

Date Filed: March 5, 2019

Nature of Complaint: Vandalism of Campaign Materials

Introduction

On March 5, 2019, the Elections Office received a complaint alleging that the respondent, or someone on his slate, vandalized the complainant's campaign banner by placing a poster directly overtop of her photograph. The complainant included a photograph of the banner with a poster clearly obscuring her face.

On March 7, 2019, the Elections Office received a response from the respondent, vouching that he did not place the poster there, and that every member of his slate also denies its placement.

Discussion

Section 5.9.5 describes 'vandalism of campaign materials' as 'intentional destruction of another candidate's campaign material'. In the case at hand, the complainant's campaign materials were not physically destroyed. However, the Elections Office is willing to read the definition more broadly. It is reasonable to say that appearance of the complainant's campaign materials was 'destroyed' during the period of time in which the respondent's poster obscured her face. More colloquially, placing a poster directly over the face printed on a banner is, at first blush, vandalism. Thus, if the Elections Office concludes that the respondent or a fellow member of his slate placed the poster over the banner, the Office will subsequently conclude that vandalism of campaign material did occur.

The Elections Office is left in a difficult position, as the complainant's submission directly accuses the respondent or a fellow member of his slate, and both respondent and slate deny the act. The Elections Office must consider three possibilities:

1. The respondent, or a fellow member of his slate, placed the poster over the complainant's banner, and is now lying about it.

The Elections Office is deeply uncomfortable taking this position. The evidence tying the respondent to the vandalism is scant at best. The Elections Office prefers to think the best of the candidates running, and is very hesitant to 'convict,' for lack of a better word, the respondent for such an act.

The policy that governs the Office is silent on the standard required to find a breach. The Office hesitates to even make the legal comparison, but the respondent certainly has not been proven to be the vandal 'beyond a reasonable doubt.' Even using the civil standard, a balance of probabilities, the Office does not think the respondent the likely culprit.

2. The complainant, or a fellow member of her slate, placed the poster over her own banner, in order to implicate the respondent.

The Elections Office is even more uncomfortable taking this position, as the level of subterfuge it implies is completely antithetical to the spirit of the elections process. However, it is fair to mention it. The accusation of the respondent is, in itself, an accusation of behavior unfitting of a candidate in this election.

The Elections Office will disregard this possibility.

3. A student, unaffiliated with the election, placed the poster over the complainant's banner.

It is important to remember that UVIC is home to approximately 18,000 students unaffiliated with either slate. The vandalism happened in one of the highest-traffic areas on campus, near the food services in Mystic Market and the classroom spaces in Clearihue. With all due respect to UVIC's students, among those 18,000 are certainly those who would consider grabbing a poster off the wall and sticking it over a face on a banner 'funny.' The Elections Office must respect the possibility that one of these thousands of students is responsible for the vandalism.

Ruling

Of the three options here, the Elections Office chooses the third. There is a distinct possibility – a probability, by common sense – that this third option is indeed what happened. The Elections Office thinks the best of its candidates and thus will not conclude a campaign violation has taken place when another explanation is likely.

Conclusion

Before closing, the Office admits it is aware of the dangerous precedent that this decision creates. The respect we have for our candidates makes us comfortable with our conclusion. The Office is sure that this ruling will not be taken advantage of by unscrupulous individuals, as this does not describe anyone running for election. We believe that all of you are running with the best of intentions.

Regardless, the opposite ruling would create a similar opportunity for dishonest individuals to take advantage of the campaign rules. If the Office found that this circumstantial evidence was enough to justify condemning the respondent, self-sabotage would be legitimized.

Thus, the Office holds that there is insufficient proof to find the respondent guilty of a campaign infraction.

The complaint is dismissed.