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**THE APPEALS
PANEL**

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HRH The Princess Royal
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Cambridge, 24 November 2010,

Statement of the Appeals Panel

Case of **Mr Gabriel Latner vs. The Cambridge Union Society**

Determination the Appeal Panel regarding an appeal by Mr Gabriel Latner against the decision of the Returning Officers on 23 November 2010.

Under Chapter V of the Laws, Mr Gabriel Latner has lodged an appeal under ss1(a)-(b) to the Appeal Panel, appealing the decision of the Returning Officers in the case of *Gabriel Latner vs The Cambridge Union Society*. The following is the determination of the Appeal Panel:

Any person accused of electoral malpractice has the right to be notified of the investigation or complaint and its subject by the Returning Officers, per Chapter T(13)(a) of the Laws. The Returning Officers, of their own volition, investigated a potential violation of the Laws by Mr Gabriel Latner. Mr Latner was notified of an investigation by the Returning Officers at the time that he was asked to meet with them. Sophie Hollows, Returning Officer, contacted Mr Latner with brief outlines of the offences which he had potentially committed. The Returning Officers then met with Mr Latner, giving him a chance to review and comment on the complaint and the evidence. He was given a full chance to make any statements he wished.

Mr Latner was found by the Returning Officers to have committed an election time Category 3 malpractice.

The Appeal Panel confirms that Mr Latner did commit such a malpractice. While Mr Latner was accused of committing a malpractice under Chapter T (6)(f), we find that he committed malpractices in the following categories in Chapter T (6):

(g) campaigning in a manner which makes use of... broadcast media, and

(i) campaigning in a manner which makes use of the world-wide-web in any way, except as permitted by ss18-21 of Chapter Q of the Laws.

Mr Latner gave an interview to a journalist from *The Cambridge Tab*. The Appeal Panel finds that he reasonably should have foreseen that such an interview would appear on *The Cambridge Tab*'s website, thus making use of the worldwide web. Among the quotations he gave to the journalist, Mr Latner made the following statement, which later appeared in the article: "Anyone who thinks we deserve better should vote for me, because my top priority will be improving debates and only inviting the best speakers to participate".

The Appeal Panel reaffirm the definition of 'campaigning' made by the Review Committee, March 2010:

"Communications making explicit or implicit reference to the election in question which attempt to or might reasonably be expected to persuade others to act in a way conducive to the acquisition of more votes for yourself or any candidate. This explicitly includes communications with non-members attempting to obtain the votes of others."

.../...

We find that the communications made by Mr Latner to *The Cambridge Tab* did make explicit reference to the election in question, and attempted to persuade others to act in a way conducive to the acquisition of more votes for himself. Mr Latner was therefore engaging in campaigning making use of the world-wide-web.

The Returning Officers imposed a penalty under Chapter T, 14(a)(ii), docking of a percentage of a candidate's votes. Commission of a Category 3 Electoral Malpractice requires a minimum penalty of the docking of 5% of the candidate's votes. Given the severity and foreseeability of the consequences of Mr Latner's malpractice, but after mitigating factors were taken into account, the penalty was fixed at 20% of Mr Latner's first preference votes.

The Appeal Panel determine that Mr Latner's malpractice has caused a gross distortion to the fairness in the election; Mr Latner ought reasonably to have foreseen the results of his malpractice, and the severity of the offence is therefore very significant, despite any mitigating circumstances such as Mr Latner's admission of his offence.

Although Mr Latner made an admission of his malpractice to the Returning Officers, he has reproduced the interview on his facebook campaigning page under the heading "Tab Interview"; he has therefore not attempted to reduce publicity resulting from *The Cambridge Tab* article despite the decision of the Returning Officers. Considering the severity of Mr Latner's offence, the reasonable foreseeability of its impact, and the damage that it has caused to the fairness of this election, the Appeal Panel hereby alter the decision of the Returning Officers as follows:

Mr Latner is found to have committed a Category 3 electoral malpractice, under Chapter T (6) (g) and (i), and the penalty imposed is the docking of 40% of Mr Latner's first preference votes.

Jan-Jonathan Bock

Julien Domercq

Rahul Mansigani