

Team DiBrina vs. University Students' Council Elections Governance Committee

On Wednesday, January 18th, Team DiBrina submitted a violation complaint against Team Tobi on the basis of violating Section 11.7 (Pre-campaigning) of By-law #2, which reads:

“Candidates and prospective candidates are not permitted to influence or attempt to influence voters prior to the campaign period, including, for example, through the posting of material designed and/or likely to influence voters. Candidates and prospective candidates may engage in activities related to planning a campaign or assembling a campaign team and may answer questions from the media with regard to election plans.

***11.7.1** The Committee reserves the right to find a candidate or prospective candidate in violation of this By-law if the actions taken by the candidate or prospective candidate in preparing for the campaign are adjudged to be designed/likely to influence voters.”*

The nature of the complaint was related to the sharing of a Western Gazette article announcing Team Tobi's candidacy for USC Executive. This article was released on Monday, January 9th, less than a week prior to the official start of campaigning. The post received 40 shares on Facebook, with many containing additional content written by the person who shared the post.

There are approximately three types of content that each share could be classified/segmented as:

1. **Informative:** These are simply announcing (with some excitement) that Team Tobi had announced their candidacy. Examples are included in Appendix A.
2. **Influential:** These are posts that provided more context to the announcement, with some posts touching on the members of Team Tobi's past experience and how that would make them suitable candidates for USC Executive. Examples are included in Appendix B.
3. **Action-Oriented:** These are posts that directly relate to an action (in this case voting) by implication or direct reference. Many posts include statements telling people that they should vote for Team Tobi in the upcoming election. Examples are included in Appendix C.

Team DiBrina does not contest any shares/posts that could be classified as Type #1. However, both Types #2 and #3 explicitly violate the provision of actions “*designed/likely to influence voters*”.

Posts that are included under Type #2 should be determined as likely to influence voters to cast their ballot for Team Tobi since they make definitive statements about their leadership and experience (among other things), which is likely to have at least some influence over voters.

Posts that are included under Type #3 should all be determined to be violations. A specific statement to cast a vote for any candidate must reasonably be seen as “*designed/likely to influence voters*” as they are requesting a specific action of voters.

In the Chief Returning Officer’s (CRO) response, she stated:

“After further investigation I have deemed this to not be a violation. None of the individuals who shared the post were part of the core campaign team.

It is extremely common for students to share the gazette articles, this occurred for all slates, including Team Dibrina.”

This statement is problematic for numerous reasons. Firstly, she states that none of the individuals who shared the post were part of the core campaign team. There is no reference throughout By-law #2 that limits or suggests pre-campaigning rules apply to only core campaign team members. More specifically, in the entirety of By-law #2 it does not contain the word ‘core’ once.

Furthermore, many of the students who shared the post were active volunteers for Team Tobi throughout the campaign period. It is public knowledge that Team Tobi decided to run in this election around the middle of summer 2016 (we invite Team Tobi to dispute this fact if they wish). Given this, they had also begun to contact potential campaign volunteers between the summer and January (Again, we invite Team Tobi to dispute this fact if they wish). Moreover, many of the students who shared the post are members of Western’s Greek community, including Phi Gamma Delta (FIJI), which both Mr. Solebo and Mr. Tulk of Team Tobi are active members of. Therefore, it is highly reasonable that they were informed of Team Tobi’s candidacy prior to it being announced and had been solicited to help with the campaign. Furthermore, many of the students who shared the post were campaign volunteers for Team Tobi, making it

reasonable that at least some of them were approached by the release of the article. Given this, they were sharing the posts as an arm's-length party or campaign volunteer and the posts were likely to have an influence on voters, therefore violating the Pre-campaigning provision.

Additionally, the CRO stated that it is extremely common for students to share Gazette articles. While this is true, its commonality does not have any bearing on whether it violates the pre-campaigning provision. Furthermore, given how many of the students who shared the post were campaign volunteers, it cannot be passed off as unrelated instances.

Given the broad range of people who likely saw the shares and amount of total engagement with the posts (likes/comments), it is reasonable that these posts influenced or were likely to influence voters. Moreover, since the shares occurred within the week leading up the campaign, they had the potential to be much more significant than posts shared before the Winter break.

Overall, the Appeals Board should find that the CRO was unreasonable in dismissing the violation as she ignored many aspects of By-law #2, Section 11.7 and that it should count as a violation. This includes making an improper distinction between core campaign members and arm's length parties as well as using an action's commonality as rationale for it not to be a violation. The Appeals Board should sanction Team Tobi with a major or minor violation for this offence.