



**ELECTION PROCEDURES COMMITTEE
APPEAL PANEL DECISION**

IN THE APPEAL OF THE DECISION OF THE RETURNING OFFICER

APPELLANTS: [REDACTED] Student Candidate
[REDACTED] Student Candidate
[REDACTED] Student Candidate

RESPONDENT: Tina Langlois, Returning Officer

DATE OF HEARING: March 14, 2025

DECISION: The appeal is upheld in part. The finding of the Returning Officer that the Appellants engaged in prohibited activity in the campaign period (which includes the voting period) is affirmed. However, the penalty imposed by the Returning Officer is modified from revocation of the Appellants' eligibility to contest in the elections, to a 50% deduction of the total votes cast in the favour of the Appellants.

REASONS: Background

This appeal concerns the decision of the Returning Officer rendered on March 13, 2025, in response to complaints filed in respect of the campaign activities of the following three candidates: [REDACTED]. The candidates campaigned together as a slate so the appeal panel is issuing the same decision to all three candidates.

The complaints allege the candidates posted campaign material in group chats which solicited votes, backed by a promise to give out free [REDACTED]. The Appellants indeed admitted that they distributed free [REDACTED] during the voting period. Whilst the Returning Officer accepted that the Board of Governors' Election Policies and Procedures ("Rules") did not prohibit the distribution of promotional items, the Returning Officer determined that the summation of their campaign activities contravened sections 8.3 and 8.5 of Rules.

The Returning Officer found that posting or requesting another student to post the three candidates' campaign messages in the University residence floor group chats amounted to two violations of section 8.3 of the Rules. The Returning Officer found the two University residence floor group chats were online groups representing a unit at the University.

The Returning Officer noted that there are currently no restrictions on the distribution of promotional material (such as [REDACTED] as part of a campaign and no limit on campaign spending. The Returning Officer thus found no violation in the candidates' distribution of [REDACTED] during their campaign in and of itself. However, the Returning Officer found that the candidates engaged with student voters during the voting period regarding their campaign and besides offering free [REDACTED], also assisted voters in casting their votes. The Returning Officer found this prohibited activity to violate section 8.5 of the Rules. The Returning Officer found a comment posted by [REDACTED] during the voting period that reads "We'll give you free [REDACTED] guys, do it!!" to be particularly persuasive evidence confirming the candidate's connection to the activity. As a penalty, the Returning Officer revoked the candidates' eligibility to participate in the election. The appellants have appealed this finding.

Have the Appellants engaged in prohibited activities in respect of their online posts and comments and interference during the voting period?

In their appeal, the Appellants submit that there are two group chats: "[REDACTED]" and "[REDACTED]". It is unclear who created the "[REDACTED]" group chat.

The Appellants maintain the [REDACTED] group chat is an unofficial group chat created for students living on that floor, and is not affiliated with the University. They also maintain that they did not direct anyone to post their campaign message in either group chat nor forward the Appellants' campaign message to the group chat.

The Appeal Panel notes that the Appellants acknowledged that the "[REDACTED]" group chat was created by their Resident Assistant (RA). An RA is an employee of the University. The Appeal Panel accepts the submission of the Returning Officer, and finds posting campaign messages in the University RA-created group chat amounts to a prohibited use of university electronic resources. The Appeal Panel confirms that the candidates should have sought the advice of the Returning Officer before using the group chat during the campaign and voting period. The Appeal Panel upholds the Returning Officer's finding that this is a prohibited activity that violates section 8.3 of the Rules.

The Appellants submit they handed out [REDACTED] to increase student engagement and participation in the board elections process, not influence student votes or interfere with the voting process. In their submissions during the hearing, the Appellants admitted to approaching more than 1000 students during the campaigning and voting period, distributing approximately 130-150 [REDACTED]

during the voting period, and predicted the total tally of votes received. The Appellants' precise statistics regarding how many students were approached, how many were offered [REDACTED], and how many voted for the slate suggest meticulous monitoring of voters' activities. When this is coupled with [REDACTED] comment in the group chat, the Appeal Panel accepts the Returning Officer's finding that the candidates engaged with student voters during the voting period regarding their campaign, offered free [REDACTED], and assisted voters in casting their votes, and thus contravened section 8.5 of the Rules.

Given the nature of the Appellant's use of [REDACTED] as enticement, discussions with and proximity to student voters during the voting process, and the Appellant's keen monitoring of voter turnout, the Appellant's conduct undermined ballot secrecy, voter privacy, and the integrity of the environment in which the democratic process was underway. It did so to a non-trivial degree.

The Appellants submit the penalty is not consistent with prior decisions made by the Appeal Panel and challenge the reasonableness of the Returning Officer's decision.

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 revoked the candidates' eligibility to participate in the election.

The Appeal Panel finds this penalty disproportional 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 concerning the penalty applied by the Returning Officer, the Appeal Panel agrees that a more proportional penalty for the infraction is the subtraction of 50% of the total vote count for the Appellants over the four-day voting period.

As noted above, the Appellant's prohibited conduct was non-trivial given the electoral context.

In the circumstances of this case, the Appeal Panel is mindful that the disallowance of votes impacts not only the Appellants but also those individuals who voted for the Appellants absent any improper interaction. However, the Appeal Panel notes that prohibited activity occurred over the four-day voting period. Further, the Appeal Panel accepts the Appellants' submissions about the positive intention in distributing donuts, notwithstanding that the totality of the Appellants' conduct amounted to interference with the democratic process, as outlined above.



Having considered the appeal materials and the submissions made concerning the penalty applied by the Returning Officer, the Appeal Panel grants this aspect of the appeal. The penalty imposed on the Appellants is modified such that the penalty is reduced from revocation of eligibility to a 50% subtraction of the total vote count for the Appellants over the four-day voting period.

DATED as of the 14th day of March 2025

A handwritten signature in black ink, appearing to read "Wendy Lawrence".

Wendy Lawrence, Chair

APPEAL PANEL: Wendy Lawrence (Chair), Heather Driscoll, Olivia McIntosh

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

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