

SAIT Students' Association (SAITSA)



2014 Students' General Election Report

Written by:

David Jones
Chief Returning Officer
2014 SAITSA
General Elections



Executive Summary

The SAIT Students' Association (SAITSA) recognizes the need to hold open and fair elections for the positions on the Students' Legislative Council (SLC) and the Students' Executive Council (SEC).

On February 3, 2014 nominations opened for students seeking a seat on the SLC and SEC. Candidates were required to obtain twenty-five signatures from students that were in good academic standing with SAIT and good standing with SAITSA. To become a qualified candidate, a completed nomination package was to be submitted by February 14, 2014 at 12:00pm.

On February 14, 2014 candidates that submitted a completed nomination package were required to attend an All Candidates Meeting to discuss the policies and procedures with the Political Committee. The candidates in attendance signed a copy of the policies and procedures, indicating they have read and understood the document. After the meeting, candidates were allowed to officially campaign.

A secondary nomination period was approved for students that missed the February 14th 2014 deadline. The secondary nomination period concluded on February 28, 2014 at 12:00pm. Again, candidates were required to obtain twenty-five signatures and meet the criteria. The second All Candidates Meeting was held on February 28, 2014 at 5:00pm. The same proceedings took place as in the first meeting.

Attendance at the first All Candidates Meeting was minimal for SEC candidates. There were no candidates for the President position at this meeting. Candidates did not raise any specific issues regarding policies and procedures at this time. The week following the first meeting was Reading Week so there were no students on campus and there was nothing to note.

The second All Candidates Meeting saw candidates for all positions including four for President. Candidates inquired about some posting guidelines but nothing of concern was raised during this meeting. After this meeting most candidates had begun posting campaign materials around campus.

Voting opened on Thursday, March 6, 2014 at 08:30am. Emails were sent to all eligible student voters and the voting began. On Friday March 7, 2014 the voting came to a close at 4:00pm with 10.55% of 11,807 eligible student voters having cast a vote. All candidates were to drop off all campaign expenses to MC107 by this time as well.

Prior to the election results being announced, the Political Committee met with a candidate to discuss a breach of policy and not submitting proper documentation regarding campaign expenses. After meeting with the candidate, the Political Committee decided to disqualify the candidate for the infraction.



The Political Committee offered an appeal to SLC which is the highest governing body in SAITSA. Due to conflict of interest and concerns regarding the SLC ruling on an appeal regarding elections, the candidate was denied an appeal by SLC and was referred back to the Political Committee for direction.

After a discussion with the Political Committee it was determined that an official letter of appeal must be submitted by the candidate and then legal guidance regarding the appeal would be sought. In consultation with legal counsel, the Political Committee will uphold the decision of disqualification on the grounds of a procedural breach.

The Political Committee has provided a list of recommendations following this report. The recommendations are for consideration only.

Candidates Elected

VP Student Life

Thao Jenny Nguyen

VP Academic

Kimmi Nguyen

VP External

Joshua Bettle

President

Jared Stock

Students' Legislative Council

Peter Guan

Kaitlyn Harris

Mauricio Jimenez

Israel Maya

Suzanne Ngo Likaa

Nitin Parswani



Introduction

The SAIT Students' Association (SAITSA) recognizes the need to hold open and fair elections for the positions on the Students' Legislative Council (SLC) and the Students' Executive Council (SEC).

The *Post Secondary Learning Act of Alberta* states that the business and affairs of SAITSA shall be managed by the SLC, the members of which shall be elected by and from the members of SAITSA. SLC meets twice a month with the SEC to discuss student concerns, issues, and the overall operations of SAITSA; SLC is the governing body of the organization.

SAITSA holds two elections a year; a general election in the winter semester and a by-election in the fall semester. The general election is comprised of electing the SEC and six seats for the SLC. The fall election for SLC is dedicated to filling nine remaining seats. The SEC and the SLC work together to represent students' academic rights and to make the students time on campus fun and rewarding.

This report will provide an overview of the nomination periods, all candidate meetings, campaign period, voting, and results. Recommendations to issues that arose during the election will be provided following the report.

Political Committee

The Political Committee is comprised of four members, the Chief Returning Officer (CRO), the Deputy Returning Officer (DRO), Student at Large (SAL), and the SAITSA Resource Centre Manager as an ex-officio, non-voting member.

The Political Committee was comprised of the following:

David Jones – CRO
Angie Gessner – DRO
Lola Samoil – SAL
Natasha Lundrigan – Ex-Officio

The members of the committee discussed candidate questions, reviewed campaign material and enforced policies & procedures pertaining to the election. The committee would only accept questions or concerns in the form of email. All candidates were provided contact information for the Political Committee. The CRO provided written, emailed responses within twenty-four hours (maximum).

