

***Ruling #3***

March 2013 Executive and BoG Election

Pre-campaigning: Live Campaign Material – Petros Kusmu, Candidate for President

***Parties to the Ruling***

- Petros Kusmu, Candidate for President
- Farid Iskandar, Chief Returning Officer

***Applicable Bylaw, Rules, and Regulations***

- Bylaw 2200 §48 (Penalties Available)
- Rules & Regulations §2.1 (Pre-campaigning)
- Rules & Regulations §2.2 (Volunteers)
- Rules & Regulations §3.1 (Material Approval)
- Schedule of Fines and Penalties, provided as per Bylaw 2200 §48

***Facts***

1. Petros Kusmu, candidate for President was present at the mandatory candidates' meeting on February 15 at 18:00.
2. At approximately 11:50 on February 25, 2013 the Chief Returning Officer discovered that a picture of candidate Kusmu's campaign poster was up on <http://skyeoc.com/>. The website belongs to the volunteer who designed candidate Kusmu's campaign materials.
3. At approximately 12:00 on February 25, 2013 the Chief Returning Officer notified Petros Kusmu. 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 12:10 on February 25, 2013 Petros Kusmu notified the Chief Returning Officer that he was unaware that his campaign materials were up on that website, and that he has asked his volunteer to take the campaign material down. At approximately 12:15 on February 25, 2013 the C.R.O. checked the website and was satisfied that the material has been taken down.
5. At approximately 12:35 on February 25, 2013 Petros Kusmu provided the following statement from his volunteer:

*"what time did i put it up? i added it to my site yesterday and put it live for viewing early this morning. not sure the time exactly, before i sent you the front of the pamphlet.[...] and if i looked at my traffic, im sure no one has seen it."*

Petros Kusmu allegedly received the pamphlet design at 08:22 on February 25, 2013. Therefore Petros Kusmu estimated that the material has been up since 08:00 on February 25, 2013. The C.R.O. is satisfied that this information is accurate.

6. At approximately 12:45 on February 25, 2013 the Chief Returning Officer asked for evidence that there has been no traffic on the website since the morning of February 25, 2013. At approximately 13:10 on February 25, 2013 the C.R.O. received evidence that the website has had 4 visitors since the morning of February 25, and that only one of those visitors is from the University of Alberta. The C.R.O. is satisfied that this information is true.
7. The website published campaign material for the period approximated by 08:00 on February 25 to 12:15 on February 25. The total estimated duration is therefore 4.25 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. Petros Kusmu, candidate for 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-campaigning and Volunteer 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. However the website that publicised the campaign material was not the candidates website, rather the volunteer's website. The C.R.O. is satisfied that no University of Alberta students except for the C.R.O. witnessed the campaign material. Therefore the Schedule of Fines and Penalties counterbalancing fine does not directly apply to this incident. However a contravention of Bylaw has taken place therefore the counterbalancing fine shall be \$1.00 per hour of the campaign materials was published (4.25 hours x \$1.00 = \$4.25).
4. The C.R.O. appreciated that the Petros Kusmu 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 Petros Kusmu will be levied a counterbalancing fine of \$4.25 against the candidate budget.

**University of Alberta Students' Union Elections**  
**Executive and Board of Governors General Election Ruling**

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So Decided on Tuesday February 26 @ 11:30. Time limit for appeal: Wednesday February 27 @ 15:30

Please direct any inquiries towards:

Farid Iskandar  
Chief Returning Officer  
University of Alberta Students' Union