

Ruling #3

March 2015 Executive and BoG Election

Unapproved Materials: Multiple Banners in One Building – Blue Knox, Candidate for Vice President External

Parties to the Ruling

- Blue Knox, Candidate for Vice President External
- Adam Pinkoski, Campaign Manager for the Blue Knox campaign
- Dylan Hanwell, Candidate for Vice President External
- Jessica Nguyen, Chief Returning Officer

Applicable Bylaw, Rules, and Regulations

- Bylaw 2200 §48 (Penalties Available)
- Bylaw 2200 §36 (Banners)
- Rules & Regulations §3.3 (Posters and Banners)
- Rules & Regulations §3.1 (Material Approval)
- Schedule of Fines and Penalties, provided as per Bylaw 2200 §48

Facts

1. Blue Knox, candidate for Vice President External, was present at the mandatory candidates' meeting on February 12 at 18:00.
2. Rules & Regulations §3.3 (Posters and Banners) and Bylaw 2200 §36 (Banners) both limit candidates to no more than one banner on display in any building.
3. On Monday, February 23 at 10:45, Adam Pinkoski, Campaign Manager for the Blue Knox campaign sent the following email to the Chief Returning Officer regarding receiving permission to modify an already approved banner to make it suitable for the Chemistry East building:

Hi Jessica,

Our banner for chem hallway is a little long, we were wondering if we could cut it in half? Is this allowed or do we need to get a new banner for the area if we are not allowed to cut it?

Cheers
Adam

4. On Monday, February 23 at 12:24, the Chief Returning Officer, replied to Adam Pinkoski's email with the following:

Hey Adam,

You just want to use half of an approved banner? That works for me. No use in putting in extra work in this case!

Cheers,

Jessica

5. At 14:35 on February 24, 2015 Dylan Hanwell, candidate for Vice President External, sent the following email to the Chief Returning Officer regarding the Blue Knox campaign violating bylaw regarding multiple banners in one building:

Hi Jessica,

I just wanted to submit a complaint against Blue for having more than one banner in a building in the chemistry building. A photo is attached.

Cheers,
Dylan



6. On Tuesday, February 24 at 15:54, the Chief Returning Officer, notified the Blue Knox campaign team of the contravention to Bylaw 2200 in the following email:

Hi Adam and Blue,

I have a complaint that you have two banners up in Chem East and I am referring back to this email that I sent you yesterday, Adam. I said that you were able to cut your banner in half, but I approved you using half of your banner, not both halves next to each other. This constitutes having two banners in one building, which is not allowed. You can attach them together to create one horizontal banner, or just leave one half up, but I will need you to take them down in the next hour. Please send me a photo when it is fixed. Thanks for your cooperation.

Cheers,

Jessica

7. On Tuesday, February 24 at 15:57, the Chief Returning Officer received the following response from Blue Knox, candidate for Vice President External:

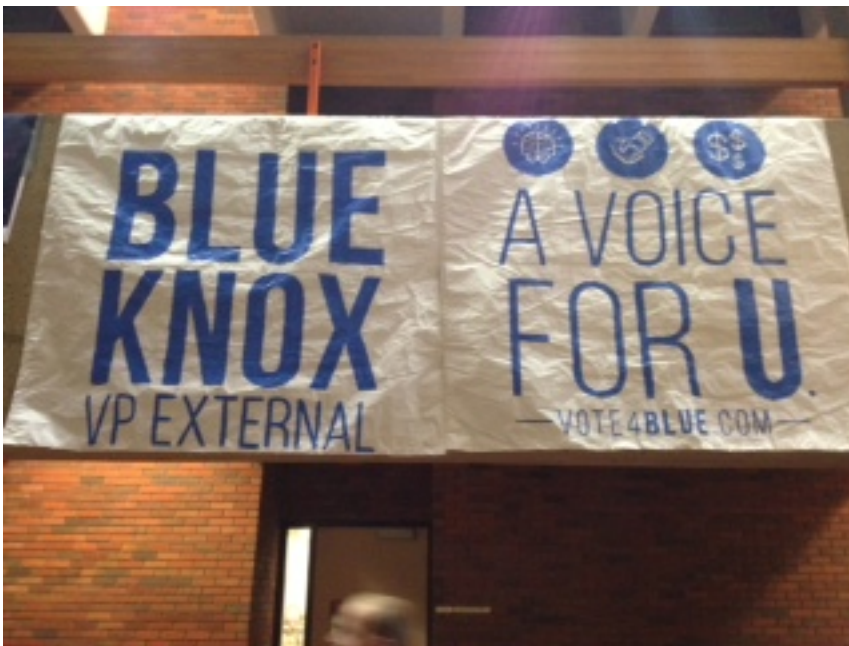
Hey Jessica!

Apologies for the confusion! We are fixing this immediately and will be emailing you a photo as soon as it's done!

Blue

8. On Tuesday, February 24 at 16:39, the Chief Returning Officer, received a follow-up email from Adam Pinkoski, Campaign Manager for the Blue Knox campaign:

Here is the fixed banner!



9. The Blue Knox campaign team informed the Chief Returning Officer that the banner in the two halves was up for approximately three hours before they received notification that it was in contravention of bylaw.

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. Blue Knox, candidate for Vice President External was in attendance at the mandatory candidates' meeting.

2. The rules and regulations state that no more than one banner may be on display in any building. Furthermore, regulations specify that candidates are responsible for informing their volunteers of elections rules.
3. As the banner was approved in its original vertical form, as well as approved for use if only one half was used, but not approved for use in its two separate halves, this is considered to be an unapproved campaign material.
4. The Schedule of Fines and Penalties affixed to the nomination package denotes that unapproved campaign materials will be issued a counterbalancing fine of removal of said campaign materials plus equal number of materials.
5. The Chief Returning Officer appreciated that the Blue Knox campaign expediently responded to the Chief Returning Officer regarding the contravention. The Chief Returning Officer was also satisfied the contravention was unintentional. No punitive fine shall be recommended.
6. The Chief Returning Officer recognizes that the difference between the banners in two separate halves and the banner taped together is minimal and as a result, does not believe the counterbalancing fine in the Schedule of Fines and Penalties should be applied for the entirety of the campaign period.

Penalty

1. The Blue Knox campaign will be required to remove the banner in Chemistry East, and two additional banners in buildings of their choice for a total of four hours (three hours for the unapproved banners being public for three hours, plus another hour required to fix the contravention) on the same weekday as the contravention occurred to account for similar traffic.
2. The Blue Knox campaign will be required to remove these three banners between the hours of 12:30 and 16:30 on Tuesday, March 3.

So decided on: Friday, February 27 @ 10:00. Time Limit for appeal: Tuesday, March 3 @10:00

Please direct any inquiries towards:

Jessica Nguyen
Chief Returning Officer
University of Alberta Students' Union