

Ruling #16 Summary

Misleading election activity between candidate and third party.

Parties to the Ruling

- Jacob Verghese, Chief Returning Officer
- Farah Elgaweesh, Vice President Academic Candidate

Elections Office Jurisdiction

This ruling refers to campaign activity within the election. It falls under the jurisdiction of the rules established by the Elections Office in the Nomination Package.

Applicable Bylaws, Rules, and Regulations

Bylaw 320: Elections, Plebiscites, and Referenda

Section 11(1):

Each Candidate or side manager shall act reasonably and in good faith, and specifically shall

- ensure that each Volunteer engaging in Campaign activities on their behalf is aware of all bylaws, rules, regulations, and orders;
- ensure that each Volunteer is in compliance with all bylaws, rules, regulations, and orders while engaging in Campaign activities on their behalf; and
- report any contravention of a bylaw, rule, regulation, or order to the C.R.O. immediately.

Section 11(5):

A Candidate or side in a Students' Union election may distance themselves from a third party in the event the third party effectively conducts Campaign activities under the following conditions:

- the Candidate or side must demonstrate to the C.R.O. that the third party acted without the consent of the Candidate or side; and
- the Candidate or side must demonstrate to the C.R.O. that steps have been taken to distance themselves from the third party and to attempt to halt unauthorized Campaign Activity by that third party.

Section 11(6):

Should a Candidate or side demonstrate the conditions specified under Section 12(5) to the C.R.O.'s satisfaction, the Candidate or side would not be subject to punitive fines as a result of the third party's actions, but could still be subject to counterbalancing fines.

Section 17 (1):

Where a Candidate, Volunteer, or side has contravened a bylaw, rule, or regulation, regardless of the cause or the intent of the parties involved, and that contravention has provided an unfair advantage to a Candidate or side, the C.R.O. shall assign a penalty that

- (a) fully counter-balances any advantage gained; and
- (b) where the contravention was intentional, penalizes the Candidate, Campaign manager, or side manager who was or whose Volunteer was guilty of the contravention.

Section 17(2):

Penalties available to the C.R.O. shall include

- (a) a fine to be counted against the Candidate's or side's Campaign Expenses;
- (b) the confiscation or destruction of Campaign Materials; and
- (c) limits, restrictions, and prohibitions on any type of Campaign activities for any period of time up to the commencement of voting.

Section 17(3):

The C.R.O. shall draft a schedule of fines and penalties as an appendix to the rules and regulations concerning this bylaw.

Section 17(4):

A Candidate or side shall be disqualified where they are guilty of a contravention that

- (a) cannot be counterbalanced by a lesser penalty;
- (b) is malicious or substantially prejudicial to another Candidate or side; or
- (c) involves tampering with ballots, voting procedures, or counting procedures.

Section 17(5): The C.R.O. shall investigate and rule upon every contravention of this bylaw or any other bylaw, rule, or regulation related to the election, plebiscites, or referenda.

Findings

The Election Office raises concern that Elgaweesh's campaign benefited from the third party "Students for Justice for Palestine". As made public in the ISU Forum on March 1st, Elgaweesh had direct involvement of SJP members on her campaign team. Evidence can be found in The Gateway's forum reporting: "Marija Cvetkovska, a member of Students for Justice in Palestine (SJP) and Vice-president (academic) candidate Farah Elgaweesh's campaign manager"¹.

The Election Office questions if this case counts as third party campaigning for Elgaweesh. During the campaign period, the CRO did not punish Elgaweesh for this involvement as the Election Office was still interpreting the unclear bylaw.

¹ The Gateway, 2024

<https://thegatewayonline.ca/2024/03/su-elections-2024-indigenous-students-union-forum-recap/>

Elgaweesh did not reach out to the Election Office to express any distance from SJP except for when she reached out after the ISU Forum on March 1st to express her distance from Prometheus Voaklander, an active member of SJP.

Ruling

While still somewhat unclear, Elgaweesh's relationship with the third party SJP may have had an impact on the integrity of the elections in regards to Bylaw 11(5).

Penalty

The CRO chooses not to fine or disqualify the candidate for this. The Election Office solely wishes to further emphasize the lack of clarity around third party bylaw and the degree to which SJP, as a third party, was involved in the 2024 General Elections.

Appeal

Rulings of the CRO may be [appealed to the DIE Board](#) by current undergraduate students, using the DIE Board Application Form, within 12 working hours of the ruling being posted. This ruling was posted at 4:45 PM on Monday, March 11th and the deadline for appeal is 9:45 A.M. on Wednesday, March 13th.