

# CUSA X elections

## Notice of Decision from the Chief Returning Officer – 2024 General Election - Complaint #1

**Details of Complaint:** On January 29, 2024 the CRO received a complaint from an elector alleging that Aidan Kallioinen, a Councillor candidate in the Faculty of Public Affairs, committed a violation of S. 84 of the Electoral Code by making a campaign related post on the social media platform Instagram on or around 5pm on January 28, 2024.

**Fact Findings:** The CRO investigated the complaint, and found the post in question publicly on the page of the Instagram account @aidanforcusacouncil. Based on the timestamp of the post, they were able to corroborate the allegation that the post was made on or around 5pm on January 28th. The facts of this case are not disputed, with the candidate confirming to the CRO they made the post on the evening of January 28th. The campaign period for the 2024 General Election began on January 29th, as per the provisions of the Electoral Code, with dates posted publicly on the CUSA elections website and in the Campaign Guidelines<sup>1</sup>.

**Analysis:** With the facts of the case not in dispute, the content of the post in question was examined. The picture posted included the text “Vote” along with the voting days of “Feb. 6 - Feb. 8, 2024” and a picture and the name of the candidate along with the text “For CUSA Councillor.” The description accompanying the post included the phrase “consider voting for [name of candidate] as one of your next FPA Councillors.” Based on the above content, the CRO concluded that an average voter would reasonably view the post as a campaign related activity because of the clear language drawn to voting, which therefore is meant to support a desired electoral outcome<sup>2</sup>.

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<sup>1</sup> [Campaign Guidelines](#)

<sup>2</sup> The Electoral Code defines “campaign” as: means mobilization of resources, be they financial, time-based, space based, or reputational to support a desired electoral outcome;

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The candidate asserted that they did not believe they were committing a campaign violation of the Electoral Code because they were announcing their candidacy in a way that was not dissimilar to what a number of prospective Presidential candidates did during the nomination period. The CRO accepts that the candidate had no ill intent to commit an offence by making the post, but there are a number of key differences that exist between these two cases which leads to the comparison not holding up.

As was written in the Statement from the CRO on Nomination vs Campaign Period Activities<sup>3</sup>, a candidate could announce their candidacy during the nomination period for the purposes of being successful in soliciting the required amount of nominations in order to qualify for a valid candidacy. So long as one was clearly soliciting nominations, and not votes, it would not be deemed, on its own, to be campaigning if one was introducing themselves to voters during the nomination period.

However, the guidance given in the Statement explicitly applied to the Nomination Period only, which ended on January 22, 2024. Following the close of the nomination period, a candidate no longer had the purpose of attempting to solicit nominations, and therefore any activities with voters during this period would be interpreted to be with the intent of soliciting votes (campaigning). In addition to this being written in the Statement, candidates were reminded of this requirement that no campaigning activities could occur until the beginning of the campaign period on multiple occasions, both by email, and at the all-candidates meeting.

**Conclusion:** Upon investigating and analyzing the complaint submitted, it is concluded that the candidate did engage in campaigning prior to the Campaign Period through the social media post made on January 28, 2024.

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<sup>3</sup> [Statement from the CRO on Nomination vs Campaign Period Activities](#)

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**Decision:** For the reasons outlined above, the CRO issues Aidan Kallioinen, a Councillor candidate in the Faculty of Public Affairs, a minor electoral offence for a violation of S. 84 of the Electoral Code and a penalty of one demerit point. Furthermore, it is ordered that the social media post in question from January 28th be removed. Should the candidate wish to repost the same content later in the Campaign Period, they are welcome to do so, as long as the post has been removed and offline for a minimum of 24 hours.

**Issued:** January 30, 2024 by: