

# ELECTION AND REFERENDA COMMITTEE RULING

## **Toronto Metropolitan Students' Union General Elections 2024**

The following is a ruling of the Elections and Referenda Committee relating to the 2024 TMSU General 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#001
Date Received:	February 27, 2024
Date of Ruling:	February 28, 2024
Related Rulings	CRO#004
Type of Decision	ERC Appeal
Nature of Decision	If the ERC sustains the CRO initial ruling CRO#004 then the candidate would be in violation of section 8.3.7.2 Violation Campaigning (Pre-Campaigning)
Complainant/CRO:	CRO Ruling
Nominee/ Candidate:	Ozi Molokwu
Alleged Violation in By-laws or the Code	8.1.1 Pre campaigning: No Campaigning shall take place before the Campaign Period. This refers to public Campaigning, which includes, but is not limited to posting or distributing Campaign Materials, online Campaigning, Social Media statements, Classroom campaign talks and Campaigning at social events.



Relevant Penalties provided in the Code	8.3.7.2 - Violation Campaigning (Pre-campaigning - 20 demerits)
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### **Evidence presented by the CRO:**

The CRO received a complaint that the Candidate made a post on their Instagram announcing that they were running in the TMSU elections and that their followers should comment "strategy" under their post to receive the Candidates nomination form, as well as, discuss campaign strategies with them.

### **Evidence presented by the Nominee/Candidate:**

The Candidate sent an email to the CRO stating that they made an Instagram post about them running in the election, so that they would not have to send their nomination form in group chats.

The Candidate provided additional screenshots of their direct messages with the individuals that commented "strategy" on their post. Some messages between the Candidates and individuals described what their campaign would focus on. The ERC recognizes conversation about a Candidate's campaign before the campaign period as pre-campaigning.

During the appeal meeting, the Candidate provided evidence in favor of reducing the initial penalty, in the form of discussing the nature of original email exchange with the CRO and editing their original post to exclude information about their candidacy.

### **ERC Decision:**

The ERC has decided that section 8.1.1 - Pre-Campaigning is applicable after reviewing both the CRO's and Candidates information.

The ERC found that the candidate shared information about their upcoming campaign with multiple individuals on their Instagram account. They also engaged other individuals to assist with their campaign by asking them to privately message them.

The ERC finds that making public statements about the Candidates platform and campaign strategies prior to the campaigning period violates section 8.1.1 of the EPC.



Due to the Candidates proactive nature of rectifying the previous actions that they made, and their perceived good faith nature, the ERC has decided to reduce the total demerit points issued.

<b>CRO/ERC Decision</b>	
Penalties Issued	Demerits have been decreased from twenty (20) points to fifteen (15)
Deadline to Appeal	N/A

