

ELECTIONS AND REFERENDUM 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 #	2026TGE0-A003
Date Received:	March 17, 2026
Date of Ruling:	April 29, 2026
Related Rulings	N/A
Type of Decision	First instance ERC Ruling
Nature of Decision	Violation of the EPC
Complainants:	Kobby Ofori, Faizan Ansari, Ali Paracha, Khuzaimah Iqbal, Armin Pourmoradi Kermani, Aarav Majmundari, TMSU Member ¹
Candidates:	Team Justice (Zain Baig, Presidential Candidate; Polly Yang, Vice President Operations Candidate; Teresa Baricevic, Vice President Education Candidate; Megan Morgan, Vice President Equity Candidate; and Ahmmad Haidary, Vice President Student Life Candidate)
Alleged Violation in By-laws or the Code	EPC s.8.1.1: Campaigning outside the Campaign Period EPC s.8.1.34.3: Campaigning in restricted areas (libraries) EPC s.8.1.58: Cross-campaigning

¹ One complainant requested anonymity on the basis that disclosure of their identity may result in negative repercussions. Having regard to the nature of the allegations and prior concerns raised in the administration of TMSU elections, the ERC finds that this request is reasonable. Pursuant to EPC s.10.3.2, and in accordance with s.10.5.4, the complainant's identity has been redacted and they are referred to as "TMSU Member" in this ruling.



	<p>EPC s.8.1.16: Malicious or intentional breach of Code (Fair Play)</p> <p>EPC s.8.1.17: Persistent attempts to undermine the CRO / ERC</p> <p>EPC s.8.1.63: Failure to display campaign credentials</p> <p>EPC s.9.1.5, 9.1.6, 9.1.9.2: Impermissible interactions during the Voting Period</p>
Relevant Penalties provided in the Code	<p>EPC s.8.3.5</p> <p>EPC s.8.3.6</p> <p>EPC s. 8.3.7 and Appendix A</p> <p>EPC s.8.3.8</p>



Background

Team Justice (the "Respondent") is an executive slate in the 2026 Toronto Metropolitan Students' Union General Elections, consisting of Zain Baig (Presidential Candidate), Polly Yang (Vice President Operations Candidate), Teresa Baricevic (Vice President Education Candidate), Megan Morgan (Vice President Equity Candidate), and Ahmmad Haidary (Vice President Student Life Candidate).

On March 9, 2026, at approximately 3:45 AM, Aasim ul-Haq Khwaja ("AK") was added as a campaign team member for Team Justice.

Prior to joining Team Justice, AK sought nomination as a Presidential Candidate in the same election. He submitted a request for a nomination form on February 25, 2026 at 12:29 AM. Following the nomination verification process conducted in coordination with the University, his submission was determined to contain ninety-two (92) valid nominations, falling short of the one hundred (100) valid nominations required for eligibility.

On March 6, 2026 at 11:36 PM, AK was formally notified that he did not meet the eligibility requirements to stand as a candidate.

On March 11, 2026, AK contacted the Office of the CRO requesting a list of valid and rejected nominations. The Office of the CRO responded, advising that the deadline to request a review of nomination verification had passed and that nomination records could not be disclosed due to confidentiality requirements.

On March 17, 2026, AK contacted the Office of the CRO to inquire about the effect of a withdrawn candidate receiving the highest number of votes. The Office of the CRO responded that only active candidates are eligible to be elected.



On March 17, 18, and 19, 2026, the Office of the Chief Returning Officer (the "CRO") received multiple complaints alleging election-related misconduct during the Voting Period. These complaints described substantially similar conduct involving individual(s) soliciting votes for Team Justice across multiple campus locations, including Kerr Hall, Victoria Street, the DSQ Building, Gould Street, and the Ted Rogers School of Management.

The alleged misconduct included that individuals:

- Approached students and asked whether they had voted;
- Encouraged or pressured students to vote for Team Justice;
- Displayed QR codes directing students to the voting portal;
- Distributed campaign materials during the Voting Period;
- Engaged in repeated in-person vote solicitation across multiple locations; and
- Failed to display approved campaign credentials while engaging in in-person interactions.

Pursuant to the Elections Procedures Code, these complaints were consolidated, as they relate to substantially similar conduct occurring within the same time period and involving the same campaign team member.

On March 19, 2026, the Office of the CRO issued a formal Notice of Complaint to Team Justice, outlining the allegations and identifying potential breaches of the Elections Procedures Code.

The Notice specifically alleged that AK, acting as a campaign team member for Team Justice, engaged in prohibited campaigning during the Voting Period, including direct voter solicitation, facilitation of on-the-spot voting, and repeated campaigning across multiple locations.

Team Justice submitted written responses denying that the alleged misconduct occurred, asserting that all campaign activity ceased during the Voting Period, and stating that no campaign materials included QR codes.

Following the initial response, the Office of the CRO received additional complaints and evidence, including video recordings, and provided disclosure to the Respondent.



On March 20, 2026, Team Justice submitted supplementary materials, including statements from Aasim ul-Haq Khwaja asserting that the conduct captured in the videos occurred during the Campaign Period and not the Voting Period. The Respondent further raised concerns regarding the authenticity of the evidence and the credibility of certain complainants.

The Office of the CRO conducted follow-up correspondence with the Respondent and requested additional materials, including message histories and verification of the timeline asserted.

