



Formal Exit Report

I am writing to the Students' Representative Council to provide my formal exit report of the 2018 General Election. From the onset of the campaign period, internal and external conflict was sparked and sustained itself until results were disclosed to candidates on Wednesday, February 14th. In my view, the reach and perception of controversy was due in large part to a fundamentally flawed and systematically disorganized elections by-law, which degraded elections events, processes, and capped voter turnout. This report seeks to underscore the ambiguities and contradictions which ultimately threatened a fair administration of the election, and turned focus away from the betterment of elections events.

The lack of clarity accelerated and revealed itself through the complaints process. In the 72-hours following the All-Candidates Meeting, six (6) election offences would be issued. In the days following inheriting the role of Acting Chief Returning Officer, I would receive an *additional* ten (10) complaints. They almost exclusively targeted specific candidates. All of the decisions that would be made and brought to appeal would be unanimously upheld by the Elections Committee.

Particular complainants should not be the subject of blame, but rather governing language that grants merit to arguments which would have otherwise been viewed as frivolous in the uncontroversial Union Elections of years past. What qualifies as a cost associated with a campaign¹, that candidates or their opponents can circumvent, or attempt to disqualify one another in that "gifts, donations, or sponsorships" does not specify consent², and the use of distinct terms to refer to the same process are but few of the issues that were faced^{3 4}. The Union Elections Act also seems to imply the issuance of election offences against those who are not running⁵, raises that candidates could be held responsible for their supporters' actions, all of which had to be resolved in a complaints process with an incomprehensible time limit⁶. Even leaving undeveloped a host more of redundancies^{7 8 9}, omissions¹⁰, ambiguities^{11 12 13 14 15 16 17 18} and contradictions¹⁹ with reference to even the role of the Chief Returning Officer themselves²⁰, if Council seeks to achieve its sheer pragmatic and longstanding goals in regard to elections, it must revisit their regulation.

It threatens the ability to increase voter turnout specifically. The work of the members of two separate and hyper-active elections committees must be praised, and yet much of the cost of this

by-law was levied externally. Having to notify candidates of consistent complaints, the number of prohibited areas of campaigning, and that the resources of the Acting Chief Returning Officer had to shift from promotion to election offences, capped voter turnout. If the Union hopes to maintain some of the highest in the country, it must recognize again that in the small community of Wolfville, its greatest tool of promotion are the candidates themselves.

To protect this assurance, any Union Elections by-law must recognize its purpose. Not only addressing the issues raised in 2018, but the nature of any by-law. The Union Elections Act is itself a limitation on power – the imposition of the Union on the election – but its text often fails to recognize that foundation. It is what delegates power to the Chief Returning Officer, dictating what they can do, and not what they cannot do. However, more than one clause seems to intend to give authority to the Chief Returning Officer to “deem” any action to be an election offence^{21 22}. To govern the administration of an election, you must stipulate the certain regulations that can be enforced, and not export the enforcement of regulation to an unregulated party. To protect candidates, the position’s role should be specified where there are now omissions²³.

Not only the language, but the necessity to manage these issues turned focus away from the exact events where the bulk of the Chief Returning Officer’s work should be placed. Both of the All-Candidates Debates were acceptable, although certainly no better nor worse than acceptable. Attendance at each event was mediocre and the questions posed to candidates were of standard calibre. With time drawn to complaints, the format could not be adequately practiced and failed to spur discussions that students could engage in. A host of considerations could be brought to Council for larger review. Relocating the debates to the newly-renovated Axe Bar and Grill would certainly increase attendance, consulting with current members of Council would improve the scope of questions, and working on solutions to loosen the restriction of only one available microphone could allow for a more organic debate format. These solutions would all work in tandem to boost relevance. A more accessible and comfortable venue where questions are based in practical problems and answers are more freely flowing would bring students to the audience and the audience to the candidates.

The Athenaeum debates held for Executive candidates provides some evidence to this claim. While they were only live-streamed and still fairly structured, the roundtable format with the moderator sat among them provided an increased comfort that saw greater interaction between

candidates. It was the better debate. It better displayed their talents, the independence of the Union Media, and with greater resources, gave Council the ability to learn from it.

By the first voting day, February 13th, polling stations were conducted in their usual form. Tables with posters were set up in advance, candy was distributed both mornings, and their traffic dwindled as voting neared a close. That being said, members of Council were too heavily relied upon and I often had to fill the remaining gaps. However, this was a time issue and would likely not occur in a usual election. But there are structural changes that can be made to ease preparation and encourage greater turnout. Isolating poll station shifts to the busiest times of day would not require the labour of seeking volunteers for hours with virtually no traffic. Poll clerks could instead be assigned to busy shifts where their job is only to promote voting. Further, it would leave additional volunteers to expand to areas like the Acadia Athletics Complex, where new faces come consistently through the day.

