

The Interdepartmental Science Students' Society

Elections Appeal, Special Council Meeting

Agenda

2:00 PM

March 24, 2015

CCIS 1-035

Attendance

Executives: Patricia Bacus

Councillors: Sai Vemula, Anthony Wu

Appellant: Umer Farooq, Azhar Khan

Defendant: Wei Liang Chong

Other:

Chairperson: Sai Vemula

Minutes: Anthony

1. Call to order [2:18PM]

1. Meeting called to order at 2:18 PM.
2. Election of a Chairperson: Sai Vemula Motion carries 2/0/1.

2. Presentations [2:19PM]

Both the appellant and defendant will be given an opportunity to present their case.

1. Umer Farooq, appellant
 - a. Umer: Please defer to Khan.

Note: The first fine regarding the failure of the candidate to get ISSSER approval for campaign material was not appealed.

Point 2

- b. Khan: I would like to split the discussion concerning Fine number 2 and 3. Fine no.2 concerning the conclusion of voting citing from the PM 20.3.3.1 stating that "a candidate must remove all campaign posters at 1700". The ER (ISSSER) cannot sustain his ruling without acknowledging the constitutional bylaws as written in the PM. Thus, there is a clear discrepancy on when the takedown campaign should proceed based on this bylaw interpretation. Also I like to indicate PM. 20.3.2.9 in that "All reasonable campaign materials are to be removed when voting concludes". Thus, we feel that the ISSSER's rulings have not taken account of these bylaws that have been cemented in the constitutional writings and for such reasons, is unique and does not apply to my client's scenario.
- c. Umer: I'd like to speak on the ISSSER's followup email which also pertains to this discrepancy Khan has alluded regarding the takedown of election materials. In addition, the reminder of the email was sent out after 5:10 pm, as defined at the end of the campaign period., which is a clear contradiction.

- d. Sai: Just to clarify, when were your posters exactly taken down.
- e. Umer: 5:20PM.

Point 3

- f. Umer: Fine number 3 states that “No campaign expenses are to be submitted after the deadline”. I had sent an electronic notice to the ISSSER along with an explanation of my expenses and clarification about when this form must be handed in. Based on the events that transpired in the past, I emailed the ISSSER (on Wednesday March 18 to be exact) about the tentative submission of the expense form. The ISSSER responded that he needed a physical copy, and that could be submitted the next day. I proceeded to honor this agreement and submitted the hard copy of my form in the office on Thursday March 19. In addition, as an exchange at the Candidate’s Meeting, the ISSSER had informed us that expense forms may be submitted electronically before the deadline on the 18th.
2. Wei, defendant
- a. Wei: I’d like to address the fine regarding the campaign materials. I’d like to state that there are 2 different laws that must be abided that apply differently in SU and ISSS elections. I made it very clear that campaign materials are to be taken down at 5:00PM, the end of the defined Campaign Period as written in the nomination package. To ensure that all the candidates running in our elections are held fairly accounted to our rules that were previously discussed and stated,, we enacted the 5:00PM rule which is a non-negotiable rule that has already been implemented by Council. Regarding the issue of submitting the expense form electronically, this is true (as I elaborated in the candidates meeting) however, you did not make an effort to attach a receipt along with the physical form. Though I had stated that the expense form must be handed in physical copy, that does not I had not planned on implementing the fine associated. As observed with other candidates who also decided to submit their electronically, whether they had expenses or not, they did send in the official Expense Form. Also, this is clearly stated in the Nomination package and the penalties were explicitly detailed in fine-print.

3. Question Period [2::46PM]

- 1. Patricia to Wei: Do you have a key to the office?
 - a. Wei: No, I was in the office until 5:15PM.
 - b. Patricia: Was there anyone with you at the time?
 - c. Wei: I believe it was Harman.
- 2. Khan to Wei: Can you point to anything in the PM where Umer broke (printed displays/posters with regards to election materials - Fine No. 2)?
 - a. Wei: Yes, the Campaign
 - b. Khan: And what do you define as the time it ends?
 - c. Wei: 5PM.
 - d. Khan: Is that in contradiction with 20.6.2.2 which states that the “Candidate must remove all materials prior to voting”
 - e. Wei: Yes.

