

## Ruling #6

March 2019 Executive Committee and BOG Representative General Election  
Fair Market Value Assessment – Akanksha Bhatnagar, Candidate for President

### Parties to the Ruling

- Akanksha Bhatnagar, Candidate for President
- Kobe Amoh, Third Party
- Jamie Sarkonak, Complainant
- Ilyas Gora, Chief Returning Officer

### Applicable Bylaws, Rules, Regulations

1. Bylaw 2200 §32 (Campaign Materials)
  1. *“The cost of all campaign materials shall be approved by the elections staff before being used in campaign activities. Candidates shall provide the elections staff with:
    - a. a written estimate of the cost of the proposed campaign material, including the source of that cost;
    - b. and the complete contents of the proposed campaign material”*
2. Bylaw 2200 §35 (Use of Social Media and Public Internet Ventures)
  1. *“The C.R.O. shall be kept privy to elections-related social media and public internet ventures undertaken by candidates and reserves the right to penalize candidates for any violation of this bylaw or related regulations”*
3. Bylaw 2200 §45 (Fair Market Value Assessment)
  1. *“A candidate or side wishing to receive a fair market value assessment in advance shall make a written request to the C.R.O, including:
    - a. A full and accurate description of the product or service; and
    - b. The supplier of the product or service, along with contact information for the same; and
    - c. The candidate or side’s estimation of the product or service’s fair market value, and a rationale for same.*
  2. *Fair Market Value shall be determined by the C.R.O. within twelve (12) hours using the price recommended by the candidate or the price that any other candidate or side would have to pay for a comparable product or service.*
  3. *All donations must undergo either a universal resource designation or a fair market value assessment.*
  4. *Volunteer labour and expertise shall have a fair market value assessment of zero”*

4. Nomination Package §2.6 (Donations)

*"All donations to a campaign will be assessed fair market value by the CRO and accordingly deducted from a campaign's total allowable expenses. This does not include general volunteer labour and widely-held expertise such as web page and poster design. If you are in doubt about fair market value, it is recommended that you consult the CRO beforehand"*

5. Nomination Package §3.8 (Universal Materials and Fair Value Market Assessment)

*"A candidate or side wishing to receive a fair market value assessment in advance shall make a written request to the CRO. Fair Market Value shall be determined by the CRO within 12 hours. Candidates or sides may challenge the designation of a universal resource by submitting a complaint to the CRO within 36 hours of approval"*

**Facts**

1. Jamie Sarkonak, Complainant, filed a complaint at 17:30 on March 5, 2019
2. Jamie Sarkonak, Complainant, filed an additional complaint on March 6, 2019
3. Jamie Sarkonak, Complainant, alleges the following:
  - a. The campaign to elect Akanksha Bhatnagar, Candidate for President, published a set of at least 21 photos ("The Photos") to social media during the campaign period
  - b. The Photos were of a professional quality
  - c. The Photos were taken by Kobe Amoh
  - d. Kobe Amoh is a professional photographer
  - e. The campaign to elect Akanksha Bhatnagar, Candidate for President, produced endorsements using The Photos
  - f. Students who endorsed Akanksha Bhatnagar, Candidate for President, received professional quality portraits of a non-trivial value in return for their support
  - g. Akanksha Bhatnagar, Candidate for President gained an unfair advantage by exchanging goods of non-trivial value for supporting her campaign
  - h. The Photos should be assessed at fair market value
  - i. If The Photos were assessed at fair market value, they would exceed the campaign budgetary constraints
4. Akanksha Bhatnagar, Candidate for President submitted a written estimate of proposed campaign material as outlined in Bylaw 2200 §32
5. The written estimate of proposed campaign material did not include costs for photography
6. Ilyas Gora, Chief Returning Officer was kept privy to elections-related social media and public internet ventures undertaken by Akanksha Bhatnagar, Candidate for President pursuant to Bylaw 2200 §35
7. The Complainant provided photographic evidence corroborating the allegations

8. Ilyas Gora, Chief Returning Officer, investigated the matter
9. Ilyas Gora, Chief Returning Officer confirmed with Kobe Amoh that The Photos were taken by him
10. Ilyas Gora, Chief Returning Officer confirmed The Photos were taken by Kobe Amoh in his capacity as a volunteer for the campaign to elect Akanksha Bhatnagar, Candidate for President

### **Ruling**

- Akanksha Bhatnagar, Candidate for President, did not contravene any Bylaws, Rules, or Regulations

### **Reasons**

1. The Photos were taken by Kobe Amoh in his capacity as a volunteer for the campaign to elect Akanksha Bhatnagar, Candidate for President
2. Under Bylaw 2200 §45 (4) “volunteer labour and expertise shall have a fair market value assessment of zero”
3. Ilyas Gora, Chief Returning Officer has deemed photography to be a “widely-held expertise” analogous to “web page and poster design” (Nomination Package §3.8)

Decided: March 8, 2019 at 24:00

Time Limit for appeal: March 9, 2019 at 24:00

Please direct any inquiries to:

Ilyas Gora  
Chief Returning Officer  
University of Alberta Students' Union