



University Students' Council of the University of Western Ontario  
**ELECTION REGULATIONS: SPRING 2012**

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**AUTHORITY:** Elections Committee

**RATIFIED BY:** Elections Committee  
January 11, 2012

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**RELATED DOCUMENTS:**

- Bylaw #2

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**PURPOSE:**

The following Regulations set out how the Election Committee will interpret sections of Bylaw #2 that it views as ambiguous. These Regulations are created under the authority of section 3.02(3) of Bylaw #2, and are only valid insofar as they are consistent with Bylaw #2.

**1.00 PRE-CAMPAIGNING**

1.01 Section 11.01(1) is a short provision which prohibits pre-campaigning. 11.04(1) specifies an 8 point violation for pre-campaigning, which can be increased further if the violation is multiple (i.e. multiple pieces of material or in multiple locations). The committee's view of this penalty is as follows:

- (1) The Committee is sympathetic to the fact that candidates have had no formal orientation to the rules in advance of the nomination period. Consequently, if the violation stemmed from what the Committee determines to be an innocent misunderstanding of the rules, it will reduce the 8 point penalty by half (to 4 points).
- (2) It is entirely acceptable to form a campaign team in advance of the election period. However, candidates must be discrete in their recruitment of team members. The abuse of mailing lists and facebook groups, established for other purposes, is considered a form of pre-campaigning.
- (3) It is acceptable to establish a campaign Facebook group before the start of campaigning, provided that the group is hidden from public view, and invitations are only sent to established campaign team members. Blast invitations to people unassociated with the campaign is viewed by the Committee as pre-campaigning.
- (4) The Committee will not necessarily penalize a candidate if his or her campaign websites is active in advance of the campaign period. A certain allowance is permitted for testing of the website, provided that the website is not advertised, and it is only active for a short time.
- (5) Announcing candidacy is viewed as potentially influencing voters. While it is sometimes a poorly kept secret that someone is going to run for a position, it is nevertheless inappropriate for a candidate to deliberately publicize their candidacy. The vast majority of campaigning during the campaign period consists of promoting the simple fact of candidacy, which suggests to the Committee that this is clearly a means of influencing voters.



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### **2.00 POST-CAMPAIGNING**

2.01 Section 11.01(4) limits the campaigning that can occur during the two voting days.

- (1) This section is silent on whether signs and posters can remain posted. However, section 11.01(16) clearly contemplates that materials are still posted up to 48 hours after the close of balloting. Therefore the Committee's view is that no "new" campaigning can occur during the voting days. This means that candidates cannot put up new posters/signs, and cannot do any in-person campaigning, (except as specifically permitted by the Committee).
- (2) Facebook messages (i.e. "electronic messages") may be sent during the voting days, but Facebook advertising may not be run during this time. Although 11.01(4)(i) permits "online campaigning", the Committee is of the view that this refers to things like posted websites, Facebook pages, Facebook messaging, and Twitter messaging. The difference with continued Facebook advertising is that it costs money.
- (3) 11.02(6) provides that receipts must be submitted by 4pm on the last day of campaigning. Consequently, no new expenses can be incurred after this time.

### **3.00 SOCIAL MEDIA**

3.01 Section 11.01(21) Extends the application of section 11.01(20) to "the use of social media". The exact way in which the rules translate to these mediums is unclear. The Committee takes the following views:

- (1) The accumulation of Twitter followers, if directly associated with holding a position in an organization on campus, is viewed as a "tangible benefit" conferred by virtue of that position, in accordance with 11.01(17). Consequently, any candidate who has developed such a following may not use that Twitter account to promote his or her candidacy. An example would be an "atGazette" Twitter account.

### **4.00 ASSESSMENT OF VIOLATIONS**

4.01 The Committee will reach decisions using a "balance of probabilities" standard, with the candidate receiving the benefit of the doubt. This means that the committee must conclude that it is more probable than not that a candidate has committed a violation before it assesses a penalty.

4.02 11.04(4) allows complaints to continue to be submitted within 5 days of the close of balloting. In accordance with section 1.09, "days" means school days, and balloting closes on February 15<sup>th</sup>. This places the deadline for submission of complaints at February 28<sup>th</sup> (delayed because of Reading Week). The announcement of the "winners"



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during the Election Results show does not preclude the possibility of subsequent disqualification.

### 5.00 MISCELLANEOUS

- 5.01 Section 9.03(2), which sets out the criteria for names being placed on the ballot, allows for “reasonable derivations” of the legal names of candidates. When evaluating whether a derivation is reasonable, the committee will primarily be concerned with whether the candidate ordinarily goes by the name listed. Some people have names that are entirely different than their legal name (e.g. if they have a non-English name which is difficult for others to pronounce). So long as it is not a silly nick name (like “Maverick”), the Committee has no issue allowing it on the ballot.
- 5.02 Section 11.01(18) gives the Committee discretion to impose the FMV of campaign materials onto Candidates’ budgets, even if they are produced and distributed without consent. This is simply a matter of ensuring financial equality amongst candidates. Unless the expenses have been deliberately concealed, there is no demerit point penalty associated with this rule. However, candidates who wish to control their budgets would be wise to discourage such activity.
- 5.03 Section 11.02(7) gives the Committee discretion to refuse reimbursement for “unreasonable” expenses. The Committee will not evaluate the strategic wisdom of an expense. The only requirement is that the campaign expense is directly connected to the goal of influencing voters. Examples of expenses that might be unreasonable are those that are only remotely connected to campaigning, like food and gasoline.
- 5.04 Section 11.02(10)(v) provides a broader power to refuse reimbursement, without reference to a criteria of “reasonableness”. However, the Committee will always apply the standard of reasonableness described above.
- 5.05 The Committee will consider partial reimbursement where a campaign expense has an enduring benefit beyond the campaign period. The FMV (i.e. the contribution to the campaign budget) would also be adjusted accordingly. The Committee would attempt to pro-rate the expense over duration of its use for the campaign.
- (1) Website costs are a particularly common example. The Committee will generally pro-rate the total cost of website services over a 1 month period (allowing some time in advance of campaigning to develop the website).
  - (2) Another possible example is tools. Candidates will not be assessed or reimbursed the full cost of things like scissors, hammers, or cordless drills, which have a 10+ year lifespan.



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- i. If the value of the tool is less than \$100, and it has a multi-year useful life, then the cost need not be reported, and will not be assessed against the campaign budget.
- ii. If a tool is used for the purposes of campaigning, and its value exceeds \$100, it must be declared, even if it was not purchased specifically for the campaign. The Committee's general policy will be to assess and reimburse 5% of the retail cost (unless a more precise rental rate is available)