

Ruling #2

September 2012 Students' Council and GFC By-Election

Mass Email(s)/Unsolicited Campaigning – Mark McCormack, Candidate for Students' Council – Open Studies

Parties to the Ruling

- Mark McCormack, Candidate for Students' Council – Opens Studies
- Farid Iskandar, Chief Returning Officer

Applicable Bylaws, Rules, and Regulations

- Bylaw 2300 §18 (Requirements of All Candidates)
- Bylaw 2300 §19 (Third Party Activities)
- Bylaw 2300 §39 (Penalties Available)
- Rules & Regulations §3.17 (Internet & Email Policy)
- Schedule of Fines and Penalties, provided as per Bylaw 2300 §39.

Facts

1. Candidate Mark McCormack was represented by a proxy, Ms. Nikki Way, at the mandatory candidates' meeting on September 17 at 18:00.
2. On September 23, 2012 at 14:09, an email was sent out to the Make Poverty History (MPH) student group at the University of Alberta with text as follows (transcript available online: Retrieved September 23, 16:35 at <http://www.mailman.srv.ualberta.ca/pipermail/mph/2012-September/000065.html>)

-----Original Message-----

From: Make Poverty History Listserv

Sender: mph-bounces@mailman.srv.ualberta.ca

To: mph@mailman.srv.ualberta.ca

ReplyTo: mph.uofa@ualberta.ca

ReplyTo: mph@mailman.srv.ualberta.ca

Subject: [Make Poverty History--U of A] Weekly Mass Update (September 23, 2012)

Sent: Sep 23, 2012 2:09 PM

MAKE POVERTY HISTORY

Capital punishment is as fundamentally wrong as a cure for crime as charity is wrong as a cure for poverty. – Henry Ford

Weekly Progress Update:

1. Fairtrade: The first Fairtrade Wednesday of the semester will be this Wednesday in CAB! Make sure to stop by for free Fairtrade tea and coffee.
2. UAEM: Check out this article on the UAEM global for an update on what the U of A chapter has been up to: <http://essentialmedicine.tumblr.com>
3. Fundraising: Last week MPH had a BBQ, and it was very successful! We raised almost \$700! We're hoping to make even more tomorrow! To sign up, or if you have any other fundraising ideas, contact Melissa at mphfinance.uofa@gmail.com.

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1. *Volunteers needed*
 2. *Project group meetings*
 3. *General MPH meetings*
 4. *Must Sees*
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1. *Volunteers needed*

Fundraising BBQ [Monday, September 24th from 8am-4pm in QUAD]

Barbeques are one of the great ways for Make Poverty History to raise money, but in order to have a successful barbeque, volunteers are highly needed – we need 4 volunteers at any one time. This is probably one of the funnest ways to volunteer! We need volunteers to sign up for one-hour shifts that correspond with class-change times. Contact Melissa at mphfinance.uofa@gmail.com to volunteer or if you need to confirm what time you have signed up for.

Fairtrade Wednesday [Wednesday, September 26th from 9am-4pm in CAB]

Every week the Fairtrade project sets up a table in CAB and gives away free Fairtrade tea and coffee to students in order to share the Fairtrade message on campus. This is our first one of the year! There are still spots available! Contact Robin at mph.fairtrade@gmail.com to volunteer or if you need to confirm what time you have signed up for.

2. *Project group meetings*

Dare 2 Care: Wednesday, September 26th, 5pm @ CAB 265 [mphdare2care.uofa@gmail.com]

Stand Up Against Poverty: Wednesday, September 26th, 5pm @ CAB 265 [mphrelations.uofa@gmail.com]

Fairtrade Project: Wednesday, September 26th, 5pm @ CAB 265 [mph.fairtrade@gmail.com]

UAEM: Wednesday, September 26th, 5pm @ CAB 265 [naidoo@ualberta.ca]

3. *General MPH meetings*

General Assembly

Our next meeting will be at 5pm on September 26th. Join us at CAB 265. It will be followed immediately by the project group meetings, and then group tutoring.

Contact Robin at mphrelations.uofa@gmail.com if you have any questions.

Social Event

The SU is showing The Hunger Games on Tuesday night at 5:30 in SUB – for free! We're going to meet in SUB food court at about 4:45, grab dinner and then head to the movie! Can't wait to see you there!

Contact Robin at mphrelations.uofa@gmail.com if you have any questions.

If you haven't had a one-on-one engagement meeting yet with one of our exec members, we would love to sit down with you and make it happen! Please contact mphrecruitment.uofa@gmail.com to schedule one.

4. *Must Sees*

Vote Mark McCormack for Open Studies Councilor!