An interview with Team Justice was conducted on April 17, 2026.

A separate request to interview AK directly in relation to the complaints was issued on April 16, 2026, with follow-up requests sent on April 17 and April 18, 2026. No response was received.

As further set out below, these complaints involved numerous very complex issues.

Pursuant to EPC s.10.2.2, where the CRO is unable to make an initial ruling, complaints can be referred to the Elections and Referenda Committee (the “ERC”) for determination within a reasonable time frame.

In accordance with this provision, the CRO formally referred the complaints underlying this ruling to the ERC for initial rulings and provided all relevant materials, including complaints and supporting evidence, for the Committee’s consideration.

1. Evidence

The initial evidence provided by the complainants consisted of written complaints with their personal observations and, in some instances, video evidence.



All complainants were invited to provide further details by email, and some were asked for follow up interviews with the CRO.

Given the seriousness of the allegations and the fact that several of the complainants had been involved with other electoral teams and prior election complaints including negative credibility findings, the CRO also undertook additional verification processes to assess the authenticity, timing, and reliability of the video evidence.

Where possible, the Office of the CRO sought to verify:

- The original date and time of recording;
- The device used to capture the recording;
- Whether the video had been altered, compressed, or re-encoded; and
- The chain of custody of the file from capture to submission.

This verification process included internal review and, where appropriate, third-party forensic examination.

The Respondents were also invited to submit evidence and attend interviews. Evidence provided by the Respondents was also subject to verification.

Below we will provide first a summary of the complainants' evidence and the information furnished by the further investigative steps, and then a summary of the respondents' evidence and information provided by investigation.

1.1. Complainants' Evidence, Background and Subsequent Investigative Steps

a. Complaint 1 – allegation of vote solicitation in Kerr Hall (March 18, 2026)

Complainant 1 is KO. KO has no known links to any slates or prior TMSU elections.

KO reported that at approximately 12:00 PM in Kerr Hall, an unidentified individual approached them and asked whether they had voted in the TMSU election.

KO alleged that, when they responded that they had not voted, the individual displayed a QR code and asked them to vote for “Team Justice.” The complainant declined.

KO did not respond to the CRO's email requesting further information beyond what was provided in the initial complaint.



b. Complaint 2 – allegation of vote solicitation on Victoria Street (March 18, 2026)

Complainant 2 is FA.

FA does have a prior history with TMSU elections.

FA was a candidate in the 2025 Fall By-Election. He was disqualified for serious violations of the Elections Procedures Code, including findings that he had put in fabricated provided to the ERC and offered to pay a student to solicit votes on his behalf. After the By-election concluded his actions were the subject of an independent review by MNP. The TMSU Board voted to start member discipline proceedings against him, and on the basis of the findings of the independent review, the Board voted to sanction him including deeming him ineligible to run in for the Board in the future.²

In the current election, FA reported observing AK at approximately 3:00 PM on Victoria Street distributing brochures and encouraging students to vote for Team Justice. He further reported that AK displayed a QR code and directed students to vote on the spot.

Two videos were submitted in support of this complaint.

The first video showed what appeared to be AK handing out flyers in support of Team Justice on Victoria Street. The file information indicated it was filed on March 18, at around 3 p.m.

The second video showed FA approaching a group of students, asking them if “that guy” gave them the flyers that the students were holding. On the video the flyers were Team Justice flyers.

The CRO reviewed the meta data associated with the video, which appeared to indicate it was recorded on March 18 at around 3:15 pm.

Interview of Complainant 2

² FA has disputed the validity of the member discipline By-law that formed the basis of his sanction, and has initiated a legal proceeding against the Union challenging that decision. That legal proceeding is ongoing.



FA attended an interview at the request of the CRO. The information he provided was consistent with the information submitted in his initial complaint. No further significant details were disclosed.

Independent video verification

Given the nature of the complaint and FA's prior electoral involvement the CRO determined that further verification of the authenticity of the video was warranted.

A third-party digital forensics expert was asked to assist. FA provided a copy of the video evidence as requested by the third party. After examination the digital forensic expert confirmed that, in their opinion, the stated date, time, and location of the video recording was accurate.

c. Complaint 3 – allegation of vote solicitation in DSQ Building (March 18, 2026)

Complainant 3 is AP.

AP has a prior history with TMSU elections.

AP was a candidate in the 2025 Fall By-Election and ran on a slate with AK. AP also put in nomination papers in the current election. He did not receive enough nomination signatures to be confirmed as a candidate after the verification process. He did not progress far enough in the election to be required to put in a slate declaration form. AP alleged that AK was soliciting votes within the DSQ Building using a QR code and was not displaying campaign credentials.

Two videos were submitted in support of this complaint.

The first video showed AK in a food court, holding a phone showing a QR code, and speaking to another person. AK asked the individual if they had voted yet. The individual replied, I have graduated. AK then said okay, and walked away.

When the CRO examined the video files provided by AP, the metadata on the files indicated that the origin of the video was WhatsApp. The meta data time stamp on the videos was 1:04 and 1:05 am respectively.



The CRO confirmed that videos sent through and saved from WhatsApp typically have two time stamps associated with them: the time of the recording, and the time that the video was downloaded onto the user's phone.

Each of the videos provided by AP only had one time stamp associated with them, not two as would be expected for videos recorded and then sent through/downloaded from WhatsApp.

