

In the matter of an Election complaint against Encompass UVic

Decision by the Chief Electoral Officer**Background:**

On Sunday March 6, 2016 a complaint was filed against Encompass UVic.

After reviewing the complaint on March 7, 2016, I requested to meet the complainant for clarification on their complaints. After the meeting on March 8, 2016, as per EPM 5.11.e.2, I determined the complaint was not likely to succeed because there is no evidence to support the claims made by the complainant. I advised the complainant that I was dismissing the complaint without further action being taken. They have requested that I outline my reasonings, which I will include in this document.

The complainant is a member of the UVSS and is entitled to bring a complaint. They have requested that their identity be kept confidential.

Complaint:

The complainant alleges that over the campaign period Encompass UVic offended EPM 5.5 and went over their campaign spending limit.

The complainant highlights the estimated campaign expenses for 16 candidates included in the Encompass UVic slate. The complainant itemizes estimated products purchased for the campaign and include detailed descriptions explaining the possible costs.

The complainant concludes that this is a gross overspending of the campaign budget for the UVSS elections. The complainant states that he/she has made extremely conservative estimates, and the total is about \$150 over the campaign spending limit. The complainant believes that Encompass did not claim the fair market value of their campaign materials. The complainant appended photographs of items used by Encompass UVic.

The Issue:

Did Encompass UVic commit the alleged offense against EPM 5.5, and therefore exceed the campaign spending limit.

The Policy:**5.5 Print credit and financial limits**

a. The Senior Deputy Electoral Officer must arrange for a \$70.00 credit at ZAP! for each candidate, which credit can only be used by the candidate for the candidate's own campaign expenses.

b. In addition to the ZAP! credit, candidates may spend a maximum of \$30.00 on their campaign ("the campaign spending limit"). The following must be reported and included when determining campaign spending and whether the campaign spending limit has been exceeded:

1. The fair market value of any donated goods or materials,
2. The fair market value of any goods, materials, or labour that are obtained at a discounted price that would not be available to all other candidates
3. Any provincial, federal, or harmonized sales, goods or services taxes.

4. The value of volunteers' donated labour is not required to be included when reporting or determining campaign spending.

c. Candidates must submit copies of receipts for all of their campaign expenditures to the Senior Deputy Electoral Officer by no later than the time that polls close, and certify in writing that they have not exceeded the campaign spending limit. A candidate who exceeds the campaign spending limit or fails to submit copies of their receipts or to certify in writing that the limit has not been exceeded must be disqualified by the Chief Electoral Officer.

Applying the Policy:

On March 3, 2016, the Elections Office received, from the Encompass UVic slate, copies of receipts for their campaign expenditures, and a certification in writing that they did not exceed the campaign spending limit. Once I reviewed the Encompass UVic slate materials, based on what they had submitted Encompass UVic did not overspend.

Upon receipt of this complaint, I again thoroughly reviewed the Encompass UVic receipts. I reviewed the expenses considering the allegations made by the complainant, most notably for expenses the complainant alleges are mandatory for each candidate. I will address the itemized list of products expressed in the complaint that were not included in the Encompass UVic expense report below. The other items expressed by the complainant were included in Encompass UVic's expense report.

Zap! Cards: The complainant alleges that Zap! charges you \$1 per card for each candidate, this is true. The complainant suggests that Encompass UVic did not include this cost in their expense report. Based on my review of the Zap! Copy receipts for the Encompass UVic candidates, I am satisfied that the Zap! Copy card costs were included in their expenses, and I am dismissing this allegation.

Tape (all types): The complainant alleges that Encompass UVic must have spent at least \$259.15 on tape because historically about \$11.52 is the cost of tape per candidate, the surface area of Encompass UVic's banners were larger than historic banner sizes, and that because they had to reprint more banners due to weathering so would therefore need more tape. Tape expenses were included in the Encompass UVic expense report, however they used different kinds of tape than the complainant explains are usually used in UVSS Election campaigns. The clear tape expressed in the complaint was included in the expense report. In addition to Gorilla tape and duct tape, the Encompass expense report documents the use of black tape, which is a cheaper alternative to Gorilla tape. Given the various amount and types of tape that a candidate can use to post banners, there is no evidence to suggest that Encompass UVic spent such an amount and tape that would therefore make them exceed the spending limit. Based on my review of the Encompass UVic receipts, I am satisfied that they have included costs for tape, and I am dismissing this allegation.

All other items the complainant addresses of being used by Encompass UVic, and in the complainants opinion would therefore make the slate exceed the spending limit, were included in the expense report or found in the Zap! receipts. All expenses included the fair market value of any donated goods or materials, the fair market value of any goods, materials, or labour that are obtained at a discounted price that would not be available to all other candidates and any provincial, federal, or harmonized sales, goods or services taxes. Based on my review of the Encompass UVic receipts, I am satisfied that they have included costs for all items and am dismissing all allegations.

Decision:

For the reasons expressed above, I conclude that there is no evidence that Encompass UVic exceeded the campaign spending limit. Therefore, I dismiss the complaint without taking any further action.

Complaint 11

Ruling

UVSS Elections 2016

March 9, 2016
Chief Electoral Officer
Emma Hamill