

Date Filed: March 7, 2019

Nature of Complaint: Defamation and Intentional Misrepresentation of Facts

On March 7, 2019, the Elections Office received a complaint alleging that, in classroom talks, the respondents intentionally misrepresented the complainant's stance on divestment. The complainant alleges that the respondent knew the complainant's supportive stance toward divestment due to them stating as much during the Lead Directors' Debate and All Candidates Forum.

On March 8, 2019, the respondent replied. They claimed ignorance of the complainant's official stance on divestment and noted the complainants do not mention the issue in the Martlet Supplement. The respondent agreed to refrain from mentioning the issue in the future.

Discussion: The complainant and respondent do not disagree about the content of the speeches that sparked this complaint. This narrows the Election Office's focus to a single issue: did these speeches constitute either defamation, intentional misrepresentation of facts, or both?

Intentional misrepresentation of facts is a minor campaign offence, defined as *"the purposeful spread of objectively incorrect facts that the candidate knows to be untrue which attempts to unfairly influence voters."*

Defamation is a serious campaign offense, defined as *"Any intentional false communication that is written (libel), spoken (slander), or otherwise transmitted, including via social media, that harms a person's reputation; decreases the respect, regard, or confidence in which a person is held; or induces disparaging, hostile, or disagreeable opinions or feelings against a person."* Emphasis is added. If one candidate defames another, the Policy requires disqualification.

In the situation at hand, intentional misrepresentation of facts and defamation go hand in hand. Misrepresenting an important campaign stance could, of course, create disagreeable opinions or feelings. If the facts in the campaign speeches were indeed "objectively false," and the complainant was aware of that, both defamation and intentional false communication must have occurred.

Were the facts objectively false?

The Elections Office cannot say with certainty that this is so. A read of the Martlet supplement supports the respondents' claim that the complainants have not taken an official stance on the Divest issues. It is possible that further research could set the record straight, but the need for further research speaks directly to the next section.

If the facts were false, were the respondents aware?

The complainants allege that their stance on divestment was 'clarified and affirmed multiple times' at the Lead Directors' Debate and All Candidates Forum. This may be so, but the writer of this ruling was also at both events and cannot speak with certainty to the complainant's stance on divestment. With all due respect to every candidate who spoke, not every opinion and stance was expressed with crystal clarity. It is certainly more than possible to have left the events confused by each slate's stance on an issue.

The respondents are also correct in asserting that the Martlet supplement has no mention of the complainant's position on divestment. This casts doubt on the complainant's assertion that their stance is so clear that the respondents could not possibly have misunderstood it.

The Elections Office finds that, even if facts were misrepresented, the misrepresentation was not intentional.

Complaint dismissed.