

Discipline, Interpretation and Enforcement (DIE) Board

Ruling of the Board

Re. Campaign Materials

Ruling: # 11

Date heard: February 17 2006

Appearing for the D.I.E. Board:

Presiding Chair: Jaimie Gruman

Tribunes: Alan Cliff, Kanchana Fernando

Referring Party:

Rachel Woynorowski – Chief Returning Officer

Intervenors present:

None.

Case summary:

The referring party asks whether material produced by the elections office containing information about candidates, slates, and plebiscite sides (e.g., the Gateway supplement) constitute campaign materials. The panel finds that, in general, they do not. The panel further rules that costs associated with such materials are not considered to constitute campaign expenses. The panel also determines that the elections office is not restricted from distributing these materials during voting.

RELEVANT LEGAL PROVISIONS

Bylaw 2100 s.2(d) defines campaign activity as “any act, planned or organized on behalf of any candidate or slate, that is calculated to draw attention to that candidate or slate’s candidacy.”

Bylaw 2100 s.2(n) defines campaign materials as “physical or electronic media produced or distributed as part of campaign activities.”

Bylaw 2100 s.2(f) defines campaign expenses as “expenditures incurred in engaging in campaign activities.”

Bylaw 2100 s.106 states that “during voting, candidates shall not encourage members to vote or engage in any campaign activities.”

REFERRED QUESTIONS AND SHORT ANSWERS

Question 1: Are materials produced by the Elections Office considered campaign materials where each candidate (campaign side) in a race is given an equal opportunity to participate?

Short Answer: No.

Question 2: Are the materials mentioned above considered to be campaign expenses, and should these be included in a candidate's final budget?

Short Answer: No.

Question 3: Can the Elections Office distribute these materials during voting?

Short Answer: Yes.

SUPPLEMENTARY ANALYSIS

Under *Bylaw 2100* s.2(n), campaign materials are “produced or distributed as part of campaign activities,” which, under s.2(d) are “planned or organized on behalf of any candidate or slate [and] calculated to draw attention to that candidate or slate’s candidacy.” As long as materials produced by the Election Office are calculated to draw attention to the election as a whole, or a particular race, rather than any single candidate or slate, they are not campaign materials. As the production and dissemination of these materials does not constitute a campaign activity, costs incurred are not campaign expenses and need not be included in candidates’ budgets.

Bylaw 2100 s.106 restricts candidates from “encourag[ing] members to vote [and] engag[ing] in any campaign activities” during voting. As long as the elections staff are not candidates, s.106 does not prevent them from distributing election information and encouraging members to vote.

The Discipline, Interpretation And Enforcement (D.I.E.) Board functions as the judiciary branch of the Student’s Union, and is responsible for interpreting and enforcing all Student’s Union legislation. If anyone has any questions regarding the D.I.E. Board, feel free to contact the Chair, Alex Ragan, at ea@su.ualberta.ca .