

DECISION OF THE DISCIPLINE, INTERPRETATION,
AND ENFORCEMENT BOARD

REQUEST TO APPEAL A DECISION BY THE CHIEF RETURNING OFFICER

DATE:

Wednesday March 5, 2003

D.I.E. BOARD MEMBERS PRESENT:

Chris Samuel, Chair

William McBeath

Debora Philips

Jason Tobias

Vincent Tong

APPEAL DETAILS:

APPELLANT: Kyle Kawanami

RESPONDENT: Alexandra Taylor, Chief Returning Officer (C.R.O.)

SUMMARY OF ALLEGATION AND RESPONSE:

Mr. Kawanami believes that the posters that the Elections Office is using to advertise the elections do not convey a balanced ideological message. Specifically the posters stating “I’m voting because environmental sustainability is a top priority” and “I’m voting because I want to see more protests for the accessibility of education” advantage those candidates who supported such initiatives while disadvantaging those candidates who did not. Consequently, the C.R.O. is in breach of Bylaw 2500 Section 5b, which requires the C.R.O. to perform those duties normally required of a Chief Returning Officer, namely to preside over an equitable and impartial election.

DECISION:

The D.I.E. Board believes that the two posters in question, while advertising the voting dates for the Students’ Union elections, also conveyed a political message. By citing certain reasons, which have strong political overtones, for voting, the C.R.O. has positioned the Students’ Union elections, which must remain independent, as endorsing these policies. To counteract this endorsement, the C.R.O. should have issued posters citing reasons with the opposite political overtones for voting. Since this was not done, the C.R.O. has essentially politicized its election advertising campaign, and, as a result, the C.R.O. is in breach of Bylaw 2500 Section 5b because a politicized election advertising campaign is not conducive to an equitable and impartial election. The D.I.E. Board believes, however, that the impact of this biased election advertising campaign is minimal and recommends no formal penalties or compensatory actions.

RECOMMENDATIONS:

To prevent this situation from arising in future elections, the D.I.E. Board recommends the following:

1. that specific political statements not be used in any election advertising campaign;

2. if political statements are to be used, that they are properly balanced with counter-statements; and
3. that greater scrutiny, beyond just the C.R.O., be given to any election advertising campaign, possibly through the involvement of a committee.

NOTE: The decision and recommendations of the D.I.E. Board were not unanimous- there were two dissenting opinions.

The Discipline, Interpretation and Enforcement (D.I.E.) Board functions as the judicial branch of the Students' Union, and is responsible for interpreting and enforcing all Students' Union legislation. If anyone has any questions regarding the D.I.E. Board, feel free to contact the Chair, Chris Samuel, at dieboard@su.ualberta.ca .