

University of Toronto Students' Society

2016 Spring Elections

Chief Returning Officer's Exit Report

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*Submitted to the Board of Directors on April 7, 2016 in accordance with
Article IV.2.g of the Elections Procedure Code*

Table of Contents

Overview of Election and Referendum	3
Division I Directors	3
Division II Directors.....	3
Academic Directors.....	3
Professional Faculties At-Large Directors (2).....	3
Executive Directors.....	3
Pre-Election Activities.....	5
Referendum	11
Elections.....	13
UTSU Elections: March 14 – 24, 2016	14
CRO Rulings.....	16
ERC Rulings	31
Election Results:.....	44
Challenges and Opportunities	52
Recommendations	53
Referendum.....	53
Elections	53
Conclusion.....	Error! Bookmark not defined.
Acknowledgements	56
Appendices	57

Overview of Election and Referendum

This report accounts the events of the University of Toronto Students' Union Spring 2016 Elections period. It also provides recommendations for consideration by the Board of Directors and the Elections and Referenda Committee to improve processes and policies in order to facilitate future elections.

The Spring 2016 Election period had open nominations for thirty-two (32) seats on the UTSU Board of Directors. For the 2016/2017 term, nominations were accepted for the following seats on the Board:

Division I Directors

Woodsworth College (3)
University College (3)
Victoria University in the University of Toronto (2)

Division II Directors

Faculty of Engineering and Applied Sciences (3)
Faculty of Dentistry (1)
Faculty of Medicine (1)
Faculty of Nursing (1)
Leslie L. Dan Faculty of Pharmacy (1)
Toronto School of Theology (1)
Faculty of Architecture, Landscape and Design (1)

Academic Directors

Computer Science (1)
Humanities (1)
Life Sciences (1)
Mathematical and Physical Sciences (1)
Rotman Commerce (1)
Social Sciences (1)

Professional Faculties At-Large Directors (2)

Executive Directors

President (1)
Vice-President, Internal and Services (1)
Vice-President, University Affairs (1)
Vice-President, External (1)
Vice-President, Equity (1)
Vice-President, Campus Life (1)
Vice-President, Professional Faculties (1)

A referendum was also held by the UTSU during this election period. The Referendum was directed only to Division I students and asked two questions:

Question: 1. Are you in favour of establishing a new refundable designated portion of the UTSU fee for LGBTQOUT (Lesbians, Gays, Bisexuals and Trans People of the University of Toronto), as described in the preamble and subject to the terms and conditions above?

Preamble:

If question one is approved, the UTSU is also seeking consent from its members to allow annual cost-of-living increases, based on the Statistics Canada December over December Ontario Consumer Price Index (CPI) to the new refundable designated portion of the UTSU fee for LGBTQOUT.

Question: 2. Do you authorize the Board of Directors of the UTSU to request annual cost-of-living increases, based on December over December Ontario CPI to the designated LGBTQOUT portion of the fee?

Throughout the elections, the Elections and Referenda Committee (ERC) provided valuable consultation and recommendations to the Chief Returning Officer (CRO) in regards to matters dealing with the Elections and Procedure Code and past practices. The Committee's main duties are to oversee the elections, review the rules governing elections, schedule election dates subject to Board approval, and hire elections officials.

Pre-Election Activities

In preparation for the elections and in accordance with the UTSU Elections Procedure Code, a number of tasks were completed prior to the start nomination, campaign, and voting periods:

Reviewing all relevant governing documents:

1. Elections Procedure Code
2. UTSU By-Laws
3. Charter of Referenda
4. UTSU Policies
5. Ontario labour standards legislation
6. Accessibility for Ontarians with Disabilities Act (AODA)

Hiring:

DROs:

1. Working with the ERC to formulate questions for applicants to the DRO positions.
2. Consulting with the ERC on applicant selection.
3. Scheduling first meeting with successful candidates and creating work schedule.

Poll Clerks:

1. Creating job posting.
2. Disseminating job posting:
 - a. UTSU website
 - b. UTSU Facebook page
 - c. UofT Job Centre
3. Accepting resumes
 - a. Emailing all qualified applicants
 - b. Asking qualified applicants to submit their availability during voting days
4. Training poll clerks
 - a. Updating training procedure to reflect of new EPC and Bylaw changes
 - b. Scheduling date and time for training
 - c. Ensuring all poll clerks have completed required AODA online training seminar
 - d. Scheduling staffing for polling stations based upon who completes training

Notifications:

1. Submitting elections/referendum content to staff Graphic Designer for poster design

2. Approving materials created by staff Graphic Designer for submission to campus newspapers and UTSU website
 - a. Campus Newspapers included:
 - i. The Varsity
 - ii. The Newspaper
 - iii. The Medium
3. Sending updates to Graphic Designer for UTSU webpage
 - a. Candidate statements
 - b. CRO rulings
 - c. "What to expect at UTSU voting stations" document

Membership Education/Accessibility:

1. Information Sessions:
 - a. Determining content for information session
 - b. Creating Power Point presentation
 - c. Scheduling two (2) information sessions
 - d. Booking spaces to hold information sessions
 - e. Notifying the membership
 - i. UTSU website
 - ii. UTSU Facebook event group
 - iii. Posters
2. "How to Vote" flow charts
 - a. Creating straight forward descriptions of voting procedures
 - i. Online (from anywhere)
 - ii. Online (at a polling stations)
 - iii. Paper ballot (at a polling station)
 - b. Ensuring accessibility
 - i. Using high contrast
 - ii. Using both visual depictions and full text descriptions of procedures
3. Researching Accessibility Software
 - a. Communicating with Students for Barrier-Free Access and UoT Accessibility Services about best practices for Accessibility Software
 - b. Researching available Accessibility Software
 - c. Contacting various providers of Accessibility Software to determine which programs meet the needs of the UTSU membership
4. Large-print/Braille paper ballots

- a. Communicating with Students for Barrier-Free Access and UofT Accessibility Services about best practices for Accessible paper ballots
 - b. Researching Braille printing services
 - c. Contacting Braille printing services
 - i. Assessing timelines for printing Braille ballots
 - ii. Assessing costs associated with printing Braille ballots
 - d. Determining how many large print/Braille ballots were required for each polling station:
 - i. Number of positions/referenda questions/number of polling stations
5. Meeting with representatives from the Faculty of Arts and Sciences Registrar's Office and the Office of the Vice-Provost
- a. Communicating with both administrative bodies to ensure that the UTSU membership list was:
 - i. Complete
 - ii. Denoted all relevant divisions

Nominations:

- 1. Updating nomination package
 - a. Dates/times
 - b. Board positions available

Polling Stations:

- 1. Site inspections
 - a. Ask Internal Coordinator to book spaces with building administration
 - b. View floor plans for polling locations
 - c. Asked DROs to scout polling locations
 - i. Photograph locations
 - ii. Determine potential logistical concerns
 - 1. E.g. how best to make voting stations visible to members, are tables and chairs available at location or brought from office
 - 2. Assessing the accessibility of polling locations
- 2. Preparing poll kits
 - a. Ensured that laptops are charged and have chargers
 - b. Set all laptops' Internet Explorer homepages to utus.Simplevoting.com
 - c. Set all poll clerk laptops' Internet Explorer homepages to utus.Simplevoting.com/manage
 - d. Installed Accessibility Software onto all voting computers (labelling these computers for poll clerks quick reference on voting days)
 - e. Prepared poll clerk binder

- i. Voter sign in sheet
- ii. Incident report sheets
- iii. Poll clerk time sheet
- iv. "Vote Here" signage/banners
- v. Poll clerk script
- vi. Easy guide to voting procedure
- vii. Quick reference guide to distrusting paper ballots
- viii. Non-Disclosure and Consent forms

Online Voting System:

1. Contacted Office of Vice Provost, Students and Faculty of Arts and Sciences Registrar's Office to obtain membership list
 - a. Signed Confidentiality Agreement prior to receiving list
2. Contacted Simply Voting
 - a. Made them aware of election schedule
 - b. Requested that they receive the membership list and prepare preliminary segmentation
3. Prepared elections page
 - a. Created new election and referendum
 - i. Dates/times of voting period
 - b. Set questions for election and referendum
 - c. Segmented voting so only candidates' constituencies could vote for them

All Candidates Meeting:

1. Set date/time of all candidates meeting
2. Prepared binders for all successful nominees
 - a. Relevant sections of EPC, By-Laws, and UofT poster policy
3. Coordinated with the ERC to have one executive member at the meeting
4. Asked one DRO to attend meeting

Executive Forum

1. In consultation with the ERC, Scheduling time and date of Forum
2. Booking location
3. Working with Staff Graphic Designer to create and distribute notice to the membership
 - a. UTSU website
 - b. UTSU Facebook
 - c. Posters
4. Complying with new EPC rules, working with staff and ERC to create Forum timeline

5. Contacting Editors in Chief from Campus Publications
 - a. Outlining the structure of, and their role in, the Forum
 - b. Requesting a list of debate questions for preapproval
 - c. Reviewing submitted debate questions and selecting questions to be asked in the debate
6. Preparing materials for Forum
 - a. Microphones
 - b. Computer prepared for live-streaming
 - c. Table cloth
 - d. Debate questions
 - e. Debate Schedule

Poll Clerk Training/Scheduling:

1. Set date/time for poll clerk training seminar
2. Updated training materials for poll clerks (Power Point presentation)
 - a. Guide for online voting procedures
 - b. Guide for distributing paper ballots
 - i. How to read segmentation notation
 - ii. What ballots are distributed based upon segmentation
 - c. Updating photos to accurately depict polling sites
3. Collected employment documents and instructed attendees to fill them out
 - a. TD1 Fed
 - b. TD1 ON
 - c. Personal information form
 - d. Employment agreement
 - e. Non-disclosure agreement
4. After training, assembled list of attendees for the purpose of creating a clerk schedule for staffing polling stations
5. Prepared and sent schedule for poll clerks and asked for confirmation of availability from each poll clerk

Accessibility:

1. Met with staff from Students for Barrier-Free Access to get input on how to make online voting accessible to members with disabilities
2. Installed full version of ZoomText – an accessible software - onto elections laptops
3. Updated non-disclosure agreement and consent forms to facilitate voting for members with disabilities

4. Created “what to expect at UTSU voting stations” document to be posted on UTSU elections webpage

Referendum

Summary:

The Spring Referendum, open to all Division I members, asked:

“Question: 1. Are you in favour of establishing a new refundable designated portion of the UTSU fee for LGBTQOUT (Lesbians, Gays, Bisexuals and Trans People of the University of Toronto), as described in the preamble and subject to the terms and conditions above?”

Preamble:

If question one is approved, the UTSU is also seeking consent from its members to allow annual cost-of-living increases, based on the Statistics Canada December over December Ontario Consumer Price Index (CPI) to the new refundable designated portion of the UTSU fee for LGBTQOUT.

Question: 2. Do you authorize the Board of Directors of the UTSU to request annual cost-of-living increases, based on December over December Ontario CPI to the designated LGBTQOUT portion of the fee?

Referendum Advocacy Committees

One advocacy committee was struck during the campaign period. UTSU members created a “Yes” campaign.

Campaigning

For the referendum, the sole advocacy committee prepared materials for the approval of the office of the CRO. These submissions consisted of posters and leaflets.

Announcement of Results and Recount

The unofficial results were released on March 24, 2016.

No advocacy committees requested recounts.

Referendum Results

Question 1:

Yes: 1627 (59.2%)

No: 1119 (40.8%)

Abstained: 1691 (38.1% of total votes cast)

Question 2:

Yes: 1328 (45.2%)

No: 1612 (54.8%)

Abstained: 1497 (33.7% of total votes cast)

Voter Turnout

During these Spring 2016 elections, the voter turnout was 4871. 9.7% of 50113 electors voted in this election.

Elections

Nomination Period

Nominations for the UTSU elections opened Monday February 29, 2016 at 09:00 and closed Friday March 11, 2016 at 17:00. A total of thirty-six (36) nomination packages were signed out from the office of the CRO. In addition, forty-one nomination packages were taken out through an online portal; however, it has not been determined how many of these were repeat sign-outs. At the close of the nomination period, a total of forty-nine 49 packages were returned to the office of the CRO, including nineteen (19) for Executive positions and thirty (30) for Director positions. Of these, forty-five (45) nomination packages were approved. Four of the packages received by the Office of the CRO were determined to be ineligible due to their lack of legitimate nominators.

All-Candidates Meeting

The All-Candidates' Meeting was held on Sunday March 13, 2016 from 13:00 to 16:00 at the Ontario Institute for Studies in Education (OISE). Attendance was limited to candidates and candidates' authorized representatives, and all-candidates packages were distributed to all attendees. The meeting lasted approximately two (2) hours, as the CRO reviewed the relevant sections of the Elections Procedure Code, University of Toronto policies and the UTSU By-Laws, and discussed the role of the elections staff. All but one (1) candidate attended the meeting. In accordance with an ERC ruling, the CRO made available alternate times for the candidate to receive the requisite information in a formal meeting. The candidate opted to meet on Tuesday, March 15 at 11am.

UTSU Elections: March 14 – 24, 2016

Campaigning

The campaign period for the Spring elections opened on Monday March 14, 2016 at 09:00. The in-person campaign period ended at midnight on March 21 and online campaigning ended on the last day of voting, Thursday March 24, 2016 at 18:30.

Large quantities of campaign materials were submitted to the office of the CRO. Nearly nine-thousand two-hundred (9,200) posters and many thousands more fliers were submitted to the Office of the CRO for approval. The Deputy Returning Officers (DRO) were responsible for approving these materials and overseeing the stamping of approved materials. Physical campaign materials included posters, fliers and banners.

With recent changes to the EPC, this year there was no approval needed for online campaign materials. However, there was a CRO Facebook page created in order to monitor campaigning and the Office of the CRO followed other social media platforms such as Twitter, Snapchat and Instagram for the same purpose. Monitoring and adjudicating complaints about online material was a major concern during these elections. The origins of online material is easily obscured, creating significant barriers to the CRO's ability to rule on online campaign infractions.