The official results of the election are read to the students and candidates by the CRO at the end of the Election Day.



Issues Identified

The political committee is appointed by the Operational Committee for one election at a time. By appointing for one election at a time, there could be a communication disconnect between elections.

Student at Large, Lola Samoil was an original candidate but withdrew her application prior to the first meeting due to time commitments. Lola was offered the position of Student At Large for the election but there was a miscommunication with the committee. As a result of a miscommunication, Lola resigned from her position as Student at Large, leaving the Political Committee with three members. There is no solution for this occurrence.

The Political Committee has a general email address which candidates and other students can email with concerns. Many candidates emailed the CRO directly without copying the rest of the political committee. On some occasions the Political Committee was left out of the conversation after the CRO replied, not knowing the rest of the committee wasn't involved. A solution to this for next election would be to only provide the candidates with the general email address for the whole Political Committee.

Nomination Period

A nomination can be defined as an act of being formally entered as a candidate into an election. In order to be nominated for SAITSA's General Election, the student must receive 25 signatures of students who are in good academic standing and good standing with SAITSA. Students who did not meet the criteria for official nomination were not entered into the election.

There were two nomination periods for this election. Students who were unable to make the first nomination deadline were given the opportunity to still participate but had a reduced campaign period. Students who were nominated by the deadline for the first nomination period received an extra week of campaigning as incentive.

The first nomination period ran from February 3 - 14, 2014. The total number of nominated candidates for the first nomination period was 8

The second nomination period ran from February 4 – 28, 2014. The total number of nominated candidates for the second nomination period was 12 and one Campaign Manager as a replacement for a candidate.

There were a total of 21 candidates for this election, 11 for SEC and 10 for SLC. During the election, one candidate was disqualified for a procedural breach. This reduced the total number of candidates for SEC to 10.



Issues Identified

Even though all of the positions were contested except for VP Academic, the first All Candidates Meeting saw no presidential candidates and very few other SEC candidates. Promotion of the elections needs to be a year round event. A push for candidates happened after the first all candidates meeting and fortunately there were candidates for all positions at the second All Candidates Meeting.

All Candidates Meeting

The All Candidates Meeting was held at the end of each nomination period. Candidates who attended the first meeting did not have to attend the second meeting. This was a mandatory meeting for all candidates. Candidates met the Political Committee and received the rules to abide by during the elections in the form of Policies and Procedures.

During the meeting, candidates were given the opportunity to read the Policies and Procedures and ask questions pertaining to the information provided. Candidates were asked to sign each page of the Policies and Procedures which signified an understanding of the information provided. Candidates who had questions following the meeting were asked to send an email to the Political Committee.

Issues Identified

Candidates were asked to read the Policies and Procedures prior to the meeting. Every candidate received a copy of the Policies and Procedures in their nomination package. The majority of candidates had questions pertaining to placement of material around campus and were seeking approval of campaign materials which the Political Committee doesn't do anymore.

Campaign Period

There were two campaign periods for this election. Candidates that were eligible for the first All Candidates Meeting were given an extra two weeks of campaigning starting February 14, 2014. The remaining candidates were allowed to start campaigning on February 28, 2014. All candidates were eligible to start campaigning after the all candidates meeting concluded.

Each candidate conducted their own independent campaign with a maximum budget of two hundred dollars for SLC and four hundred for SEC. All candidates were directed to inform the Political Committee of all messages and content being used in their respective election. This procedure has been relaxed over the years to give more independence to the candidate.

Issues Identified



Some candidates addressed issues with other candidates placing their posters too close or touching their posters. There is no space limit in the procedure and random poster audits were conducted, not finding any mentioned infractions.

Voting

SAITSA General Election 2014 utilized online voting through an independent third-party company, Votenet. Electronic voting has dramatically cut down on physical resources needed to run an election. Previously, paper ballots were utilized for eligible students to cast votes. This process proved to be time consuming and costly.

Eligible students were sent an email to their SAIT email address with voting information.

Online voting provides real-time information and is a proven method of conducting fair and transparent elections.

Issues Identified

Some candidates were thought to be setting up their own polling stations in a work space or study area and encouraging other students to come vote. There are no official polling stations anymore as SAITSA hires elections workers to roam the hallways and common areas with iPad's and voting information.

No candidate was found in violation of setting up their own polling station.

Results

The polls closed at 4:00pm on March 7, 2014.

