

Ruling #2

March 2013 Executive and BoG Election

Pre-campaigning: Live Campaign Website – William Lau, Candidate for Vice President (Student Life)

Parties to the Ruling

- William Lau, Candidate for Vice President (Student Life)
- Victoria Woo, Volunteer for William Lau
- Shane Crawford, Deputy Returning Officer
- Farid Iskandar, Chief Returning Officer

Applicable Bylaw, Rules, and Regulations

- Bylaw 2200 §48 (Penalties Available)
- Bylaw 2200 §26 (Requirements of All Candidates and Plebiscite/Referendum Sides)
- Rules & Regulations §2.1 (Pre-campaigning)
- Rules & Regulations §3.1 (Material Approval)
- Rules & Regulations §3.15 (Internet and Email Policy)
- Schedule of Fines and Penalties, provided as per Bylaw 2200 §48

Facts

1. William Lau, candidate for Vice President (Student Life) was present at the mandatory candidates' meeting on February 15 at 18:00
2. At approximately 13:55 February 21 the Deputy Returning Officer, Shane Crawford, notified the Chief Returning Officer that the campaign website of William Lau, "lauforlife.ca" was published live and freely accessible.
3. At approximately 14:05, February 21 the Chief Returning Officer notified William Lau and volunteer Victoria Woo of the alleged contravention. The C.R.O. asked that the website be taken down immediately, and that he be notified how long the website had been live. The C.R.O. also notified them that a ruling would be forthcoming.
4. At approximately 14:10, February 21 the C.R.O. was notified that the volunteer in charge of the website was contacted and that the process for taking down the website should be completed shortly. At approximately 14:15, February 21 the C.R.O. was satisfied that the website was no longer live.
5. At approximately 23:00, February 21 William Lau indicated to the C.R.O. through an email that the website was published sometime between 22:20 and 22:46 on February 19. This was based on his correspondence with the volunteer in charge of creating the website who notified William Lau that the website was live. In the correspondence presented to the C.R.O William Lau stated to the volunteer that candidates are not allowed to have the website live until the 27th of February. The C.R.O. was satisfied that this information is accurate.

6. The website was published for the period approximated by 22:45 on February 19 to 14:15 on February 21. The total estimated duration is therefore 39.5 hours.

Ruling

1. All candidates and sides 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. William Lau, candidate for Vice President (Student Life) was in attendance at the mandatory candidates' meeting.
2. The rules and regulations state that candidate websites must not be made publicly available until the start of the campaign period. Furthermore, regulations specify material approval requires provision to the C.R.O. of a private web address and password at which the material may be viewed. Pre-campaigning rules are further stipulated in Bylaw 2200 and the Rules and Regulations.
3. The Schedule of Fines and Penalties affixed to the nomination package denotes that posting and/or distribution of campaign materials shall be issued a counterbalancing fine of removal of offending material plus an equal number of materials. The website was available for 39.5 hours before being removed. Interpreting the defined penalty in this context, a penalty of a 39.5 hour publishing delay will be imposed on William Lau's campaign website.
4. The Schedule of Fines and Penalties affixed to the nomination package denotes that posting and/or distribution of campaign materials shall be issued a punitive fine of \$2.00 + additional possibility of discretionary fines. William Lau was aware that the website was live on Tuesday February 19, and was aware that this is a contravention of the Bylaws, Rules, Regulations, however he did not notify the C.R.O. of the contravention. Bylaw 2200 §26 (c) states that each candidate shall "*report any contravention of a bylaw, rule, regulation, or order to the C.R.O. immediately*". William Lau failed to report this contravention to the C.R.O. when he was notified on Tuesday February 19. Furthermore. William Lau has failed to ensure that his website was indeed taken down close to 40 hours since the contravention took place. Therefore a punitive fine of \$2.00 for posting campaign material during pre-campaigning period + \$8.00 discretionary fine shall be levied as stated in the Schedule of Fines and Penalties.

Penalty

1. Candidate William Lau's campaign website may not be published publicly until 39.5 hours after the campaign start time of 09:00 February 27, 2013 (i.e. Friday March 1 at 00:30)
2. Candidate William Lau will be levied a fine of \$10.00 against the candidate budget.

So decided on: Friday, February 22 @ 12:30. Time Limit for appeal: Monday, February 25 @16:30

Please direct any inquiries towards:

Farid Iskandar
Chief Returning Officer
University of Alberta Students' Union