The CRO also confirmed that iPhone give users the opportunity to “revert” a video's time stamp so that only the time associated with the video is the time it was downloaded by the user to their phone. In this situation, a video would only show one, not two, time stamps.

Interview of Complainant 3

AP attended a virtual interview at the request of the CRO.

His report of what he witnessed was consistent with his written complaint and the videos he provided.

AP also explained that he was no longer friends with AK.

When the CRO noted that both videos seemed to be time stamped at around 1 am, and had a WhatsApp origin, AP provided more information regarding how the videos were captured.

AP stated that he recorded the videos on his own phone, which was an iPhone, but did not use his phone's built in camera feature. Instead, AP stated that he had filmed the video using the WhatsApp program, and that he then sent the video to himself via WhatsApp.

The CRO asked AP to join the meeting from his personal phone so that further verification of the WhatsApp history could be confirmed.

The CRO directed AP to share his iPhone screen during the meeting and navigate to where WhatsApp would typically save video and photographs. AP did have a folder of many (over 1000) saved WhatsApp videos and images. The video he submitted was not in that folder.

AP explained that this was because his WhatsApp messages are set to automatically delete after 24 hours.



AP refused to show the CRO his 'sent to me' WhatsApp message thread, as he said it contained private medical information.

Independent video verification

AP first refused to meet with the third party independent verifier as he said he was not available.

The CRO offered to have the third party verifier come to him at a time of his convenience. He did not reply with any time he would be available. He did confirm, however, that he would participate in virtual verification.

The CRO arranged for a virtual upload link to allow for virtual verification, and followed up with AP three times to request that he upload the video.

AP never responded or provided anything to the independent verifier.

d. Complaint 4 – allegation of vote solicitation on Gould Street (March 18, 2026)

Complainant 4 is KI. He has no known prior involvement in TMSU elections or connections with any candidates.

The complainant reported that AK was distributing flyers and encouraging students to vote for Team Justice on Gould Street during the Voting Period.

A video was submitted in support of this complaint.

The video shows an individual matching AK's description distributing campaign materials.

The individual appears to be wearing the same outfit observed in other video evidence, and the environmental conditions depicted are consistent with weather conditions on March 18, 2026.

KI was asked to attend for an interview so that the video could be verified. He never responded to the CRO's emails.

No independent verification was able to occur because the complainant did not respond to requests from the CRO.

e. Complaint 5 – allegation of vote solicitation in TRSM (March 18, 2026)



Complainant 5 is APK. They have no known prior involvement in TMSU elections or connections with any candidates.

The complainant reported that at approximately 10:00 AM near the escalators on the second floor of TRSM, an individual approached them and asked them to vote for Team Justice.

The complainant stated that the individual identified himself as “Anthony.”

APK did not respond to the CRO’s email requesting further information beyond what was provided in the initial complaint.

f. Complaint 6 – allegation of vote solicitation in DCC (March 18, 2026)

Complainant 6 is AM. They have no known prior involvement in TMSU elections or connections with any candidates.

The complainant reported that at approximately 3:00 PM on the first floor of the DCC, an individual approached them with a QR code and guided them to vote for Team Justice.

The complainant described the interaction as pressuring and stated that they voted at the time.

AM did not respond to the CRO’s email requesting further information beyond what was provided in the initial complaint.

g. Complaint 7 – allegation of vote solicitation in TMU Library (March 17, 2026)

Complainant 7 requested anonymity. They are running as a candidate for a director position in the election.

Complainant 7 reported that at approximately 4:00 PM in the TMU Library, they witnessed two individuals soliciting votes for Zain (Team Justice Presidential candidate) and four other executive candidates not associated with Team Justice (Mustafa Afridi, Youssef Essaafi, Aadreeka Srivastava, and another executive candidate who has since withdrawn).



Complainant 7 stated that they recognized AP (i.e. Complainant 3) as was one of the individuals who was soliciting votes.

They stated that AP and the other individual appeared to be guiding students through the voting process and handling their devices.

After following up with the CRO, Complainant 7 mentioned that they had two videos from the same day that showed similar behaviour from AP and the other individual.

The videos showed Complainant 7 filming AP speaking to a student and saying he would not tell the student who to vote for. AP starts to walk away, and the video shows a second individual sitting next to another student engaging with them in a manner that is consistent with vote solicitation.

Complainant 7 then returned to the first student who had been talking to AP. That student confirmed on the video that AP had just pointed out on his device who they should vote for, and did not remember the names of the candidates selected.

The meta data on these videos facially aligned with Complainant 7's account of when the videos were recorded.

1. 1.2 Respondent's Submissions and Evidence

On March 19, 2026, the Office of the CRO issued a formal Notice of Complaint to Team Justice, outlining the allegations and identifying potential breaches of the Elections Procedures Code.

Team Justice submitted written responses denying that the alleged misconduct occurred. They stated that:

- Campaigning ceased during the Voting Period;
- No campaign materials included QR codes;
- Aasim ul-Haq Khwaja was only authorized to distribute approved materials during the Campaign Period; and
- Any alleged conduct was not authorized by the campaign.

Following the initial response, the Office of the CRO received additional complaints and evidence, including video recordings, and provided disclosure to the Respondent.



