

Ruling #8

March 2015 Executive and Board of Governors Election
Re-Vote Post on Facebook – Fahim Rahman

Parties to the Ruling

- Shakiba Azimi, Candidate for Vice President Academic
- Fahim Rahman, Candidate for Vice President Academic
- Shauna Regan, Primary Volunteer for the Fahim Rahman campaign
- Jessica Nguyen, Chief Returning Officer

Applicable Bylaw, Rules, and Regulations

1. Bylaw 2200 §49 (Disqualification)
2. DIE Board Ruling 2014-6 (Re-Vote Terms)

Facts

1. Shakiba Azimi and Fahim Rahman, candidates for Vice President Academic, were present at the mandatory candidates' meeting on February 12 at 18:00. The Elections Regulations & Guidelines, as well as elections-related bylaws were discussed at this meeting. As per Bylaw 2200 §26, all candidates and volunteers are responsible of being aware of and complying with said rules.
2. Shakiba Azimi and Fahim Rahman, candidates for Vice President Academic, were present at the March 13 hearing of DIE Board, where the terms of the re-vote were discussed and ruled on by DIE Board following an agreement by all parties that the election was tainted as per Ruling #7 and a re-vote was the only suitable remedy. One of the terms of the re-vote agreed upon by all parties is as follows: "The two candidates will release a joint official statement concerning the re-election (subject to CRO approval)"
3. On March 17, Ms. Azimi filed an official complaint against Mr. Rahman with the following contents (original screenshot and complaint form attached at the end):
 - a. Email:
 - i. "Hi Jessica, I am filing an official complaint against Fahim because of the absolutely ridiculous post he has shared on his Facebook page. Attached, please find the complaint form, as well as the screenshot of the post. Thanks, Shakiba"
 - b. Screenshot contents:
 - i. "Good afternoon #UAlberta! As the Gateway reported last week, the SU VP Academic race is returning to campus due to reported ballot tampering. While running an Executive campaign requires sacrifice, I still jump at the chance to serve my peers and identify what issues our campus needs to focus on moving forward. While my platform remains rather unchanged, I'll be taking time this week to focus on the specific and tangible benefits I'll do my best to bring if elected as your VP Academic."
 - c. Complaint form:
 - i. Facts and actions that constitute the alleged contravention: "On March 16 @ 2:38 PM Mr. Rahman put up a status on his Candidate Facebook Page stating the following: "Good afternoon #UAlberta! As the Gateway reported last week, the SU VP Academic race is returning to campus due to reported ballot

tampering.” Mr. Rahman is clearly breaking the re-vote term we set out that the 2 parties must share identical statements about why there is a re-vote, to be approved by the CRO. Not only this, Mr. Rahman’s status is absolutely malicious and attempts to paint the other VPA candidate as someone who has tampered with ballots by very deliberately making and phrasing his statement in this way. Finally, this is false information being provided to students on Mr. Rahman’s part to try and claim ‘pity’ votes and substantially undermine my race”

