

March 15, 2017

Decision Re: Yes Campaign Video Complaint

A request was made for the Chief Returning Officer (CRO) to approve two campaign videos submitted by the Yes Campaign with regard to the referendum being held at the Capilano Student Union. The videos were submitted to me on March 13th and I responded, on the same day that I would not approve the publication of the videos. In such cases, in the interest of time, I provide only very brief explanations of why I don't approve of the campaign material in question. I appreciate the complainants understanding of that and their request for a more fulsome explanation within their complaint.

The initial response I provided stated that I was concerned the videos provide an added platform for candidates that have spots in the videos and thus provide a perceived advantage to these candidates and this advantage is provided by the Capilano Student Union itself. This provides these candidates with free campaign airtime using the distribution power that the CSU and Yes Campaign jointly enjoy, which is more than most candidates are likely to achieve individually. I appreciate that no names are used in the video nor are there any indications that any individuals are running in the election, however, it is abundantly clear that many students would recognize the individuals in the video as candidates in the campaign, thus at the very least providing them crucial "face time" in the campaign.

The complaint notes that the video was created prior to the end of the nomination period and as such the Yes Campaign was not aware any of the individuals featured in the videos would be candidates in the elections. This begs the question that if the videos were made after the nomination period closed and candidates were known, that the video would not be appropriate, which indeed it would not be in my opinion. I note as well that the campaign period began on March 9, 2017, after the nominations period closed. Individual candidate campaigns would be required to respect the reality of the election campaign at the beginning of the campaign period and as such the referendum campaign should as well. The bylaws and procedures rarely distinguish differences in campaign rules between candidates and referenda, and as such, unless specifically noted in the procedures, I attribute campaign rules to both in the same manner.

At the candidate orientation meeting held on March 9, I informed candidates that they should not wear Yes Campaign t-shirts as they could be easily deemed as slating, a campaign method explicitly prohibited in the bylaws (VII. Para 13) and procedures (XV. Article 3, Paras 3b and 6i). Unfortunately, at least one candidate is wearing a t-shirt of this kind in the videos. Furthermore, while I've stated the candidates could campaign for the referendum individually, I warned against campaigning in the referendum in any joint manner as that could be constituted as slating. The videos, which are campaign materials, group a number of people together, some of which happen to be candidates and as such could also be construed as slating, whether intended or otherwise.

I appreciate that a lot of work goes into filming and editing a video of this nature. However, I believe the video provides for an unequal electoral playing field by providing the candidates in the video free airtime and at the same time at least some elements of my previous guidance with regard to slating.

In light of the above, I dismiss the complaint and reiterate that neither the CSU or Yes Campaign may distribute either of the campaign videos provided to me for approval in their current form. I have expedited this decision in order for any interested parties to move forward as they wish given the limited timeframe to campaign and time involved in editing such videos. Furthermore, the CSU or Yes Campaign have 48 hours from the time they receive this decision to submit an appeal to the Appeals Committee as per CSU Bylaw IX.

A handwritten signature in blue ink, appearing to read "Ron Laufer", is written above a horizontal line.

Ron Laufer
Chief Returning Officer

March 15, 2017