On March 20, 2026, Team Justice submitted supplementary responding materials, including statements from AK asserting that the conduct captured in the videos occurred during the Campaign Period and not the Voting Period.

Team Justice asserted that:

- The videos submitted as evidence were recorded during the Campaign Period and not the Voting Period;
- The videos may have been altered through screen recording;
- AK was displaying a QR code linked to a complaint form rather than the voting portal; and
- Certain complainants may have been motivated by bias or bad faith.

On 17 April 2026 Team Justice attended an interview with the CRO. The entire Team Justice team attended for separate interviews. Zain Baig, the Team Justice presidential candidate, stated that he had primary contact with AK throughout the election. He stated that he specifically told AK that he had to follow all election rules, and that AK assured him that he knew the rules very well and would follow them at all times.

On April 16, 2026 the CRO sent a distinct interview request to AK in relation to the complaints. The CRO also sent follow up requests on April 17 and April 18, 2026.

AK never responded to any CRO emails.

Based on information provided by the Team Justice candidates, the CRO did request additional materials from Zain Baig, including chat message and phone call history between him and AK and to verify Team Justice's submissions regarding the time the campaigning had taken place.

Zain Baig subsequently provided the CRO with screen recordings of his message exchanges with AK. The messages concerned the complaint itself. In the messages AK denies that he solicited votes during the voting period and states that the time stamps are falsified.

The CRO did not receive any messages that provided direct evidence regarding the time that the campaigning activity took place.



2. Findings of fact

2.1. Credibility of Complainants and Team Justice volunteer AK

The ERC notes that several complainants who submitted video evidence have prior or ongoing involvement in TMSU elections, including prior candidacies, affiliations with slates, and participation in election-related advocacy.

Prior involvement in elections, in and of itself, does not render a complainant's evidence unreliable. However, where complainants have direct or indirect involvement in electoral competition, the potential for bias or strategic motivation should be considered.

Prior reliable findings that an individual has violated election rules, or has lied in to the ERC or CRO, are also relevant to credibility.

2.1.1 FA

FA was disqualified in a prior election for serious violations of the Elections Procedures Code, including falsifying evidence and offering to pay a student money to solicit votes on his behalf.

He had intended to run in the current election but was subsequently deemed ineligible to serve on the Board after being sanctioned by the Board of Directors pursuant to TMSU's member discipline By-law.

FA provided written testimony and video evidence alleging vote solicitation.

The ERC finds that FA's testimony had inconsistencies and unsupported assertions that reduce its reliability. In particular, FA stated that he witnessed the use of QR codes. This was not supported by the video evidence.

The ERC also notes that FA had prior involvement in TMSU elections, including an intention to run in the current election and prior disqualification in a previous election.



These factors raise concerns regarding FA's potential bias, motivation and credibility.

2.1.2 AP

AP previously ran in a slate with AK. AP also attempted to run in the current election, but did not obtain the required number of nomination signatures. In addition, one of the complaints submitted alleges that he was also collecting votes for Zain Baig, Presidential Candidate for Team Justice, alongside a number of Independent Candidates.

AP submitted video evidence to support his allegation that AK engaged in vote solicitation and failed to display credentials.

AP did not complete the requested verification process and did not provide original files capable of confirming the timing of the recordings.

The ERC also notes there were inconsistencies in the complainant's answers regarding the source of the videos and the time stamps associated with the videos suggest that the meta data had been manipulated.

2.1.3 Other Complainants

The remaining complainants describe substantially similar conduct across multiple locations, including individuals approaching students, encouraging them to vote for Team Justice, and directing them to the voting process.

These complaints are consistent in substance and timing. The ERC accepts that these complainants are reporting their experiences in good faith.

Accordingly, these complaints are given weight in establishing a pattern of conduct.

AK



AK, who was allegedly soliciting votes on behalf of Team Justice, had also previously sought nomination as a candidate and subsequently joined Team Justice, a competing slate, as a campaign team member.

He has also been disqualified from a previous TMSU election due to serious election violations.

The ERC also notes that AK was familiar with the Elections Procedures Code and election processes, having previously sought nomination as a candidate in the same election, and ran in at least two previous elections.

2.1.4 Conclusion on Credibility and Evidentiary weight

The ERC finds that:

- Numerous complainants have potential biases that reduce the weight of their testimony;
- Not all video evidence could be fully verified, and its weight is adjusted accordingly; and
- There are independent complainants with no known connection to TMSU elections or candidates that assist in establishing a pattern of conduct.

3. Findings of Fact

Election rulings under the EPC are made on a balance of probabilities, not on a criminal or quasi-criminal standard. Absolute proof is not required. The ERC is entitled to draw reasonable inferences from the totality of the evidence, including context, timing, and the cumulative effect of the conduct.

Pursuant to EPC s.10, complainant statements, where properly documented, witness accounts, video evidence, and the direct observations of Election Officials constitute admissible and probative evidence. The EPC does not require that violations be established exclusively through documentary or video evidence.



Taken together, the totality of the evidence establishes a consistent pattern of in-person vote solicitation involving AK, a campaign team member for Team Justice, during the Voting Period.

Based on the evidence, the ERC finds that there was at least one person soliciting votes for Team Justice during the voting period.

In three of the complaints (Complaints 1, 5, 6) there is no information regarding who was conducting the vote solicitation.