- ii. Specific bylaw and section, rule, or regulation that is alleged to have been contravened: “Bylaw 2200 Section 49: Disqualification 49. Disqualification — b. is malicious or substantially prejudicial to another candidate or slate; or Re-Vote Agreement: The two candidates will release a joint official statement concerning the re-election (subject to CRO approval)”
4. The Chief Returning Officer gave the Fahim Rahman campaign team a chance to comment on Ms. Azimi’s concerns before making a ruling and the following was submitted:
 - a. Email from Mr. Rahman:
 - i. “This line from the DIE Board ruling, "The two candidates will release a joint official statement concerning the re-election (subject to CRO approval)" has not been broken as I am simply stating facts reported by the Gateway. There is no line in the re-vote terms that says candidates are not allowed to report facts from the Gateway or comment on the situation before the joint statement is released.
 - ii. I'm still very in favour of releasing a joint statement - that term was pushed forward by Shakiba, though, and I recall her stating she wanted to draft it up. I am awaiting a draft statement from her, which I am still more than happy to release once it has your approval. I'm more than happy to also distinguish this from other posts that have gone up on my community page.
 - iii. In the meantime, though, while waiting for a draft from Shakiba, I felt like students deserved an answer for why the VPA race was being re-run. My understanding is that you suspected that there was a tainted election due to tampered ballots in Ruling #7, which prompted Shakiba to request a re-vote, which was heard and resolved by DIE board. In essence, the ballot tampering that occurred tainted the elections enough to cause doubt within the VPA race legitimacy to prompt a re-vote, which DIE board agreed was the best course of action.
 - iv. In my post on Facebook I make no claims about who has tampered the ballot, and I refer to the Gateway's report (specifically this article: <http://thegatewayonline.ca/2015/03/im-feeling-a-little-bit-at-peace-sleiman-admits-to-vote-tampering/> titled Sleiman admits to vote tampering). I don't believe that I am providing any false information. I am absolutely not stating that anyone aside from Mr. Sleiman has tampered with ballots, as reported by the Gateway.
 - v. On the last statement Shakiba makes, I am not trying to undermine her race at all - I've made no references to who has tampered with ballots and I am definitely not stating that a VP Academic candidate tampered with the ballot. I'm really not sure how I'm trying to claim pity votes either - I'm just letting students know that I am willing to make the sacrifice to take on a second stressful campaign for the possibility of serving as their VP Academic next year.”

- vi. "I will also note that Rabib, Shakiba's Campaign Manager, has made his own direct statement on the situation without CRO approval as well." *The contents of that screenshot is as follows:* "Shakiba ran a clean campaign and she followed the rules in the bylaws," said Nguyen the UASU CRO. As we all know we are going for a revote this Thursday and Friday (19th and 20th of March) for the VP Academic race. The majority of you guys did show us your love and support but unfortunately there were too many obstructions on our path that made the Shakiba Azimi team make this tough decision and appeal for a revote. But you know what? We worked tirelessly day and night to reach our goal and electing the better candidate and we know we can do it again. It's going to be another hectic week. I know. But hey, it will all be worth it, for I know Shakiba has it in her to be the voice of the 36,000 Undergraduate Ualbertans. Do show us your love and support one more time. Do go and click like to be in the loop.

Cheers everyone! If you want to know more about the appeal please check out the gateway article on it: <http://thegatewayonline.ca/.../die-board-rules-2015-executiv.../>"

b. Email from Ms. Regan:

- i. "From my point of view the statement was neither malicious nor prejudicial as it stated two facts that had been previously reported and that his opponent had also stated on March 12 at 4:51 on her own newsfeed prior to the DIE board hearing. Furthermore, while she failed to write a first draft of the statement, Fahim needed to talk to his supporters about the situation surrounding a re-vote and did so using facts reported by the Gateway.
- ii. The DIE Board Ruling, the CRO Ruling #7 and the Gateway have all publicized those words. In addition, within the context of Fahim's other posts which is missing from this complaint, it is evident that Samer Sleiman is the who was reported as tampering votes - this qualification should not be necessary in every sentence where the words vote tampering exist. Allegations of vote tampering exist in the VPA race (thought these are not allegations that anyone in the VPA race tampered votes just that it affected the race), Shakiba wasn't even mentioned in this statement - the accusation is conjecture, projection, and not substantive. Fahim, myself and our volunteers have never accused Shakiba of any violation of bylaws surrounding vote tampering.
- iii. Furthermore, the DIE Board Ruling states: "The two candidates will release a joint official statement concerning the re-election (subject to CRO approval)". This does not state that Fahim cannot release his own statement or cannot talk about the revote, his mentality going into a second election, or address the revote at all. Furthermore, this was not an official statement and we have been patiently waiting Ms. Azimi's first draft of a statement that she agreed to write last Friday. It is unacceptable to expect that we cannot talk about the conditions for a revote from our own perspective. Indeed, she was able to put out a statement before the DIE board hearing about her reasoning for a revote.
- iv. Finally, the opponent is the candidate who I would argue has made false and misrepresentative claims. Her, her primary campaign manager, and volunteers

have had no qualms calling for a 're-election' of Ms. Azimi in multiple posts (below) despite the fact that those results were quashed by the DIE Board."

