

**Election Committee
MEETING MINUTES
JANUARY 25, 2006
4547 Fleming Street, Vancouver BC
TIME: 8:00 – 10:15 PM**

Committee Members

Present: **Nav Parmar**

Andrew Gill

Chief Returning Officer

Amar Randhawa

- I. Meeting's Agenda Items discussed and passed by Committee.

- II. Agenda items discussed
 - a) Final ruling regarding accusation made by Steven H. Lee towards Kulvir Gill (conflict of interest). Mr. Gill did respond by the committee imposed deadline of January 21, 2006 at 5pm
 - b) Final ruling regarding accusation made by Jaivin Khatri towards Christine McLellan. McLellan's response was received within the appropriate timeframe.
 - c) A series of complaints from Mat Huff, campaign manager for the Student Movement Party, a total of five complaints received.
 - d) A late complaint received by Student Movement Party candidate Stephanie Little.

- III. Steven H. Lee Complaint regarding conduct of Mr. Kulvir Gill.

COMPLAINT # 2

Resolutions

1. The committee has received a complaint in regards to Mr. Kulvir Gill. The complaint is in regards to an alleged conflict of interest violation in accordance with Section X, Article 5(5) (ii) of the KSA Regulations, Electoral Procedures.
2. The committee has contacted Mr. Gill and has given him till Saturday Jan 21st, 5pm to respond to this allegation.

3. The committee received a response from Kulvir Gill (available online) within the time given by this committee. The response from Mr. Gill, for reference, is as follows:

Re: KSA Election- Conflict of Interest

Dear: Mr. Randhawa

This letter is in response to the accusations that I used my office for a campaigning ground and that with that in mind a harsh punishment should be given.

Contentions

I argue these points listed below:

1. I have video evidence of a random student going to the security guard and asking to go into room 1290 which serves as the Richmond Campus Director's office. In that video the random student asks the security guard to open the door and he follows that student to the door and opens it without asking any questions on who's office this belong to or who he or she may be.
2. The next point I have is from 9 o'clock Wednesday morning January 18, 2006 to Thursday January 19, 2006 I did not walk into my office with any RAF campaign material on or in my hand. I have a number of witnesses that will agree with me.
3. In the pictures that you Mr. Randhawa have described to me are those of RAF shirts and a buggy of food in my office in plain site. Now in my defense I am a very hygienic person with a clean set of mind, now why would I keep food that could go bad over 12 hours and have clothes or shirts all over my office after just finishing a interview with the public relations department on a video project about the KSA. If you do not believe me, you can speak to Morgan from the public relations
4. Now if someone were to copy these shirts and plant them into my office and you can easily get them printed from a store within 15 minutes, also we have a full slate why would I keep extra shirts laying in around my office during campaign hours or even with a two day

election. In the off hours they were given to someone to clean every night so they smelt fresh for the next day.

5. After taking all that into account do these pictures have a date or time on them. Also individuals could have bought a new camera and put any date or any time on it. Also my office was left very messy after the individuals were done with it, my roof panel has been thrown down and my books and things have been switched around.
6. My last and final point is that our RAF Party won by such a large number it would had never made a big difference on the election. In conclusion of the election, these individuals who have filled this complaint are trying to overshadow in what has been successful election with nearly no complaints.

So please take my response into account and let the record show that I have no control over the security on the Richmond campus and the naïve way the security acts of letting people have access to my office.

Respectfully

Kulvir Singh Gill

Committee Ruling:

The committee does have solid evidence in regards to RAF Party materials being inside the Richmond KSA office, however, Kulvir Gill's response points out that it is very easy for a number of individuals to gain access to his office. Gill claims that there was never any campaigning within the office. The validity of the date and time of the pictures is not something that the committee is not willing to deal with. Assuming the date and time is correct, it leaves the committee to believe that the pictures provided by Mr. Lee is not sufficient enough to warrant any penalties after the close of polls. The shirts could have been printed and planted, therefore leaving the burden of proof with Mr. Lee. Most importantly, Gill and the RAF Party won by such a substantial margin that there was no material effect on the outcome of the election. Please view the KSA website for details regarding pictures and other supporting documentation submitted by Mr. Lee.

The complaint is therefore dismissed.

COMPLAINT # 3

Jaivin Khatri of the RAF Party has accused Christine McLellan of posting “no” signs in relations to the referendum question put forward by the KSA Board of Directors. Khatri claims that this is direct election poster violation. McLellan argues that incumbent members have a vested interest in making sure that the election is not properly advertised. Also, that no rules regarding posters exist as well as Khatri’s complaint not being signed by three members of the society.