Poll Locations

In accordance with recent changes to the EPC, there were four (4) polling stations on the St. George campus and two (2) polling stations on the University of Toronto Mississauga campus. The accessibility of both the polling stations' distribution around campus and within the specific buildings was considered in deciding where to situate them. In addition, locations with high student traffic were prioritized in order to maximize the visibility of and access to polling stations. Wireless internet is ubiquitous around campus, therefore this was not a factor considered in deciding upon locations. On the St. George campus, polling locations were situated in the Kelly Library, Bahen Centre, Athletic Centre and Goldring Athletic Centre. On UTM campus, polling locations were situated in the Davis Building and Instructional Building.

Voting

Both online and paper ballots were made available during voting period. All polling stations were located and equipped with accessibility in mind. Every UTSU voting computer had ZoomText installed and activated for the use of the electorate. In addition, tracker-ball mice and headsets were present at all polling stations for accessibility purposes. Large-print ballots and candidacy statements were also available at every polling station. During the voting period, no member asked to use the accessibility software/hardware and one (1) member utilized the large-print paper ballot option.

As in the two (2) previous elections, the Spring 2016 election used Simply Voting, a company that provides and hosts online elections. The online system was adapted to match the requirements for the 2016 Spring elections; segmenting constituencies such that only members represented by a director could vote for that director. There was an initial problem with the way that the segmentation was implemented on the Simply Voting website. This hindered voting in the election/referendum for the morning of March 22 between 09:00 – 11:30. However, this problem was quickly resolved for the majority of the membership and voting resumed. For those members affected by the disturbance, their ballots were reset and they were notified by email that they would be able to recast their ballots for all positions in this election. One other incident was reported and quickly remedied. On the morning of March 24, the CRO found that the Election had ended twelve (12) hours early. This was due to an oversight on the part of the CRO relating to the twenty-four (24) hour clock used for online scheduling and was quickly fixed by the staff at Simply Voting at the request of the CRO. All members who voiced their concerns were notified of the fix and reported back to the CRO that the problem had been resolved.

Poll Clerk Training

Poll Clerk training sessions were held in the Hart House building, on March 7, 2016. The training session was one and a half hours long and consisted of a detailed description of the roles and responsibilities of the CRO and DROs, poll clerk duties and responsibilities, polling station setup and closing, online voting system, and trouble-shooting. All poll clerks were given the opportunity to work with the ZoomText software in order to become accustomed to its functions. During the training sessions, poll clerks were asked to fill out Human Resources paperwork.

Voting

Voting took place on Tuesday March 22, Wednesday March 23, and Thursday, March 24, 2016. Poll stations were open from 09:00 to 18:30.

The poll clerks were instructed to have each potential voter identify themselves to the clerks. The poll clerks were to explain the voting options to each potential voter before enabling them to vote. For online voting, the poll clerks directed electors to the voting screen and asked, uniformly, if accessibility software/hardware would be necessary. For large-print paper ballots, poll clerks were asked to verify the eligibility of potential voters on the Simply Voting managing site. The member was to be asked to sign-in and then, based upon their relevant segmentation, ballots were initialled by the poll clerks and distributed to the member. The member would then be directed to the voting screen and made aware of the large-print candidacy statements available for their use.

Poll clerks met each morning at 08:00 at the UTSU office to collect the necessary equipment and materials from the CRO and DRO. Polling stations were closed each day at 18:30. Poll clerks were asked to wait until the CRO or DRO arrived to pick up all polling station materials.

Ballot Counting

The ballot count was delayed due to technical difficulties relating to the online voting system. It was found in the post election preparations that only ballots that were completely un-segmented were available for the online entry of paper ballot data. The Simply Voting staff that assisted was extremely helpful in resolving this issue and all parties present were satisfied with the post election procedures.

Scrutineers representing each Executive candidate were present for the ballot count. Before opening the ballot boxes, the CRO visited the Simply Voting election page and disclosed the preliminary, unofficial results of the election to the Scrutineers. At the end of voting only one member had cast ballots in the Spring election. Nonetheless, each box was opened; inspected by all parties; and turned upside down to ensure its contents was fully revealed. Upon retrieving the ballots, the CRO held up each ballot for all the scrutineers to see and a DRO input the data into the Simply Voting election page. Before submitting the data from each ballot, all scrutineers had the opportunity to compare the data on the ballot with the data input online. All instances were met with approval by all in attendance.

Announcement of Results and Recount

The unofficial results were released on March 24, 2016.

No candidates or advocacy committees requested recounts.

Complaints and Appeals

Over the course of the campaign period the CRO received numerous complaints about breaches of the EPC. The CRO ruled on those complaints where sufficient evidence was presented. When evidence was compelling but insufficient the CRO opened their own investigation. The ERC compelled the CRO to open one “committee initiative” to investigate an un-complained aspect of a piece of evidence provided by a previous complainant. In all, the CRO issued nineteen (19) rulings related to the campaign period. Nine (9) of these rulings were appealed to the ERC. Of these rulings, four (4) were upheld in full and five (5) were either overturned or modified in some manner. The rulings and appeals are as follows:

CRO Rulings

CRO Ruling 001

March 15, 2016 10:49

Request:

On March 15, 2016 at 1:23pm the Chief Returning Officer (CRO) received a formal request from Jasmine Wong-Denike, candidate in the UTSU 2016 spring election, to continue working in certain limited capacities as Vice-President, External during the campaign period. Specifically, Denike requested to attend these out of town meetings:

- OUSA – St. Catharines – Saturday, March 19 to Sunday, March 20
- ADVOCAN/U15 – Ottawa – Sunday, March 20 to Friday, March 25

Considerations:

The CRO believes that Denike is making the request in good faith. The CRO has considered Denike’s arguments as to why an exception should be made. The CRO believes that Denike would refrain from campaigning and instruct those with her to refrain from posting her activities online during the meetings. However, despite these promises, the CRO finds that there is significant potential for well intentioned yet uninformed/forgetful people to post her presence at the meetings and related activities; making Denike’s potential to receive “benefit acquired by virtue of office” unavoidable. This occurrence would constitute an unfair advantage to Denike, affording Denike privileges unavailable to other candidates.

Denike submitted further arguments to the CRO. Denike stated that being present at the meetings is crucial for the University of Toronto Students’ Union (UTSU), as “both of these meetings further the relationships that have been fostered between the UTSU and other schools across the country, giving us the chance to really represent students on Parliament Hill.” The CRO agrees that these are laudable goals and respects Denike’s desire to follow through on them. However, the fact that these meetings were planned long in advance of the UTSU elections and noting the importance of these meetings to the UTSU, the CRO finds that Denike was remiss to not make alternate arrangements. The decision to set the dates for UTSU elections was made at the UTSU Board of Directors meeting in January, affording Denike ample time to coordinate these responsibilities with a suitable party.

The CRO wants to note that other current members of the UTSU Executive, running as candidates in this election, have had to set aside important duties associated with their office. Similar claims of significance and promises to not campaign could be made in all cases of executive responsibility. The CRO finds that it is vital to the integrity of the UTSU elections that all candidates be treated equally under the EPC.

Decision:

For the reasons cited above, the CRO finds that this request would put Denike in violation of Elections Procedure Code (EPC), Article VI.1.w. Unpaid Leave:

Executives and Associates wishing to campaign or act as Non-Arm’s-Length Parties must take an unpaid leave of absence for the duration of the Campaigning and Voting Periods.

Because of the unequivocal wording of this Article, the CRO has no other choice but to insist that Denike not attend these meetings.

CRO Ruling – 002

March 17, 2016 19:10

Complaint

On March 17, 2016 the Chief Returning Officer (CRO) received a complaint about two (2) candidates' posters: Andre Fast and Malkeet Sandhu. Photographic evidence was provided claiming a violation of Elections Procedure Code (EPC) Article VI.1.viii "No Candidate may post one of their Posters within one (1) foot (30.5 cm) of another one of their own Posters."

Ruling

The CRO finds evidence of 1 (one) violation of Article VI.1.viii "No Candidate may post one of their Posters within one (1) foot (30.5 cm) of another one of their own Posters." The photographic evidence provided, offers sufficient proof that Andre Fast is in violation of this Article of the EPC. No evidence was provided as proof of the claim about Malkeet Sandhu.

By posting print material within one foot of another one of their own posters, Andre Fast has engaged in: Improper distribution of campaign materials (Maximum demerit points: 8)

The CRO is issuing the following demerit point(s):

Andre Fast: 1 Demerit Point

CRO Ruling – 003

March 17, 2016 19:14

Complaint

On March 17, 2016 the Chief Returning Officer (CRO) received a complaint about two (2) candidates' posters: Andre Fast and Madina Siddiqui. Photographic evidence was provided claiming a violation of Elections Procedure Code (EPC) Article VI.1.viii "No Candidate may post one of their Posters within one (1) foot (30.5 cm) of another one of their own Posters."

Ruling

The CRO finds evidence of 1 (one) violation of Article VI.1.viii "No Candidate may post one of their Posters within one (1) foot (30.5 cm) of another one of their own Posters." The photographic evidence provided, offers sufficient proof that Andre Fast is in violation of this Article of the EPC. No evidence was provided as proof of the claim about Madina Siddiqui.

By posting print material within one foot of another one of their own posters, Andre Fast has engaged in: Improper distribution of campaign materials (Maximum demerit points: 8)

The CRO is issuing the following demerit point(s):

Andre Fast: 1 Demerit Point

CRO Ruling – 004

March 18, 2016 16:32

Complaint

At 23:31 on March 17, 2016, the CRO received a complaint via email. The complaint noted that Andy Edem's candidacy statement on the website was altered after being posted on the UTSU's website. The complaint cites the rules posted on the Nomination Packages distributed to those who are now running candidates. The complaint claims that, this being the case, the action of replacing the candidacy statement was in violation of elections policy. It is further claimed that any submission of candidacy statements after the noted deadline of Friday, March 11, 2016 at 17:00, should be ruled invalid and should be removed from the website.

Discussion

The candidacy statement was replaced at the behest of the CRO. The CRO takes responsibility for this action and recognizes that this action was not inline with the rules outlined on the nomination packages. The CRO would like to note, however, that the decision to replace the candidate's statement was not a special case. There were other candidates that did not submit their statements by the nomination deadline. Nonetheless, all candidacy statements, were accepted and put up on the UTSU website. Therefore, there were numerous violations of the policy cited in the complaint. Despite the fact that there was no preferential treatment within the numbers of late submissions, the CRO recognizes that this was not fair to those who did get their candidacy statements submitted on time. The CRO apologizes for this and will work to rectify the error.

Ruling

The CRO finds that the action taken to replace the candidacy statement on the UTSU website was in violation of the elections policy. The CRO will replace the candidacy statement with the original statement that was provided on time. The original statement will be the only one present during the voting period, at polling locations and on the simplyvoting.com elections website as soon as possible.

The CRO finds that for this ruling to be fair, it must be applied equally and in all cases. Therefore, the following candidacy statements will be removed from the website and will not be present during the voting period, at polling locations and on the simplyvoting.com elections website as soon as possible:

- Denike-Wong, Jasmine
- Fast, Andre
- Fu, Yidong
- Hume, Ryan
- Nwineh, Lerabari
- Zhang, Yinuo

CRO Ruling – 005

March 18, 2016 20:00

Complaint

The Chief Returning Officer (CRO) received a complaint via email on March 17, 2016 at 00:28. The complaint makes reference to remarks made by Madina Siddiqui at the Executive Forum about clubs funding and claims that Siddiqui is in violation of Elections Procedure Code VI.2.k.i “misrepresentation of facts” and “intentional misrepresentation of facts”. Time stamps from the video of the Executive Forum where Siddiqui made the statements and UTSU budgets from the 2014 – 2015, and 2015 – 2016 terms were offered as evidence of the claim. The complaint argues that Siddiqui misrepresented the facts when claiming that clubs funding had been cut for the 2015 – 2016 term. The claim goes on to argue that Siddiqui made two (2) intentional misrepresentations of facts after an audience member claimed that the clubs funding was not cut for the same term.

Ruling

The CRO has investigated the complaint. The CRO finds that there were three (3) instances wherein Siddiqui mentions, at the Executive Forum, the UTSU’s cutting of clubs funding. The first was in Siddiqui’s opening remarks. The second was in response to an audience question. The third was in Siddiqui’s closing remarks. The CRO finds that there is no case to be made for “intentional misrepresentation of facts”. The audience member did not identify themselves as an authority on UTSU budgetary matters, nor did they offer any proof for the claim that the clubs funding had not been cut. Therefore, Siddiqui was given no reason to accept the audience member’s claims about the budget.

As to the factual evidence relating to this complaint, the CRO finds that it is insufficient to warrant demerit points. While it is true that the clubs funding on a whole stayed the same, the CRO finds that it is also true that many clubs did have their funding cut for the year in question. The CRO believes that it was the latter claim that Siddiqui intended in the statements made during the Executive Forum.

Discussion

The CRO would like to point out that this complaint does not conform to the spirit of these elections. The idea that an audience member could make an unsubstantiated claim and that the candidate would be bound by that claim is ridiculous. Viewing the video, it is obvious to the CRO that Siddiqui believed these claims and was not intending to subvert the truth.

CRO Ruling – 006

March 21, 2016 10:00

Finding

The Chief Returning Officer (CRO) has become aware of three (3) inappropriate Twitter accounts relating to the current elections. These accounts are not functioning within the confines of the spirit of the Elections Procedure Code (EPC). They are slanderous, harassing and disrespectful to the candidates. Further, they are disruptive to these elections and are not to be tolerated.

The office of the CRO has investigated these three (3) Twitter accounts and has been able to ascertain the identity of one of the operators of one of the accounts. The office of the CRO has investigated this person and has not found sufficient evidence to determine that this person is a non-arms-length party in this election. The office of the CRO is currently investigating the other two (2) Twitter accounts.

The CRO finds the actions of the operators of these accounts reprehensible. The CRO denounces their actions and demands that this behaviour desist immediately.

CRO Ruling – 007

March 21, 2016 18:00

Complaint

The Chief Returning Officer (CRO) received a complaint about an unauthorized campaigner working for the “1 UofT” slate. The complaint states that one Guled Arale has been campaigning on behalf of said slate using the “1UofT” Instagram account. As evidence they provided screen shots showing that Guled Arale is hosting the account. The CRO has investigated Guled Arale’s status as a member of the UTSU and found that this person is not in fact a member of the Union. The CRO has further found that the Instagram account was used for campaigning.