The remaining complaints identify either AK (Complaints 2, 3 and 4) or AP (Complaint 7) as the individuals engaging in vote solicitation. AP is also a complainant.

Complaint 2, submitted by FA, was supported by video evidence. The time and date associated with that video was confirmed by an independent third party with digital forensic expertise. Although the ERC has concerns regarding the credibility of FA, the video was verified.

The ERC therefore finds, on a balance of probabilities, that AK was handing out flyers in support of Team Justice on Victoria Street at around 3 pm on March 18, 2026.

Complaint 3, submitted by AP, was also supported by video evidence.

Given the inconsistencies regarding the source of that video and AP's refusal to provide his video to the independent third party for verification, the ERC has very significant concerns regarding the origin of this video evidence and AP's personal testimony. As noted below, there are also credible allegations that AP was involved in vote solicitation on behalf of a number of Executive Candidates including one of the Team Justice candidates, and that he has a prior relationship with AK.

The ERC finds that, despite these concerns, the video itself does show AK engaging in vote solicitation on behalf of Team Justice during the voting period. Although the time and date of the video could not be verified based on meta data, the clothing AK is wearing is consistent with the clothing in the verified video provided by FA.



The ERC also finds that AK was a registered campaign volunteer for Team Justice at the time, and that his election volunteer badge was not visible while engaging in election campaigning.

Complaint 4 also included video evidence. The complainant did not respond to any of the CRO's emails. Based, however, on the depiction of the weather and what AK was wearing in the video, the ERC believes that the video does show AK at the alleged date and time, campaigning on behalf of Team Justice.

The ERC finds Complainant 7 to be a credible witness, and finds that AP was soliciting votes in the library, during the voting period, for Zain Baig and a number of other Executive Candidates.

Based on the above evidence, the ERC makes the following findings of fact:

1. Team Justice was an executive slate in the 2026 TMSU General Elections.
2. AK was a campaign team member for Team Justice as of March 9, 2026.
3. Prior to joining Team Justice, AK sought nomination as a candidate in the same election and was not eligible to run after failing to meet the required number of valid nominations.
4. Multiple students were approached by unknown individuals and asked whether they had voted in the election. These students were encouraged or prompted to vote for Team Justice during these interactions. These interactions occurred during the voting period and in several instances students were presented with QR codes. The QR codes were presented in a manner consistent with directing individuals to engage immediately with the voting process. The conduct described in the complaints occurred across multiple locations on campus, including Kerr Hall, Gould Street, and the Ted Rogers School of Management. The evidence does not establish that that the individuals described in these complaints were acting on behalf of Team Justice.
5. AK solicited votes for Team Justice by distributing Team Justice flyers on Victoria Street during the Voting Period. His campaign credentials were not visibly displayed.



6. AK solicited votes for Team Justice in DSQ, in the food court, during the Voting Period. His campaign credentials were not visibly displayed. This involved the use of QR codes.
7. AK solicited votes for Team Justice on Gould Street during the Voting Period. His campaign credentials were not visibly displayed.
8. AK did not come in for an interview with the CRO when requested and not complete the requested verification process for materials relied upon in the Respondent's submissions.
9. No Team Justice candidate was aware of or participated in the vote solicitation efforts of AK.
10. The Team Justice Presidential candidate, Zain, repeatedly told AK that he had to follow election rules.
11. The complaints, taken together with the video evidence, establish a consistent pattern of in-person vote solicitation during the Voting Period involving one campaign team member for Team Justice.

4. Analysis of the Elections Procedures Code

The following analysis applies the Elections Procedures Code to the facts established above. Each alleged violation is assessed on a balance of probabilities, with particular attention to attribution, repetition, and the context of the Voting Period.

4.1. Issues

The ERC identified the following issue for determination:



1. Did the interactions described constitute campaigning under the Elections Procedures Code?
2. If so, did the campaigning occur outside the authorized Campaign Period contrary to EPC s.8.1.1?
3. Did the campaigning take place in a restricted area contrary to EPC s.8.1.34?
4. Did the conduct involve impermissible assistance to voters or interference with the voting process?
5. Did the conduct constitute cross-campaigning contrary to EPC section 8.1.58?
6. If violations occurred, can the conduct be attributed to the respondent candidate or to individuals acting on their behalf as a Campaign Team Member or Non-Arm's Length Party?
7. If a violation occurred, what penalty would be appropriate under the Elections Procedures Code?

EPC s.8.1.1: Campaigning outside the Campaign Period

Section 8.1.1 prohibits campaigning outside the authorized Campaign Period. The Voting Period is not part of the Campaign Period, and campaigning is not permitted during this time.

Campaigning is defined broadly and includes any attempt to solicit votes for or against a candidate or slate. This includes in-person interactions, distribution of materials, and directing individuals to engage with the voting process.

The ERC finds that during the Voting Period:

- Individuals approached students across multiple campus locations;
- Students were asked whether they had voted;
- Students were encouraged to vote for Team Justice;
- QR codes were displayed to facilitate immediate engagement with the voting process; and
- Campaign materials were distributed during the Voting Period.



The evidence establishes that AK, a campaign team member for Team Justice, engaged in repeated in-person interactions with students consistent with vote solicitation.

While not all complaints can be attributed to the Respondent, the ERC is satisfied that AK did engaged in this conduct.

Under the Elections Procedures Code, candidates are responsible for the actions of their campaign team members.