1. The committee realizes that advertising referendum and election is the duty of this committee and not anyone else. Incumbent board members did assist in posting the referendum question, whether to the standard that McLellan would prefer or not.
2. Posting such advertisement is not a direct violation of any campaigning regulation
3. Poster rules exist but will not be applied in this case as both the “yes” and “no” sides have a vested interest in the referendum. Both sides had advertised professionally and civilly.
4. Three members of the society did sign the complaint

Committee Ruling

The complaint is dismissed because it did not greatly impact, in any way, the outcome of the election. It did, however, make the referendum more noticeable to student, something that this committee tried to do more of.

COMPLAINT # 4

Received by Mat Huff of the Student Movement Party directed towards members of the RAF Party who used threats and intimidation at the Richmond campus on January 19. Details regarding the incident can be viewed online by clicking on complaint #4 on the society website homepage.

Committee Ruling

The committee has agreed that Amar Randhawa settled this issue when he went to the campus and discussed the matter with the candidates involved. All parties were told to act professionally and to discontinue this type of behavior. Allegations have been made back and forth. The committee has decided that most of this is accusations made by one person towards another, or from one slate to another. It has had no material effect on the outcome of the election and this type of incident did not occur again by either party.

The complaint is therefore dismissed

COMPLAINT # 5

Received by Mat Huff of the Student Movement Party directed towards the elections committee for failure to advertise the election properly. The full complaint can be viewed online by clicking on complaint #5.

Committee Ruling

The committee had posters on every campus from the opening of nominations, January 9, 2006. It was not possible to advertise the *opening* of nominations because there was no school for the week prior to the opening of nominations. The nomination period, campaigning period, voting days etc... were adequately advertised given the timeframe of events. The only form of advertisement that did not happen was in the student newspaper due to their printing schedule. The committee took whatever means necessary to widely advertise the election to the best of its ability. The voter turnout was, in fact, more than most years, indicating that the committee did a sufficient job in advertising the election.

The complaint is therefore dismissed.

COMPLAINT # 6

Received by Mat Huff of the Student Movement Party directed towards the elections committee. Mr. Huff claims that he was misled as to how names would appear on the ballots and therefore did not arrange his party members on campuses that they would have otherwise received more votes. He states that campus specific positions should have voters vote from that campus only, for their respective campus specific positions. A copy of the original complaint submitted by Mr. Huff is available online

Committee Ruling:

The committee agrees that Amar Randhawa did properly notify candidates on how names were to appear on the ballots. This is why there were no complaints from other candidates or parties regarding this issue. Candidates were *repeatedly* told to review the KSA Bylaws and Regulations by the CRO verbally and in writing in the nomination package and all candidates handout. Bylaw Article 5(7) states that:

Any member may cast a vote on any campus for any elected position on the board or the campus councils with each member permitted to cast one ballot per election

The committee agrees that perhaps members of the Student Movement Party could have been better spread across campuses, however, it is the duty of their campaign manager to ensure that they are aware of the above bylaw.

The complaint is therefore dismissed

COMPLAINT # 7

Received by Mat Huff of the Student Movement Party directed towards the elections committee for the conduct of poll clerks. This is three part complaint that can be viewed in its entirety online. All allegation stem from Richmond campus poll clerks on both polling days.

Part one alleges that poll clerks allowed students to walk off with ballots and discuss them with others, influencing them how to vote. Also, students were unable to cast a vote in privacy. This had a material effect on the election results.

Committee Ruling on Part One

Poll clerks did err in that they should not have let students walk away from polls while in possession of their ballots, however, the number of which actually spoke to candidates while in possession of ballots is questionable. Moreover, students interacting with other students is not the fault of poll clerks, to an extent. If, for example, two friends come to vote together, they may briefly discuss who the other is voting for and vote the same. This is something that is out of the hands of the poll clerks. As long as polling areas are clean and free of solicitation and candidates, the clerks have done a sufficient job. Privacy was also an issue due in large part to the voter turnout and large number of students who would vote during break periods, causing the table to have more than one student vote at a time. There were no complaints received from students regarding this matter. Privacy seemed to be sufficient given the circumstances.

This section of the complaint is therefore dismissed

Part two alleges that a poll clerk at Richmond on January 18 opened the ballot box and put his hand inside, causing concern as to the validity of the results. Furthermore, that the poll clerks had keys to the ballot box is questionable.

