

Ruling #16

March 2014 Executive and BoG Election

Use of Third Party Social Media to Promote A Candidate

Parties to the Ruling

- William Lau, Candidate for President
- Wayne DeFehr, Chief Returning Officer

Applicable Bylaws, Rules, and Regulations

- **Bylaw 27. Third Party Activities**

(1) A candidate or side in a Students' Union election may distance themselves from a third party in the event the third party effectively conducts campaign activities under the following conditions:

 - a. the candidate or side must demonstrate to the C.R.O. that the third party acted without consent of the candidate or side; and
 - b. the candidate or side must demonstrate to the C.R.O. that steps have been taken to distance themselves from the third party and to attempt to halt unauthorized campaign activity by that third party.

(2) Should a candidate or side demonstrate the conditions specified under Section 27(1) to the C.R.O.'s satisfaction, the candidate or side would not be subject to punitive fines as a result of the third party's actions, but could still be subject to counterbalancing fines.
- **Bylaw 30. Endorsements**

(1) Any member with the exception of the C.R.O, the D.R.O.s, and incumbent members of the Executive Committee who are not also candidates shall be free to endorse any candidate.
- **Bylaw 35. Use of Social Media and Public Internet Ventures**

The C.R.O. shall be kept privy to elections-related social media and public Internet ventures undertaken by candidates, and reserves the right to penalize candidates for any violation of this bylaw or related regulations.
- **Rules and Guidelines 2.4. Budget Limits**

Bylaw 2200, Section 42 establishes the following budget limits:
1) Executive Candidates: \$550.00
Candidates who exceed these budget limits will be disqualified.
- **Rules and Guidelines 3.17. Internet and Email Policy**

"Mass emails" to unofficial groups (e.g. lists of your friends from your personal address book) are not permitted.

Facts

1. It is expected that all candidates are familiar with the Election Bylaws and with the Regulations and Guidelines in the Nomination Pack.
2. The complainant has brought to the attention of the CRO the following information:
 - A.
 - a. February 27th On the CSSA RenRen page (<http://page.renren.com/600749567>) posted campaign photos for William Lau. This is a private site equivalent to a mailing list. Due process for a post like this outlined by the GFC Nomination Package 3.17 was not followed and other candidates were not given equal opportunity for publicity.
 - b. March 6th On the Chinese students association social media page (<http://page.renren.com/600749567>) campaign photos for William Lau were posted. This is a private site equivalent to a mailing list. Due process for a post like this outlined by the GFC Nomination Package 3.17 was not followed and other candidates were not given equal opportunity for publicity.
 - B. Attached are screen shots proving that on February 27th and March 6th posts were made advocating William Lau for Student Union President on a Student Group mailing list without due process. (Appendix 1,C)

The second screenshot (Appendix 1,B) shows that there is a 3937 person audience for this post.

The third screenshot (Appendix 1,C) shows another post made on March 6th advocating the audience to vote for William Lau.

Appendix 1

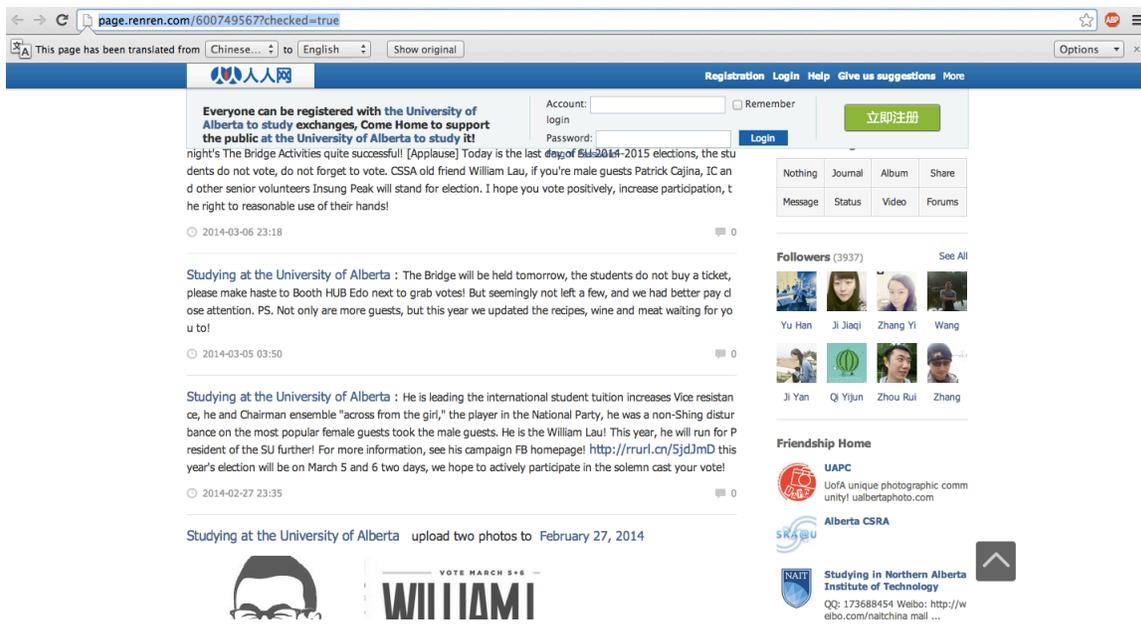
A.