Ruling

The CRO finds that 1UofT slate in violation of Elections Procedure Code, Article VI.3.k.i.ii, “Unauthorized Campaigners.” The CRO is issuing 3 demerit points to the slate and is ordering that the 1UofT Instagram account be taken down immediately.

The following candidates have therefore received three (3) demerit points for use of unauthorized campaigners:

- Madina Siddiqui, Presidential Candidate
- Carina Zhang, VP Internal Candidate
- Andy Edem Afenu, VP University Affairs Candidate
- Andre Fast, VP External Candidate
- Malkeet Sandhu, VP Equity Candidate
- Lera Nwineh, VP Campus Life Candidate
- Charlotte Mengxi Shen, VP Professional Faculties Candidate
- Yi Dong (David) Fu, Mathematics and Physical Sciences Candidate

CRO Ruling – 008

March 22, 2016 11:15

Complaint

On Friday, March 18 the CRO received a complaint about the unauthorized use of campaign materials by the “1UofT” slate. The complaint offered some evidence as proof of 1UofT using non-English text in their campaign materials online. The CRO began investigating the complaint. Since the start of the investigation the CRO has received further complaints of the same nature referencing different websites. A great deal of evidence has been provided in support of each of the complaints and now the CRO is prepared to make a ruling.

Ruling

The CRO finds that the 1UofT slate is in violation of Elections Procedure Code (EPC) Article VI.1.i.vi.1 for failing to provide a notarized translation of the non-English text in some of their online materials. In addition, in these cases there was no English text provided alongside the non-English text.

The CRO is issuing 2 demerit points for each of the three (3) offences to each of members of the 1UofT slate.

- Madina Siddiqui: 6
- Andre Fast: 6
- Andy Edem: 6
- Malkeet Sandhu: 6
- Charlotte Mengxi Shen: 6
- Lera Nwineh: 6
- Carina Zhang: 6

Amendment:

At 17:00 on March 23, 2016 the CRO became aware that a member of the 1UofT slate that was omitted from this rulings accounting of demerit points. As Yidong Fu is a member of the 1UofT slate, this candidate will also be receiving 2 demerit points for each of the three (3) offences.

- Yidong Fu: 6

CRO Ruling – 009

March 22, 2016 12:00

Complaint

On Friday March 18 the Chief Returning Officer (CRO) received a complaint against the “1UofT” slate, claiming “Gross Misrepresentation of Fact”. The severity of these charges warranted much consideration on the part of the CRO. Because the CRO does not wish to further propagate these misrepresentations of fact, the CRO is omitting the details of this conversation. The evidence provided by the complainant includes

a recording of the conversation, a transcription of that recording and photos of the volunteer mentioned above.

Ruling

The CRO finds that the volunteer was a non-arms-length party and is responsible for the gross misrepresentation of fact. The CRO further finds that the actions of the volunteer failed to match with the spirit and purpose of these elections. The CRO is issuing four (4) per demerit points in relation to Article VI.3.k.iii of the Elections Procedure Code: Fair Play, per infraction.

Thus, the 1UofT slate is being issued a total of eight (8) demerit points for these infractions:

- Madina Siddiqui, Presidential Candidate
- Carina Zhang, VP Internal Candidate
- Andy Edem Afenu, VP University Affairs Candidate
- Andre Fast, VP External Candidate
- Malkeet Sandhu, VP Equity Candidate
- Lera Nwineh, VP Campus Life Candidate
- Charlotte Mengxi Shen, VP Professional Faculties Candidate
- Yi Dong (David) Fu, Mathematics and Physical Sciences Candidate

In addition to these demerit points, the CRO finds that the tactics used by Ryan Gomes in gathering the information for this complaint are worthy of reproach. The CRO finds that there was an “Intentional Misrepresentation the Facts” when Ryan Gomes intimated that they were not part of the “other team” when in fact Gomes is an executive candidate in this election. The CRO further finds that Gomes did not behave in the spirit of these elections when secretly recording the conversation with the volunteer. Therefore, the CRO finds Gomes in violation of Articles VI.3.k.ii and VI.3.k.iii of the Elections Procedure Code: Campaigning and Fair Play, respectively. The CRO is issuing two (2) demerit points Gomes for the campaigning violation and four (4) demerit points for the fair play violation.

Thus, Gomes is being issued a total of six (6) demerit points for these infractions.

CRO Ruling – 010

March 23, 2016

Complaint

On Monday, March 21, 2016 the Chief Returning Officer (CRO) received a complaint claiming that “Hello UofT” had engaged in pre-campaigning. Images from Hello UofT’s Facebook page were provided as evidence.

Ruling

The evidence provided for this complaint clearly shows that Hello UofT's logo, links to their website and social media platforms were present prior to the campaign period. The CRO finds that having these materials present before the campaign period afforded the Hello UofT an unfair advantage.

The CRO finds that Hello UofT is in violation of the Elections Procedure Code (EPC) Article VI.3.k.i, Pre-Campaigning.

The CRO is issuing 3 demerit points to each of the members of the Hello UofT slate.

- Jasmine Wong Denike – 3
- Mathias Memmel – 3
- Farah Noori – 3
- Lucinda Qu – 3
- Shawn Williams – 3
- Shahin Imtiaz – 3
- Ryan Gomes – 3
- Christina Badiola – 3
- Ifrah Farah – 3
- Ahmad Ilyas – 3
- Garnet Lollar – 3
- Stephanie Spagnuolo – 3
- Kshemani Constantinescu – 3
- Mira El Hussein – 3
- Chimwemwe Alao – 3
- Jacob Reinertson – 3
- Timothy Law – 3
- Alissa Mirochnitchenko – 3
- Tsukasa Kikuchi – 3
- Victoria Liao – 3
- Sophia Wang – 3
- Faizan Akbani – 3
- Addy Bhatia – 3
- Danja Papajani – 3
- Andrew Sweeny – 3
- Veronika Potylitsina – 3
- Katie Grundy – 3
- Adriana Too – 3

CRO Ruling – 011

March 23, 2016 14:15

Complaint

On Monday, March 21 the CRO received a complaint detailing violations of Elections Procedure Code, Article VI.3.k.i “displayed in an unauthorized area” relating to two (2) candidates: Andre Fast and Malkeet Sandhu. Photographic evidence was provided as proof of these allegations. The photograph clearly shows that one of each of these candidates’ posters is almost fully covering another candidate’s poster.

Ruling

The CRO finds that there is sufficient evidence to warrant demerit points for these complaints.

The CRO is issuing one (1) demerit point each to: Andre Fast and Malkeet Sandhu.

- Andre Fast – 1
- Malkeet Sandhu – 1

CRO Ruling – 012

March 23, 2016 14:30

Complaint

On Monday, March 21 the CRO received a complaint detailing violations of Elections Procedure Code, Article VI.3.k.i “displayed in an unauthorized area” relating to one (1) candidate: Jasmine Denike. Photographic evidence was provided as proof of these allegations. The photograph clearly shows that one of Denike’s posters is almost fully covering another candidate’s poster.

Ruling

The CRO finds that there is sufficient evidence to warrant demerit points for these complaints.

The CRO is issuing one (1) demerit point to: Jasmine Denike

Jasmine Denike: 1

CRO Ruling – 013

March 23, 2016 14:45

Complaint

The Chief Returning Officer (CRO) received a complaint on Monday, March 21 claiming that Andre Fast and Andy Edem were violating Elections Procedure Code Article VI.3.k.i “Unapproved Material”. The complaint was accompanied by video evidence and a sample of the material being distributed as proof. The complaint claims that the candidates listed above were distributing materials that were not stamped by the office of the CRO.

Ruling

The CRO finds that there is sufficient evidence to rule against the two candidates listed above. The CRO is issuing three (3) demerit points each to Andre Fast and Andy Edem.

- Andre Fast – 3
- Andy Edem – 3

CRO Ruling – 014

March 24, 2016 17:45

Complaint

The Chief Returning Officer (CRO) received a complaint on Tuesday, March 23 claiming that the 1UofT slate posted non-English text on their social media pages. They sent screen shots as evidence for this claim that clearly shows non-English text without an English translation in accompaniment.

Ruling

The CRO finds that the 1UofT slate is in violation of the Elections Procedure Code Article Vi.1.i.vi “All text in other languages on Campaign Materials must have an accurate English translation that appears in equal stature and size.

Where Campaign Material contains text in another language, the Candidate is responsible for having the text translated and notarized in order to gain approval for dissemination.”

The CRO is issuing 3 demerit points to each of the members of the 1UofT slate for “Unapproved Materials”.

Madina Siddiqui: 3

Andre Fast: 3

Andy Edem: 3

Malkeet Sandhu: 3

Charlotte Mengxi Shen: 3

Lera Nwineh: 3

Carina Zhang: 3

Yidong Fu: 3

CRO Ruling – 015

March 24, 2016 12:30

Complaint

On March 23, 2016 the Chief Returning Officer (CRO) received a complaint claiming “misrepresentation of fact” by Andrew Sweeny. As evidence the CRO received screen shots from Andrew’s Facebook page wherein Andrew claims that UTSU members pay more than \$90 to the UTSU in fees. The complaint makes the distinction between UTSU-only fees and UTSU-levy group fees. The complaint claims that only \$36.16 of the total fees paid to the UTSU in fees actually stay with the UTSU, with the remainder being redistributed to the levy groups

Ruling

The CRO sees that there are relevant distinctions to be made between the fees paid to levy groups and those that are held by the UTSU. However, the CRO finds that this distinction does not constitute “misrepresentation of facts”. The UTSU does receive more than \$90 in fees and is responsible for distributing that money. Those levy groups receiving the money from the UTSU share a relationship with the UTSU and only do so only because the membership voted in favour of this in a UTSU referendum. Therefore, the UTSU is the reason why the money is being received and distributed and it can be said that members pay the UTSU that money without misrepresenting the facts. For these reasons, the CRO is not issuing any demerit points for Andrew Sweeny in relation to this complaint.

CRO Ruling – 016

March 24, 2016 22:00

Complaint

On Friday, March 24 the CRO received a complaint about the unauthorized use of campaign materials by the “1UofT” slate. The complaint offered screen shots of social media pages as proof of 1UofT using non-English text in their campaign materials online, unaccompanied by an English translation.

Ruling

The CRO finds that the 1UofT slate is in violation of Elections Procedure Code (EPC) Article VI.1.i.vi.1 for failing to provide a notarized translation of the non-English text in some of their online materials. In addition, in these cases there was no English text provided alongside the non-English text.

The CRO is issuing 2 demerit points for the offence to each member of the 1UofT slate.

Madina Siddiqui: 2

Andre Fast: 2

Andy Edem: 2

Malkeet Sandhu: 2

Charlotte Mengxi Shen: 2

Lera Nwineh: 2

Carina Zhang: 2

Yidong Fu: 2

CRO Ruling – 017

March 29, 2016

Committee Initiative

At the request of the Elections and Referendum Committee (ERC) the Chief Returning Officer (CRO) investigated allegations of violations relating to Elections Procedure Code, Article VI.1.p, “Benefits Acquired

by Virtue of Office”. These allegations related to the use of club office space, office space that is not available to the membership at-large, by the 1UofT slate.

Findings

Evidence for this claim includes an audio recording of a volunteer directing a member to go speak with the candidates for 1UofT at the club office. It is indicated in this recording that this space has been used as a regular work place for this slate. On Saturday, March 26, the CRO was provided photographic evidence in a formal complaint addressing the same matter. The image was originally posted on Instagram by 1UofT and shows the Executive candidates for 1UofT working late at night in a room that appears to be the same club office.

Ruling

The CRO finds that there is sufficient evidence to make a ruling on this matter. Finding that one of the members of the 1UofT slate is a club president and has access to the office in question, the CRO finds that the 1UofT slate acquired benefit from the office held by one of its members. Therefore, the CRO finds that the members of the 1UofT slate are in violation of the EPC Article mentioned above and will receive demerit points for “Abuse of Position or Status”. Due to Madina Siddiqui’s status as a club president, and this status affording the slate the opportunity to receive the benefit of free office space, the CRO finds that the violation warrants a greater number of demerit points for Siddiqui. The CRO is issuing one (1) demerit point to Siddiqui for each day of the online campaign period and half of that (rounded down) to each of the other members of the slate.

Madina Siddiqui: 11

Andre Fast: 5

Andy Edem: 5

Malkeet Sandhu: 5

Charlotte Mengxi Shen: 5

Lera Nwineh: 5

Carina Zhang: 5

Yidong Fu: 5

CRO Ruling – 018

March 29, 2016 14:00

Complaint

On Wednesday, March 23 the Chief Returning Officer (CRO) received a complaint about Uranranebi Agbeyegbe’s involvement in the 1UofT campaign. Since the receipt of the complaint, the CRO has asked for, and received, further evidence relating to this matter. The substance of the complaint concerns the fact that Agbeyegbe is an Executive designate on the University of Toronto Students’ Union (UTSU) Board of

Directors and, the complainant contends, has been active in the 1UofT campaign. The complainant claims that this violates Elections Procedure Code (EPC) Article VI.1.w, “Executives and Associates wishing to campaign or act as Non-Arm’s-Length Parties must take an unpaid leave of absence for the duration of the Campaigning and Voting Periods.”

Ruling

The CRO finds that the reason for Article VI.1.w being included in the EPC is to ensure that Executives of the UTSU are not able to use their position in office to benefit a candidate or slate. In accordance with the UTSU/UTMSU joint agreement, Agbeyegbe sits on the UTSU Executive Committee as a designate, assigned by the UTMSU. In accordance with this unique roll on the UTSU Executive Committee, Agbeyegbe is not a paid Executive on the UTSU Board of Directors, and has no ready access to UTSU information or supplies. Further, the Facebook account used by Agbeyegbe is Agbeyegbe’s private account. Because of these facts, any reason for enforcing this Article is absent. For these reasons, the CRO is ruling that Agbeyegbe did not violate the EPC in performing the activities cited in the complaint and the CRO issuing no demerit points to the 1UofT slate.

