

CUSA^X elections

Notice of Decision from the Chief Returning Officer – 2025 General Election - Complaint #1

Details of Complaint: On February 5, 2025 the CRO received multiple complaints from electors alleging that Nagam Abuihmaid's Presidential candidate campaign committed numerous violations of the Electoral Code, including by making defamatory statements about the positions of other candidates (S. 93), using non physical, but verbal, voter intimidation tactics (S. 96), and providing rewards, in the form of chocolates, to students who cast their vote for Nagam (S. 101). In investigating the initial complaint, the CRO subsequently became aware of additional information and received additional complaints about the same candidate. Upon completion of the investigation, the CRO determined there was a pattern of behaviour that linked the complaints and alleged incidents, and therefore is dealing with it as a whole through this decision rather than multiple individual decisions.

Findings of Investigation: The CRO investigated the initial complaint, which centred around the fourth floor of the Carleton University Library around the time period of 5:00pm. on the evening of February 4, 2025, which was the first day of the voting period. The CRO learned that around this time, both the candidate and other members of her campaign team, were on the 4th floor of the Library and engaged with students to solicit their vote.

The first concern uncovered surrounding this incident was that two members of the candidate's campaign team approached students with chocolate, and students who responded that they had or would vote for the candidate were given a chocolate. However, those that responded by indicating they had or would be voting for one of the other two Presidential candidates were not given a chocolate.

The next concern uncovered surrounding this incident were false statements being made to students by the candidate and member's of her campaign team surrounding the stances of the other two Presidential candidates. In investigating the initial complaint, the CRO spoke to two students who asserted that the candidate's campaign was telling them and other students that candidate Sean Joe-Ezigbo does not support Palestine. The students the CRO spoke to believed that this was a clearly defamatory statement and an outward lie, and went far

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beyond simply being a case of misrepresenting the candidate's stance on this issue. They asserted that nothing in the candidate's platform or anything he had said in the past could reasonably lead one to believe that was his position on the issue, and in fact his position was the exact opposite in that he had clearly communicated support for Palestine, and therefore the only possible explanation was that it was a patently false statement that was meant to inflict harm on his candidacy. In investigating, the CRO reviewed the online, public facing campaign platform that Joe-Ezigbo has, and similarly found nothing to suggest such a stance of the candidate. The CRO was also made aware of two posts on the Instagram group with the handle "carleton4palestine" that interviews the candidates (one in written form, one in video form) about their stances on various Palestinian issues, in which all three Presidential candidates express support for combating anti-Palestinian racism on campus and divestment from corporations complicit in the occupation of Palestine, among other topics. It was noted that these are public posts that all candidates would be aware of.

While the CRO is in the middle of investigating this initial complaint, they received an additional complaint from another elector that provided further evidence for all of the above findings. They also attested to being approached by the same candidate and her campaign team on the 4th floor of the Library, however, this complainant's specific interaction with the candidate's campaign team was slightly different in that they were told that Presidential candidate Chas Nuhn was anti-Palestinian. This complainant, who self-identified as a member of the Muslim community, stated that the alleged candidate and her campaign had created a very uncomfortable environment amongst the Muslim Student community by spreading false rumours about the other candidates and pressuring people to vote a certain way based on their identity. Their complaint also alluded to the fact that many other students felt the same way, but were scared to come forward over fear of being outed in their community.

Finally, while investigating the initial complaint received, the CRO was also made aware of allegations of similar type of behaviour of this same candidate and her campaign team in other instances. The first dated back to candidate tabling in the Nideyinà Galleria, specifically on both January 29th and 30th, where the complainant asserted that the campaign was using disparaging language to speak to students about the other two Presidential candidates and was spreading similar false information that they held anti-Palestinian stances. This behaviour

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was asserted to have continued during the Islam Awareness Week (IAW) events the week of February 3rd.

Defense, Analysis and Conclusion:

First issue: When contacted by the CRO, the candidate stated that she did not know the individual who was handing out the chocolate, that they were not part of her campaign team, and that after she was made aware of what had occurred, took steps to ensure it was stopped. While it is recognized that the candidate can not possibly have control over the actions of every third party actor, in this case there is evidence available that reasonably links the individual to the candidate's campaign. Firstly, this individual did not act alone, and approached students on the 4th floor in the Library as a pair with another individual who was visibly sporting campaign material of the candidate. Secondly, four eye witnesses identified the candidate as also being on the 4th floor of the Library around this same time. While the initial complaint on this matter was filed under S. 101 of the Electoral Code (bribery), it is noted that bribery is one of the most severe offences in the Electoral Code and is cause for immediate disqualification. In this case, based on the behaviour described, the CRO is not of the opinion that it rises to the severe and clear level of bribery, and instead has determined that the more appropriate, lesser penalty would be a minor electoral offence of distributing prohibited campaign materials.

2nd issue: When contacted by the CRO, the candidate did acknowledge that she was made aware of one incident of an individual, who she states is not part of her campaign team, making a comment to voters that suggested anti-Palestinian stances of Presidential candidate Joe-Ezigbo. She further stated that upon learning of it, she apologised to Joe-Ezigbo, and spoke to her campaign team to address the issue. The CRO appreciates the candidate's willingness to make an apology to another candidate. However, even if it is accepted that in this one particular instance the comment was made by an individual with no connection to the candidate's campaign, the evidence provided to the CRO as part of the investigation pointed to a very concerning trend and a pattern of this behaviour. What was presented was not a singular comment, was not a singular individual, and was not isolated to a singular location or incident. While still potentially

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damaging, any of the preceding could have suggested a mistake and would have given the candidate the opportunity to take collective control of their campaign team and adjacent supporters to ensure that such a false narrative was not spread further or made to become part of recurring messaging. Instead, the number of separate instances that this occurred in over nearly the entire campaign period and the number of individuals involved point to a deliberate attempt to influence voters based on the falsely presented stances of other candidates. The evidence presented also, on the balance of probabilities, makes it more likely than not to reasonably conclude the candidate likely had at least some knowledge that this was occurring, as they were observed being in and around the events and locations that this was occurring in and ultimately the candidate must ensure proper due diligence is taken to be responsible for their campaign. Furthermore, the statements made do rise to the level and definition of defamation, as provided in S. 93 of the Electoral Code, and not just false information, because the content of them has the threat to negatively affect the victimized candidates reputation beyond just this election. This, combined with the use of these defamatory statements in malicious ways as non-physical voter intimidation tactics, give rise to this being a serious electoral offence.

Decision: For the reasons outlined above, the CRO issues Nagam Abuihmaid, a Presidential candidate:

- A minor electoral offence and a penalty of two demerit points for a violation of S. 38(3) of the Electoral Code and of the Campaign Guidelines issued under the Electoral Code for distributing chocolate to voters while soliciting votes; and
- A severe electoral offence and a penalty of five demerit points for a violation of S. 93 of the Electoral Code for spreading defamatory statements about the stances of other Presidential candidates.

Furthermore, the above decision is conditional on the candidate following through, in good faith, on their statements that they spoke to their campaign team and took steps to stop the behaviour referenced in this decision. Failing to do so could result in additional and escalating penalties applying.

Issued: February 6, 2025 by: