

**ELECTION PROCEDURES COMMITTEE
APPEAL PANEL DECISION**

IN THE APPEAL OF THE DECISION OF THE RETURNING OFFICER

APPELLANT: [REDACTED] Student Candidate

RESPONDENT: Tina Langlois, Returning Officer

DATE OF HEARING: March 12, 2025

DECISION: Appeal allowed in part. The finding of the Returning Officer that the Appellant engaged in prohibited conduct within the meaning of the Board of Governors' Election Policies and Procedures is upheld. However, the penalty imposed is reduced to a deduction of 12.5% of the total vote count for the Appellant.

REASONS:

Background

This is an appeal from the decision of the Returning Officer rendered on March 9, 2025, on a complaint filed in respect of prohibited conduct during the voting period by the Appellant. The complaint alleged that the Appellant and their representatives assisted voters in the casting of votes and observed voters as they voted in contravention of section 8.5 of the Board of Governors' Election Policies and Procedures ("Rules"). The Appellant acknowledged that five video clips submitted with the complaint depicted the Appellant and their representatives interacting with students on March 6th and March 7th, 2025 but disputes that the Appellant and their representatives influenced or interfered with voting.

The Returning Officer found that the Appellant and their representatives assisted voters in the casting of their votes by helping voters navigate the election platform and that they engaged with voters while voters were accessing the election platform and voting contrary to section 8.5 of the Rules. In addition, the Returning Officer also found that the Appellant and their representatives created a reasonable apprehension of prohibited conduct when they appeared to be assisting and observing voters. The Returning Officer determined that a deduction of 25% of the total votes received by the Appellant is the appropriate remedy. The Appellant has appealed this finding of the Returning Officer.

Has the Appellant engaged in prohibited conduct by assisting and/or observing voters as they voted?

In their appeal submissions, the Appellant voluntarily acknowledges that they engaged with students during the election period. The Appellant explained that

they intended to raise awareness about board elections and promote voter education, not assist or observe voters as they vote. The Appellant submits that the penalty applied is disproportionate to the infraction committed.

The Appeal Panel accepts that the five video clips submitted depict the candidate and their representatives engaging with students and guiding them on actions executed on their phone screens on March 6th and 7th, 2025. The Appeal Panel also accepts that two of the video clips were filmed on March 6th and three video clips were filmed on March 7th, 2025. The Appeal Panel distinguishes between the minute-long video clip dated March 6th and the short, second-long clips dated March 7th. On further questioning to the Returning Officer, the Appeal Panel finds that all videos submitted were muted, thus preventing a reviewer from hearing any of the interactions and/or conversations of the Appellant and their representatives. The Appellant does not deny that the events occurred on March 6th and 7th and explained that they showed students how to navigate through the election portal.

The Appeal Panel is satisfied by the Returning Officer's finding that despite being muted, the March 6th video was clear and convincing evidence that did not require witness corroboration. When the video evidence is coupled with the Appellant's admission, the Appeal Panel finds that the Appellant engaged in prohibited conduct on March 6th, 2025. Regarding the March 7th video, the Appeal Panel finds the muted recordings are too short to assign any weight to this evidence. The Appeal Panel thus finds that the Appellant assisted voters in the casting of their votes by helping them navigate the election platform and engaged with voters while they were accessing the election platform only on March 6th, 2025. This conduct is prohibited by section 8.5 of the Rules.

The Penalty

The Appeal Panel must consider the proportionality of the penalty imposed by the Returning Officer under sections 8.7 to 8.9 of the Rules. Specifically, the Returning Officer subtracted 25% of the total vote count the Appellant received in this election.

The Appellant submits that the subtraction of 25% of the total votes cast over four days is unduly punitive.

The Appeal Panel is mindful that the disallowance of votes impacts not only the Appellant but also the individuals who voted for the Appellant absent of any improper interaction. The Appeal Panel also accepts the Appellant's explanation of the intent of the Appellant's action, notwithstanding that it amounts to prohibited conduct under the Rules. Having found that no prohibited activity

occurred on March 7th, 2025, the Appeal Panel finds the Returning Officer's penalty disproportionate to the prohibited activity. As a result, the Appeal Panel modifies the penalty issued by the Returning Officer.

Having considered the appeal materials and the submissions made by the Appellant and the Returning Officer, the Appeal Panel agrees that a more proportional penalty for the infraction is the subtraction of 12.5% of the total vote count for the Appellant.

DATED as of the 12th day of March 2025



Wendy Lawrence, Chair

APPEAL PANEL: Wendy Lawrence (Chair), Heather Driscoll, Charlotte Ferworn

OTHERS IN ATTENDANCE: [REDACTED] Appellant
Tina Langlois, Returning Officer

Katherine Tatsiou, Board Secretariat
Nadine Watson, Board Secretariat
Kelly Mogbo, Board Secretariat