CRO Ruling – 019

March 30, 2016 19:00

Complaint

On Saturday, March 26 the CRO received a complaint about unsolicited campaigning from a non-arms-length party. The complainant claims that Nour Alideeb sent mass text messages on behalf of the 1UofT slate. Evidence for this complaint consisted of multiple screen shots of received text messages sent by Alideeb. While the CRO received four (4) such screen shots, only one person identified themselves to the CRO. This person has since, on Tuesday, March 29, written and signed a statement attesting to the fact that they received the text message. The other screen shots appear to be present on different phones and show Alideeb’s name as the sender.

The complaint addresses two (2) matters: 1) unsolicited campaigning by an arms-length party and, 2) abuse of office. In arguing for 1) the complainant argues that the person is not a member of the UTSU and should not be receiving campaign materials. The complaint goes on to argue for 2), stating that the only way that Alideeb could have acquired this person’s phone number in order to send the text message that they received was by virtue of Alideeb’s position, UTMSU – Vice President University Affairs & Academics. The person claims that the only contact that they and Alideeb have ever had was during an interview for UTMSU Vice-President Campus Life in 2015. The person testifies that during this interview the interviewers took their phone number. Further evidence has been provided, in the form of written testimony, indicating that interviewee’s phone numbers are maintained in the UTMSU records. The complainant claims that it is only by virtue of having access to these records that Alideeb could have procured this person’s phone number in order to send the text message. Therefore, the complainant argues that Alideeb inappropriately

campaigning to non-members and that Alideeb's unlawful use of UTMSU information constitutes an abuse of office.

Ruling

The CRO has investigated this complaint and is now able to make a ruling. As for 1) unsolicited campaigning by an arms-length party, the CRO finds that the 1UofT slate is in violation of Elections Procedure Code (EPC) VI.1.d.i "breaching generally accepted community standards". The CRO is issuing four (4) demerit points to each of the members of the 1UofT slate for this infraction of the EPC.

The CRO is disturbed by the evidence brought by the complainant in relation to 2) abuse of office. If true, Alideeb would have violated numerous Articles of the EPC, including, but not limited to, VI.1.p "Benefits Acquired by Virtue of Office" and VI.1.e "Adherence to Existing Policy". These charges are very serious and the CRO does not take them lightly.

At this point, however, the CRO is not prepared to issue demerit points for this charge. The CRO's reasons are as follows: due to the severity of the charges the standards of evidence must be higher, much higher than for the average procedural complaint received by the CRO. The CRO finds that the standard of evidence for this claim must prove not only that Alideeb had access to the person's phone number and that they had no other prior contact that could explain Alideeb's acquisition of their number, but also that Alideeb actually *did* intentionally acquire their phone number in this manner. The CRO believes that it is possible for their phone number to have been acquired by Alideeb in other ways. The evidence does not prove that Alideeb *intentionally* used the UTMSU list of phone numbers, as it is possible that someone else accessed and gave Alideeb the list without informing Alideeb of its origins. This person could have been an arms-length party and thus, the 1UofT slate would not be culpable for the transgression. For these reasons, the CRO is not issuing demerit points.

This decision should not be taken as tacit approval of the actions of Alideeb. It is the opinion of the CRO that something very wrong happened when this person received the text from Alideeb. The CRO questions why Alideeb would send a text to a non-member for campaigning purposes. Even in the best-case scenario, Alideeb used a phone number without knowing its origin or owner to campaign on behalf of a slate. As a UTMSU executive, Alideeb should have used better judgment before campaigning in this manner. The CRO is displeased with this ruling, as the complainant has brought up many very reasonable questions and they deserve to be addressed. However, the authority of the CRO only goes so far and the practical realities of the election dictate that rulings must be made within a given timeframe. Due to this timeframe, CRO is unable to perform the kind of in-depth research that may yield evidence required to rule on this kind of allegation.

Demerit points

- Madina Siddiqui: 4

- Andre Fast: 4
- Andy Edem: 4
- Malkeet Sandhu: 4
- Charlotte Mengxi Shen: 4
- Lera Nwineh: 4
- Carina Zhang: 4
- Yidong Fu: 4

ERC Rulings

ERC Ruling 001

Date and Time: Sunday March 13th, 2016, 17:00

The ERC received an appeal from Tsukasa Kikuchi for the decision of the CRO on March 13th to disqualify them as a candidate. The ERC decided to allow Kikuchi as a candidate, pending a meeting with the CRO, requested within 24 hours of the all-candidates meeting, per article V 1.a. of the EPC.

Original CRO Decision

The CRO decided on March 13th that since the designate of Kikuchi was one hour late to the All-Candidates Meeting, and since the EPC requires that a candidate or their designate attend the meeting in full, Kikuchi had not properly fulfilled the requirement to attend the meeting.

ERC Decision

During the meeting of the ERC on March 13th, the following facts were established:

Timeline and Information about the All-Candidates Meeting

1. The web page for signing out a nomination form online incorrectly stated that the all-candidates meeting was to be held at 14:00, where in fact it was scheduled for 13:00. This was verified with the Google cache of the page, as well as the page itself on the back-end of the UTSU website.
2. The electronic copy of the nomination form had the correct time of the all-candidates meeting.
3. Kikuchi was unable to attend the all-candidates meeting, and informed their designate immediately upon reading the online form that they should attend the meeting, but gave the incorrect time of 14:00. A text message between Kikuchi and their designate was shown to the ERC with the copy-and-pasted incorrect information.
4. The form to authorize Kikuchi's designate, which Kikuchi signed after taking out the nomination form had the correct time of 13:00. Kikuchi's designate was given this form to gain entrance to the meeting.
5. Still under the impression that the meeting was at 14:00, Kikuchi's designate arrived one hour late to the meeting.
6. The CRO had decided prior that since the all-candidates meeting must be attended in its entirety, any non-trivial lateness would mean that a candidate or their designate should not be able to attend the meeting.
7. The staff person that the CRO had authorized to sign in candidates and designates to the meeting followed these instructions and did not let in Kikuchi's designate.

The ERC made their decision on the following basis:

1. Notwithstanding Kikuchi's confusion about the time of the meeting, candidates who have not attended the all-candidates meeting have the right to remain eligible so long as they email the CRO within 24 hours of the meeting. The ERC found that Kikuchi still had the ability to exercise this right, as the reasons for not being able to attend are not qualified in the EPC.
2. The ERC admits the mistake on the web page which had the online proxy sign-out form. However, given that the correct information was provided to candidates multiple times, and given

that the representative authorization form had the correct time, that Kikuchi signed this form, and that their representative possessed the form, the ERC maintains that Kikuchi and their designate should have reasonably known the meeting was a 13:00. There were no other latenesses of this kind.

Consequences

The ERC ruled that Tsukasa Kikuchi is still eligible as a candidate so long as they

1. Email the CRO within 24 hours of the all-candidates meeting (i.e. before 16:00 on March 14th) requesting a meeting in lieu of attending the all-candidates meeting, and
2. Attend the meeting with the CRO to discuss the rules, as outlined in Article V 1.a. of the EPC.

ERC Ruling 002

Date and Time: Sunday March 13th, 2016, 17:00

The ERC received an appeal from Yao Lu on March 13th for the CRO's decision to not affirm them as a candidate based on insufficient signatures from the relevant constituency. The ERC has ruled that the CRO's decision be upheld.

Original CRO Decision

The CRO decided that Lu's nomination package for Academic Director – Mathematical and Physical Sciences was incomplete due to lacking the correct amount of signatures from the Mathematical and Physical Sciences constituency. Lu failed to gain the required signatures to qualify for nomination.

ERC Decision

During the meeting of the ERC on March 13th, the following facts were established:

1. The nomination package stated that signatures from the correct constituency are required to be considered valid. Candidates who took out nomination packages were given copies of the EPC and Bylaws, which explain the composition of each constituency and the requirements for a valid nomination package.
2. Of the 37 signatures presented, only 18 were validated as UTSU members from the relevant constituency. The amount of nominators required is 25.
3. The candidate claimed that they had been provided incorrect information when taking out the nomination package, however based on available evidence, the ERC was unable to confirm this claim.
4. Additionally, the ERC found that there was sufficient information and resources available to the candidate to inquire about any concerns with the composition of the constituency in question.

The ERC made its decision on the basis that Lu should have reasonably known the constituency from which to seek nominators, and that there were insufficient valid nominators on their form.

Consequences

The ERC has ruled that decision of the CRO to not affirm Yao Lu as a candidate based on insufficient valid nominators be upheld. Yao Lu is therefore unable to run in the UTSU election for the position of Academic Director – Mathematical and Physical Sciences.

Since the only remaining candidate for the position of Academic Director – Mathematical and Physical Sciences is Yi Dong (David) Fu, there will be a Yes/No ballot for this position.

ERC Ruling 003

Date and Time: Monday March 21st, 2016, 21:00

The ERC received an appeal from the slate known as "Hello UofT" for CRO Ruling 005, which found that Presidential Candidate Madina Siddiqui would not be allocated demerit points for an alleged misrepresentation of fact regarding clubs funding at the Executive Debate on March 16th. The ERC decided to overturn the CRO's ruling and award Madina Siddiqui three (3) demerit points for unintentional misrepresentation of fact.

Original CRO Ruling

CRO Ruling – 005

March 18, 2016 20:00

Complaint

The Chief Returning Officer (CRO) received a complaint via email on March 17, 2016 at 00:28. The complaint makes reference to remarks made by Madina Siddiqui at the Executive Forum about clubs funding and claims that Siddiqui is in violation of Elections Procedure Code VI.2.k.i “misrepresentation of facts” and “intentional misrepresentation of facts”. Time stamps from the video of the Executive Forum where Siddiqui made the statements and UTSU budgets from the 2014 – 2015, and 2015 – 2016 terms were offered as evidence of the claim. The complaint argues that Siddiqui misrepresented the facts when claiming that clubs funding had been cut for the 2015 – 2016 term. The claim goes on to argue that Siddiqui made two (2) intentional misrepresentations of facts after an audience member claimed that the clubs funding was not cut for the same term

Ruling

The CRO has investigated the complaint. The CRO finds that there were three (3) instances wherein Siddiqui mentions, at the Executive Forum, the UTSU’s cutting of clubs funding. The first was in Siddiqui’s opening remarks. The second was in response to an audience question. The third was in Siddiqui’s closing remarks. The CRO finds that there is no case to be made for “intentional misrepresentation of facts”. The audience member did not identify themselves as an authority on UTSU budgetary matters, nor did they offer any proof for the claim that the clubs funding had not been cut. Therefore, Siddiqui was given no reason to accept the audience member’s claims about the budget.

As to the factual evidence relating to this complaint, the CRO finds that it is insufficient to warrant demerit points. While it is true that the clubs funding on a whole stayed the same, the CRO finds that it is also true that many clubs did have their funding cut for the year in question. The CRO believes that it was the latter claim that Siddiqui intended in the statements made during the Executive Forum.

Discussion

The CRO would like to point out that this complaint does not conform to the spirit of these elections. The idea that an audience member could make an unsubstantiated claim and that the candidate would be bound by that claim is ridiculous. Viewing the video, it is obvious to the CRO that Siddiqui believed these claims and was not intending to subvert the truth.

ERC Decision

At its meeting on March 21st, the ERC established the following facts:

1. The ERC accepted the CRO’s finding that Madina Siddiqui mentioned the cutting of clubs funding three times during the UTSU Executive Debate on March 16th.
2. As per the February board package available on the UTSU website, the latest total allocation for Fall-Winter clubs funding for this year is \$184,000. (p. 255 with adjustments on p. 10 of this document:http://www.utsu.ca/wp-content/uploads/2014/01/BOD-Agenda-2016.02.28_v3_compressed.pdf)
3. As per the budget for last year available on utsu.ca/audit-financials, the stated allocation for the equivalent funding last year is \$175,000.
4. According to internal documents of the UTSU (the ERC did not consider this in their ruling, but wish to state it for the public record), the actual amount spent on Fall-Winter clubs funding for last year was approximately \$160,000.
5. On April 28, 2015, the 2014-2015 board of directors approved a change to clubs policy, setting \$15,000 as the maximum amount of UTSU clubs funding that any group could receive.
6. Prior to the aforementioned change in policy, there were two clubs that received greater than \$15,000 in Fall-Winter UTSU clubs funding.

Additionally, the representatives from Hello UofT conceded that they now believed that the statements from Ms Siddiqui were an unintentional, rather than intentional misrepresentation of fact.

The ERC made its decision based on the following reasons:

1. As a club executive, Madina Siddiqui would have attended clubs training, where it is explained to club executives that the previous board of directors (2014-2015) passed a policy limiting the maximum amount of clubs funding to \$15,000. The ERC believes that based on this, Siddiqui should have reasonably known that this was the reason for the reduced funding that a small number of clubs received, not an active decision to cut funding for individual clubs.
2. The ERC decided that it was reasonable that candidates for President should be expected to meet a high standard of knowledge for UTSU policy and finances. The ERC believes that due to this expectation, Siddiqui should have been more specific with her comments, as to not imply that total clubs funding had been cut by the UTSU.
3. The ERC decided that given the confusion about the facts regarding clubs funding, Siddiqui should have demonstrated an effort to further clarify and/or correct her statements from the debate, which was not demonstrated in this case.
4. Notwithstanding the foregoing, the ERC decided that since Ms Siddiqui's statements were based on genuine feedback received from clubs and since budgetary documents for previous years are unclear (i.e. do not display actual amounts spent or correlate to specific UTSU accounts), no demerits are justified beyond the lowest category in the code for misrepresentation of fact.

Consequences

The ERC has overturned CRO Ruling 005 and awarded demerit points to the following candidates for unintentional misrepresentation of fact:

- Madina Siddiqui, Presidential Candidate – three (3) demerit points.

ERC Ruling 004

Date and Time: Thursday March 24th, 2016, 16:30

The ERC received an appeal from 1UofT for CRO Ruling 007 which awarded three (3) demerit points to the candidates on the slate called 1UofT for use of an unauthorized campaigner via Instagram.

Original CRO Ruling

CRO Ruling – 007

March 21, 2016 18:00

Complaint

The Chief Returning Officer (CRO) received a complaint about an unauthorized campaigner working for the “1 UofT” slate. The complaint states that one Guled Arale has been campaigning on behalf of said slate using the “1UofT” Instagram account. As evidence they provided screen shots showing that Guled Arale is hosting the account. The CRO has investigated Guled Arale's status as a member of the UTSU and found that this person is not in fact a member of the Union. The CRO has further found that the Instagram account was used for campaigning.

