

Ruling #1

March 2016 Executive and Board of Governors Election
Nomination Incomplete – Justis Allard

Parties to the Ruling

- Justis Allard, Candidate for Vice President Operations and Finance
- Eilish McKinlay, Primary Volunteer for Justis Allard
- Jessica Nguyen, Chief Returning Officer

Applicable Bylaws, Rules, and Regulations

- Bylaw 2200 §12 (Restrictions on Candidates Nominees)
- Bylaw 2200 §13 (Acceptance of Candidates Nominations)

Facts

1. A nomination package was submitted by Justis Allard on Friday, February 5, 2016 seeking candidacy for the position of Vice President Operations and Finance in the 2016 Executive and Board of Governors election.
2. On page 5 of the nomination package, under “Candidate Declaration”, Justis Allard signed the nomination package declaring that he had “read and understood this nomination package, rules, regulations, and bylaws referenced”.
3. The bylaws referenced in this nomination package include Bylaw 2200, A Bylaw Respecting the Executive Committee and Board of Governors Representative Elections, Plebiscites and Referenda of the Students' Union.
4. According to Bylaw 2200 §12:
 - a. Members of Students' Council and its standing committees, in order for their nomination papers to be valid are required to take a leave of absence from their duties for the period beginning with the nomination deadline and ceasing with the conclusion of voting of the election in which they are contesting a position. The following exceptions apply:
 - i. Any member of Students' Council contesting an executive position when the race is uncontested,
 - ii. For the purpose of this section, any race solely contested by a joke candidate shall be considered uncontested.
 - b. Where a member contravenes Section 12(2), all of the member's nominations shall be declared null and void.
5. Justis Allard is currently a Member of Students' Council, representing the Faculty of Agricultural, Life, and Environmental Sciences for the 2015-2016 academic year.
6. Justis Allard has not taken a leave of absence from his position on Students' Council.
7. Members of Students' Council were reminded by the Speaker of Students' Council, Saadiq Sumar, on Wednesday, February 3 at 17:39 via email to submit their leave of absence via email in the case that they intended on submitting a nomination package in this election. The

Speaker quoted Bylaw 2200 §12 in its entirety, instructions to cc the CRO in these emails, and the consequences of not doing so.

8. Members of Students' Council were reminded once again about submitting their leave of absence by the CRO on Sunday, February 7 at 11:18. The CRO also included that "I will confirm when I receive your leave of absence emails. If you don't get a confirmation, then I didn't receive it, so please make sure that I receive it so we can avoid any issues."
9. Members have until the nomination deadline on February 11, 2016 at 17:00 to submit their leave of absences beginning on the aforementioned date and time up until the end of voting on March 3 at 19:00.
10. Furthermore, the exceptions in Bylaw 2200 §12 (leaves of absences do not have to be taken by candidates in uncontested races) do not apply as the Vice President Operations and Finance race is contested by three non-joke candidates.
11. According to Bylaw 2200 §13:
 - a. Where a member submits valid nomination papers, as set out in Sections 11(3) and 12 and prior to the nomination deadline as set out in Section 10, that member's nomination shall be accepted by the C.R.O. within twenty-four (24) hours of the nomination deadline.
12. The CRO had up to 17:00 on Friday, February 12 to accept nominations.
13. The Speaker confirmed that he had not received a leave of absence note from Justis Allard:
 - a. "I have not received anything from Justis."
14. Justis Allard was contacted at 21:24 on February 11 by the CRO, shortly after the end of the mandatory candidates' meeting. In this email, the CRO noted that a leave of absence was not received and that Eilish McKinlay, Primary Volunteer for Justis Allard and unofficial proxy was unable to comment thoroughly on the subject. Justis Allard was given the opportunity to comment on his own behalf.
15. Justis Allard responded with the following:
 - a. "Yes I am aware of the requirement. It was a mistake, as I am not in the country and accessing my email has been difficult and spotty. My request for a leave of absence did not send, the same with my proxy notification. My apologies for the late response as well. As I said, I am in Japan right now, and moving cities daily, so communication has been difficult.
 - b. What is the best way to proceed from here? To resend my notification to Saddiq? Or at this point is it too late?"
16. The CRO replied to Justis giving notice that his nomination could not be accepted according to her interpretation of bylaw by 17:00 on February 12 and that a ruling would be issued.

Ruling

1. All candidates and sides are required to read, understand, and comply with all Rules & Regulations and Bylaws and were informed as such in the nomination package.
2. Justis Allard had ample time in the week following signing his nomination package declaring that he had "read and understood this nomination package, rules, regulations, and bylaws referenced" as well as equal notice to all other Members of Students' Council to submit his leave of absence via email.

3. As Section 12(2) was contravened all of the member's nominations shall be declared null and void.

Penalty

1. Justis Allard cannot be declared a candidate in the race for Vice President Operations and Finance.

So decided: Monday, February 15, 2016 @14:45. Time limit for appeal: Wednesday, February 17, 2016 @ 10:45.

Please direct any inquiries towards:

Jessica Nguyen
Chief Returning Officer
University of Alberta Students' Union