Even simply being able to rely on Council to help fill the polling stations can indicate a silver lining. Along with that support, its timely, effective and reasonable decision-making, and its praiseworthy legal counsel, it navigated a hectic period. While the events that occurred often made it difficult to plan or innovate, and likely dampened voter turnout, Council was able to adequately protect candidates, its members, and ensure fair election results. My own ability to execute this job was weak from the onset, and I cannot express enough appreciation for the help in its administration.

Aodhan Murphy
Acting Chief Returning Officer

¹ Article 7, Section 1 – Section 1 accomplishes nothing aside from establishing associative language, Section 3 binds candidates to the same actions and more.

² Article 7, Section 4 – Needs specificity. Seems to have meant to prevent candidates from exporting campaign costs to others to subvert finance disclosure, but “donations” can be made to a candidate without their consent, thus exceeding their spending limits.

³ Use of “campaigning” vs. “active campaigning” (lacking an antithesis since pre-passage amendments were made in November 2017) (Article 7; Article 8)

⁴ Use of “Official Candidates Meeting” vs. “All Candidates Meeting” (Article 1; Article 8; Article 9)

⁵ Article 8, Section 7 – “supporter of a candidate”, raises question of whom the offence must be attributed

⁶ Article 12, Section 2, Subsection C – Required interpretation from Acadia Students’ Union legal counsel (February 6th, 2018)

⁷ Article 8, Section 7, Subsection F – Redundant (stipulated in Article 7, Section 1; Article 7, Section 3)

⁸ Article 8, Section 14 – Redundant (stipulated in Article 12, Section 3)

⁹ Article 11, Sections 5 and 6 – Redundant (stipulated in Article 10, Section 4, Subsection D)

¹⁰ Article 8, Section 7, Subsection H – Handbills lack any limit, while poster limits are as specific to each position. More difficult for Physical Plant as they are not posted.

¹¹ Article 4, Section 7, Subsection A – Requires clarity. Validation of nomination forms must be “commenced” within 24-hours.

¹² Article 7, Section 8 – Requires clarity. Fails to adequately communicate whether this is a loan or a grant.

¹³ Article 7, Section 9 – Requires specificity. Implies issuance of election offence to unsuccessful candidates.

¹⁴ Article 8, Section 4 – Requires specificity. Prohibition of candidates in participating in “shared publicity” has no stipulated beginning and end; social media “sharing” is particularly vulnerable.

¹⁵ Article 8, Section 7, Subsection G – Requires consistency. Use of “campaign advertising and literature” vs. “campaign or advertising literature”

¹⁶ Article 8, Section 10, Subsection C – Requires specificity. Prohibition of campaign representatives to post on behalf of a candidate does not fall within a section as to have reasonable grounds to infer it applies only to social media events/groups, aside from excluding use of their own personal accounts.

¹⁷ Article 8, Section 1 - Requires rewording. Slander and libel are forms of defamation, the former as oral, the latter as having a record, thus slanderous material is an oxymoron. Furthermore, “shall engage in libel” is ambiguous, and implies only interaction with material. In addition, the implication that it only needs to be “constructed [sic]” as such is subject to abuse. Same confusion appears in Article 9, Section 5.

¹⁸ Article 12, Section 2, Subsection C – Requires specificity. Unclear whether the “witness” as stipulated refers to the named-witness of Article 12, Section 2, Subsection B, Clause I

¹⁹ Article 4, Section 2 vs. Article 10, Section 2, Subsection B – Contradiction. The former prohibits Election Officials from “publicly supporting” while the latter from supporting in “any manner”

²⁰ Article 10, Section 4, Subsection D, Clause VII – Responsibility of Chief Returning Officer to ensure that no “candidates contravenes [sic] any portion of By-Law 3” does not specify whether they have the power to issue election offences without a complaint having been filed.

²¹ Article 8, Section 15 – “Any campaign infraction not covered in this By-Law shall be subject to the discretion of the Chief Returning Officer”

²² Article 12, Section 1, Subsection B – “Commitment of an action deemed by the Chief Returning Officer to be an offence”

²³ Article 8, Section 8, Subsection B – “Posters approved by the C.R.O. may not be the cause of subsequent disciplinary action against a candidate”; this protective measure does not extend to other material as approved by the Chief Returning Officer (food, pins, beverages, videos)