

Team DiBrina vs. University Students' Council Elections Governance Committee

On Monday, January 30th, Team DiBrina submitted a violation allegation against Team Tobi pertaining a breach of Section 11.11 (Campaigning During the Voting Period) of By-law #2, specifically 11.11.2, which reads:

“Candidates and their volunteer(s) shall not campaign at any location, on or off of the University’s campus. This prohibition includes, but is not limited to, the distribution of physical campaign materials, campaign rallies, and approaching students to solicit votes.”

The complaint alleged that Team Tobi violated this statute by having multiple members of their campaign team continue to wear their “Team Tobi T-shirts”, which contained the team logo, throughout the voting period. The complaint included photo evidence of the girlfriend of Mr. Tulk (Team Tobi’s vice-presidential candidate) wearing the t-shirt while studying in Weldon Library. Moreover, we can produce many eye-witnesses that would assert that other members of Team Tobi’s campaign team, including Mr. Tulk himself, continued to wear the campaign t-shirt. This includes additional evidence of Mr. Tulk wearing the t-shirt during the voting period. Should Team Tobi wish to dispute this fact, we can produce eye-witnesses to attest to this. Both of these instances can be found in Appendix A.

Based on the definition in By-law #2 (1.3) the t-shirt would be classified as a Campaign Material.

The Chief Returning Officer (CRO) dismissed this complaint by stating:

“Existing physical campaign materials are allowed to still exist, similarly to leaving bag tags on backpacks. T-shirts and campaign material that have been previously distributed by candidates during the campaign period are not a violation of post-campaigning.”

This statement is flawed. In her statement she compares the wearing of t-shirts to leaving bag tags on backpacks.

There is a significant difference between these two types of campaign materials. Firstly, bag tags are a binary type of campaign material in the sense that once they are attached to a bag it is reasonable that they would not be removed throughout the duration of the election period. Moreover, someone would have to choose to remove the bag tag prior to the voting period. Considering how many bag tags are distributed throughout a campaign this is would be unreasonable to mandate, and is why their removal is not required.

Oppositely, t-shirts are an item that would be reasonably put on and taken off intermittently throughout the election period. Moreover, someone would have to choose to take off the t-shirt and to put it back on, a choice that is not available with most types of bag tags. Therefore, members of Team Tobi’s campaign team chose to wear the t-shirts during the voting period, both on and off campus, when they could have chosen not to.

Additionally, the amount of bag tags versus T-shirts distributed would be substantially different (viewing Team Tobi's expense report should indicate how many were purchased, but Team DiBrina purchased approximately 400 bag tags and no t-shirts). Given how few were likely distributed it is reasonable for members of Team Tobi's campaign team to refrain from wearing the t-shirts during the voting period. Moreover, bag tags are distributed to a wide range of students, from core team members to general supporters. However, given their cost, it is reasonable and likely that Team Tobi only distributed the t-shirts to active core team members or volunteers. Therefore, there is a distinct difference in the type of student who received each type of campaign material and it is reasonable that the core team should have refrained from wearing the t-shirts during the voting period.

Choosing to wear the T-shirts is a clear violation of Section 11.11.2 as any place they went with these campaign materials there was the potential to influence "at least one voter". Based on definitions within the By-law it can also be considered to be campaigning.

This would have been different had they just worn their campaign colour (red). However, wearing the t-shirt makes it campaigning/campaign material as the t-shirt includes their campaign logo and website address. As well, all candidates from the other two slates (Team DiBrina and Team Jan/Mohammad) purposely refrained from wearing their campaign colors during the voting period as not to directly or indirectly influence voters. The fact that Mr. Tulk continued to wear the t-shirt should be seen as violating this provision since he is a candidate and had a reasonable expectation that wearing the t-shirt would identify him as such, therefore giving Team Tobi extra promotion and potential influence on voting days.

Overall, the Appeals Board should find that the CRO erred in her judgment that all existing campaign materials should be classified and allowed similarly. Moreover, the Appeals Board should find that Team Tobi violated Section 11.11.2 as actively wearing the t-shirts constitutes campaigning with campaign materials during the voting period. Therefore, the Appeals Board should sanction Team Tobi with a minor violation for this offence.