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May 5, 2005

Paul Browning, Ombudsperson
Kwantlen Student Association
12666 – 72nd Avenue
Surrey, BC V6C 3P8

Dear Mr. Browning,

Given your report regarding your ruling as distributed to me on May 4, 2005, I would ask that you as the Ombudsperson take into consideration two final issues regarding this election which you should have the power to rule on, the issues being as follows:

1. Eligibility Issues
2. Election Spending Issues

Given the unique and strange circumstances regarding this election, I respectfully ask that the Ombudsperson seriously consider and investigate these issues, that you may find yourself willing to investigate this maladministration in order to uphold the principles of natural justice.

1. Eligibility Issues

I submit that the eligibility of candidates to run for campus specific positions, which goes beyond the CRO's ability to make rulings, regardless of whether or not an elections committee exists.

Kwantlen Student Association By-Law Article 7. Campus Councils (1) clearly states that:

“Each campus of Kwantlen University College shall have a Campus Council, elected by and from the Members enrolled at that campus in a general election which shall be held in the month of February in each calendar year as determined by Council, and in no case less than fourteen (14) days prior to the Annual General Meeting.”

The CRO required candidates to provide proof of eligibility to him numerous times during the election – before the all candidates meeting, at the all candidates meeting, during the initial balloting (when the elections committee still existed), and up to April 1, 2005. The Common Sense Initiative Party considered running Mr. Ken McIntyre for a Richmond Campus Officer position but after consulting with the CRO we decided to run him for Director of Academic Affairs, as Mr. McIntyre had not been enrolled on the Richmond Campus, either in the Spring 2005 or the Fall 2004 semesters.

As I have clearly noted in past communications concerning this issue, it is of utmost importance that students elected to a campus council be elected by and from the Members enrolled at that campus. I cannot stand by and let any campus be represented by any individuals who are not Members of that campus and would submit that a Council with members that were improperly elected could have its decisions legally challenged in a Court of Law. The By-Laws are crystal clear on this issue; any other interpretation of this By-Law can only be viewed as maladministration.

As such, I request that the Ombudsperson uphold the CRO's findings regarding the eligibility issues of each individual candidate, as released on April 19, 2005 and submit that if any individual candidate was not able or unwilling to submit proof of eligibility that that individual be disqualified and further, that any such disqualifications not affect the overall eligibility of any single party.

I feel this is fair and respectful of the process and in-line with the requirements as set out in the By-Laws. Further I would recommend that you recommend that much stricter requirements be brought in to monitor eligibility issues in the future, such as requiring proof of registration to be submitted by candidates along with their nomination forms.

2. Election Spending Issues

Again, the election spending limits were contained in the all-candidates handbook, and all-candidates were notified via the all-candidates handbook and at the all-candidates meeting that they would have to submit election expense reports 72 hours after the close of balloting as per Section X: Article 5 (6) and (7) of the KSA Regulations. These instructions were submitted at a time when there still was an elections committee.

Many Independent Candidates and members of the Common Sense Initiative Party worked hard to ensure that they did not overspend and that they had their expense reports in on time. Through the CRO's investigation, regardless of whether there was an elections committee, it was found that some members of the Progressive and RAF slates:

1. Did not submit their reports on time, 72 hours after the close of polling as per the KSA Regulations; *and*
2. Deliberately tried to mislead the CRO in regards to the true cost of their spending by either claiming items that benefited an entire slate as items that were only used by Executive members, or by deflating the market costs of certain items, or by saying some members of their slate spent in areas that they clearly did not spend in (as in Samantha Blied's situation).

This is an issue that would have been dealt with regardless of the Newton Campus repelling and would probably have resulted in similar results before the April 1st, 2005 turnover date.

Spending limits exist to ensure fair campaigning and to ensure that no single candidate can outspend another to gain a material advantage to essentially by votes from students.

The CRO's review of the spending seems to be fair and just, regardless of whether or not an elections committee was present to oversee this review. As such, I request that the Ombudsperson review the election expense reports that were submitted. There can be only two remedies:

1. Any candidate that did not submit an elections expense report within 72 hours after the close of balloting should be disqualified.
2. Any candidate or group of candidates found to be misleading the CRO and the KSA electoral process should be disqualified.

Both of these issues are issues that could have *and* should have been dealt with early in the election process. The ground rules for both of these issues were clearly laid out by the CRO during the time in which a de-facto elections committee existed and, as such all candidates were well aware of the rules regarding both of the above issues.

This situation was laid out in my appeal letter to you dated April 29, 2005 and e-mailed to you on May 1, 2005. Any candidate that abuses the election and their reporting of election expenses to allow them to overspend gives them a clear material advantage over other candidates that are doing their utmost best to ensure that they do not overspend. If candidates cannot control their spending during an election, and report such expenses properly – how can they be expected to run a million dollar organization?

The Common Sense Initiative Party and many independent candidates understood these rules clearly enough that they did not violate them. One would think that if some candidates knew well enough to follow these simple

procedures, all candidates would have been able to do so without issue, excuse or complaint. To do otherwise is to simply allow the KSA election By-Laws and Regulations to be abused and results in a clear cut case of maladministration on the part of all parties involved in this election.

Again, I respectfully ask that the Ombudsperson seriously consider and investigate these issues in a timely manner.

Respectfully submitted,

Steven H. Lee,
Candidate for Richmond Campus Director, Spring 2005 General Election

(Copy sent via e-mail – signed originals to be hand delivered)

Witness Number 1 – Name

Witness Number 1 – Student Number

Witness Number 1 - Signature

Witness Number 2 – Name

Witness Number 2 – Student Number

Witness Number 2 - Signature