

ELECTORAL BOARD DECISION JANUARY 29, 2013

The Electoral Board met on January 29, 2013. Members appointed this year are Devin Harm, Vanessa King and Jim Kennelly (Ombudsperson).

The Board heard three appeals and the summary of the decisions is as follows:

Appeal #1—came from Arun Smith. The CEO had assigned a violation stating Mr. Smith was campaigning within the 10 metre limit set by the CEO.

The Appellant argued that most, if not all, other areas establishing this 10m limit are ‘taped off’ to point out the 10m boundary.

The Board felt that it was not necessary to tape off the areas. Emails sent out by the CEO made it clear that no campaigning was to take place within the 10m boundary. The Board felt it was reasonable to expect a candidate to know this rule. The candidate should be able to calculate the 10m boundary on his own.

The appeal is denied and the CEO violation stands.

Appeal #2—This appeal came from Alex Golovko of the A Better Carleton slate. Mr. Golovko was assigned a violation by the CEO based on the document sent to every student describing the health plan changes. This letter also included a \$20 refund cheque to cover the reduction in the health plan fee.

The CEO believed the timing of the letter may have jeopardized the “integrity” of the election. The CEO also stated that this was an “attempt to advertise” the work done by the Better Carleton slate just before the elections.

The Board felt that the work of CUSA cannot stand still even though candidates may be running for a second term. The work for the release of this cheque started in November. It was quite clear that this new health plan had been established and it was hoped that it could result in a reduction in fees.

The administrative work related to the letter was done in early December. The CEO recognized that the sending of the letter “was delayed by the Health Insurance provider”. This resulted in the letter arriving just prior to the early election dates of 2013.

Mr. Golovko as the current President of CUSA sent the letter in the time frame of his term.

The Board finds that this letter is not in contravention of the rules and should not be considered as advertising for the upcoming election.

The Board agrees with the Appellant and withdraws the violation.

Appeal #3—the Electoral Board heard an appeal from Sam Heaton. Mr. Heaton had brought his concern to the CEO and the CEO had decided his concerns did not merit violations. Mr. Heaton has appealed to the Electoral Board. He has stated that he believes there were two violations of pre-campaigning.

Photographs were changed on the CUSA website and Facebook page. The members of the executive had provided new photos for posting. Mr. Heaton believes this was pre-campaigning.

The CEO had explained that this was at his request. The CEO did not think it appropriate to have a slate mentioned on these pages. He asked CUSA to remove the slate name and post new photos.

The Board does not believe this gave anyone an unfair advantage. The appeal is denied and the decision by the CEO is supported.

All three decisions were unanimous among the members of the Electoral Board.

Jim Kennelly
Chairperson, Electoral Board