Ruling

1. The Chief Returning Officer does not believe that Mr. Rahman's Facebook post in question violates Bylaw 2200 §49 (1b) as per Ms. Azimi's complaint form. It is clear to the Chief Returning Officer in Mr. Rahman's Facebook post that Mr. Rahman is referring to ballot tampering that the Chief Returning Officer ruled on in Ruling #7 regarding Samer Sleiman's actions and as reported by The Gateway. Neither Ruling #7 or The Gateway reported that Ms. Azimi tampered with ballots. It is clear that while no Vice President Academic candidates were involved in ballot tampering, Mr. Sleiman's actions may have affected the outcome of the race. The Chief Returning Officer does not believe that this Facebook post is in any way malicious in nature and does not agree that disqualification is an appropriate penalty.
2. The Chief Returning Officer does not believe that Mr. Rahman's Facebook post violates the re-vote terms as stated in DIE Board Ruling 2014-6, that "The two candidates will release a joint official statement concerning the re-election (subject to CRO approval)". The Chief Returning Officer finds this unofficial statement regarding the re-vote reasonable and must also note that both campaign teams have commented on the re-vote outside of an "official statement" as per section 4. vi under "Facts" in this ruling.

Penalty

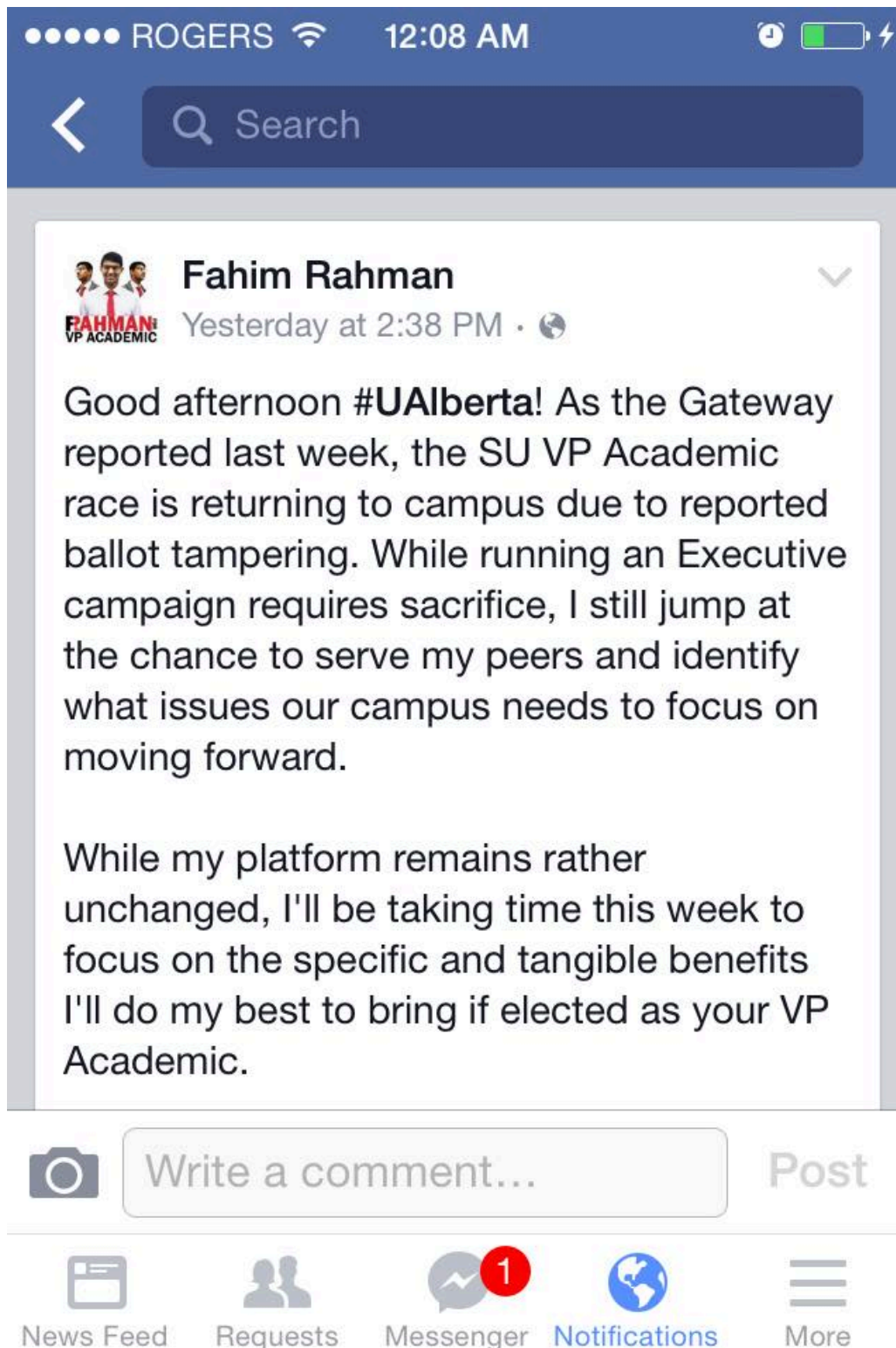
1. The Chief Returning Officer orders candidates Shakiba Azimi and Fahim Rahman to submit an official statement agreed upon by both parties regarding the re-vote for approval by the Chief Returning Officer by Thursday, March 19 at 13:00. Until this official statement is released, both candidates may not speak about the reasons for the re-vote in any capacity to avoid confusion.

