

ELECTION AND REFERENDA COMMITTEE 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

Ruling Code #	2026TGE-A001
Date Appeal Received:	March 10, 2026
Date of Ruling:	March 18, 2026
Related Rulings	2026TGE001
Type of Decision	ERC Appeal Ruling
Nature of Decision	Appeal Dismissed
Appellant:	Maria Fatkhullin, Faculty of Arts Director 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

Submissions from the CRO

The CRO asked that Ruling 2026TGE001 be upheld.

The CRO reviewed the nature of the election violations found against the Candidate, and argued that the demerit points issued fall within the legal limits, keeping in mind the facts of the ruling as listed below.



Submissions from the Candidate

No submissions were received.

Submissions from the Appellant

No submissions were received.

ERC Decision

There was no new information or context presented by the Appellant. Without any submissions from the Appellant, the ERC only had the ruling and CRO submission to review.

The ERC unanimously agreed that the demerit points awarded are reasonable given the evidence. The CRO's ruling was fair, and the demerit points assigned fall within the EPC guidelines and criteria.

Appeal dismissed.

ERC Decision	
Penalties Issued	Appeal dismissed; Ruling #2026TGE001 upheld in full.
Deadline to Appeal	N/A

CRO Ruling #2025TGE001 follows below.

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Background

On 8 March 2026, the Office of the Chief Returning Officer received a complaint alleging potential pre-campaigning activity associated with an Instagram account attributed to Maria Fatkhullin, Faculty of Arts Director Candidate.



The complaint alleged that an Instagram account publicly accessible prior to the start of the Campaign Period included a handle containing the phrase “vote for”, and a biography containing phrases including “running for” and “vote for me.” The complaint further alleged that the account had an existing follower base prior to the Campaign Period and was publicly visible on the platform.

The Office of the CRO was also made aware of an Instagram post made on 8 March 2026 at approximately 6:00 PM, prior to the start of the Campaign Period scheduled to begin 9 March 2026 at 10:00 AM. The post reportedly introduced the Candidate, stated that they were running for office, and referenced voting. When the CRO reviewed the account at approximately 1:12 AM on 9 March 2026, the CRO observed the post on the account. The post had previously been approved by the Office of the CRO as campaign material, with the understanding that it would be published after the commencement of the Campaign Period.

The Candidate was issued a formal Notice of Complaint and provided an opportunity to respond within the allotted time. No response was received from the Candidate.

Applicable Provisions:

Section 8.1.1 (Pre-Campaigning) of the Elections Procedures Code provides that:

“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.”

Candidates are permitted to create social media pages that are to be used to Campaign; however, those pages and usernames must receive CRO approval, and may not feature any campaign material outside the official Campaign Period.

Issues

The following issues must be determined:

1. Did the Instagram post occur prior to the start of the Campaign Period?
2. If so, does the post constitute campaigning under the Elections Procedures Code?



3. If a violation occurred, what penalty is appropriate?

Findings of Fact

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

- An Instagram account associated with the Candidate existed prior to the Campaign Period.
- The account included references encouraging voters to support the Candidate.
- An Instagram post introducing the Candidate and referencing voting was published on 8 March 2026 at approximately 6:00 PM.
- The Campaign Period for the 2026 TMSU General Elections began on 9 March 2026 at 10:00 AM.
- The content observed by the CRO had been approved as campaign material but was intended to be posted after the start of the Campaign Period.
- The Candidate was provided notice of the complaint and an opportunity to respond but did not provide a response.

Analysis of the Elections Procedures Code

Campaigning Prior to the Campaign Period

Issue 1: Did the Instagram post occur prior to the start of the Campaign Period?

Yes. The evidence before the Office of the CRO establishes that an Instagram post introducing the Candidate and referencing voting was published on 8 March 2026 at approximately 6:00 PM. The Campaign Period for the 2026 TMSU General Elections began on 9 March 2026 at 10:00 AM. Accordingly, the post was published prior to the commencement of the Campaign Period.

The CRO also personally reviewed the account at 1:12 AM on 9 March 2026, at which time the post remained visible on the platform.

On a balance of probabilities, the Office of the CRO finds that the post was published



before the authorized Campaign Period began.

Issue 2: If so, does the post constitute campaigning under the Elections Procedures Code?



Yes. The Elections Procedures Code defines campaigning as any attempt to solicit votes for or against a candidate. Campaigning can occur through various forms of communication, including online campaigning and social media statements.

The post observed by the CRO introduced the Candidate, stated that they were running for office, and referenced voting. Such communication is reasonably interpreted as encouraging members to support the Candidate, and therefore falls within the definition of campaigning under the Code.

As a result, publishing this content prior to the start of the Campaign Period constitutes campaigning outside the authorized campaign period.

Issue 3: If a violation occurred, what penalty is appropriate?

The Elections Procedures Code authorizes the CRO to assign demerit point penalties where violations of the Code occur.

In determining an appropriate penalty, the Office of the CRO considered the following factors:

- the campaigning occurred prior to the start of the Campaign Period;
- the content explicitly referenced voting and the Candidate's participation in the election;
- the post had been approved as campaign material but was intended to be posted only after the Campaign Period began;
- the Candidate was provided with a Notice of Complaint and an opportunity to respond, but no response was received;
- the violation appears limited to a single social media post and that there is no evidence before the CRO of additional instances of pre-campaigning.

Taking these factors into account, the Office of the CRO finds that a moderate demerit point penalty is appropriate.

Conclusion Regarding Code Violations

On a balance of probabilities, the Office of the CRO finds that the Instagram post



constituted campaigning prior to the start of the Campaign Period, contrary to the EPC s.8.1.1.



The Instagram post introducing the Candidate and referencing voting was published on 8 March 2026, before the authorized Campaign Period began on 9 March 2026 at 10:00 AM. The Elections Procedures Code prohibits campaigning prior to the Campaign Period, including online campaigning and social media statements.

Although the campaign material had previously been approved by the Office of the CRO, the approval was granted on the understanding that it would be posted only after the commencement of the Campaign Period. Publishing approved campaign material prior to the authorized campaign start time constitutes campaigning outside the permitted period.

Penalties Issued

The Elections Procedures Code provides a penalty range of 1–15 demerit points for violations of EPC s.8.1.1.

In determining the appropriate penalty, the Office of the CRO considered the following factors:

- The campaigning occurred prior to the authorized Campaign Period.
- The post explicitly referenced voting and the Candidate's participation in the election.
- The material had been approved by the CRO but was posted earlier than permitted.
- The Candidate was provided with a Notice of Complaint and an opportunity to respond, but no response was received.
- The Office of the CRO also considered that the violation appears limited to a single social media post and that there is no evidence before the CRO of additional instances of pre-campaigning.

Taking these factors into account, the Office of the CRO finds that 4 demerit points is an appropriate and proportionate penalty.

CRO Decision	
Penalties Issued	4 demerit points



Deadline to Appeal	48 hours
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