Ruling

The CRO finds that 1UofT slate in violation of Elections Procedure Code, Article VI.3.k.i.ii, “Unauthorized Campaigners.” The CRO is issuing 3 demerit points to the slate and is ordering that the 1UofT Instagram account be taken down immediately.

The following candidates have therefore received three (3) demerit points for use of unauthorized campaigners:

- Madina Siddiqui, Presidential Candidate
- Carina Zhang, VP Internal Candidate
- Andy Edem Afenu, VP University Affairs Candidate
- Andre Fast, VP External Candidate
- Malkeet Sandhu, VP Equity Candidate
- Lera Nwineh, VP Campus Life Candidate
- Charlotte Mengxi Shen, VP Professional Faculties Candidate

- Yi Dong (David) Fu, Mathematics and Physical Sciences Candidate

Note: Vere-Marie Khan, Chair of the Elections and Referenda Committee, had allowed for the Instagram account to remain active until an appeal is heard for this ruling.

ERC Decision

At its meeting of March 24th, the ERC was established the following facts:

1. The screenshot that the CRO received stated that “Your Facebook friend Guled Arale is on Instagram as 1UofT” and the notification that was in the picture was from the afternoon of Thursday March 17th.
2. Andre Fast submitted as oral evidence to the ERC that on the same afternoon as the notification, his phone had died. As he was in Sidney Smith at the time, he ran into Guled Arale an employee of APUS (who has an office in Sidney Smith) and who is a friend of his as they both sit on the executive of the Ontario Youth NDP.
3. Arale offered to lend his phone to Fast temporarily to post an instagram photo. When Fast logged into the 1UofT instagram account, the social media accounts on Arale’s phone auto-connected to the instagram app, causing the notification that was received in evidence for the complaint.
4. Fast noticed the unintentional notification and deleted the photo that was uploaded and unlinked the 1UofT account from Arale’s phone.
5. The same story was corroborated in the email requesting an appeal. Although the email was unsigned, Fast stated that he believed it was sent by his campaign manager, Grayce Slobodian, who also works at APUS, and thus would be able to vouch for his story. The ERC believes that the oral testimony of Fast and the email explaining the same situation is sufficient evidence to corroborate the events described.
6. The ERC independently corroborated Fast’s claim that linking the account would also link the social media accounts that were already linked to the instagram app.

The ERC made their decision based on the following reasons:

1. The events established show an unintentional error not made with the intent to break the elections code. The error was accepted by Fast and quickly rectified. The ERC believes that the demerits given to the whole 1UofT team are not justified in this case.
2. Additionally, if Arale were the manager of the Instagram account, as claimed in the complaint, the notification would have been received on Monday March 14th, when the account was created, and not on the Thursday afternoon of the same week. Thus, the evidence presented is inconsistent with the claim that Arale was the “manager” of the social media account.
3. Fast accepted his error in accepting help in campaigning from a non-UTSU member, but since the error was made honestly, the ERC believes that this only deserves one (1) demerit point.

Consequences

The ERC chose to overturn CRO Ruling 007, removing the three (3) demerit points that were given to the following candidates for use of an unauthorized campaigner:

- Madina Siddiqui, Presidential Candidate
- Carina Zhang, VP Internal Candidate
- Andy Edem Afenu, VP University Affairs Candidate
- Malkeet Sandhu, VP Equity Candidate
- Lera Nwineh, VP Campus Life Candidate
- Charlotte Mengxi Shen, VP Professional Faculties Candidate
- Yi Dong (David) Fu, Mathematics and Physical Sciences Candidate

In addition, the ERC decided to reduce the three (3) demerit points received by Andre Fast, VP External Candidate, to one (1) demerit point.

Finally, the ERC permitted 1UofT to continue using their Instagram account until the end of campaigning.

ERC Ruling 005

Date and Time: Thursday March 24th, 2016, 16:30

The ERC received a partial appeal from Ryan Gomes for CRO Ruling 009, which awarded eight (8) demerit points to 1UofT for gross misrepresentation of fact by a non-arm's-length party and six (6) demerit points to Ryan Gomes for misrepresentation of fact and breach of fair play.

Original CRO Ruling CRO Ruling – 009

March 22, 2016 12:00

Complaint

On Friday March 18 the Chief Returning Officer (CRO) received a complaint against the “1UofT” slate, claiming “Gross Misrepresentation of Fact”. The severity of these charges warranted much consideration on the part of the CRO. Because the CRO does not wish to further propagate these misrepresentations of fact, the CRO is omitting the details of this conversation. The evidence provided by the complainant includes a recording of the conversation, a transcription of that recording and photos of the volunteer mentioned above.

Ruling

The CRO finds that the volunteer was a non-arms-length party and is responsible for the gross misrepresentation of fact. The CRO further finds that the actions of the volunteer failed to match with the spirit and purpose of these elections. The CRO is issuing four (4) per demerit points in relation to Article VI.3.k.iii of the Elections Procedure Code: Fair Play, per infraction.

Thus, the 1UofT slate is being issued a total of eight (8) demerit points:

- Madina Siddiqui, Presidential Candidate
- Carina Zhang, VP Internal Candidate
- Andy Edem Afenu, VP University Affairs Candidate
- Andre Fast, VP External Candidate
- Malkeet Sandhu, VP Equity Candidate
- Lera Nwineh, VP Campus Life Candidate
- Charlotte Mengxi Shen, VP Professional Faculties Candidate
- Yi Dong (David) Fu, Mathematics and Physical Sciences Candidate

In addition to these demerit points, the CRO finds that the tactics used by Ryan Gomes in gathering the information for this complaint are worthy of reproach. The CRO finds that there was an “Intentional Misrepresentation the Facts” when Ryan Gomes intimated that they were not part of the “other team” when in fact Gomes is an executive candidate in this election. The CRO further finds that Gomes did not behave in the spirit of these elections when secretly recording the conversation with the volunteer. Therefore, the CRO finds Gomes in violation of Articles VI.3.k.ii and VI.3.k.iii of the Elections Procedure Code: Campaigning and Fair Play, respectively. The CRO is issuing two (2) demerit points to Gomes for the campaigning violation and four (4) demerit points for the fair play violation.

Thus, Gomes is being issued a total of six (6) demerit points for these infractions.

ERC Decision

The appeal heard by the ERC was specifically for the four (4) demerit points given to Gomes for fair play, because of his use of entrapment to gain evidence. The two (2) demerit points awarded to Gomes for misrepresentation of fact were admitted by the candidate and not appealed.

During its meeting of March 24th, the ERC established the following facts:

1. The recording submitted as evidence contained the whole conversation between Gomes and the non-arm's-length party. There was no prior or later interaction between the two persons that would have changed the interpretation of the evidence presented.
2. The ERC determined that Gomes did not ask leading questions to the volunteer, and that the statements which earned demerit points for 1UofT were made without prompting or coercion from Gomes. The questions asked by Gomes were normal questions that any student would ask of a candidate or campaign volunteer.

3. The ERC confirmed the CRO's finding that Gomes failed to inform the non-arm's-length party that he was an opposing candidate in the election, and agreed that this was a misrepresentation of fact by wilful omission.

The ERC made their decision based on the following reasons:

1. The CRO had made clear at the all-candidates meeting as well as the ERC meeting of March 21st that candidates should not seek to file complaints as an end in itself, i.e. that attempting to file many complaints in order to rack up demerits for the opposing team was not an acceptable campaign strategy and not in the spirit of the election. The CRO has reiterated this principle in response to a high volume of complaints from both slates running in the election.
2. The ERC decided that, because of this principle of the CRO, entrapment was only justifiable to collect evidence where a reasonable suspicion of wrongdoing existed. The ERC decided that a reasonable suspicion did not exist in this case.
3. The ERC admitted the argument that this type of strategy had been used in past UTSU elections, in similar circumstances. However, it felt that because of the CRO's repeated statements to candidates and their representatives that collecting evidence solely for the purpose of systematically filing complaints was contrary to the expected behaviour of candidates that the award of four (4) demerit points to Gomes by the CRO was justified in this case.

Consequences

The ERC decided to uphold the part of CRO Ruling 009 relating to Ryan Gomes, Vice-President Professional Faculties Candidate, including awarding Mr. Gomes a total of six (6) demerit points.

ERC Ruling 006

Date and Time: Thursday March 24th, 2016, 16:30

The ERC received an appeal from Hello UofT for CRO Ruling 010 which awarded three (3) demerits to candidates on the slate for pre-campaigning on Facebook.

Original CRO Ruling CRO Ruling – 010

March 23, 2016

Complaint

On Monday, March 21, 2016 the Chief Returning Officer (CRO) received a complaint claiming that "Hello UofT" had engaged in pre-campaigning. Images from Hello UofT's Facebook page were provided as evidence.

Ruling

The evidence provided for this complaint clearly shows that Hello UofT's logo, links to their website and social media platforms were present prior to the campaign period. The CRO finds that having these materials present before the campaign period afforded the Hello UofT an unfair advantage.

The CRO finds that Hello UofT is in violation of the Elections Procedure Code (EPC) Article VI.3.k.i, Pre-Campaigning.

The CRO is issuing 3 demerit points to each of the members of the Hello UofT slate.

- Jasmine Wong Denike – 3
- Mathias Memmel – 3
- Farah Noori – 3
- Lucinda Qu – 3
- Shawn Williams – 3
- Shahin Imtiaz – 3
- Ryan Gomes – 3
- Christina Badiola – 3
- Ifrah Farah – 3
- Ahmad Ilyas – 3

- Garnet Lollar – 3
- Stephanie Spagnuolo – 3
- Kshemani Constantinescu – 3
- Mira El Hussein – 3
- Chimwemwe Alao – 3
- Jacob Reinertson – 3
- Timothy Law – 3
- Alissa Mirochnitchenko – 3
- Tsukasa Kikuchi – 3
- Victoria Liao – 3
- Sophia Wang – 3
- Faizan Akbani – 3
- Addy Bhatia – 3
- Danja Papajani – 3
- Andrew Sweeny – 3
- Veronika Potylitsina – 3
- Katie Grundy – 3
- Adriana Too – 3

ERC Decision

The original evidence received by the CRO was a screenshot of posts on the Hello UofT Facebook page with timestamps indicating that the posts were made before March 14th, the first day of campaigning. Upon appeal, Hello UofT claimed that although the posts were made before the start of campaigning, they were not visible until 9:00 AM on March 14th, as the page was unpublished, and not visible to anyone who was not a page administrator. Hello UofT provided statistics from the page confirming that not a single person (who was not a page administrator) saw the page nor posts on the page before the beginning of campaigning. They also provided a message log showing the page administrator telling candidates after 9:00 AM that day that the page was now published.

Consequences

The ERC decided to overturn CRO Ruling 010, including removing the award of three (3) demerit points to candidates affiliated with Hello UofT.

ERC Ruling 007

Date and Time: Tuesday March 29, 2016, 21:00

The ERC received an appeal from Hello UofT and 1UofT for CRO Ruling 016 which awarded two (2) demerit points to each candidate on the slate for a violation of Elections Procedure Code (EPC) Article VI.1.i.vi.1, namely failing to provide a notarized translation of the non-English text in some of their online materials.

Original CRO Ruling

CRO Ruling – 016

March 24, 2016 22:00

Complaint

On Friday, March 24, the CRO received a complaint about the unauthorized use of campaign materials by the “1UofT” slate. The complaint offered screenshots of social media pages as proof of 1UofT using non-English text in their campaign materials online, unaccompanied by an English translation.

Ruling

The CRO finds that the 1UofT slate is in violation of Elections Procedure Code (EPC) Article VI.1.i.vi.1 for failing to provide a notarized translation of the non-English text in some of their online materials. In addition, in these cases there was no English text provided alongside the non-English text.

The CRO is issuing 2 demerit points for the offence to each member of the 1UofT slate.

- Madina Siddiqui: 2
- Andre Fast: 2
- Andy Edem: 2
- Malkeet Sandhu: 2
- Charlotte Mengxi Shen: 2
- Lera Nwineh: 2
- Carina Zhang: 2
- Yidong Fu: 2

ERC Decision

The appeals heard by the ERC were split into two parts. Firstly, 1UofT was given a chance to explain why they believed the two (2) demerit points should be lowered or erased while Hello UofT made a case for the demerits to be increased due to the severity of the actions (they sought for the total demerits for the ruling to be increased to six (6) or higher). Second, both parties presented arguments regarding the non-arm's-length party status of UTChinese Network, which posted the untranslated material. Both parties had the opportunity to respond to each other's' arguments.

During its meeting of March 29th, the ERC established the following facts:

1. The untranslated campaign material that was the subject of the appeal (of CRO Ruling 016) was a post on the Social Networking site chuansong.me. The post was made by the account for the UTChinese Network on March 23rd, which is a recognized club.
2. This was the sixth instance of untranslated campaign material on the part of the 1UofT campaign that had been the subject of a CRO ruling, the previous including three instances on March 18th (CRO Ruling 008) and two instances on March 19th and 20th (CRO Ruling 014), by both candidates and non-arm's-length parties, and on a variety of social networks.
3. Prior to the March 23rd post, 1UofT had received rulings from the CRO, assigning demerit points for the use of untranslated material, had been reminded of the rules surrounding campaign materials via an email sent to all candidates, and had been contacted by campus media regarding alleged violations of the rules regarding translated materials.
4. The UofT Campaign claimed that they had contacted UTChinese Network with a copy of their translated and notarized materials, but the material presented in evidence, which was not translated or CRO approved, was posted instead.
5. The involvement of non-arm's-length party Xinbo Zhang, who is Vice-President Events of UTChinese Network was argued as evidence that UTChinese Network was a non-arm's length party to 1UofT. This was not contested.
6. Additional evidence was presented showing that material had been posted online showing reciprocal acknowledgement of campaign efforts made by 1UofT and UTChinese Network. This included a video which was shared on March 24th by 1UofT Candidates promoting the fact that UTChinese Network, among other clubs had endorsed 1UofT.
7. The video promoting UTChinese Network's endorsement of 1UofT remained up for the rest of the election period and the post made by UTChinese Network was still up as of the ERC meeting on March 29th.
8. On March 23rd, *The Varsity* published an article specifically about untranslated campaign material in the form of a blog post shared on the social network WeChat by a club named United Newcomers Illuminated. In this article, 1UofT Presidential candidate Madina Siddiqui stated that she did not condone the sharing of unapproved material and that 1UofT had made efforts to comply with section VI 1.i. of the EPC.
9. It was confirmed at the meeting that there was no public action taken to signal non-approval of the untranslated post after it had been created or to distance the 1UofT team from UTChinese Network. The representative of 1UofT claimed that private attempts had been made to ensure that UTChinese Network complied with the translation rules, though there was no evidence that UTChinese Network had posted the notarized campaign material.

