

# CHIEF RETURNING OFFICER / ELECTIONS & REFERENDUM COMMITTEE RULING

## ***Toronto Metropolitan Students' Union By-Elections 2023***

*The following is a ruling of the Election & Referenda Committee relating to the 2023 TMSU By-Election.*

The rules and procedures of the election are determined by the TMSU By-Laws and the Election Procedure Code, which can be found here: [yourtmsu.ca/election](http://yourtmsu.ca/election)

Ruling Code #	ERC#003AT
Date Received:	11/20/2023
Date of Ruling:	11/23/2023
Related Rulings	N/A
Type of Decision	Initial ruling
Nature of Decision	If the complaint is founded then it would be a violation of the Elections Procedure Code committed by the Candidate
Complainant/CRO:	Complainant
Nominee/ Candidate:	Nathan Sunalan
Alleged Violation in By-laws or the Code	The alleged violation from the complaint relates to section 8.3.7.2.(Violation Campaigning) - Accessing Member's voting portals on their behalf and section 8.1.30.3. No campaigning in Libraries or Computer Labs
Relevant Penalties provided in the Code	Maximum of 25 demerit points for accessing a member's voting portal and a maximum of 10 demerit points for campaigning in and unauthorized area



## Evidence presented by the Complainant:

Personal Testimony: The complainant alleges that the Candidate approached them on the 7th floor of the library and asked them if they had voted in the TMSU elections.

The complainant told the Candidate that they were attending an online class, but the Candidate persisted with asking them to vote. The complainant alleges that the Candidate asked them to open up the voting link and guided the complaint on who to vote for. The Candidate told the complainant to vote for himself and a few others (who's names the complainant does not remember). When the complainant reached the "submit" page they turned off their phone and tried to go back to their class, but the Candidate was persistent that they press the "submit" button.

The complainant says that they were able to turn off their wifi and pretended that they pressed the "submit" button to make the Candidate leave, and that the vote did not go through. The complainant states they witnessed the Candidate approach several other students on the 7th floor after their encounter.

## Evidence presented by the Candidate:

Personal Statement: The Candidates states that during the entire campaigning period they never campaigned in the library because it is against the EPC. When they were campaigning and people would ask for their help the Candidate would tell them that they could not help them.

Around 7:05pm the Candidate believes that they were in the Podium building having a team meeting with their Slate. The Candidate has expressed that they have never stepped foot in the library because it is a restricted space from campaigning.

## ERC Decision:

The ERC has found the complaint to be unsubstantiated due to a lack of evidence and contradictory statements from the Candidate and Complainant

CRO/ERC Decision	
Penalties Issued	N/A
Deadline to Appeal	N/A this is an ERC ruling