Election: SAITSA General Election 2014

Total Voters: **11807**

Voter Turnout: 10.55%

VP Student Life

Daniel Cassar 372

Miguel Miranda 199

Thao Jenny Nguyen 393

Stevie Polga 282

VP Academic

Kimmi Nguyen - No 287

Kimmi Nguyen - Yes 959



VP External

Tanya Barstead 579

Joshua Bettle 667

President

Adam Doyle 238

Spencer Janke 267

Jared Stock 331

Shyamili Velmurugan – **Disqualified**

Students' Legislative Council

Total Voters: **11807**

Rahul Bali 204

Awais Farooq 198

Elma Gamueda 189

Peter Guan 211

Kaitlyn Harris 729

Irfanul Hoque 101

Mauricio Jimenez 295

Israel Maya 358

Suzanne Ngo Likaa 364

Nitin Parswani 250

Issues Identified

Due to a disqualification after the polls had closed, it was the discretion of the CRO to withhold the results from candidates immediately following the announcement of the successful candidates. The results were withheld pending an appeal by the disqualified candidate.

The release of results to the candidates has been a courtesy in the past but is not mandatory. The official results are only released in the CRO report which is brought forth to SLC.

Disqualification

At 4:00pm on March 7, 2014 the polls for the SAITSA General Election closed and voting was made inactive. Prior to polls closing, candidates were required to submit their Campaign Budget Forms (Budget) to MC107 care of the SAITSA Resource Centre Manager. Candidates must disclose all expenses incurred during their election. Eligible expenses are reimbursed up to 50%.



In a closed meeting with the Political Committee, the budgets were discussed and one candidate was identified to have not fully submitted all required materials with their Campaign Budget Form. In reviewing Policy Elect-4, Procedure 8 – *All receipts for campaign materials must be saved and submitted with the Campaign Budget Form to the Political Committee prior to the closing of polls at 4:00pm on the last day of the elections*, it was discovered that the candidate submitted their form but did not attach any receipts as required.

The candidate was called into a closed meeting to discuss their policy infraction and to discuss the pending disqualification. The candidate was not able to provide any reason for not attaching the receipts other than “misplacing it”. The Political Committee deemed the infraction worthy of a disqualification for accountability reasons.

The Political Committee disqualified the candidate for a procedural breach and was not able to provide the disqualified candidate with an official means of appeal. At the time of disqualification it was deemed necessary to provide the candidate with an opportunity for an appeal but advised them to appeal to SLC first and take their direction.

It was later learned that SLC is not an appropriate body to appeal an election based decision to. The SLC denied the candidate an appeal and advised them to speak with the Political Committee. In a later discussion with the Political Committee, an interim resolution was made. The disqualified candidate was to write an official letter of appeal to the Political Committee and legal guidance would be sought to provide direction and opinion to the matter.

On March 13, 2014 at 11:50am, the candidate provided an official letter of appeal to the Political Committee. The Political Committee drafted a letter to legal counsel asking for clarification and opinion regarding the appeal.

Appeal

Presidential candidate Shyamili Velmurugan is appealing the decision made by the political committee to disqualify her from the elections for failing to submit receipts for products and services used within the election. The Political Committee deemed the infraction to be worthy of a disqualification and proceeded to advise Shyamili.

Shyamili was advised by the Political Committee to submit a formal letter of appeal to start the process. The grounds for Shyamili’s appeal are the following (full document attached in the appendices):

Motion of Appeal



The SAITSA Elections Policy and Procedures document does not state anywhere that each policy and/or procedure is independent and unrelated.

In the document, Procedure #8 is listed subsequent to Procedure #7. By reading Procedure #8 in sequence from Procedure #7, a reasonable person can interpret Procedure #8 as in reference to reimbursement of campaign expenses, with the purpose of receipt submission to prove campaign expenses for reimbursement.

Consequently, it would be reasonable to conclude that this causes ambiguous interpretation of Procedure 8. Due to this ambiguity, the decision of disqualification due to a failure to meet Policy Elec-4, Procedure 8 should not be binding.

In addition, the main purpose of Procedure #8 is to prove that the SEC candidates do not exceed the \$400 limit of their campaign expenses, which was clear that I did not exceed.

i. In reference to **SAITSA Policy Elec-4: Procedure - 10**

“Failure to submit budgets on time may lead to disqualifications pending a decision by the Political Committee.”

Motion of Appeal

SAITSA Bylaws and policies and/or procedures do not provide a clear interpretation of the terms: ‘expense,’ ‘budget form’ and ‘budget’.

The term ‘budget’ typically refers to an estimate of income and expenditure for a set period of time (such as a campaign period). In contrast, an ‘expense’ refers to actual expenditures, or actual money having been spent during the period. The two words are distinct. A reasonable person would submit actual receipts and expenditures with an expense report, not with a budget.

As a statement of fact, I submitted a document outlining the amount of money spent to date at 1:00 PM on March 7th, 2014. By extension, the submitted document validates the amount of money available for spending, as the listed expenses to date did not exceed the campaign expense limit of \$400.

It would be reasonable to conclude then that I did submit a budget on time, thereby fulfilling the required action of Procedure 10.