The screenshot shows a Renren page with a blue header. The main content area features a post with the text: "Everyone can be registered with the University of Alberta to study exchanges, Come Home to support the public at the University of Alberta to study it!". Below the text is a date "2014-03-05 03:50" and a "0" comment count. The post includes a link to a campaign page: "http://rurl.cn/5jDmD". To the right of the post is a login form with fields for "Account: login" and "Password:", a "Remember" checkbox, and a "Login" button. Below the login form is a "立即注册" (Register Now) button. The right sidebar contains several widgets: "Friendship Home" with logos for UAPC, Alberta CSRA, and NAIT; "May be interested in Home" with icons for All TV, 90, and Micro.

B.

The screenshot shows a Renren page for "Studying at the University of Alberta". The page has a blue header and a main content area. The title "Studying at the University of Alberta" is prominently displayed, followed by "3937 Followers" and a "关注" (Follow) button. Below the title is a description: "University of Alberta | ChineseStudentsandScholarsAssociation Forum: bbs.uacssa.ca". The page includes a "Home hotspots" section with two items: "UA FAQ, freshmen students must see ..." and "2014 UACSSA ...". There is also a "novelty" section with a post dated "2014-03-06 23:18" and a "0" comment count. The right sidebar features a "Content Navigation" table with links for "Nothing", "Journal", "Album", "Share", "Message", "Status", "Video", and "Forums". At the bottom right, there is a "Followers (3937)" section with a "See All" link.

C.



Ruling

1. The complainant erroneously refers to the GFC Nomination Package when the Rules and Guidelines that are applicable in this case are found in the Executive Nomination Package.

However, according to Rules and Guidelines 3.17 in the Executive Nomination Package, candidates are prohibited from sending “mass emails to unofficial groups (e.g. lists of your friends from your personal address book).” A mass emailing has been indicated by the evidence above. However, the question not addressed by this evidence is whether Mr. Lau was responsible for initiating these email endorsements, and this is a key element in Rule 3.17.

It should be noted that Bylaw 27 on Third Party Activities, is also applicable in this case. This bylaw states that candidates must distance themselves from any unauthorized third party activity by contacting the CRO and detailing the ways that distancing and disavowing from the third party campaigning is taking place. Although Mr. Lau was in contact by email with the CRO throughout the pre-campaign and campaign periods, no mention was made of the third party campaigning that was being conducted on his behalf.

Penalty

According to the schedule of counter-balancing fines outlined at the end of the Executive Nomination Package, the Violation of Unsolicited Campaigning, (including mass emails) is \$10.00 + .10 applied for each individual reached if emails or social media is used. According to the screenshot, the third party email announcement reached 3,937 individuals. Mr. Lau is not being held responsible for the initial email in this ruling, but for the subsequent one. $3,937 \times .10 = \$393.70 + \$10.00 = \$403.70$. Therefore a counter-balancing fine of \$403.70 will be applied to Mr. Lau's budget. Since Mr. Lau has spent \$346.62 according to his own records, $\$403.70 + \$346.62 = \$750.32$. According to Bylaw 2200 Section 42, and Rules and Guidelines 2.4, candidates who exceed their budget limits will be disqualified. With the counter balancing fines applied to Mr. Lau's campaign budget, he exceeds his budget limit by \$200.32. Therefore Mr. Lau is disqualified as a candidate for President.

So decided: Monday, March 10, 2014 at midnight. Time limit for appeal: Tuesday, March 11, 17:00.