On a balance of probabilities, the ERC finds that AK violated EPC s.8.1.1 through campaigning during the Voting Period. As an official campaign team member his actions are attributable to Team Justice.

EPC ss.9.1.5 and 9.1.6: Impermissible interactions during the Voting Period

Section 9.1 governs interactions between candidates and voters during the Voting Period.

- Section 9.1.5 limits candidates to sharing CRO-approved voting aides;
- Section 9.1.6 prohibits providing individualized direction or assistance in casting a ballot.

The evidence establishes that:

- QR codes were displayed to students during in-person interactions during the voting period;
- These QR codes were presented in a manner consistent with directing students to engage with the voting process immediately;
- Students were encouraged to vote during these interactions.

Even in the absence of confirmed device handling, directing a voter to access the voting platform in real time constitutes impermissible assistance or direction.

The ERC finds that this conduct is attributable to AK, who was an official campaign team member for Team Justice.



Under the Elections Procedures Code, candidates are responsible for the actions of their campaign team members.

On a balance of probabilities, the ERC finds that AK violated EPC ss.9.1.5 and 9.1.6. As an official campaign team member his actions are attributable to Team Justice.

EPC s.8.1.63: Failure to display campaign credentials

Section 8.1.63 requires that individuals engaged in in-person campaigning display approved campaign credentials.

The evidence establishes that during certain interactions:

- AK engaged in in-person campaigning;
- Campaign credentials were not clearly visible or displayed.

On a balance of probabilities, the CRO finds that AK violated EPC s.8.1.63. As an official campaign team member his actions are attributable to Team Justice.

EPC s.8.1.16: Malicious or intentional breach of the Code

Section 8.1.16 prohibits actions contrary to generally accepted community standards, including intentional or malicious breaches of the Elections Procedures Code.

The ERC has found that:

- AK campaigned during the Voting Period;
- Voters were approached repeatedly across multiple locations;
- QR codes were used to facilitate immediate engagement with the voting process;
and
- The conduct was not isolated, but formed part of a pattern on the part of AK.

The ERC also notes:

- AK was familiar with the Elections Procedures Code;



- AK's denial of conduct inconsistent with observable evidence; and
- AK failed to respond to CRO requests for interviews or provide verifiable supporting materials.

On a balance of probabilities, the ERC finds that AK's conduct constitutes a serious departure from the Elections Procedures Code and engages EPC s.8.1.16.

EPC s.8.1.17: Undermining the electoral process

Section 8.1.17 prohibits persistent attempts to undermine the ability of the CRO or the ERC to carry out their responsibilities.

The ERC has found that:

- AK's conduct involved repeated in-person vote solicitation during the Voting Period;
- The conduct occurred across multiple locations;
- AK failed to fully participate in investigation processes; and
- AK, through his responses to Team Justice, advanced explanations that were not supported by verifiable evidence.

Taken together, this conduct required extensive investigation and impeded the CRO's ability to efficiently and effectively administer the election.

On a balance of probabilities, the CRO finds that AK's conduct engages EPC s.8.1.17.

Other Alleged Violations

Restricted Areas (s.8.1.34.3)

While evidence suggests that campaigning occurred in restricted areas, the ERC is not satisfied that this conduct can be attributed to Team Justice.

Cross-Campaigning



While cross-campaigning may have occurred in certain interactions, the evidence does not establish that this conduct is attributable to Team Justice.

4.2. Conclusion on EPC Violations

For the reasons set out above, the ERC concludes that AK violated the following EPC provisions:

- EPC s.8.1.1 (Campaigning outside the Campaign Period);
- EPC ss.9.1.5 and 9.1.6 (Impermissible interactions during the Voting Period);
- EPC s.8.1.63 (Failure to display campaign credentials);
- EPC s.8.1.16 (Actions contrary to the Code - Fair Play); and
- EPC s.8.1.17 (Undermining the electoral process).

These findings are based on the cumulative effect of repeated, attributable conduct during the Voting Period and the totality of the evidence before ERC.

Candidates are responsible for actions and violations of any Non-Arm's Length Party. AK was a non-arm's Length party with respect to Team Justice.

5. Analysis of Appropriate Penalty

Based on the Findings of Fact and analysis set out above, the ERC has determined, on a balance of probabilities, that AK committed multiple violations of the Elections Procedures Code.

Pursuant to EPC s.8.1.4, Candidates and slates are responsible for the actions of Non-Arm's Length Parties, including campaign team members. Accordingly, where a campaign team member violates the Code, a penalty may be assigned to the relevant candidate or slate.

However, attribution of responsibility is distinct from the assessment of penalty.

Section 8.3.6 sets out the considerations that should be applied when determining appropriate penalties. It states:

8.3.6. In determining the appropriate penalty to be given for a violation the CRO and



ERC shall consider the following:

8.3.6.1. A violation may result in multiple penalties where the violation encompasses more than one offense.

8.3.6.2. Penalties shall be proportionate to the severity of the violation. A penalty shall be considered more severe if the evidence establishes any of the following:

8.3.6.2.1. A Candidate did not take reasonable available steps to correct the violation within a reasonable time period.

8.3.6.2.2. A Candidate continued violating the Code after being deemed informed by the CRO or Election Official, via ruling or otherwise, that their actions violated the rule.