The very cool Make Poverty History president is running for Open Studies Councilor! Don't forget to wish

him luck, ask him some probing questions and (if you're an open studies student) vote for him!
Check it out: <http://www.facebook.com/events/361270243957301/>

Taste of Victory Food Festival 2012 [September 27th at 10am until September 28th at 6pm]
University of Alberta's first ever food festival is happening right in QUAD! Join the fight against Malaria! There will be diverse foods, entertainment (such as singing and dancing performances) and other cool things like Henna tattooing! More details can be found here: <http://www.facebook.com/events/417371298319282/>

Make Poverty History can empower you to make change.

If you would like to unsubscribe from this mailing list, please email mphrelations.uofa@gmail.com with your request.
If you or people you know would like to get involved with MPH activities please email mphrecruitment.uofa@gmail.com.

MPH mailing list MPH@mailman.srv.ualberta.ca
<http://www.mailman.srv.ualberta.ca/mailman/listinfo/mph>

At 15:15, September 23, 2012 volunteer for candidate Mark McCormack, Mike McGinn, informed the Chief Returning Officer of this contravention.

Farid,

At 2:12 today the Make Poverty History Mailing list sent out with a "Vote for Mark" section on it.

I have attached a list of the individuals on the mailing list. There is currently 1250 people who have been added on over the past 5 years. I hope it could be adjusted for those who are still on campus.

I would like to make you aware that we had no idea that this was happening. Robin Hansen is in charge of the news letters and did not inform Mark or I that this was going to be added on.

Robin Lea Hansen
to me

Hey Mike!

I'm really sorry about including Mark's info in the Listerve! As soon as I sent it Val told me it wasn't allowed! I had NO idea and I'm really sorry. I hope that this doesn't have serious ramifications for Mark's campaign. If there's anything I can do please let me know. Obviously I will avoid doing this in the future! I'm really sorry again :(

I hope where Mark is not running against anyone that the ramifications are not too severe. MPH would be happy to send out another email with all the other candidates info if that would help remedy the situation.

Please let me know if there is anything I can do and my apologies for disturbing you on a Sunday.
[Attachment of list of email addresses to individuals]

The document attached the email contained 1,245 email addresses.

3. Robin Hansen, MPH listserv administrator, confirmed via email the number of subscribers on the MPH mailing list to be 1,245 in an email to the C.R.O. provided at 18:48 September 23, 2012.

Ruling

1. All candidates are required to read, understand, and comply with all Rules & Regulations and Bylaws and were informed as such in the nomination package and at the mandatory candidates meeting. Mark McCormack was represented at the mandatory candidates' meeting as per Bylaw 2300 s.10 (2).
2. Rules & Regulations s.3.17 states that mass emails to unofficial groups are not permitted. Emails to official University and student group mailing lists will be considered provided specified procedures are adhered to. The policy was not adhered to with regard to the alleged contravention.
3. The C.R.O. is satisfied that Mark McCormack has met the requirements of Bylaw 2300 s.19 (Third Party Activities). No punitive fine shall be recommended. In addition, the C.R.O. is satisfied that Mark McCormack has also met the conditions stipulated in Bylaw 2300 s.18(1)(c).
4. The Schedule of Fines and Penalties affixed to the nomination package denotes that a counterbalancing fine of \$10.00 + \$0.10 per individual reached will be levied against the contravening party for unsolicited campaigning (including mass emails).
5. It is reasonable to assume that not every email recipient is enrolled in the faculty of Open Studies. The C.R.O. has no method of confirming the exact number of students enrolled in the faculty of Open Studies who received the email. The C.R.O. will use a faculty distribution among the 1,245 recipients that mirrors the actual faculty distribution among all undergraduate students at the University of Alberta. As per enrollment numbers on September 18th, 2012 there are 31,400 undergraduate students at the University of Alberta, 1,056 of which are enrolled in the faculty of Open Studies; or 3.36%. Therefore the estimated number of Open Studies students who have received this email is 42 ($0.0336 \times 1,245 = 41.8$; rounded up to 42).
6. This results in \$10.00 plus $\$0.10 \times 42 = \4.20 for a total of \$14.20. The C.R.O. appreciates that the Mark McCormack campaign was forthcoming in providing information and expediently contacted the C.R.O. regarding the contravention. No punitive fine shall be recommended.
7. Mark McCormack will be levied a \$14.20 fine against the candidate budget.

Penalty

1. Mark McCormack will be levied a fine of \$14.20.

So decided: Monday, September 24 @ 10:00.

Time limit for appeal: Tuesday, September 24 @ 13:00.

Please direct any inquiries towards:

Farid Iskandar
Chief Returning Officer
University of Alberta Students' Union