

Statement from the Chief Electoral Officer Related to Referendum Question No. 4

The public release and posting of the unofficial results of Referendum Question No. 4 (soliciting the electorate's views on potentially ending the Vancouver Island Public Interest Research Group (VIPIRG) fee) is being undertaken concurrent with the release of this statement. It is important to affirm that the unofficial results shown for Question No. 4 have not in any way been altered from those which were provided to the Electoral Office on Friday afternoon, March 8th, by the Office of the University Secretary.

Ordinarily, these results would have been released on Friday afternoon concurrent with the release of the results of the other elections and referenda. The Chief Electoral Officer (CEO) does have discretion under the UVSS Electoral Policy (EP), however, to determine the time for release of the unofficial election results. Once satisfied, the CEO must announce as soon as possible the unofficial (pending the outcome of appeals) results.

For reasons which I will explain, most notably the timing of receipt of two very serious and potentially legally complex formal complaints related to this particular referendum, I felt it critical that in this particular instance the unofficial election results be presented concurrent with, and in the context of, an open and transparent statement from myself. I did not wish to present any such statement potentially days after the release of the unofficial results, and I considered that I required a sufficient amount of time to digest the substance of the complaints and to fully consider the options open to me and to determine an appropriate path moving forward. Hence it was my decision to withhold the release of these unofficial results until Monday morning. The delayed release of these results had nothing to do with any residual campaign materials which may still have remained posted in various locations across campus or on-line after the noon close of voting.

Within a period of 24 hours before the noon close of voting, two formal complaints were submitted to the Electoral Office (at approximately 7pm and 11pm the night before) related to this particular referendum. Both complaints contain multiple allegations against various individuals and groups involved on both sides of this referendum campaign. The allegations relate to actions which potentially involve both minor and major campaign violations. The minor campaign violation allegations relate to alleged unauthorized and unapproved campaign materials, unattributed campaign materials, prohibited campaigning and events, and intentional misrepresentation of the facts. The major campaign violation allegations relate to alleged harassment, verbal personal attacks, maligning one's character and harm to reputation, alleged multiple instances of defamation, intentional misrepresentation of the facts to the point of lying, interference, denying the right of voters or candidates to participate equitably in the electoral event, and repeated and willful infractions. The complaints also allege contraventions of the EP by certain, otherwise prohibited, on-campus groups in regards to providing endorsements, interfering or otherwise intervening as third parties in UVSS electoral events. It is important to note that a finding that a major infraction(s) of the EP has taken place shall result in the immediate disqualification of the candidate.

The EP sets out the responsibilities and obligations for conducting electoral events based on certain principles. The Electoral Office has a duty to make every attempt to uphold the principles including: being administered in a manner that is independent, impartial, transparent, accountable, fair, equitable, and with respect for all parties and participants. In the event that there are allegations that candidates have violated election policy, the CEO may conduct an investigation to determine if the behavior constitutes a minor or major infraction. An investigation may be initiated through a formal complaint. In

the case of referenda, complaints may be filed similar to the process for elections for Director positions, and the consequences may range from written warnings, the imposition of restrictions on campaign materials, and even disqualification. If a disqualifiable offence is committed by a proponent, opponent or third-party, the referendum may be considered invalid. Having said that, the CEO must make all reasonable attempts to investigate, rectify and/or resolve any issues before resorting to invalidating the result of a referendum question.

Accordingly, given the afore-noted formal complaints which have been submitted under the EP relative to this particular referendum, I will be initiating an investigation into the various allegations. And given that it is my current understanding that there is a separate (whether threatened, contemplated or in-stream) legal matter potentially seeking damages and relief relating, at least in part, to elements of this particular election event, I will be soliciting independent legal advice to inform and assist me in my investigation. Only when all complaints and appeals have been exhausted might these unofficial results of Referendum Question No. 4 potentially be considered official.