

DIE Board Ruling 2013-2

Hearing Details:

Style of Cause: Interpretation of Bylaw 2300

Hearing Date: February 3rd, 2014

Hearing Number: Ruling # 02 2013/14

DIE Board Panel Members: Sean Wallace, Chief Tribune

Eve Coppinger, Tribune

Zafir Kanji, Tribune

Issues:

[1] Does Bylaw 2300 s 6(3)(c) allow a proposed election nominee to include their slate name as part of their given name (e.g., John Doe, *Slate Name*)?

[2] If not, then is “John Doe, *Slate Name*” a joke candidate by default, pursuant to Bylaw 2300 s 2(j)?

Relevant Legislation:

[3] From Bylaw 2300

2. Definitions

In this bylaw

...

j. “joke candidate” shall be any candidate who chooses not to use his/her given name or a reasonable

derivative of his/her given name when appearing on the ballot;

6. Candidate Nomination Packages

(3) Valid nomination packages shall contain

...

(c) a statement, signed by the proposed nominee, identifying the name under which he/she wishes to appear on the ballot, and papers soliciting the names, faculties, years, signatures, and student identification numbers of at least ten (10) members registered in the same faculty as the nominee as nominators;

Decision:

The Panel was unanimous in their decision

[4] The Panel notes that outside general rules on candidate endorsements, Bylaw 2300 is silent with respect to slates.

[5] The wording of Bylaw 2300 s 6(3)(c) may be interpreted to suggest that proposed nominees may identify themselves by **any** name he/she wishes. The Panel disagrees with this interpretation; there are reasonable limitations that were intended by this Bylaw.

[6] This finding is supported by the very existence of joke candidates, who by definition are candidates who choose not to use his/her given name or a reasonable derivative of his/her given name when appearing on the ballot. Similarly, the Panel finds that the term “name” in s 6(3)(c) was intended to be construed as one’s given name or reasonable derivative of one’s given name.

[7] The Panel agrees that a reasonable derivative of one's given name does not include a proposed nominee's slate. The term "reasonable derivative" was intended to accommodate preferred names. This would include, for example, the shortening of one's first name (e.g., Alex instead of Alexander), a reasonable modification of one's given name (e.g., Bill instead of William) or the preferred use of one's middle name. A slate, while demonstrating one's affiliation, bears no relation to a candidate's given name.

[8] Accordingly, if a proposed nominee chose to include their slate name on the ballot, the Panel agrees that the individual would be a joke candidate pursuant to Bylaw 2300 s 2(j). Though this would not be the proposed nominee's intention, it is the only alternative available to candidates who include more than their given name or a reasonable derivative of their given name on their nomination form.