8.3.6.2.3. A Candidate bears personal responsibility for the violations having occurred.

8.3.6.2.4. The rules of Fair Play, Defamation, Grounds of Discrimination, Harassment and Misrepresentation of Fact are violated.

8.3.6.2.5. There was a significant unfair benefit to the Candidate because of the violation.

8.3.6.2.6. Where multiple Candidates are Cross-Campaigning together.

8.3.6.3. Penalties may be assigned across Candidates across a part or an entire Slate.

The ERC notes that the EPC specifically directs attention to the responsibility of a candidate and/or slate in the assessment of the appropriate penalty.



Section 8.3.7 also directs the CRO and ERC to refer to the Penalty Guideline in Appendix A to the EPC. That appendix also provides examples of aggravating and mitigating factors that focus on the candidates' actions.

The ERC therefore assesses both:

1. the seriousness of the underlying conduct (baseline penalty); and
2. the degree of culpability attributable to the candidate and/or slate (adjusted penalty).

In this case, the ERC finds that AK violated the EPC without evidence of direction, knowledge, or intent of any Team Justice Candidate. The Team Justice President specifically told AK to follow all election rules. AK did not.

The ERC has therefore decided that Team Justice should not be penalized in the same manner as a Candidate that personally engages in EPC violations, or a slate that oversees and directs this conduct or is complicit with it being carried out.

The ERC finds it appropriate to reduce the penalty that would otherwise be applied by a factor of 0.60. This determination was reached by first assessing the appropriate reduction for the initial EPC violation (s. 8.1.1, Complaint 1 – outlined below), and then applying a consistent, proportionate reduction to other violations involving a similar level of culpability.

In applying the 0.60 ratio, the ERC accepts that Team Justice ought reasonably to have been aware of AK's prior involvement in elections before including him on their campaign team. This gave rise to a degree of responsibility on their part. While the impugned actions were neither directed nor coordinated by the slate, AK's known history, coupled with the warning they received, made the risk of potential violations reasonably foreseeable.

The ERC further notes that, after receiving a warning from a Board Member following AK's addition to the team, Team Justice had an opportunity to mitigate that risk by removing him from their campaign. They chose not to do so. In these circumstances, the ERC finds that a 60% attribution of responsibility to the slate is appropriate.



This ratio reflects a reduced level of culpability attributable to the slate, while maintaining the seriousness of the underlying violation.

EPC s.8.1.1: Campaigning outside the Campaign Period

The applicable range for this EPC violation is 1–15 demerit points.

The ERC finds that campaigning occurred during the Voting Period through in-person interactions, including the use of QR codes and direct engagement with voters.

Aggravating factors (conduct-level):

- The conduct occurred during the Voting Period;
- The conduct involved direct, in-person interactions with voters;
- The conduct occurred across multiple locations;
- The conduct was repeated rather than isolated;
- The conduct facilitated immediate engagement with the voting process; and
- The individual responsible demonstrated familiarity with the Elections Procedures Code.

Mitigating factors (candidate/slate-level):

- Team Justice Candidates did not direct, or orchestrate and in fact were not aware of the conduct at the time it occurred;
- Team Justice communicated its expectations regarding compliance with the Code to AK;
- There is no evidence of coordinated conduct with other actors; and
- The conduct is attributable to a single campaign team member.

Penalty Approach

The ERC first determines the baseline penalty that would have been imposed had the Candidate or slate directly engaged in the conduct. These penalties take into account both the number of proven instances of vote solicitation by AK, as well as any mitigating and aggravating factors that are applicable to his individual conduct.

The baseline penalties are:

- Complaint 2: 13 demerit points



- Complaint 3: 10 demerit points
- Complaint 4: 10 demerit points

The ERC then applies a global reduction factor of 0.60 to reflect the reduced culpability of the slate.

Penalty by Complaint (adjusted):

- Complaint 1: Not attributable to Team Justice, as there was no evidence it was a Non-Arms-Length Party = 0 points
- Complaint 2: $13 \times 0.6 = 7.8$ points
- Complaint 3: $10 \times 0.6 = 6.0$ points
- Complaint 4: $10 \times 0.6 = 6.0$ points
- Complaints 5, 6, 7: Not attributable to Team Justice, as there was no evidence it was a Non-Arms-Length Party = 0 points

Total for s.8.1.1: **19.8 demerit points**

EPC ss.9.1.5 and 9.1.6: Impermissible interactions during Voting Period

These provisions are analogous to serious campaign violations involving direct voter influence.

Aggravating factors:

- The conduct occurred during the Voting Period;
- The conduct involved directing voters toward the voting process; and
- The conduct occurred in multiple instances.

Mitigating factors:

- No conclusive evidence of device handling in attributed instances;
- No evidence that the slate directed or was aware of the conduct; and
- The conduct is attributable to a single campaign team member.

Penalty Approach

The ERC again determines the baseline penalty for the conduct:

- Complaint 3 baseline: 4 demerit points



The ERC then applies the same global reduction factor of 0.6.

Penalty by Complaint (adjusted):

- Complaint 1: Not attributable = 0 points
- Complaint 3: $4 \times 0.6 = 2.4$ points
- Complaint 6: Not attributable = 0 points

Total for ss.9.1.5 and 9.1.6: **2.4 demerit points**

EPC s.8.1.63: Failure to display campaign credentials

The applicable range is 1–8 demerit points.

