

Ruling #6 Summary

Misleading election activity between candidate and third party.

Parties to the Ruling

- Jacob Verghese, Chief Returning Officer
- Lisa Glock, Presidential 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

Glock admitted to interacting near the third party SJP election tabling activities in CAB during the two days prior to the election. During that time, the CRO saw Glock giving materials to an individual involved in the SJP activities. Glock admitted to giving out these materials, however with the intention of giving them personally and not for the SJP to distribute. The Election Office sees this as third party campaigning for Glock. However, the lack of intent sways the activity to a lesser severity.

Glock also expressed support for the SJP's tabling, as seen in a screenshot of her Instagram direct messages with the third party where she "liked" their story post of the tabling.

During the week of elections, another party – the Revolutionary Communist Party (RCP) – covered Glock's opponent's poster with their own RCP posters. Glock did not

strongly address any non campaign affiliations with the RCP. This also raises concerns regarding acting in “good faith”.

Glock did reach out to the Election Office the day prior to the commencement of voting (evening of March 5) with concerns regarding SJP’s activities and how they are not a part of her campaign.

Glock did not distance herself from SJP’s somewhat proxy campaigning until the Elections Office asked her to post a public campaign non affiliation in regards to SJP. Since meeting with the Election Office at 9:00 on March 6, Glock has respected the asks of the Election Office to the CRO’s satisfaction.

Ruling

While Glock’s relationship with SJP’s election activities do not seem intentional, her lack of action in regards to Bylaw 11(5) still has a significant impact on the integrity of the elections.

The Election Office recognizes that Glock complied with the CRO’s expectations since discussing the matter at 9:00 on March 6. However, this compliance does not erase the concerning campaign activity in the days prior, specifically from the SJP tabling on Monday March 4 until Glock’s communications with the election officials the evening of March 5.

Penalty

The Election Office does not wish to disqualify Glock from the election race as it is an extraordinary remedy.

Compensatory fine of \$100.00 for harm done to the fairness of the election. The damage was done despite Glock distanced herself from the other parties later on.

Compensatory fine of \$50.00 for unintentional and indirect interference in the fairness of the election regarding another party’s vandalizing of an opponent’s materials.

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 6:45 PM on Thursday, March 7th and the deadline for appeal is 11:00 AM on Monday, March 11th.