

Ruling #12

March 2013 Executive and BoG Election

Mass Email(s)/Unsolicited Campaigning – Petros Kusmu, Candidate for President

Parties to the Ruling

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

Applicable Bylaws, Rules, and Regulations

- Bylaw 2200 §26 (Requirements of All Candidates and Plebiscite/Referendum Sides)
- Bylaw 2200 §27 (Third Party Activities)
- Bylaw 2200 §48 (Penalties Available)
- Rules & Regulations §3.15 (Internet & Email Policy)
- Schedule of Fines and Penalties, provided as per Bylaw 2200 §48.

Facts

1. Candidate Petros Kusmu was present at the mandatory candidates' meeting on February 15 at 18:00.
2. At approximately 11:50 on March 6, 2013, an email was sent out to the Canadian and Arabic Student Association (CASA) at the University of Alberta with text as follows

On 2013-03-06, at 11:51 AM, Mohamad Youssef <myoussef@ualberta.ca> wrote:

Hello Ladies & Gents,

I just wanted to remind you that all students are allowed to vote in the elections (including the international students). It would be helpful for the future of this University, if we all understand that who we vote for will make a difference. So, take your time and go through the profiles of the Candidates running for presidency. However, I would like to let you know that Petros Kusmu would like to increase funding for student groups and also he is planning to help the international community of students at the U of A to be better represented in the future, with more funds, activities, and multicultural events encouraged if he gets elected.

Best Regards,

~Mohamad Youssef.

3. At approximately 12:15 on March 6, 2013, Petros Kusmu emailed Mohamad Youssef informing him that this is a contravention of the rules and regulations, and cc'd the C.R.O.. Navneet Khinda, volunteer for Petros Kusmu confirmed to the C.R.O. that Mohamad Youssef is not a volunteer for Petros Kusmu.
4. The number of members in the CASA group as reported to the Chief Returning Officer by Mohamad Youssef is 60. Mohamad Youssef provided the C.R.O. the list emails that received the mass email.

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 was in attendance at the mandatory candidates' meeting.
2. Rules & Regulations §3.15 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 Petros Kusmu has met the requirements of Bylaw 2200 §27 (Third Party Activities). No punitive fine shall be recommended. In addition, the C.R.O. is satisfied that Petros Kusmu has also met the conditions stipulated in Bylaw 2200 §26(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. This results in \$10.00 plus $\$0.10 \times 60 = \6.00 for a total of \$16.00. The C.R.O. appreciates that the Petros Kusmu campaign was forthcoming in providing information and expediently contacted the C.R.O. regarding the contravention.

Penalty

1. Petros Kusmu will be levied a fine of \$16.00.

So decided: Wednesday, March 6 @ 17:00. Time limit for appeal: Friday, March 8 @ 13:00.

Please direct any inquiries towards:

Farid Iskandar
Chief Returning Officer
University of Alberta Students' Union