3. Khan: Do you know what the purpose of removing all the materials 2 hrs before the end of the voting period?
 - a. Wei: For the Winter elections, I assumed it prematurely ended at 5:00PM however, this definition may have been convoluted SU elections.
 - b. Khan: Which do you honor? Is your interpretation based on your ruling or the PM?
 - c. Wei: My ruling.
4. Khan: Do you feel that the PM plays a role in facilitating the bylaws of an electon?
 - a. Wei: Yes.
 - b. Khan: I'd like to point a discrepancy with the times written on the nomination package as opposed to the PM? Why do you feel this policy should exist (as the appointed ISSSER?)
 - c. Wei: My interpretation is based on the ISSS and the guidelines already enacted required for me to carry out my jurisdiction.
5. Umer: Why are the time periods different in the March elections as opposed to the Winter elections?
 - a. Wei: I assumed that this was not changed and my best interest was to coordinate this with the SU elections. Initially, I wanted to hold it at 5PM but was not made fully aware about the goings of SU.
 - b. Khan: Would you change the times to reflect correcting this small oversight?
 - c. Wei: Yes but at the time, the nomination packages were already outlined and given to the candidates. Thus, it would be unfair to change this at the last-minute.
 - d. Khan: Do you think this is a mistake worth correcting?
 - e. Wei: I don't think this is a mistake but a small miscommunication. Again, I'd like to reinstate the time constraints given my situation. To me, it was unreasonable and unfair to change these last-minute clauses as these rules were already well-enforced when the nomination packages were printed.
6. Umer: Regarding the expenses and what I've already elaborated previously, why wasn't my expenses not submitted.
 - a. Wei: My interpretation is based on the ISSS and the guidelines already enacted required for me to carry out my jurisdiction.
7. Umer: Why are the time periods different in the March elections as opposed to the Winter elections?
 - a. Chong: I was not present in the office for a very long time in the office. It was not in my ability to stay behind, nor constantly monitor email communications during this time, which was between a meeting and a class. These take priority. This still does not change the fact that it had been stated that the expense form must be handed in along with the receipt.
 - b. 8. Umer: In the last email you sent to me, you specifically mentioned I was allowed to submit my expense form the day after. I have followed up appropriately and I don't know why I am still subjected to this fine.
 - c. Chong: To my knowledge, I didn't know how your expenses were being calculated with respect to the fine discussed. I consulted Fahim before going with my ruling and made sure my discretion was made in accordance my rules.

4. Discussion and Decision [3:10PM]

1. Discussion
 - a. Sai:
2. Council Ruling
 - a. Motion to move in-camera. Patricia/ Anthony. Motion carries 3/0/0.
 - b. Motion to move ex-camera. Sai/Anthony. Motion carries 3/0/0.

Fine 2: RE The failure removal of campaign material by candidate Umer Farooq by the deadline.

The PM Clauses included in the discussion of the Appellant's account included 20.3.2.9, 20.6.2.2, 20.6.6.7. In addition with clause 20.3.3.1, the panel has come to the following conclusion.

The panel rules in favour of Wei Liang Chong, the Defendant, unanimously.

The ISSSER has the sole responsibility of clarifying and interpreting the PM in order to detail the processes and regulations to be used during the Elections period. The primary reason for having an ISSSER, in addition to the rules in PM, is to ensure that there is some sort of accountable and interactive presence to make sure the ISSS' mandate and commitment is represented. Both the Appellant and the Defendant had agreed there is a contradiction in the PM regarding the campaign period, but the Panel has ruled that the regulation by the ISSSER, in stating that campaign period ceased at 17:00 on March 20th, stands. Although 20.6.2.2 states that the last possible period of removal is prior to the end of voting (ie 19:00), this quibble was not at all raised in the 2 weeks since the campaign period had been clearly defined by the ISSSER. 20.6.6.7 states that a candidate accrues the fine if campaign materials are left up after the end of the campaign period. Campaign period is not explicitly defined elsewhere in the PM manual, except for the rules and regulations set in place by the ISSSER, so the final consideration in this clause falls to the proper definition of the "end of campaigning period." In addition, the panel notes that this "end" had been notified before nomination packages were due and upon submitting the package and attending the mandatory candidate's meeting, the candidate submits to following these rules. No other doubts or clarifications were made by the ISSSER.

