elections

Statement from the Chief Returning Officer – Nomination vs Campaign Period Activities

With the 2024 CUSA General Election nomination period underway, the CRO has received inquiries from a number of prospective candidates and elsewhere regarding campaigning during the nomination period. The CRO appreciates these proactive inquiries and is glad to see multiple prospective candidates having already declared their candidacy. Due to the number of questions raised, and the desire to ensure a fair campaign where all candidates have access to the same information and no unnecessary electoral violations are committed, the CRO has chosen to put out this statement to clarify the allowable activities of prospective candidates during the nomination period.

As a reminder, as per S. 84 of the <u>Electoral Code</u>, campaigning is not permitted prior to the campaign period (which begins January 29, 2024).

In order to be able to be successful in soliciting the required number of nominations, a prospective candidate must be able to publicly engage with electors in order to receive these nominations (i.e. asking people to nominate them; making a social media post that they are seeking nominations for their candidacy, etc.) Furthermore, in order to give a nomination, it is reasonable for an elector to want to know who the candidate is and why they are running.

While these may seem very similar to campaigning activities, the differentiator is that, during the nomination period, they must be done only for the purposes of soliciting nominations. The key is that the purpose of any interactions/publicity the prospective candidate undertakes during the nomination period must be for the purpose of receiving nominations, and not for the purposes of receiving votes (which is what distinguishes it from the campaign period). As per the <u>Nomination</u> <u>Guidelines</u>:

elections

Campaigning is not permitted during the nomination period. The solicitation of nominations is permitted, and such an act is not considered to be, on its own, campaigning. However, candidates may not use the solicitation of nominations as a campaigning mechanism, nor exceed the maximum number of nominators.

In response to questions from a number of prospective candidates' campaigns, the CRO advised that it was acceptable to publicly declare or announce a candidacy on social media in a way that introduces the prospective candidate to the electorate, so long as that post was clearly tied to the solicitation of nominations. Additional determinations by the CRO include:

- The term "candidate" may not be used during the nomination period, because as per the Code, one is not a candidate until their nominations have been verified and confirmed by the CRO. Therefore, prospective candidate, or other similar terms that make clear one is not a confirmed candidate and is only seeking nominations to become a candidate, such as Presidential Nominee, are acceptable.
- Candidates may reasonably introduce themselves and why they are running to electors for the purposes of soliciting nominations, but may not make reference to specific campaign promises or platforms.
- Candidates may begin organizing their campaign strategy (i.e. ordering campaigning materials; scheduling volunteers, etc.) so long as this is being done privately with their campaign team. Doing this publicly would result in campaigning prior to the campaign period.
- Candidates may brand their initial announcement post, picture, and nomination form with a slogan that will carry over to their campaign.
 However, beyond its initial use, the slogan may not be continually repeated or used elsewhere until the campaign period begins, as this would be seen as using the slogan to build the brand and reputation of your campaign.
- Candidates may only collect nominations up to the maximum amount indicated in the Nomination Guidelines. After receiving the maximum, any activities related to the solicitation of nominations must cease. In addition,

elections

no activities are permitted from prospective candidates or candidates from the time their nomination submission is complete to the opening of the campaign period.

To be clear, all information the CRO has seen to date from prospective candidates has been acceptable for the purposes of soliciting nominations. However, this serves as a friendly reminder to all existing prospective candidates, and any others that have yet to declare, to be judicious in your solicitation of nominations and not use it as an unfair guise for campaigning.

If you would like any further clarifications on this guidance or any other aspect of the election, please no not hesitate to <u>contact the CRO</u>.

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