Committee Ruling on Part two

The committee acknowledges that one poll clerk on each campus had a key to their ballot box and that the Richmond clerk did in fact open the box. However, the clerk was instructed by the CRO to open and push down the ballots until the CRO could reach the Richmond campus to empty the ballot box. If the clerk had not done this the polling station would have had to be closed for a certain length of time until the CRO arrived to empty it. Moreover, the poll clerks having keys is

not an issue. It is a policy that this election team decided to implement to avoid the periodic closure of polling stations. Having the box open in plain view of everyone for less than 30 seconds does not have any impact on an otherwise clean election.

This section of the complaint is therefore dismissed

Part three alleges that poll clerks transporting the ballot boxes to the CRO (in cases where the CRO was unable to pick them up directly) while having keys to them is questionable because the clerks could have easily tampered with the results of the election during transport or otherwise.

Committee Ruling on Part three

The committee was well aware of poll clerks having keys to the ballot boxes. In cases where the CRO was unable to pick up boxes directly, the poll clerks did deliver them to him in a timely manner. Of course, poll clerks theoretically could have tampered with the results while transporting them, however, this scenario is highly unlikely. This would compromise the individual. Tampering with results is a criminal matter. This, among other things, was explained to the poll clerks by the CRO before their work began. The CRO and elections committee and poll clerks are held to the same regard, therefore something fraudulent on the part of any individual on the election staff would severely jeopardize everyone. This scenario is highly unlikely and still unproven. It is pure speculation at this point.

This part of the complaint is therefore dismissed.

COMPLAINT # 8

Received by Mat Huff of the Student Movement Party directed towards Kulvir Gill of the RAF Party. The complaint alleges that Gill entered the Richmond campus buffer zone on January 18 with his party t-shirt on.

Committee Ruling:

The committee has decided that because of pure speculation that the complaint warrants no merit. It is not signed by any other individual or witness. There is not possible way of proving that Gill did in fact enter the restricted area with his party shirt on. It is pure speculation without any evidence submitted by the complainant.

The complaint is therefore dismissed

COMPLAINT # 9

Received by Stephanie Little of the Student Movement Party directed towards Kulvir Gill of RAF party and elections committee preparation of poll clerks. The allegations states that a poll clerk at the Richmond campus on January 18 mentioned that he was headed to a “secret place” with Gill after the close of polls and that the poll clerk was a close associate of Mr. Gill. Also, that no one was aware of where the ballots were kept that night.

There are also allegations that poll clerks were not asking everyone for proper identification and that some election “volunteers” spoke of rigging the vote. Little is also seeking a recount of the ballots. The complaint can be viewed in its entirety online.

Committee Ruling:

Not most importance to this committee, but worthy of mention, is that the complaint was submitted late *and* did not have other witness signatures as required, however, the elections committee has decided to consider this complaint *only*. There will be no more late complaints considered.

The complainant has argued that a Richmond poll clerk spoke of going to a “secret place”. This, in and of itself, does not mean anything.

The complainant has argues that the poll clerk in question is a close associate of Kulvir Gill, however, after interviewing the clerk as well as Gill, it is not certain whether the two know each other, or if they do know each other, to what extend their relationship is. Both denied all allegations. There is nothing further that the committee can go on. The CRO selected volunteers for the election at random from the student population at each campus.

The complainant also argues that no one was aware of where the ballots were held. The ballots were held at the CRO’s office in Vancouver, the same place this meeting is taking place. All ballots were emptied here and ballot boxes prepared for poll clerks in the morning to pick up. They were locked and secure at all times.

The complainant also argues that some students were voting without producing valid ID. This issue has been looked at by verifying student’s numbers with the registrar’s office to determine those few (less than 20) who voted, were indeed members of the society in accordance with the KSA Bylaws. It was determined that all 20 who voted without ID were indeed members. Poll clerks were told to record student numbers, names and signatures for those who were unable to produce valid ID. This allowed as many students a possible to vote. Voter lists were compared from campus to campus with the registrars office and no irregularities were found.

The complainant also notes mentions of “rigging” votes. This is pure speculation and the committee has nothing further to go on.

A recount is very time consuming and costly. Only if a large majority of candidates requested a recount for a valid reason would one occur. There is yet to be any valid reason for a recount.

Due to the above point the complaint is dismissed in its entirety

There are no more complaints.

The committee has received every candidates and/or slate expense report and have deemed them all to be valid. Any appeals may be forwarded to the KSA Ombudsperson, Mr. Paul Browning for further review. A FINAL election report will be issued once all appeals have been dealt with. There is no more work on the part of the elections committee. Thank you for a successful election!

The referendum results were delayed due to personal reasons for Amar Randhawa. They have already been posted online at this point. For reference, the results are as follows:

Yes- 467

No- 395

The referendum therefore *passed* with a 54% vote in favor of the changes proposed.

Meeting adjourned at 10:15pm