The ERC made their decision based on the following reasonings:

1. The ERC found that UTChinese Network was a non-arm's-length party to 1UofT candidates. The reciprocal acknowledgement by both groups of each other's online campaigning met the "publicly campaigned with a Candidate" section of the definition for non-arm's-length parties. Notwithstanding this, the uncontested claim that a VP of the club was a non-arm's-length party and was involved in making the post further supported this finding.
2. The ERC additionally found that there was no public statement which showed that 1UofT did not condone UTChinese Network posting untranslated campaign material. The statement made to *The Varsity* was in response to a posting from a different club, and was made before the post made by UTChinese Network.
3. The continued public affiliation of the two groups, as well as the continued existence of the untranslated material throughout the duration of the election demonstrated little intent on the part of the 1UofT campaign to ensure that only translated materials were posted or to ensure in the alternative that untranslated materials made by non-arm's-length parties were disowned.
4. Since it was clearly stated at the all-candidates meeting on March 13th that candidates could not simultaneously disown EPC violations made by non-arm's-length parties and yet continue to campaign with them, these actions indicated to the ERC that the 1UofT campaign did not make adequate or genuine efforts to ensure continued compliance with the election rules.
5. The ERC found that the post constituted a continued and wilful violation of the election rules, since 1UofT had been found culpable for many prior violations of the same rule and since by the time of the post, they would have been highly aware of the rules regarding non translated material due to multiple CRO rulings, the rule reminder email, and media requests.
6. The ERC also found that the lack of any public remedial effort by 1UofT constituted an additional wilful violation of the election rules, especially considering the continued use of UTChinese Network's endorsement in campaign material until the end of the election period.
7. The ERC determined that candidates who continued to willfully violate the election rules despite prior rulings of wrongdoing and ample opportunity to ensure that the rules were followed or to publicly distance themselves from the actions of non-arm's-length parties was among the worst kind of violation for unapproved materials, and deserved the maximum allocation of 15 demerit points.

Consequences

The ERC has overturned CRO Ruling 016 and awarded 15 demerit points to candidates from 1UofT for unauthorized (untranslated) materials:

- Madina Siddiqui: 15
- Andre Fast: 15
- Andy Edem: 15
- Malkeet Sandhu: 15
- Charlotte Mengxi Shen: 15
- Lera Nwineh: 15
- Carina Zhang: 15
- Yidong Fu: 15

ERC Ruling 008

Date and Time: Tuesday March 29, 2016, 21:00

The ERC received an appeal from Hello UofT for CRO Ruling 013 which awarded three (3) demerits to Andre Fast and Andy Edem for violating Elections Procedure Code Article VI.3.k.i "Unapproved Material".

Original CRO Ruling

CRO Ruling – 013

March 23, 2016 14:45

Complaint

The Chief Returning Officer (CRO) received a complaint on Monday, March 21 claiming that Andre Fast and Andy Edem were violating Elections Procedure Code Article VI.3.k.i “Unapproved Material”. The complaint was accompanied by video evidence and a sample of the material being distributed as proof. The complaint claims that the candidates listed above were distributing materials that were not stamped by the office of the CRO.

Ruling

The CRO finds that there is sufficient evidence to rule against the two candidates listed above. The CRO is issuing three (3) demerit points each to Andre Fast and Andy Edem.

- Andre Fast – 3
- Andy Edem – 3

ERC Decision

During its meeting of March 29, the ERC established the following facts:

1. The evidence provided showed Andy Edem and Andre Fast, as well as an additional, non-arm’s-length party campaigner handing out yellow paper “1”s with campaign materials. The materials were being distributed from a table set up for the day by the 1UofT campaign.
2. These yellow paper “1”s were not stamped with the logo of the CRO.
3. These unapproved materials were used to campaign and advertise the slate along with other materials.

The ERC made their decision based on the following reasonings:

1. Symbols are covered in the EPC as campaign materials. The ERC upheld the CRO’s ruling that the materials were unapproved materials, and agreed that the violation was not sufficiently serious to deserve more than the given three (3) demerits, especially since it was the first and only offense by 1UofT regarding the rule.
2. The ERC found that since the materials were being systematically distributed by the whole campaign, including by a non-arm’s-length party campaigner, and since the entire slate benefitted from the advertising and campaigning, the ruling should be extended to all 1UofT candidates.

Consequences

The ERC has upheld the CRO Ruling 013 and extended three (3) demerit points to the following additional 1UofT candidates for the use of unauthorized campaign materials:

- Madina Siddiqui: 3
- Malkeet Sandhu: 3
- Charlotte Mengxi Shen: 3
- Lera Nwineh: 3
- Carina Zhang: 3
- Yidong Fu: 3

These candidates remained at (3) demerits per the CRO’s original ruling.

- Andre Fast: 3
- Andy Edem: 3

ERC Ruling 009

Date and Time: Tuesday March 29, 2016, 21:00

The ERC received an appeal from Hello UofT for CRO Ruling 014 which awarded three (3) demerits to the entire slate for posting untranslated campaign material on their social media pages.

Original CRO Ruling

CRO Ruling – 014

March 24, 2016 17:45

Complaint

The Chief Returning Officer (CRO) received a complaint on Tuesday, March 23 claiming that the 1UofT slate posted non-English text on their social media pages. They sent screenshots as evidence for this claim that clearly shows non-English text without an English translation in accompaniment.

Ruling

The CRO finds that the 1UofT slate is in violation of the Elections Procedure Code Article Vi.1.i.vi: “All text in other languages on Campaign Materials must have an accurate English translation that appears in equal stature and size.

Where Campaign Material contains text in another language, the Candidate is responsible for having the text translated and notarized in order to gain approval for dissemination.”

The CRO is issuing 3 demerit points to each of the members of the 1UofT slate for “Unapproved Materials”:

- Madina Siddiqui: 3
- Andre Fast: 3
- Andy Edem: 3
- Malkeet Sandhu: 3
- Charlotte Mengxi Shen: 3
- Lera Nwineh: 3
- Carina Zhang: 3
- Yidong Fu: 3

ERC Decision

During its meeting of March 29th, the ERC established the following facts:

1. The evidence provided showed Carina Zhang, Vice-President Internal Candidate publishing untranslated materials on WeChat on both March 19th and 20th. The materials were broadly disseminated, i.e. not sent via direct message.
2. This account was verified as being Carina Zhang’s through multiple pieces of evidence.
3. These posts were made consistently over a period of days, however were taken down after the CRO sent a reminder email to all candidates of the rules surrounding campaign materials.
4. In the posts, Zhang thanked multiple non-arm’s-length parties and groups for posts in support of 1UofT, including the author of an interview of sorts that she had done which was posted on the social network site wenba.ca. The posts mentioned by name all of the 1UofT candidates who were Chinese as well as displaying the slate name and a photo of the whole executive slate.

The ERC made their decision based on the following reasons:

1. The ERC found that since the posts demonstrated widespread and repeated campaigning without translation, the award of three (3) demerit points per instance by the CRO was warranted.
2. The ERC decided that since there were two instances of violations in the evidence submitted, in keeping with CRO ruling 008, these points should have been allocated per each instance, totalling six (6) demerit points.
3. The ERC concluded that even though only the Chinese candidates on the 1UofT slate had been mentioned by name, the photos and mentions of the slate name meant that benefit accrued to the whole 1UofT slate, and so upheld the CRO’s decision to assign demerits to all 1UofT candidates.
4. The ERC decided that because of the attempt to rectify the situation by wiping the materials after being contacted by the CRO as well as the fact that the posts occurred before CRO Ruling 008, no increase in demerits beyond three (3) per instance was warranted.
5. The ERC found that in keeping with the principle established in CRO ruling 017, Carina Zhang bore greater personal responsibility for the posts. Additionally, the broadly disseminated posts she had made without translation for her own benefit heightened her responsibility for the violations.

Consequences

The ERC decided to overturn the CRO’s Ruling and award six (6) demerit points to each candidate of the 1UofT slate for untranslated materials, three (3) points for each instance, except for Carina Zhang, who

was awarded ten (10) demerit points (four (4) additional points) due to her heightened personal responsibility and benefit regarding the posts.

- Madina Siddiqui: 6
- Malkeet Sandhu: 6
- Charlotte Mengxi Shen: 6
- Lera Nwineh: 6
- Carina Zhang: 10
- Yidong Fu: 6

ERC Ruling 010

Date and Time: Thursday March 31st, 2016

The ERC received an appeal from 1UofT for CRO Ruling 017 which awarded eleven (11) demerit points to Madina Siddiqui and five (5) demerit points to the rest of the 1UofT slate for abuse of office, namely the use of the Afghan Students' Association office in 24 Sussex for campaigning purposes. The ERC decided to uphold the CRO's ruling.

Original CRO Ruling

CRO Ruling – 017

March 29, 2016

Committee Initiative

At the request of the Elections and Referendum Committee (ERC) the Chief Returning Officer (CRO) investigated allegations of violations relating to Elections Procedure Code, Article VI.1.p, "Benefits Acquired by Virtue of Office". These allegations related to the use of club office space, office space that is not available to the membership at-large, by the 1UofT slate.

Findings

Evidence for this claim includes an audio recording of a volunteer directing a member to go speak with the candidates for 1UofT at the club office. It is indicated in this recording that this space has been used as a regular work place for this slate. On Saturday, March 26, the CRO was provided photographic evidence in a formal complaint addressing the same matter. The image was originally posted on Instagram by 1UofT and shows the Executive candidates for 1UofT working late at night in a room that appears to be the same club office.

Ruling

The CRO finds that there is sufficient evidence to make a ruling on this matter. Finding that one of the members of the 1UofT slate is a club president and has access to the office in question, the CRO finds that the 1UofT slate acquired benefit from the office held by one of its members. Therefore, the CRO finds that the members of the 1UofT slate are in violation of the EPC Article mentioned above and will receive demerit points for "Abuse of Position or Status". Due to Madina Siddiqui's status as a club president, and this status affording the slate the opportunity to receive the benefit of free office space, the CRO finds that the violation warrants a greater number of demerit points for Siddiqui. The CRO is issuing one (1) demerit point to Siddiqui for each day of the online campaign period and half of that (rounded down) to each of the other members of the slate.

- Madina Siddiqui: 11
- Andre Fast: 5
- Andy Edem: 5
- Malkeet Sandhu: 5
- Charlotte Mengxi Shen: 5
- Lera Nwineh: 5
- Carina Zhang: 5
- Yidong Fu: 5

ERC Decision

During the ERC meeting of March 31st, the committee established the following facts:

1. The evidence clearly shows a campaign volunteer indicating that students could go to the Afghan Students' Association office in 24 Sussex (Room 529 is mentioned specifically). The Volunteer states that candidates and campaign managers for 1UofT have been available in this office if students want to ask them more about their platform all day long for every single day of in-person campaigning.
2. In addition to this evidence, 1UofT posted a photo on their Instagram account which showed the team doing campaign work in a room which the CRO was able to verify was in the 24 Sussex Clubhouse.
3. The CRO sent the recording as evidence to 1UofT within the prescribed timelines but did not send the Instagram photo from the 1UofT account.

The ERC made its ruling based on the following reasons:

1. The representative from 1UofT claimed that the office was not used for campaigning purposes, and that he himself was not present in the office during the period in which the Instagram photo was taken. The ERC found that the evidence clearly contradicted both these claims.
2. The representative from 1UofT claimed that the volunteer likely mentioned the club office because he was struggling to offer a way for people to contact the slate. The rehearsed nature of the volunteer's statement and the mention of 1UofT's website seemed to contradict this claim.
3. The ERC decided that even though the CRO omitted to send a screenshot of the Instagram post as evidence to 1UofT, since this particular piece of evidence was hosted on an account that 1UofT themselves owned, it was exceedingly unlikely that this posed a barrier to accessing the photo in question.
4. Notwithstanding the question of whether the Instagram photo should be considered as evidence, the ERC decided that the recording alone clearly demonstrated that the office was used for campaigning purposes on every single day of in person campaigning, and upheld the CRO's ruling on this basis.

Consequences

The ERC decided to uphold CRO ruling 017 in full, with no modifications.

Election Results:

UTSU BOARD OF DIRECTORS:

Turnout: 4871 (9.7%) of 50113 electors voted in this ballot.

