

Ruling #6

March 2015 Executive and BoG Election

Tampering with Ballots and Voting Procedures – Samer Sleiman, Candidate for Vice President
Operations & Finance

Parties to the Ruling

- Samer Sleiman, Candidate for Vice President Operations & Finance
- Jessica Nguyen, Chief Returning Officer

Applicable Bylaw, Rules, and Regulations

- Bylaw 2200 §26 (Requirements of All Candidates and Plebiscite/Referendum Sides)
- Bylaw 2200 §48 (Penalties Available)
- Bylaw 2200 §49 (Disqualification)
- Schedule of Fines and Penalties, provided as per Bylaw 2200 §48

Facts

1. Samer Sleiman, candidate for Vice President Operations & Finance, was present at the mandatory candidates' meeting on February 12 at 18:00. Rules & Regulations, as well as Bylaw were discussed at this meeting.
2. Bylaw 2200 §49 (Disqualification) specifies a candidate shall be disqualified if found guilty of a contravention that involves tampering with ballots, voting procedures, or counting procedures.
3. At 11:35 AM on Thursday, March 5, the Chief Returning Officer received an email from an undergraduate student expressing concern that candidate Samer Sleiman approached her and voted under her CCID without her knowledge:

Dear Ms. Nguyen,

My name is [STUDENT] and I am a student at the U of A. Yesterday I was approached by one of the candidates for elections this year and was asked if I would like him to show me how to vote. I accepted, thinking that he would show me how to use the website but what really happened is he asked me to fill in my CCID and password and then my Student ID, after which he thanked me profusely and walked away. It was not until later in the day that I realized what had happened, because when I tried to vote on my own, the site told me that I had already voted. My assumption is that the candidate who had approached me had me vote for him without my knowledge.

The person that did this is not who I intended to vote for in the first place and I believe that his actions were completely unprofessional and unacceptable. I am hoping there is a way that I can take that vote back and submit my own true vote.

Feel free to contact me at this email address at your convenience. Thank you for your time.

Regards,
[STUDENT]

4. At 11:53 AM on Thursday, March 5, the Chief Returning Officer replied to the email with the following:

Hi [STUDENT],

First off, I would like to thank you for your interest in the Students' Union elections. Secondly, thank you so much for reaching out to me about this. This is absolutely unacceptable by any means and I will work to resolve the situation ASAP, if you will be able to respond ASAP since the polls close at 7:00 PM.

First, let me clear your vote. Can you please tell me what your student ID is? We will get this done ASAP so you can vote. Second, before we do this, do we have your permission to record what the candidate allegedly voted for under your name? We can access every student's ballot where the need arises, but I would like your permission to do so. It would help in getting evidence as to whether or not this was malicious in nature.

Will you have some time anytime after 2:00 PM to come discuss this with me? If not, can you either give me a call this afternoon or identify the candidate that you were interacting with? Again, this is a serious breach of his jurisdiction and I need to act on it quickly and very much appreciate your help in doing my job to uphold the spirit of fairness in these elections.

Thanks,

Jessica Nguyen
Chief Returning Officer
University of Alberta Students' Union

5. At 12:42 PM on March 5, the Chief Returning Officer received the following reply from the student:

Jessica,

Thank you so much for your quick reply. I can definitely meet you after 2:00pm. Where would you like to meet?

My student ID is XXXXXXXX and the candidate that approached me was Samer with the logo of Sleiman beer on his posters and you most definitely have my permission to access my ballot. I would really appreciate it if you kept me anonymous, if at all possible, when you approach the candidate about this situation.

Regards,

[STUDENT]

6. At 12:55 PM on March 5, the Chief Returning Officer sent the following message to Jay Ward from Whitematter to clear the student's ballot:

Hi Jay,

Can you please clear [STUDENT] ballot so she can make a vote? A vote was allegedly made under her CCID from an unauthorized individual. Before clearing her vote, can you please screenshot what the responses on the ballot are (i.e. Who was voted for and what time was the ballot submitted?) and send it to me? I would like to use it as part of my investigation against a candidate. She is cc'ed to this email and her student ID is XXXXXXXX.