Aggravating factors:

- The conduct occurred during in-person interactions;
- The conduct was repeated across multiple locations.

Mitigating factors:

- Possibility that credentials were present but not visible;
- The violation is secondary to more serious conduct; and
- No evidence of direction or knowledge by the slate.

Penalty Approach

The ERC again determines the baseline penalty for the conduct:

- Complaint baseline: 8 demerit points

The ERC then applies the same global reduction factor of 0.6.

Penalty by Complaint (adjusted):

- Complaint baseline: $8 \times 0.6 = 4.8$ demerit points.

Total for s.8.1.63: **4.8 demerit points**



EPC s.8.1.16: Actions contrary to the Code (Fair Play)

The ERC acknowledges that the conduct of AK, considered independently, falls within the high penalty range (20–25 points) under these provisions.

However, these provisions require consideration of intentional or knowing conduct.

On a balance of probabilities, the ERC is not satisfied that:

- Team Justice directed or orchestrated the conduct;
- Team Justice had knowledge of the conduct while it was occurring; or
- Team Justice acted with intent to undermine the electoral process.

Penalty

While the baseline penalty range would be 25 demerit points for both 8.1.16 and 8.1.17 for a total of 50 demerit points, the absence of attributable intent on the part of any candidate results in no penalty being imposed on the slate.

Total for ss.8.1.16 and 8.1.17: **0 demerit points**

Proportionality, Parity, and Totality

Appendix A requires that penalties be proportionate, consistent, and assessed in totality.

The ERC has applied a consistent methodology:

- Establish baseline penalties reflecting the seriousness of the conduct;
- Apply a uniform reduction ratio (0.60) where conduct is attributable through a campaign team member without evidence of slate-level intent or knowledge;
- Decline to apply reductions where doing so would undermine enforceability of administrative requirements; and
- Ensure that the final penalty reflects both conduct severity and slate culpability.



This approach avoids strict liability while maintaining accountability.

Total Demerit Points Issued

EPC s.8.1.1 = 19.8 Demerit Points

EPC ss.9.1.5 & 9.1.6 = 2.4 Demerit Points

EPC s.8.1.63 = 4.8 Demerit Points

Total: **27 Demerit Points**

6. Conclusion

For the reasons set out above, and based on the Findings of Fact and analysis of the applicable provisions of the Elections Procedures Code, the ERC concludes that Team Justice violated:

- EPC s.8.1.1 (Campaigning outside the authorized Campaign Period);
- EPC ss.9.1.5 and 9.1.6 (Impermissible interactions during the Voting Period); and
- EPC s.8.1.63 (Failure to display campaign credentials).

The ERC further finds that:

- Additional instances of campaigning during the Voting Period occurred but could not be attributed to the Respondent; and
- Certain complainant evidence was assigned reduced weight due to credibility and verification limitations, though it contributed to the overall assessment of a pattern of conduct.

These findings reflect a distinction between conduct that occurred during the Voting Period and conduct that can be established, on a balance of probabilities, as being attributable to the Respondent.

Having regard to the seriousness of the violations, the repeated and multi-location nature of the conduct, the role of a campaign team member in carrying out the violations, and the mitigating factors relating to the Respondent's lack of proven knowledge or intent, the ERC finds that a reduced but proportionate penalty is appropriate.

Accordingly, the ERC imposes the following demerit points:



- EPC s.8.1.1 = 19.8 Demerit Points
- EPC ss.9.1.5 & 9.1.6 = 2.4 Demerit Points
- EPC s.8.1.63 = 4.8 Demerit Points

Total: 27 demerit points

The ERC finds that this total appropriately reflects both the seriousness of the underlying conduct and the degree of responsibility attributable to the Respondent.

7. Obiter

The ERC notes that the violations attributed to Team Justice arise through the actions of AK, a registered campaign team member.

Under the Elections Procedures Code, candidates and slates are responsible for the conduct of their campaign team members. This responsibility is not displaced by a lack of direct involvement, nor by internal delegation of campaign roles.

At the same time, the ERC recognizes that the degree of knowledge, control, and intent of a candidate or slate is a relevant consideration in the assessment of penalties. While responsibility for the conduct remains, the extent to which a candidate or slate directed, was aware of, or took steps to prevent or correct violations may appropriately inform the severity of the penalty imposed.

The ERC reiterates that throughout the election period, candidates were explicitly advised to exercise caution in selecting campaign team members and to ensure that only individuals they trust and can account for are permitted to act on their behalf. In this case, AK had prior involvement in the election process, including an unsuccessful attempt to stand as a candidate, before being added as a campaign team member. He had also been disqualified in a previous election due to serious EPC violations.

The ERC also notes that several individuals involved in the complaints and evidence had prior involvement in TMSU elections, including prior candidacies and affiliations with slates. While prior involvement does not, in itself, undermine credibility, the overlap in participation and timing of complaints required careful scrutiny.



The ERC is deeply disappointed that that individuals involved in TMSU elections continue to knowingly violate the EPC.

Although it does not make any findings of fact at this point, the ERC is deeply concerned that some individuals may be using the election rules and this adjudicative process as a way to try to disqualify candidates, rather than uphold a fair electoral procedure.

This conduct, where proven, will not be tolerated by TMSU.

ERC Decision	
Penalties Issued	27 Demerit Points
Deadline to Appeal	N/A

