

CHIEF RETURNING OFFICER RULING

Toronto Metropolitan Students' Union 2026 General Elections

The following is a ruling of the CRO relating to the 2026 TMSU General Elections.

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

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| Ruling Code # | 2026TGE004 |
| Date Received: | March 14, 2026 |
| Date of Ruling: | March 15, 2026 |
| Related Rulings | N/A |
| Type of Decision | Initial Ruling |
| Nature of Decision | Violation of the EPC |
| Complainant: | Evan Bertschy, TMSU Member |
| Candidates: | Team Justice <ul style="list-style-type: none"> • Zain Baig, President Candidate • Polly Yang, VP Operations Candidate • Teresa Baricevic, VP Education Candidate • Megan Morgan, VP Equity Candidate • Ahmmad Haidary, VP Student Life Candidate |
| Alleged Violation in By-laws or the Code | EPC s.8.1.1: Campaigning outside the Campaign Period |
| Relevant Penalties provided in the Code | EPC s.8.3.5 EPC s.8.3.6 |



Background

On 14 March 2026 at approximately 12:22 AM, the Office of the Chief Returning Officer received a complaint from a TMSU member concerning potential campaigning activity associated with the Instagram account @teamjustice2026.

The complaint alleged that a paid advertisement from the account @teamjustice2026 was publicly visible on Instagram on 14 March 2026 at approximately 12:11 AM. A screenshot of the advertisement was provided to the Office of the CRO.

The advertisement included campaign messaging encouraging students to “Vote for Team Justice in the TMSU Election.”

The Campaign Period for the 2026 TMSU General Elections concluded on 13 March 2026 at 5:00 PM.

Following receipt of the complaint, the Office of the CRO issued a Notice of Complaint to Team Justice requesting clarification regarding the advertisement and whether it had been scheduled to run beyond the Campaign Period.

Response from the Respondent

In response to the Notice of Complaint, Zain Baig stated that the advertisement consisted of previously approved campaign content that had already been posted during the Campaign Period.

The Respondent stated that the advertisement had been scheduled during the Campaign Period and argued that the advertisement should be treated similarly to previously posted campaign materials that remain visible on social media platforms after the Campaign Period ends.

The Respondent also indicated that the advertisement could be disabled if required.

Applicable Provisions:

Section 8.1.1 of the Elections Procedures Code states:



“No Campaigning shall take place before the Campaign Period.”

Campaigning includes public campaigning such as the distribution of campaign materials, online campaigning, and social media statements.

The Code provides that campaigning is only permitted during the Campaign Period established in the election schedule.

Issues

The Office of the CRO identified the following issue for determination:

1. Did the paid Instagram advertisement from the account @teamjustice2026 constitute campaigning outside the Campaign Period contrary to the Elections Procedures Code?

Findings of Fact

Based on the evidence before the Office of the CRO, the following findings of fact are made:

- The Campaign Period concluded on 13 March 2026 at 5:00 PM.
- A paid advertisement from the account @teamjustice2026 was publicly visible on Instagram on 14 March 2026 at approximately 12:11 AM, after the conclusion of the Campaign Period.
- The advertisement contained campaign messaging encouraging students to vote for Team Justice.
- The advertisement was distributed through Instagram’s paid advertising system, which actively promotes the content to users beyond the campaign’s organic reach.
- The advertisement remained active after the Campaign Period concluded.

Analysis of the Elections Procedures Code

Campaigning Outside the Campaign Period

The Elections Procedures Code restricts campaigning to the designated Campaign Period. Campaigning includes online campaigning and the public distribution of campaign materials.



The advertisement identified in the complaint constitutes campaign messaging intended to influence voters and was actively promoted through Instagram's paid advertising system. While the Respondent stated that the advertisement was scheduled during the Campaign Period and contained previously approved content, the material remained actively distributed to users after the Campaign Period had concluded.

Paid advertisements involve the continued promotion and distribution of campaign messaging, and therefore constitute active campaigning while they are running. By allowing the advertisement to remain active after the Campaign Period ended, the campaign messaging continued to be distributed outside the timeframe permitted by the Elections Procedures Code.

Accordingly, the Office of the CRO finds that the advertisement constituted campaigning outside the Campaign Period.

Conclusion Regarding Code Violations

On a balance of probabilities, the Office of the CRO finds that:

- A paid campaign advertisement from the account @teamjustice2026 remained publicly distributed after the Campaign Period concluded.
- The advertisement constituted campaign messaging intended to influence voters.
- The continued promotion of this material after the Campaign Period ended constitutes campaigning outside the Campaign Period contrary to the Elections Procedures Code.

A violation of EPC s.8.1.1 has therefore been established.

| CRO Decision | |
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| Penalties Issued | 3 Demerit Points |
| Deadline to Appeal | 48 hours |

