

Ruling #4

March 2013 Executive and BoG Election

Pre-campaigning: Live Campaign Material – Kevin Smith, Candidate for Vice President (Student Life)

Parties to the Ruling

- Kevin Smith, Candidate for Vice President (Student Life)
- Farid Iskandar, Chief Returning Officer

Applicable Bylaw, Rules, and Regulations

- Bylaw 2200 §48 (Penalties Available)
- Rules & Regulations §2.1 (Pre-campaigning)
- Rules & Regulations §3.1 (Material Approval)
- Schedule of Fines and Penalties, provided as per Bylaw 2200 §48

Facts

1. Kevin Smith, candidate for Vice President (Student Life) was present at the mandatory candidates' meeting on February 15 at 18:00.
2. At approximately 18:45 on February 26, 2013 the Chief Returning Officer discovered that a picture of candidate Smith's campaign poster was up on www.prezi.com/astihxnhjrn/kevin-smith/, along with a presentation.
3. At approximately 18:50 on February 26, 2013 the Chief Returning Officer notified Kevin Smith. The C.R.O. asked that the campaign material is taken down immediately, and that he be notified how long the campaign materials had been live on that website. The C.R.O. also notified them that a ruling would be forthcoming.
4. At approximately 19:10 Kevin Smith notified the Chief Returning Officer that the campaign material had been taken down, and informed the C.R.O. that the presentation was up on the website on February 17:00. No specific time was provided. The C.R.O. was satisfied that this information is accurate.
5. The website published campaign material for the period approximated by 09:00 on February 25 to 19:00 on February 26. The total estimated duration is therefore 34 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. Kevin Smith, candidate for Vice President was in attendance at the mandatory candidates' meeting.
2. The rules and regulations state that campaign material must not be made publicly available until the start of the campaign period. Furthermore, regulations specify that candidates are

responsible for informing their volunteers of elections rules. Pre-campaignin rules are further stipulated in Bylaw 2200.

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. Therefore the counterbalancing fine shall be that candidate Kevin Smith will not be permitted to campaign using the website www.prezi.com for 34 hours from the start of campaigning.
4. The C.R.O. appreciated that the Kevin Smith campaign was forthcoming in providing information and expediently responded to the C.R.O. regarding the contravention. The C.R.O. was also satisfied the contravention was unintentional. No punitive fine shall be recommended.

Penalty

1. Candidate Kevin Smith will not be allowed to campaign using www.prezi.com for 34 hours from the start of campaigning of February 27 at 09:00 (Thursday February 28 at 17:00)

So decided on: Wednesday, February 27 @ 15:00. Time Limit for appeal: Friday, March 1 @11:00

Please direct any inquiries towards:

Farid Iskandar
Chief Returning Officer
University of Alberta Students' Union