

UVSS Elections 2021: Complaint 1

Breach of Electoral Policy 6.1.j.i.a

Background

1. Complaint 1, received March 15th at 5:20pm, alleges that the respondent used a pre-existing Instagram account not solely created for campaign purposes in breach of Electoral Policy Manual (“EPM”) 6.1.j.i.a. The complainant attached a screenshot of the pre-existing account in question. The bio of the pre-existing account states “I’m Running in the UVSS Election” with a link to the campaign account of the respondent.
2. The respondent, in their reply, claims that they were told by the UVSS Electoral Office that putting a link to their campaign platform in the bio of their page was acceptable. The respondent believes this was an “advanced ruling.”
3. Upon hearing that a complaint was made on this issue, the respondent promptly removed the link from the bio of their page.

Analysis

4. EPM 6.1.i.a states “Candidates, proponents, and opponents are permitted to use one social media page or profile per social media platform for the purpose of campaigning: a) Only a social media page or profile created solely for the purpose of campaigning for the current UVSS electoral event may be used.”
5. The EPM does not explicitly define “campaigning.” It does, however, define campaign material as ‘verbal, digital, or physical (material) produced by or on behalf of a candidate, proponent, or opponent to promote their campaign.’
6. The Office assumes that the drafters of the EPM intended the use of the ordinary meaning of the word ‘campaigning’ to be understood in the context of the provided definition of ‘campaign material’. Campaigning, broadly and intuitively, means activity or material that encourages voters to vote for you – activity that promotes your campaign. Campaigning clearly includes the dissemination of campaign material.
7. It is reasonable to conclude that a person who adds “I’m Running in the UVSS Election” to a bio and links an official campaign profile is attempting to promote their campaign. The actions in question in Complaint 1 therefore constitute campaigning.
8. That the Instagram account in question pre-dates the election is not in question.
9. The UVSS Electoral Office disagrees that the respondent was told that adding a link to their bio is acceptable. It is, regardless, a moot point – the Electoral Office is and always has been

very clear that candidates should read the EPM carefully and ensure they act within its limits. The question came up at the Candidates Orientation, and EPM points can be found in the Candidates Handbook that the recordings and copies were supplied to the respondent.

10. The UVSS Electoral Office did not render an advance ruling on this issue.

Findings

11. By campaigning on a pre-existing Instagram account, the respondent broke EPM 6.1.j.i.a.

12. The respondent acted quickly to remedy their breach, limiting the damage done to electoral fairness. The link was up for less than 24 hours of campaign time.

Sanctions

13. The Electoral Office warns the respondent to refrain from further breaches of social media policy.

14. The Electoral Office, per EPM 8.5.a.b, requires the respondent to deactivate their campaign account for a 24-hour period sometime within the next week. The respondent must inform the office of when the account will be deactivated and reactivated.

The complainant or the respondents may appeal this decision to the Elections Adjudicator within one business day. If the decision is appealed, the sanctions noted above apply until overturned on appeal.

Emma Hamill

Chief Electoral Officer