Regarding the statements of the PM, the Panel notes that the contradiction occurs only because the "end of voting" is not the same as the "end of campaigning period." Ideally, if all things were done properly by the ISSSER and all parties involved, then this discrepancy should not have existed. But this speculation does not change the fact that the discrepancy had always been apparent since the beginning of the Elections Period, and therefore does not change how the rules and regulations must be applied, as defined by the ISSSER. Governing documents, like the PM, serve as a guideline for action and are cited when specifications need to be considered, but does not have the onus of determining all specifications. Every definition needs to be clarified to fit the context of application. When a candidate hands in their nomination form and attends the

mandatory campaign meeting, they are agreeing to the rules and regulations (including deadlines) set by the ISSSER, and not the specifics included in the PM. Their responsibility is to the ISSSER, while the ISSSER's responsibility is to the PM.

The panel concludes that the \$5.00 fine imposed on Candidate Umer Farooq by ISSSER Wei Liang Chong stands.

Fine 3: RE The failure of candidate Umer Farooq to provide the complete expense form along with all its appendages to the ISSSER by the deadline.

The panel rules in favour of Umer Farooq, the appellant, unanimously.

The wording included in the ISSSER's regulations (Nomination Package) state that by 5:30 PM, Wednesday March 18th, the Expense Form (attached onto the package) along with the receipt must be submitted to CCIS 1-150. The first note to make is that the ISSSER had agreed that expense forms can be sent electronically by that deadline, with the complete contents. The panel therefore accepts the Candidate's intention of electronic submission by email.

Before the deadline, Candidate Farooq had sent in a picture of the receipt. He also clearly states whether it is required for him to hand the physical form (knowing that he did not have it on his person) and outlines all fields included in the form except for unit cost. The email also ends by asking for the ISSSER's clarification in whether this was sufficient. We have established here that it was always in Candidate Farooq's intent to submit the expense form, in its completion, by the deadline.

In order for the submissions to be handed in by 5:30 PM in CCIS 1-150, it would have required the ISSSER to be present at the office to receive them. We note this is not the case since the ISSSER was occupied with another commitment, and isn't available in the office until at least 5:28PM, when his first objection to Candidate Farooq was sent (specifying the physical form was needed for record). However, we note that even if electronic submission was allowed, the ISSSER is not available digitally to clarify any of these concerns right up until the deadline. No prior arrangements had been for the ISSSER to either be present physically or digitally right up until the deadline. Just like a physical interaction, which would have identified the missing components of a submission, this digital interaction also would have allowed Candidate Farooq to submit the expense form contents in its entirety. The panel determines that Candidate Farooq had not received word on time with clarifications about what was needed (2 minutes before the deadline is not sufficient). In addition, the panel notes that if only the form in its entirety was needed for record-keeping, then this was achieved by the submission at the earliest date on Thursday, March 19th. All other specifications of expenses were made clear in the electronic submission, and if the clarification of format (ie. the full expense form) was not received clearly before the deadline, then the Candidate should not be fined.

Regarding whether the Candidate should have been notified that the fine would still be accrued at

the ISSSER's response at 6:23 PM, the panel notes it is not the ISSSER's duty to specify this, as it would not have been perceived as a concern (ie. the fine exceeds the allowed budget). The panel thinks it is fair for the ISSSER to have already assumed the fine and asked for the physical copy regardless. The panel does note, however, that the ISSSER makes no clear statement that Candidate Farooq's electronic submission was insufficient.

The panel concludes that the \$5.00 fine imposed on Candidate Umer Farooq by ISSSER Wei Liang Chong does not stand.

5. Approval of Minutes

Motion to approve this meetings minutes. Motion fails 3/0/0.

Motion to table the above motion until 9:00 PM on Tuesday, March 24th. Sai/Patricia. Motion carries 3/0/0.

Meeting adjourned at 4:13 PM.

6. Attachments

1. [ISSSER Ruling](#)
2. [Khan's Statement in defense of Umer](#)