

GSA Acting Deputy Returning Officer (DRO) Decision 2014 GSA General Election – Vice President External Re-Run

Date: April 2, 2014

Parties to the Decision:

- Acting DRO: Hamman Samuel
- Complainant: Susan Cake (Candidate for GSA Vice-President External)

Background:

A complaint was received from Susan Cake (candidate for the position of Vice-President External in the 2014 General Election Re-run) regarding a recently circulated email to multiple graduate students with a message urging graduate students to vote for None of the Above and containing associated material.

Decision:

I have reviewed the complaint. While there may be elements of factual inaccuracy contained in the email and associated material, GSA Policy does not provide me with the ability to pursue Candidate Cake's complaint.

In GSA Policy, Elections, Section 10.4, " "None of the Above" shall be considered a candidate for the purpose of an elections ballot" and, in GSA Policy, Elections, Section 7, it states that, when an issue or breach of Elections Bylaws and Policies comes to the attention of the CRO, the "candidate(s) or "slate(s)" against whom a breach is alleged must be informed and provided with time to reply. In this instance, there is no candidate or slate to which to direct an alleged issue or breach to, I am unable to pursue this complaint.

I conclude that the CRO's power to receive and decide upon election complaints is limited to addressing alleged violations involving candidates and/or slates. I intend to raise this apparent gap in GSA Policy when I prepare my procedural report and recommendations for the next CRO, DRO, the ERC, Board and Council. Finally, I note that Ms. Cake has now been declared elected as Vice-President External; in the circumstances, any concern regarding my inability to investigate this complaint is tempered by the fact that the email complained of does not appear to have affected the outcome of the election.