Academic Director - Life Sciences

Option	Votes
Yes	505 (88.8%)
No	64 (11.2%)

VOTER SUMMARY

Total 842
Abstain 273 (32.4%)

Academic Director - Humanities

Option	Votes
Yes	675 (88.8%)
No	85 (11.2%)

VOTER SUMMARY

Total 1176
Abstain 416 (35.4%)

Academic Director - Computer Science

Option Votes
Yes 150 (89.3%)
No 18 (10.7%)

VOTER SUMMARY
Total 226
Abstain 58 (25.7%)

Academic Director - Mathematical and Physical Sciences

Option Votes
Yes 292 (82.7%)
No 61 (17.3%)

VOTER SUMMARY
Total 636
Abstain 283 (44.5%)

Academic Director - Rotman Commerce

Option Votes
Yes 183 (83.6%)
No 36 (16.4%)

VOTER SUMMARY
Total 340
Abstain 121 (35.6%)

Academic Director - Social Sciences

Option Votes
Yes 652 (89.7%)
No 75 (10.3%)

VOTER SUMMARY
Total 1171
Abstain 444 (37.9%)

Division I Director, Woodsworth College

Votes required to elect an option: 63

ROUND 1

Christina Badiola	76.00 1st preference votes
Sebastian Salomon	75.00 1st preference votes
Ahmad Ilyas	54.00 1st preference votes
Ifrah Farah	46.00 1st preference votes
Elected Christina Badiola due to:	highest 1st preference
Christina Badiola next preference votes redistributed at 0.17 discount	

ROUND 2

Sebastian Salomon	78.57 1st preference votes
Christina Badiola	Elected
Ahmad Ilyas	58.76 1st preference votes
Ifrah Farah	49.23 1st preference votes
Elected Sebastian Salomon due to:	highest 1st preference
Sebastian Salomon next preference votes redistributed at 0.20 discount	

ROUND 3

Sebastian Salomon	Elected
Christina Badiola	Elected
Ahmad Ilyas	65.18 1st preference votes
Ifrah Farah	55.61 1st preference votes
Elected Ahmad Ilyas due to:	highest 1st preference
Ahmad Ilyas next preference votes redistributed at 0.03 discount	

ROUND 4

Sebastian Salomon	Elected
Christina Badiola	Elected
Ahmad Ilyas	Elected
Ifrah Farah	57.48 1st preference votes

VOTER SUMMARY

Total 527
Abstain 276 (52.4%)

Division I Director, University College

Votes required to elect an option: 104

ROUND 1

Ryan Hume	128.00 1st preference votes
Mira El Hussein	107.00 1st preference votes
Kshemani Constantinescu	90.00 1st preference votes
Chimwemwe Alao	87.00 1st preference votes
Elected Ryan Hume due to:	highest 1st preference
Ryan Hume next preference votes redistributed at 0.19 discount	

ROUND 2

Ryan Hume	Elected
Mira El Hussein	113.27 1st preference votes
Kshemani Constantinescu	95.32 1st preference votes
Chimwemwe Alao	94.22 1st preference votes
Elected Mira El Hussein due to:	highest 1st preference
Mira El Hussein next preference votes redistributed at 0.08 discount	

ROUND 3

Ryan Hume	Elected
Mira El Hussein	Elected
Chimwemwe Alao	98.78 1st preference votes
Kshemani Constantinescu	98.18 1st preference votes
Eliminated Kshemani Constantinescu due to:	lowest 1st preference

ROUND 4

Chimwemwe Alao	181.21 1st preference votes
Ryan Hume	Elected
Mira El Hussein	Elected
Elected Chimwemwe Alao due to: highest	1st preference
Chimwemwe Alao next preference votes redistributed at 0.43 discount	

ROUND 5

Chimwemwe Alao	Elected
Ryan Hume	Elected

Mira El Hussein

Elected

VOTER SUMMARY

Total 654
Abstain 242 (37.0%)

Division I Director, Victoria University in the University of Toronto

Votes required to elect an option: 109

ROUND 1

Stephanie Spagnuolo	183.00 1st preference votes
Garnet Lollar	142.00 1st preference votes
Elected Stephanie Spagnuolo due to:	highest 1st preference
Stephanie Spagnuolo next preference votes redistributed at 0.40 discount	

ROUND 2

Garnet Lollar	205.20 1st preference votes
Stephanie Spagnuolo	Elected
Elected Garnet Lollar due to:	highest 1st preference
Garnet Lollar next preference votes redistributed at 0.47 discount	

ROUND 3

Garnet Lollar	Elected
Stephanie Spagnuolo	Elected

VOTER SUMMARY

Total 456
Abstain 131 (28.7%)

President

Votes required to elect an option: 1771

ROUND 1

Jasmine Wong Denike	2,000.00 1st preference votes
Madina Siddiqui	1,540.00 1st preference votes
Elected Jasmine Wong Denike due to:	highest 1st preference
Jasmine Wong Denike next preference votes redistributed at 0.11 discount	

ROUND 2

Jasmine Wong Denike	Elected
Madina Siddiqui	1,670.02 1st preference votes

VOTER SUMMARY

Total 4870
Abstain 1330 (27.3%)

Vice-President, Campus Life

Votes required to elect an option: 1697

ROUND 1

Shahin Imtiaz	1,489.00 1st preference votes
Lera Nwineh	1,070.00 1st preference votes
Alessia Rodriguez	834.00 1st preference votes
Eliminated Alessia Rodriguez due to:	lowest 1st preference

ROUND 2

Shahin Imtiaz	1,825.00 1st preference votes
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Lera Nwineh 1,316.00 1st preference votes
Elected Shahin Imtiaz due to: highest 1st preference
Shahin Imtiaz next preference votes redistributed at 0.07 discount

ROUND 3

Shahin Imtiaz Elected
Lera Nwineh 1,393.42 1st preference votes

VOTER SUMMARY

Total 4870
Abstain 1477 (30.3%)

Vice-President, Equity

Votes required to elect an option: 1518

ROUND 1

Farah Noori 1,728.00 1st preference votes
Malkeet Sandhu 1,307.00 1st preference votes
Elected Farah Noori due to: highest 1st preference
Farah Noori next preference votes redistributed at 0.12 discount

ROUND 2

Farah Noori Elected
Malkeet Sandhu 1,424.00 1st preference votes

VOTER SUMMARY

Total 4870
Abstain 1835 (37.7%)

Vice-President, External

Votes required to elect an option: 1640

ROUND 1

Lucinda Jing Qu 1,648.00 1st preference votes
Andre Fast 1,630.00 1st preference votes
Elected Lucinda Jing Qu due to: highest 1st preference
Lucinda Jing Qu next preference votes redistributed at 0.00 discount

ROUND 2

Lucinda Jing Qu Elected
Andre Fast 1,630.00 1st preference votes

VOTER SUMMARY

Total 4870
Abstain 1592 (32.7%)

Vice-President, Internal and Services

Votes required to elect an option: 1759

ROUND 1

Carina Zhang 1,777.00 1st preference votes
Mathias Memmel 1,740.00 1st preference votes
Elected Carina Zhang due to: highest 1st preference
Carina Zhang next preference votes redistributed at 0.01 discount

ROUND 2

Carina Zhang Elected

Mathias Memmel

1,749.58 1st preference votes

VOTER SUMMARY

Total 4870

Abstain 1353 (27.8%)

Vice-President, Professional Faculties

Votes required to elect an option: 437

ROUND 1

Ryan Gomes 553.00 1st preference votes

Charlotte Mengxi Shen 319.00 1st preference votes

Elected Ryan Gomes due to: highest 1st preference

Ryan Gomes next preference votes redistributed at 0.21 discount

ROUND 2

Ryan Gomes Elected

Charlotte Mengxi Shen 375.49 1st preference votes

VOTER SUMMARY

Total 1225

Abstain 353 (28.8%)

Vice-President, University Affairs

Votes required to elect an option: 1628

ROUND 1

Shawn Williams 1,822.00 1st preference votes

Andy Edem 1,432.00 1st preference votes

Elected Shawn Williams due to: highest 1st preference

Shawn Williams next preference votes redistributed at 0.11 discount

ROUND 2

Shawn Williams Elected

Andy Edem 1,546.62 1st preference votes

VOTER SUMMARY

Total 4870

Abstain 1616 (33.2%)

Director - Architecture

Votes required to elect an option: 64

ROUND 1

Marienka Bishop-Kovac 101.00 1st preference votes

Veronika Potylitsina 26.00 1st preference votes

Elected Marienka Bishop-Kovac due to: highest 1st preference

Marienka Bishop-Kovac next preference votes redistributed at 0.37 discount

ROUND 2

Marienka Bishop-Kovac Elected

Veronika Potylitsina 52.64 1st preference votes

VOTER SUMMARY

Total 143

Abstain 16 (11.2%)

Director - Dentistry

<u>Option</u>	<u>Votes</u>
Yes	2 (100.0%)
No	0 (0.0%)

VOTER SUMMARY

Total 2
Abstain 0 (0.0%)

Director - Engineering and Applied Sciences

Votes required to elect an option: 122

ROUND 1

Andrew Sweeny	254.00 1st preference votes
Addy Bhatia	149.00 1st preference votes
Danja Papajani	84.00 1st preference votes
Elected Andrew Sweeny due to:	highest 1st preference
Andrew Sweeny next preference votes redistributed at 0.52 discount	

ROUND 2

Andrew Sweeny	Elected
Addy Bhatia	210.88 1st preference votes
Danja Papajani	128.20 1st preference votes
Elected Addy Bhatia due to:	highest 1st preference
Addy Bhatia next preference votes redistributed at 0.42 discount	

ROUND 3

Andrew Sweeny	Elected
Addy Bhatia	Elected
Danja Papajani	203.42 1st preference votes
Elected Danja Papajani due to:	highest 1st preference
Danja Papajani next preference votes redistributed at 0.40 discount	

ROUND 4

Andrew Sweeny	Elected
Addy Bhatia	Elected
Danja Papajani	Elected

VOTER SUMMARY

Total 744
Abstain 257 (34.5%)

Director - Medicine

<u>Option</u>	<u>Votes</u>
Yes	16 (94.1%)
No	1 (5.9%)

VOTER SUMMARY

Total 18
Abstain 1 (5.6%)

Director, Nursing

<u>Option</u>	<u>Votes</u>
Yes	25 (96.2%)

No 1 (3.8%)

VOTER SUMMARY

Total 28
Abstain 2 (7.1%)

Director - Pharmacy

<u>Option</u>	<u>Votes</u>
Yes	48 (96.0%)
No	2 (4.0%)

VOTER SUMMARY

Total 51
Abstain 1 (2.0%)

Director - Professional Faculty At-Large

Votes required to elect an option: 241

ROUND 1

Sophia Wang	387.00 1st preference votes
Faizan Akbani	334.00 1st preference votes
Elected Sophia Wang due to:	highest 1st preference
Sophia Wang next preference votes redistributed at 0.38 discount	

ROUND 2

Faizan Akbani	421.02 1st preference votes
Sophia Wang	Elected
Elected Faizan Akbani due to:	highest 1st preference
Faizan Akbani next preference votes redistributed at 0.43 discount	

ROUND 3

Faizan Akbani	Elected
Sophia Wang	Elected

VOTER SUMMARY

Total 1225
Abstain 504 (41.1%)

Director - Theology

<u>Option</u>	<u>Votes</u>
Yes	3 (100.0%)
No	0 (0.0%)

VOTER SUMMARY

Total 3
Abstain 0 (0.0%)

Challenges and Opportunities

1. Academic Directors – Membership List

There were changes to the UTSU board structure that came into effect for this election. The most significant challenge that the CRO encountered in relation to these changes was acquiring the membership list use in determining the eligibility of electors casting ballots for the new Academic Director seats. The UTSU must receive its membership list from the University of Toronto (UofT) administration. When the CRO took office it was still an open question whether the UofT administration could provide the data that we required at the level of specificity necessary to ensure that only eligible members could vote for these positions. The CRO met with a representative from the Office of the Vice-Provost (the office that normally provides the membership list to the UTSU). This representative was, as always, very helpful in working out the specific details relating to the UTSU membership list. However, in the case of the Academic Directors, the Office of the Vice-Provost did not have the specific information that was required. Luckily, the representative was willing to speak to the administration at the Faculty of Arts and Sciences Registrar's office on behalf of the UTSU and arrange a meeting to discuss the possibility of the UTSU receiving this information from their database. Acting as a liaison, the representative met with the CRO, ERC chair and representatives from the Registrar's office to formally work out the details of our request relating to this element of the membership list. The Registrar did have the specific data that the UTSU required and was willing to share this information with the UTSU for the purposes of the election. This relationship with the Registrar's office will need to continue in perpetuity.

Despite the fact that this series of events was initiated by the CRO in the second week of their term, the full list was not received until a few days before the elections. This late receipt was not due to anyone being slow to act. On the contrary, the CRO finds that everyone contributing to this process worked efficiently and with generosity. The fact is that there are numerous steps required in ensuring that the membership list is valid, and each of these steps takes time. Because the list that we required for the Academic Directors was new for the UTSU, making sure that it was valid took extra time and effort on the part of every party involved.

2. Election Staffing

The Office of the CRO and the ERC were understaffed for this election period. The CRO has found that historically it has been common practice to have three (3) DROs for the Spring Election. This year the Office of the CRO was only staffed with two (2) DROs. DROs play a vital role in the elections. With only two (2) DROs, the Office of the CRO had to utilize UTSU non-elections staff for many of its operations. All staff involved had to make extraordinary efforts to ensure that the elections were properly run, fair and open.

In addition to this, the ERC was short on members. The UTSU bylaws (Article VI.1.b) state that the ERC is to be comprised of three (3) Executive members of the Board. For this election, there were only two (2) executive members on the ERC. This is a significant shortfall as the Executive members on the ERC are vital resources for the preparation and administration of the election. Having fewer ERC members, therefore, put an undue strain on the Office of the CRO.

3. Reduced Polling Stations and Paper Ballots

This Spring election was unique in the fact that there was a reduced number of polling stations on both campuses; online voting was available from anywhere, twenty-four (24) hours a day; voting computers were made fully accessible; and large-print paper ballots were printed for accessibility purposes only. These changes to the election procedure offered important opportunities to determine the needs of the membership.

By looking at the resulting usage of polling stations, the CRO has been given evidence as to the value that the membership places in this initiative. The number of polling stations was reduced from seven (7) to four (4) on the St. George campus and from three (3) to two (2) on the UTM campus. Despite these reductions the CRO and ERC ensured that the polling stations were well distributed on both campuses. The CRO

asked for reports from all poll clerks about activity at the polls. Liberal estimates put the total membership usage of polling stations for all three (3) days, on both campuses from between sixty – seventy (60 – 70). Further, only one member requested large-print paper ballots at the polling stations and no members requested the use of accessibility software/hardware over the entirety of the voting period. When compared with the total number of voters casting ballots in the election (viz. 4871), the most liberal estimate possible shows that only 1.4% of voters casting ballots in this election utilized the polling stations.

Now that we have information relating to the membership's utilization of polling stations under these new election protocols, ERC members can use this data to inform their decisions about how future elections are operated.