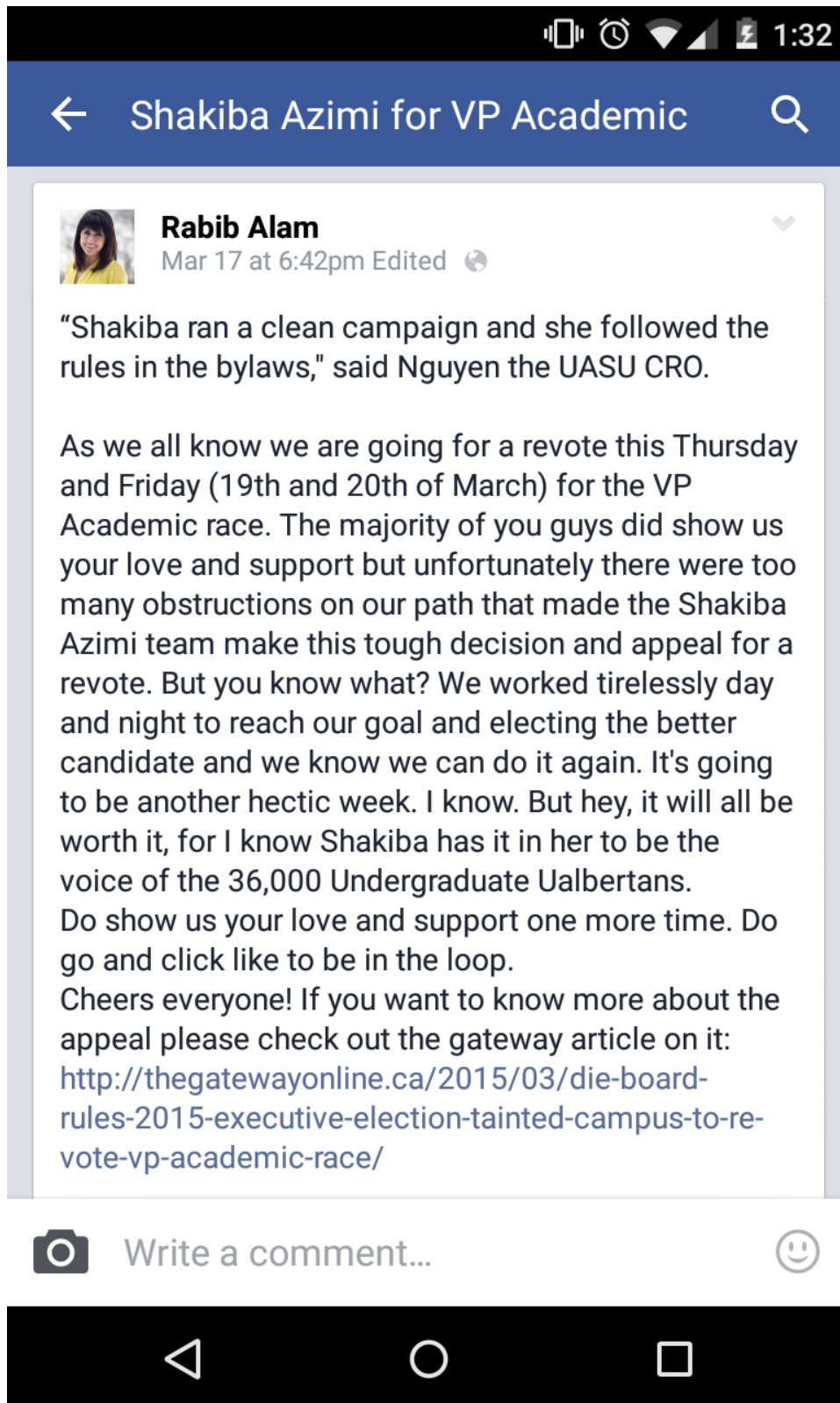
So decided on: Wednesday, March 18 @ 13:00. Time limit for appeal: Thursday, March 19 @ 17:00.

