' meeting on February 15 at 18:00.
2. At approximately 10:15 on February 18, 2013 the Chief Returning Officer was notified that Petros Kusmu posted an article on his Facebook wall entitled "Why the SU Elections Require Serious Reflection" (<http://www.thewandereronline.com/2013/02/18/why-the-su-elections-require-serious-reflection-by-emerson-csorba/>). This article states the name of some of the candidates in its first paragraph: *"The names listed for the five executive positions are as follows: William, Kevin, Petros, Saadiq, Anthony, Dustin, Josh and Adam. Though many of these candidates are competent and will go on to serve as excellent executives, there is something missing."*
3. At approximately 10:30 on February 18, 2013 the Chief Returning Officer sent Petros Kusmu and Navneet Khinda the following email:

*"Hi Petros,*

*Could you please remove the following post (in screenshot) from your Facebook wall/timeline? The article mentions that you are running and can delve into pre-campaigning/ Please do so within 6 hours to avoid penalty.*



*Thank you,"*

4. The Facebook post by Petros Kusmu allegedly tagged undergraduate students at the University of Alberta.
5. At approximately 10:45 on February 18, Petros Kusmu notified the Chief Returning Officer that the Facebook post was removed. The C.R.O. was satisfied that this was accurate.

### ***Ruling***

- I. In order for a candidate to violate Bylaw 2200 §21 (Pre-campaigning), campaign activity as defined by section must §2 (p) of Bylaw 2200 must occur between the nomination deadline and the initiation of campaigning. Campaign activity is defined as "any act, planned or organized by or on behalf of any candidate or side that is calculated to convince members to vote in a given way."

- II. The C.R.O does not believe that the article posted by Petros Kusmu on Facebook fulfils §2 (p) of Bylaw 2200. However the C.R.O also believes that such a post can easily turn into pre-campaigning. For those reasons the C.R.O. in an email asked Petros Kusmu to remove the post since it *"can delve into pre-campaigning."* The C.R.O also set a deadline for removing the post after which penalties would have been levied. For these reasons no counterbalancing fine shall be recommended.
- III. The C.R.O appreciated Petros Kusmu's expedient compliance with regards to removing the Facebook post. No punitive fine shall be recommended.

***Penalty***

1. None.

So decided: Tuesday, 19 February @ 13:00. Time limit for appeal: Wednesday, 20 February @ 17:00.

Please direct any inquiries towards:

Farid Iskandar  
Chief Returning Officer  
University of Alberta Students' Union