

## UVSS Elections 2020 – Complaint 2 Decision

**Respondents:** Sarina de Havelyn, Emily Lowan, Paarth Mittal and Tommy Lay

**Offense:** The complaint, received March 2, 2020, alleges that multiple candidates have engaged in activity on social media that contravenes section 5.6.d of the UVSS Electoral Policy Manual (“Candidates may not make reference to any other candidates, including other cooperative members, in any campaign materials.”). The complaint alleges 1) de Havelyn shared campaign materials of other candidates (Lay and Lowan) on her social media, and 2) de Havelyn, Lowan and Mittal posted in support (endorsing) of another candidate (Lay). Screenshots were provided that show two Facebook posts that were shared by de Havelyn (for Lay and Lowan), and another Facebook post (Lay) with comments from de Havelyn, Lowan and Mittal.

It is important to note that the offending campaign material **does not** promote the candidacy of individual(s) who shared or commented on the posts in question. It is also important to note that it is unclear as to when the alleged offences occurred, as there are no dates on the evidence provided.

**Response:** de Havelyn, Lowan, Mittal and Lay (as well as their campaign manager) were provided with a copy of the complaint and the screenshots. In regard to the Facebook posts that were shared by de Havelyn, the respondent noted that they were an oversight and have since been removed. In regard to the comments made by candidates, the respondent states that the comments do not serve as an official endorsement, are neutral in nature, and do not promote the candidate commenting.

**Finding:** My interpretation of the UVSS Electoral Policy Manual is not entirely consistent with that of the complainant or the respondent. There are two issues at hand here, and I will make decisions on each of the two issues:

1. Sharing of Campaign Materials
2. Commenting on Campaign Materials

In making my decision, I turn to the intention (WHEREAS clauses) of the new policies in the UVSS Electoral Policy Manual that were made by the UVSS Board of Directors on December 9, 2019 (meeting minutes [here](#)) when slates were removed and cooperatives were introduced. The BOD stated that the "slate system discourages independents from running; creates a combative, cliquy, and sometimes toxic environment" and that the action to address this is through "the elimination of **branded materials**". The corresponding changes to the EPM around cooperatives focus predominantly on the elimination of branded campaign materials.

### 1. Sharing of Campaign Materials (de Havelyn shared Lay’s Facebook post; de Havelyn shared Lowan’s Facebook post)

It is important to note that there are no policies within the UVSS Electoral Policy Manual that restrict candidates from campaigning on behalf of, supporting, or endorsing other candidates.

As outlined in section 5.4.I of the UVSS Electoral Policy Manual, “Candidates are responsible for all of their campaign materials and compliance with posting regulations, **including materials prepared or posted by their cooperative.**” I can confirm that de Havelyn, Lowan and Lay are on the same cooperative. One can

also reasonably infer, based on this policy, that candidates are permitted to prepare or post campaign material on behalf of other cooperative members.

As outlined in section 2.4 of the UVSS Electoral Policy Manual “Campaign material is any paper, electronic, social media, chalking, advertising, or other material produced by or **on behalf of** a candidate or proponent/opponent to promote that candidate.” In an email to all candidates from the UVSS Elections Office on February 14, 2020, I issued direction in regards to sharing/posting articles/stories from the Martlet and CFUV (that directly made reference to other candidates) and noted that it is deemed to be campaign material – “1) *Articles/stories in the Martlet and CFUV are not considered campaign materials, therefore, providing responses to questions from the Martlet and CFUV that mentions other candidates is permitted.* 2) *Sharing/posting articles/stories in the Martlet and CFUV is considered campaign material (you are creating an electronic advertisement that is meant to promote your candidacy)*”. While I understand that the electronic advertisement in question does not promote de Havelyn’s candidacy, given that de Havelyn, Lowan and Lay are part of the same cooperative, de Havelyn has created campaign material, on behalf of Lay and Lowan, to promote Lay and Lowan’s candidacy. I find that the posts made by de Havelyn are considered Lay and Lowan’s campaign material.

As outlined in section 5.6 of the UVSS Electoral Policy Manual, “Candidates may not make reference to any other candidates, including other cooperative members, in any campaign materials.” In reviewing Low and Lowan’s campaign material (the Facebook posts that de Havelyn created), I find that there are only references to a single candidate in each post (Lay or Lowan). I find that no other candidates are referenced in the campaign material themselves, and I find that de Havelyn’s actions, on behalf of Lay and Lowan, do not contravene section 5.6 of the UVSS Electoral Policy Manual. As such, I am dismissing this portion of the complaint.

## 2. Commenting on Campaign Materials (de Havelyn, Lowan and Mittal commented on Lay’s Facebook post)

As mentioned above, it is important to note that there are no policies within the UVSS Electoral Policy Manual that restrict candidates from campaigning on behalf of, supporting, or endorsing other candidates. I have reviewed the specific comments that were on the Facebook post in question. As per section 2.4 of the UVSS Electoral Policy Manual, “Campaign material is any paper, electronic, social media, chalking, advertising, or other material produced by or on behalf of a candidate or proponent/opponent **to promote that candidate.**” I am of the opinion that the nature of the comments on the post in question do not meet the definition of campaign material. As such, I am dismissing this portion of the complaint.

**Sanctions:** No sanctions will be applied, as I have found that there are no contraventions of the UVSS Electoral Policy Manual.

The complainant or the respondents may appeal this decision to the Elections Adjudicator within one business day.

Shawn Slavin

Chief Electoral Officer