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Item #8

**UNIVERSITY OF TORONTO
THE GOVERNING COUNCIL**

REPORT NUMBER 28 OF THE ELECTIONS COMMITTEE

March 18, 2002

To the University Affairs Board,
University of Toronto.

Your Committee reports that it met on March 18, 2002 in the Forster Room, Simcoe Hall, as Elections Overseers, in accordance with Section 12 (f) (i) of Appendix C of the *Election Guidelines 2002*, with the following members present:

Professor Brian Corman (In the Chair)
Ms Karen Lewis
Mr. Andrew Morgan
Mrs. Susan Scace

Regrets:
Ms Shirley Hoy

Secretariat:
Ms Cristina Oke

In Attendance:

Mr. David Melville, Member of the Governing Council
Mr. Mark Braun, Candidate, Graduate Students' Constituency 1, Governing Council elections
Mr. Elan Ohayon, Representative for Mr. Jason Price
Mr. Jason Price, Candidate, Graduate Students' Constituency 1, Governing Council elections

In this report, all items are reported to the University Affairs Board for information.

The meeting began in closed session.

Purpose of Meeting

The meeting was called to hear the case of an alleged campaign violation in the Governing Council Election, 2002.

Procedures

The Chair welcomed Mr. Braun, Mr. Price and Mr. Ohayon to the meeting, and explained how the meeting would proceed. The candidate who had committed the alleged violation would be invited to present his case and to respond to questions from the Committee. Members could ask questions of the candidate who reported the violation to determine his position. When the Election Overseers were satisfied that they had sufficient information on the matter, they would move *in camera* to decide on the appropriate course of action to be taken.

Details of the Allegation

The Chief Returning Officer provided the following details of the allegation to the Committee:

- On Tuesday, March 5, 2002, the Chief Returning Officer (CRO) had received an allegation of a campaign violation from a candidate concerning posters put up by the other candidate in the Constituency. The complainant alleged that the candidate had put up, in the building in which the complainant resided, a number of posters on the walls beside the elevator in violation of the postering regulations in the *Election Guidelines 2002*. In the email, the complainant stated that he had removed a poster for evidence to support his allegation. After an exchange of email correspondence with the two candidates, the CRO ruled that there had been no violation because the candidate had obtained the necessary permission to post campaign material at the site in question.
- On March 11, the CRO had received an allegation of campaign violations from the candidate concerning the complainant in the previous alleged violation. The candidate requested that the other candidate be disqualified for removing one of his posters, and for making unconfirmed allegations of campaign violations. The CRO confirmed a violation of Paragraph 9 of Appendix C of the *Election Guidelines 2002*, which states that 'It is expected that candidates will not remove or deface each others' campaign literature.' The confirmation was based on the candidate's admission that he had removed one of the other candidate's posters.

In response to a request from one of the candidates, on motion duly moved and seconded, the Committee moved into open session.

Mr. Ohayon, speaking on behalf of Mr. Price, requested answers to the following questions:

- Had the CRO investigated the charges?
- Had the original complainant been warned by the CRO that he had violated the *Election Guidelines 2002* when he reported that he had removed a poster?
- How many hearings had been held to consider campaign violations?

The CRO responded that she had accepted the explanation of the two candidates. Both had admitted to their actions, and, as a result, she had not investigated further. She had not warned the original complainant that he had violated the *Election Guidelines 2002* when he had reported that he had removed a poster. The Chair noted that this was the first hearing held to consider campaign violations.

At the invitation of the Chair, the original complainant reported that he had made his allegation of campaign violations against the other candidate in good faith. As a resident in the building where the alleged violation occurred, he had a handbook of rules for the residence. Included in this handbook were rules on the requirements for posted materials, including an approval stamp on all posted material.

At the invitation of the Chair, the other candidate reported that he had obtained approval to post material from the property manager of the building, who had explained that an approval stamp was only required for posters placed on the bulletin board.

It was noted that the provisions within the *Election Guidelines 2002* with respect to investigation, evidentiary requirements, and verification of allegations were not clearly stated. It was also noted that there were some discrepancies between the poster regulations set out in Appendix B of the *Election Guidelines 2002*, and the *Procedure on Distribution of Publications, Posters and Banners at the University of Toronto St. George Campus* which had been distributed at the all candidates' meeting on February 25, 2002.

The Chair thanked Mr. Braun, Mr. Price and Mr. Ohayon for their comments.

The Election Overseers then moved *in camera* to consider their recommendation.

Decision on Campaign Violation

The Election Overseers confirmed the violation of the Guidelines for Campaigning contained in Appendix C of the *Election Guidelines 2002*, but, based on the circumstances described by the candidates, agreed that it would be inappropriate to assign demerit points in this case.

The Election Overseers issued a reminder to all candidates that they must not violate campaigning guidelines in order to obtain evidence of violations.

Recommendations for Future Actions

The Election Overseers suggested that a Polaroid camera be made available to candidates for the purpose of documenting campaign violations.

The Election Overseers recommended that the section of the election guidelines dealing with campaign violations be reviewed and amended, if necessary, for 2003, based on the issues raised in this hearing.

March 19, 2002