Thanks,

Jessica Nguyen
Chief Returning Officer
University of Alberta Students' Union

7. At 1:12 PM on March 5, Jay Ward replied to the previous email sent by the Chief Returning Officer with an export of the student's allegedly tampered ballot, the IP address that the ballot was cast on, and confirmation that the ballot had been cleared so that the student could revote.
8. The Chief Returning Officer met with the student shortly after this chain of emails where the student went into further detail about her alleged interaction with candidate Samer Sleiman. The student mentioned that between 11:00 AM and 11:30 AM on Wednesday, March 4 she was in CAB after one of her classes when candidate Samer Sleiman approached her and asked her if she had voted in the Students' Union elections. She mentioned that she had not voted, but intended to, and claims that Samer asked her if she wanted some help with how to vote. She agreed to the help and claims that Samer sat down next to her and opened up the voting website on an iPhone and asked her to enter her CCID and password. The rest of the details about being thanked profusely and Samer allegedly walking away are in the first email that the student sent to the Chief Returning Officer. She did not realize that she had not cast a vote until the first email that she sent the Chief Returning Officer.
9. Following this meeting between the Chief Returning Officer and the student, the Chief Returning Officer met with Jay Ward to further investigate. We explored several angles to investigate at and this is Jay's statement:

"I was contacted by the CRO to reset a ballot and to create a copy in case there was something more going on. A student contacted her saying that someone else had voted on her behalf. I went in and exported the ballot in CSV form, editing out only the ballot id. I also recorded the IP address the ballot was cast from. I then implemented the procedure to wipe the ballot from the system and reset the authentication table.

Upon further investigation of that IP address I found that 32 other votes were cast using that IP address which belongs to a Telus cell phone. These votes followed a fairly linear time line and only on one day.

(1) I did not save the time from the authentication table to add to this data. I was concerned that this was a NATed IP and was used by multiple devices which could muddy the waters some so I ran a query to show how many votes were cast under each IP in that very broad subnet. It showed 32 votes cast for the IP in question with the next highest being 3.

(2) The ballot in question only had 3 marks in it, 3 first place rankings in 3 different races. I wrote a query to fingerprint all ballots cast exactly like that. As of 16:56 on March 5th there were 42 votes identical to the one I was asked to remove. As well, 10 (of 32 total) of those votes were cast from the IP address in question. During this investigation I found several other questionable IP's with 7 (out of 16 total) and 5 (out of 13 total) identical votes, both belonging to Rogers and appearing to be mobile devices. There were two other devices that had had >1 of those ballots cast, again both from Rogers IP's. I have not included the full query nor the results in this report to keep data private."

10. At 5:45 PM on March 5, the Chief Returning Officer met with the candidate Samer Sleiman and his campaign volunteer Sangram Hansra and presented the situation at hand and asked the Samer Sleiman campaign if they had any comments. Candidate Samer Sleiman denied the allegations of voting on behalf of any students. Candidate Samer Sleiman did mention that he was using technology and walking around with a device for students to vote on and the Chief Returning Officer can confirm that candidate Samer Sleiman did record the use of technology on this expense form.

Ruling

- All candidates and sides are required to read, understand, and comply with all Rules & Regulations and Bylaws and were informed as such in the nomination package and at the mandatory candidates' meeting. Samer Sleiman was present at the mandatory candidates' meeting.
- According to section 49 of Bylaw 2200, "A candidate shall be disqualified where he/she/it is guilty of a contravention that a. cannot be counter-balanced by a lesser penalty; b. is malicious or substantially prejudicial to another candidate or slate; or c. involves tampering with ballots, voting procedures, or counting procedures."

Penalty

- Samer Sleiman will be disqualified from the race of Vice President Operations & Finance.

So decided on: Friday, March 6 @ 16:00. Time limit for appeal: Sunday, March 8 @ 12:00.

Please direct any inquiries towards:

Jessica Nguyen
Chief Returning Officer
University of Alberta Students' Union