Recommendations

Referendum

Some of the CRO's recommendations from the Fall 2015 Referendum were not enacted by the ERC. Because the CRO still believes that these recommended changes would benefit the Referendum process, the CRO is including the same recommendations here:

1. Introduce Information Sessions for Advocating Committees

Whereas, the Charter for Referenda sets out the rules by which Referenda Advocating Committees must conduct themselves, and whereas there is no formal information session for Referenda Advocating Committees, it is the opinion of the CRO that Advocating Committees ought to attend a meeting that outlines the rules that govern referenda before being able to campaign. Because the rules that govern the activities of both electoral candidates and Advocating Committees run parallel to each other, the CRO suggests inviting the "chief agent" of each Committee to the All-Candidates Meeting.

2. Entrench Demerit Points in Charter

The Charter 6.s states:

The ERC will set the distribution of demerit points for campaigning for the referendum in question prior to the commencement of the Campaign Period.

Whereas, the ERC has more than enough business to take care of during an election period. And whereas, there is no conceivable reason why demerit points should be made different from one referendum to the next, it is the opinion of the CRO that the demerit points should be set out in the Charter permanently and not determined on an *ad hoc* basis. This can be easily achieved by adopting the demerit point system used in the EPC.

Elections

1. Polling Stations

The CRO understands the value that polling stations add to an election. Not only do they potentially raise awareness of the UTSU Elections and Referenda, but also, offer access to members who may not feel confident using an online voting system.

However, given the membership's usage of polling stations during this election, the CRO recommends that the UTSU cease using polling stations in the future. Each voting day, two (2) poll clerks are scheduled for ten and a half (10.5) hours each per day, per polling station. The UTSU hosted six (6)

polling stations across the St. George and UTM campuses. Including the hours of floating poll clerks, all told, this constituted three hundred and thirty-one and a half (331.5) staff hours for poll clerks on St. George campus alone. St. George campus poll clerks are paid at a rate of \$11.25/hour. The total cost of hiring St. George campus poll clerks was \$3,729.38. UTM poll clerks are paid at a rate of \$13/hour. For logistical reasons we do not yet have precise number of hours worked by UTM poll clerks. However, the CRO estimates that the total cost will be approximately \$1,092 (with only two (2) days of voting on UTM campus due to inclement weather). Therefore, the estimated cost of poll clerks alone for this election was approximately, \$4,821. Utilizing the most liberal estimates of voter turnout at polling stations, the UTSU spent approximately sixty-nine dollars (\$69) for each voter that visited a polling station.

The UTSU must also take into account the hours that the CRO and DROs put into hiring poll clerks, training poll clerks, scheduling poll clerks, coordinating the polling stations; and the costs associated with polling station materials. The CRO is unable to provide exact numbers in relation to these costs. Nonetheless, the minimal utilization of the polling stations by the UTSU membership, in the mind of the CRO, does not justify the costs associated with their continued use in the UTSU elections.

Poll Clerk Pay Equity

The CRO wants to address the \$1.75 pay discrepancy between the poll clerks that work on St. George campus and those that work on UTM campus. Regardless of the campus that they work on, the poll clerks are doing exactly the same job. The CRO felt very uncomfortable having employees doing the same work and getting paid at different rates. The CRO cannot see why there should be an inequity in pay for staff doing identical labour. If polling stations continue to be used in UTSU elections, the CRO strongly urges the UTSU to address this inequality.

Permanent Staff – Elections/Bylaw/Policy Advisor

Given the challenges that the CRO experienced in this election with the membership list, cited above, the CRO recommends that the UTSU create a permanent position to advise on proposed changes to the UTSU governance structure: viz. Bylaws, Policies, EPC and Charter of Referenda.

No staff member was consulted about the proposed changes to the bylaws, which, when ratified, substantially changed the Board structure. The logistical consequences of these changes were not considered before hand and this left it in the hands of the CRO to contend with the possibility that the election would not be compliant with the bylaws. If a proper membership list were not, in fact, attainable for a seat on the Board the CRO would have no way of ensuring the membership's right to a properly representative Board of Directors, as outlined in the bylaws. The UTSU had to rely on the generosity of multiple wings of UofT administration, working on tight timelines in order to ensure that the elections would be internally consistent and therefore, legitimate. This is not something that should ever happen. It does not present the UTSU in a good light to the broader UofT community and puts the UTSU in a very precarious situation. The UTSU is vulnerable to these same issues in the future if there is not someone on staff who understands UTSU bylaws and policies, has working institutional knowledge of the rationale for establishing the articles of these documents and can advise on the implementation of proposed changes to these documents.

Another instance where the CRO found consultation was lacking was in the bylaw change that allowed for internally run College/Faculty elections. There was no consultation on how the internal elections would be overseen by the Office of the CRO and ERC. Therefore, it was left to chance that the College/Faculty membership lists be compared with the UTSU's membership list. It turns out that in many instances they are not congruent. Ensuring that membership lists are consistent is bedrock to the integrity of the UTSU elections. Only eligible members from a constituency may vote for a director from that constituency. If this is not ensured, then the validity of the election is called into question.

Even very good ideas that are seemingly benign can be plagued by logistical pitfalls if proper consultation is not held. For instance, the new structure of the Executive Forum, defined in the EPC, made it mandatory to hold both a formal debate among all of the Executive candidates and a period of audience

question and answer. Ideally, this is a great idea. However, with the recent changes to the bylaws, the number of executive positions attending the Forum jumped from five (5) to seven (7). Trying to schedule a Forum with this number of positions, and both a debate and an audience Q and A portion, into a reasonable amount time, required an inordinate amount of planning by numerous staff members, the CRO and the ERC. A staff member with the job description the CRO is proposing could have prevented this logistical quagmire or at least addressed it at a more opportune time.

With the UTSU Executive committee largely, if not in totality, turning over each year and the ERC being reconstituted biannually, it is not possible to have the consistency required to maintain institutional knowledge within either of these committees. The effects of this are manifest when one considers that the Spring ERC members, by definition, will not be on the board the following year. They are the Directors best situated to update the EPC and affect positive change for future election, yet they will not be on the Board and cannot contribute to enactment of changes recommended by the CRO. It is vital for a large Union with high turnover in its Board, as is the case with the UTSU, to have staff that can provide a source of stability to all elements of the organization. A CRO coming in for three and a half (3.5) months is not equipped to fully understand the intentions behind the articles of the UTSU governing documents. The CRO is left to interpret these documents without context and to deal with situations not explicitly outlined in the bylaws or EPC. Making fully informed decisions is the best way to ensure fair rulings and indisputable election results. The CRO strongly urges the UTSU to create a permanent staff position to, at a minimum, consult on all Bylaw, Policy, EPC and Charter amendments.

Update the EPC

Demerit Point Fines:

The CRO recommends that the ERC modify the EPC to reflect actual elections procedures. At the close of the election period, the CRO was informed that Article VI.3.I of the EPC “Demerit Point Fines” had not, in recent history, been enforced. This Article states:

“In addition to demerit points, Candidates will be levied a monetary fine per demerit point, except on the first 10 points, as follows:”

Position:	Fine Per Point:
President	\$15
Vice-Presidents	\$15
At-Large Directors	\$8
All other Directors	\$5

If the UTSU does not intend to levy these fines for infractions of the EPC, then it should change the Code to reflect these actual practices. The CRO believes that there should be some penalty, beyond the most extreme, i.e. disqualification from the election, for those who repeatedly disregard the rules of Election. The CRO is not offering any suggestions for how to modify the Code in this regard. However, the CRO would like to stress that whatever penalties the ERC writes into the Code, they must be enforceable and, in fact, enacted.

Reduce spending limits:

The CRO recommends that the EPC be modified to reduce the candidate spending limits during campaign period. The CRO finds that \$1,200 per Executive candidate is an excessive amount to spend on a campaign. When candidates team up in slates, spending balloons beyond the means of individual candidates. Candidates require the refunds provided by the UTSU, and of course, the UTSU has a responsibility to ensure that a candidate’s financial limitations do not interfere with their ability to run for elected office. However, when the UTSU provides nearly \$15,000 in reimbursements for campaigns, as it did for this election, the CRO finds that this spending is out of control. The CRO believes it to be a

psychological fact that when a people are given permission to spend thousands of dollars without consequence, they will do so en masse. Candidates can run very effective campaigns on smaller budgets, they will simply be forced to plan their spending very carefully. It is the opinion of the CRO that reducing the spending limits will ensure that campaign money is wisely spent by candidates and therefore that the memberships' fees are utilized in a way that best represents their interests.

Stipend the ERC:

The CRO finds that the Directors that sit on the ERC provide vital services to the UTSU and should receive stipends for their work. During the CRO's term in Office, the ERC met on a weekly basis in the months leading up to the campaign and voting periods. During and after the campaign and voting periods, the members of the ERC had to convene numerous times a week to meet immanent election needs. This regularity of meeting warrants financial consideration. To meet these demands, some members had choose between either setting aside shifts of paid work or not attending ERC meetings. Understandably, attendance at some ERC meetings was quite low, slowing progress on important issues. Offering a stipend would alleviate these concerns, raising attendance at meetings and thus the effectiveness of the Committee.

The CRO believes that, in general, offering stipends for all members who contribute to committee work would increase the effectiveness of those committees and thus, the Union on a whole. Committees are where a huge amount of work is done on behalf of the membership. However, the ERC is the only committee that the CRO has a working knowledge of and thus can only speak to this case.

Acknowledgements

The CRO would like to thank the DROs, poll clerks, UTSU staff, the ERC for providing logistical support and advice for the elections.

Appendices

Appendix A – CRO Rulings

October 23, 2016: CRO Ruling 001

On October 16 at 5:30pm the Chief Returning Officer (CRO) found that one of the nominees (Saad Shahid Shafiq) for the Transitional Year Program (TYP) was not on the membership list given to him by the University of Toronto (UofT) Office of the Vice Provost. The membership list is the defining document for membership in the UTSU. The Office of the Vice Provost, had informed the CRO that the membership list is fluid, and a more up-to-date membership list might contain names not present on the list sent to the CRO. Therefore, the CRO contacted Saad to inform him of the situation but suggested that he still attend the upcoming All Candidates Meeting (Sunday October 18, 11am) in case a more up-to-date list would confirm his eligibility. Saad did attend the meeting.

The CRO contacted the Office of the Vice Provost to have them recheck Saad's eligibility. The Office of the Vice Provost responded on October 21 informing the CRO that Saad is not on the membership list. This being the case, the CRO ruled that Saad was not eligible to run as a candidate in the Spring 2016 election. The CRO contacted Saad to inform him of this. Saad was removed from the list of nominees.

Appendix B – ERC Rulings

October 26, 2016: ERC Ruling 001

On Monday October 26th, the ERC met to hear an appeal regarding CRO Ruling 001 and the eligibility of TYP candidate Saad Shafiq. The CRO explained that the ruling was based in the fact that Shafiq did not appear on the membership list provided by the university and had not paid UTSU fees, likely due to him being a part-time student, and thus couldn't be proven to be a member. The appellant argued that he was taking three courses, which was the requirement to be a full time member, and had also registered with accessibility services, which meant he could be enrolled in as little as 2 courses and still be a registered full time student. The appellant also argued that the bylaws made no distinction between part time and full time TYP students and that the UTSU represented both groups, as the bylaws clearly made an exception.

After some deliberation, the ERC ruled that the candidate should be allowed to stand for election. In addition, the ERC moved to delay the campaign period for the TYP Directorship to November 2nd- November 12th, with voting days on the 10th, 11th and 12th. Both candidates running for the TYP Directorship supported this change, and it was later ratified by the Board of Directors.

Appendix C – Election Notices

No elections notices were released during the elections.

Appendix D – AODA Legislation

The Accessibility for Ontarians with Disabilities Act, O. Reg. 429/07: ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE states that:

Training for staff, etc.

6. (1) Every provider of goods or services shall ensure that the following persons receive training about the provision of its goods or services to persons with disabilities:

1. Every person who deals with members of the public or other third parties on behalf of the provider, whether the person does so as an employee, agent, volunteer or otherwise.
2. Every person who participates in developing the provider's policies, practices and procedures governing the provision of goods or services to members of the public or other third parties. O. Reg. 429/07, s. 6 (1).

(2) The training must include a review of the purposes of the Act and the requirements of this Regulation and instruction about the following matters:

1. How to interact and communicate with persons with various types of disability.
2. How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person.
3. How to use equipment or devices available on the provider's premises or otherwise provided by the provider that may help with the provision of goods or services to a person with a disability.
4. What to do if a person with a particular type of disability is having difficulty accessing the provider's goods or services. O. Reg. 429/07, s. 6 (2).

(3) The training must be provided to each person as soon as practicable after he or she is assigned the applicable duties. O. Reg. 429/07, s. 6 (3).

(4) Training must also be provided on an ongoing basis in connection with changes to the policies, practices and procedures governing the provision of goods or services to persons with disabilities. O. Reg. 429/07, s. 6 (4).

(5) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document describing its training policy, and the document must include a summary of the contents of the training and details of when the training is to be provided. O. Reg. 429/07, s. 6 (5).

(6) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall keep records of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided. O. Reg. 429/07, s. 6 (6).

Appendix E – Accessibility Recommendations:

Students for Barrier-Free Access

Dear members of the Elections and Referenda Committee,

We are writing to express our concern over the inaccessibility of the upcoming UTSU by-election, scheduled for October 27-October 29, 2016.

The introduction of computerized polling stations, and the elimination of paper ballots, at this upcoming by-election increases the barriers to access for many students with disabilities. These access barriers could lead to the disenfranchisement of UTSU members and undermine the democratic process.

However, we do believe that it is not too late to make the polling stations accessible. To do so, we recommend the following steps be taken:

1. All polling stations be located in accessible buildings.
2. All poll clerks receive accessibility training in order to be able to adequately respond to the needs of voters with disabilities.

3. All paper forms, such as the sign-in sheet, be made accessible by being made available in alternative formats including, electronic, braille, and large print.
4. All computerized polling stations be equipped with laptops with following software installed; JAWS, Dragon Naturally Speaking, and ZoomText. Laptops will also need to be equipped with headphones and a microphone.
5. The online voting program must be compatible with the above-mentioned software.
6. Private rooms at each polling station be made available.
7. Clear instructions on how computerized voting works, and the accommodations available for disabled voters, be posted on the UTSU elections website and circulated over the UTSU member email list.

Please let us know if you have any questions.

Sincerely,

Students for Barrier-free Access
<http://uoftsba.com/>