

DIE Board Ruling 2013-6

Hearing Details:

Style of Cause: Woods v CRO

Hearing Date: March 4th, 2014

Hearing Number: Ruling # 06 2013/14

DIE Board Panel Members: Sean Wallace, Chief Tribune

Ryan Berget, Tribune

Nakul Bhatia, Tribune

Issues:

[1] Did the CRO err in not issuing a penalty to Candidate Lau in CRO Ruling #10 regarding the “Use of posters during the Lister Forum in Lister Hall”?

[2] If so, what is the appropriate remedy?

Relevant Legislation:

[3] From Bylaw 2200

18. Myer Horowitz Forum

(2) The C.R.O. shall chair the Myer Horowitz Forum and shall enforce the following rules;

...

d. no campaign materials shall be distributed during the Myer Horowitz Forum in the room in which the Myer Horowitz Forum is held.

31. Restrictions on Campaign Activities

(1) No candidate or side shall, without the permission of the C.R.O. engage in any campaign activity

...

d.in any residence;

[4] From CRO Ruling #9

*During the pre-campaign period, William Lau obtained permission from the CRO to use a mobility device during the campaign period because of a broken ankle. **Candidate Lau was also given permission to affix campaign material to this mobility device for the purposes of campaigning for the position of President during the campaign period.** This material is considered to be similar to candidates dressing in costume, or wearing poster-boards as part of their campaign activities.*

[5] From CRO Ruling #10

*Bylaw 2200.31(1.d) does prohibit campaign activity in the residences on campus. However, if this bylaw were to apply to all areas in Lister Hall during the campaign period, the Forum itself could not take place, since the hour of speeches by candidates are intended to convince members of the audience to make voting decisions during the upcoming elections. **Since the Lister Forum is a campaign event, it would not be reasonable to permit some campaign activities such as speeches, and prevent other activities such as carrying posters.***

Decision:

The Panel was unanimous in their decision

[6] All parties agreed that Candidate Lau was observed entering the Lister Cafeteria, where the Lister Hall forum was being held with campaign materials affixed to his mobility device.

[7] The Panel finds that Bylaw 2200(18)(2)(d) is not applicable in this instance. This subsection refers only to the Myer Horowitz forum.

[8] The Panel finds that the term “residence” includes Lister Hall cafeteria.

[9] The CRO found that “[s]ince the Lister Forum is a campaign event, it would not be reasonable to permit some campaign activities such as speeches, and prevent other activities such as carrying posters.” The Panel does not agree with this interpretation. While speeches are a necessary part of campaign forums, it would not have been unreasonable for Candidate Lau to remove his poster or cover it up while at the residence.

[10] Therefore, the Panel finds that Candidate Lau did unfairly engage in campaign activity in a residence. The CRO erred in his interpretation of Bylaw 2200(31).

[11] However, the Panel does not find Candidate Lau in contravention of Bylaw 2200(31). The explicit wording of the Bylaw states that “[n]o candidate or side shall, **without the permission of the C.R.O.** engage in any campaign activity... in any residence.”

[12] CRO Ruling #9 clearly states that Candidate Lau obtained permission from the CRO to affix campaign material to his motorized scooter. The CRO was also present at the Lister Hall

forum, and did not object to the campaign material at that time.

[13] Although Candidate Lau did unfairly engage in campaign activity in a residence, he did so with the permission of the CRO. Therefore, the Panel agrees that Candidate Lau is able to rely on the CRO, and on that basis no penalty can be assessed.