

Ruling #5

March 2019 Executive Committee and BOG Representative General Election
Third Party Activities – Akanksha Bhatnagar, Candidate for President

Parties to the Ruling

- Akanksha Bhatnagar, Candidate for President
- Andre Bourgeois, Candidate for President
- Sympa Cesar, Third-party
- Jamie Sarkonak, Complainant
- Ilyas Gora, Chief Returning Officer

Applicable Bylaws, Rules, Regulations

1. Bylaw 2200 §27 (1) (Third Party Activities)
 - *“A candidate or side in a Students’ Union election may distance themselves from a third party in the event the third party effectively conducts campaign activities under the following conditions:*
 - a. the candidate or side must demonstrate to the C.R.O. that the third party acted without consent of the candidate or side; and*
 - b. the candidate or side must demonstrate to the C.R.O. that steps have been taken to distance themselves from the third party and to attempt to halt unauthorized campaign activity by that third party”*

Facts

1. The Complainant, Jamie Sarkonak, filed a complaint at 17:30 on March 5, 2019
2. The Complainant, Jamie Sarkonak alleges the following:
 - a. On March 4, 2019, the third-party student publication, Le Mouton Noir, published an anonymous article titled “Opinion: Voici ce qui s’est vraiment passé au forum au CSJ”
 - b. The article describes the Campus Saint-Jean Forum which took place on Friday, March 1, 2019
 - c. The article describes Akanksha Bhatnagar, Candidate for President positively
 - d. The article describes Andre Bourgeois, Candidate for President negatively
 - e. The article was written by Sympa Cesar
 - f. Sympa Cesar is affiliated with the campaign to elect Akanksha Bhatnagar, Candidate for President
 - g. This activity constituted unauthorized campaigning through a third-party
3. The Complainant provided photographic evidence corroborating the allegation
4. Ilyas Gora, Chief Returning Officer, investigated the matter

Ruling

- Akanksha Bhatnagar, Candidate for President, did not contravene any Bylaws, Rules, or Regulations

Reasons

1. Sympa Cesar is not listed as the primary volunteer with the campaign to elect Akanksha Bhatnagar, Candidate for President
2. There is insufficient evidence to conclude Akanksha Bhatnagar, Candidate for President directed Sympa Cesar to write the article
3. The Elections Office cannot control the activities of third-parties

Decided: March 7, 2019 at 16:00

Time Limit for appeal: March 8, 2019 at 16:30

Please direct any inquiries to:

Ilyas Gora
Chief Returning Officer
University of Alberta Students' Union