Please direct any inquiries towards:

Jessica Nguyen
Chief Returning Officer
University of Alberta Students' Union

The aforementioned screenshots:





University of Alberta Students' Union Elections

Complaint Form



Please return this form to the Chief Returning Officer in SUB 6-04B or in person within 12 working hours of the alleged contravention. Electronic copies or illegible submissions will not be accepted.

1) COMPLAINANT INFORMATION

Complainant Name:	Shakiba Azimi
Complainant Student ID:	[REDACTED]
Complainant Phone Number & E-mail:	[REDACTED]

2) SPECIFIC BYLAW & SECTION, RULE, OR REGULATION THAT IS ALLEGED TO HAVE BEEN CONTRAVENED

Bylaw 2200 Section 49: Disqualification

49. Disqualification — b. is malicious or substantially prejudicial to another candidate or slate; or

Re-Vote Agreement:

The two candidates will release a joint official statement concerning the re-election (subject to CRO approval)

3) INDIVIDUAL OR GROUP ALLEGED TO BE IN CONTRAVENTION

Fahim Rahman

4) FACTS & ACTIONS THAT CONSTITUTE THE ALLEGED CONTRAVENTION

As per 2014/2015 regulations, complaints must be supported by photographic proof, if possible to attain, in order to be deemed valid as this constitutes "evidence for the facts." These photographs may be submitted via e-mail as an electronic appendix to this document. Please be specific and as detailed as possible; use second page or attach a sheet if necessary.

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Mr. Rahman is clearly breaking the re-vote term we set out that the 2 parties must share identical statements about why there is a re-vote, to be approved by the CRO.

Not only this, Mr. Rahman's status is absolutely malicious and attempts to paint the other VPA candidate as someone who has tampered with ballots by very deliberately making and phrasing his statement in this way.

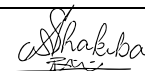
Finally, this is false information being provided to students on Mr. Rahman's part to try and claim 'pity' votes and substantially undermine my race

A photo is attached.

5) COMPLAINANT DECLARATION

I hereby declare that, to the best of my knowledge, all information in this form is accurate and honestly believe a contravention has occurred that may adversely affect the election process. I understand that official complaints are a serious matter and if a complaint is deemed by the CRO to be frivolous, petty, false or otherwise inaccurate my campaign or the campaign I represent may be subject to a punitive fine.

Complainant Signature:



Date and Time of Submission:

March 17, 2015 @ 8:35 AM

Candidate Approval
(Encouraged)