- ii. *Being a member of the Political Committee, the Resource Centre Manager did not mention any consequences of not submitting the receipt and accepted it, when I submitted the budget form at 1:00PM. If I had known the penalties for not including a receipt at 1:00PM, I could have arranged for a copy or quote of the same receipt before the 4:00PM deadline.*



iii. The amount of time and energy I spent for this election was tremendous and the time that each student spent in voting for me was more valuable. The disqualification due to a lost receipt did overturn the best interest of the majority of SAIT Students and it is the rights of students to know the actual reason behind any process in a democratic system. There was a lack of clear statements relating to the disqualification process in the SAITSA bylaws or Election policies & procedures.

Resolution

In consultation with legal counsel, the Political Committee will uphold the disqualification on the grounds of a procedural infraction. If the breach was forgiven it would be unfair to those who complied with the policies and procedures. It must be remembered that the procedure is there to protect a system designed to level the playing field with respect to the expense of participating in an election and ensuring that students respect the spending limits.

Conclusion

This election was an overall success. This election was fully contested with more candidates than seats available except for VP Academic which is a testament to all of the hard work put in by the current SEC members, SAITSA Staff and Volunteers. There were no major issues raised during this election.

The Political Committee was tasked with upholding the Policies and Procedures and disqualifying a candidate after the polls had closed. The Policies and Procedures are in place to ensure a fair and transparent election. The Political Committee is tasked with upholding the integrity of these Policies and Procedures to ensure accountability to the student body. As a result of the disqualification, the results for the disqualified candidate are not published.

This election identified areas for improvement in the Policies and Procedures. An appeal process needs to be developed and implemented to ensure all candidates have their appeals heard in a timely manner.

As a student representative organization, SAITSA has a strong history of running fair, transparent and efficient elections. As the number of eligible students increases, SAITSA will need to allow for growth and change within its policies. Continual assessment of best practices will ensure SAITSA is a leader with student elections.



Ongoing promotion of the leadership opportunities within SAITSA must be a year-round occurrence. There shouldn't be a last minute push at the end of the nomination period to fill executive positions. SAITSA continues to be a leader in student government and that is shown in the quality of student representatives and elected leaders that run every year.



Recommendations

During the election, concerns, issues and questions were raised. As a result, recommendations are made to help better the election process. The recommendations are addressed in this section are for consideration only.

Political Committee

The Political Committee is an independent committee comprised of non-SAITSA members, a current student and current staff member. The Political Committee currently is appointed for one election at a time. By appointing members of the Political Committee for both elections, members will be able to carry through with recommendations identified in the fall election for the spring election. The Political Committee should be independent of SAITSA, appointing the CRO who then appoints other members.

Appeals

Currently, there is no official appeals process for candidates who disagree with results. It is recommended that a defined policy and procedure be researched and implemented to assist with the appeals process.

Campaign Period

During the campaign period, some candidates experienced their posters go missing. Candidates were notified if their material was defaced and in most cases, taken down. There is no definitive way to reduce the theft of posters or preventing them from being defaced. Candidates should be aware of where they are posting their material and understand this may occur.

Voting

SAITSA utilizes Votenet which is a proven online voting system. No matter what system SAITSA utilizes for voting, there is a possibility of a glitch or failure. Paper ballots are an option as a back-up but they are very time consuming and require a large number of employees/volunteers.

It is recommended that SAITSA work with SAIT to implement an in-house voting system. An in-house voting system would reduce overall costs and increase efficiencies.



Shyamili Velmurugan
D-3207, 14 ST NW
Calgary, AB, Canada
T2K 1J1

March 13, 2014

Dear Members of the SAITSA Political Committee:

As you have instructed over email, I am writing to you to appeal the decision your committee made of my disqualification in the recent SAITSA Students' Executive Council election. I was running for the SAITSA President position.

I submitted my Campaign Budget Form at 1:00PM on March 7th, 2014 to the Resource Centre Manager in Room MC107. The budget form listed: poster printing from InSource, the expenses for home printing, and the cost for P.A. equipment rental services.

The only receipt received was for the posters printed from InSource Alberta (*North Hill Centre: #1662, 1632 14th, Ave NW, Calgary, AB*). The receipt was not included as it was misplaced. I informed the SAITSA Resource Centre Manager and a member of the Political Committee, Natasha Lundrigan, at the time of my Campaign Budget Form submission, and I was not notified of any consequences at that time.

The results were supposed to be announced at the Gateway at 5:00PM on the same day. I was at the Gateway waiting for the results while the Resource Center Manager called me at 5:05PM to the SAITSA Office (*Campus Centre, Room V206*), stating that the Political Committee wanted to talk to me. The CRO notified me that I was disqualified from the election for not submitting a receipt. The reasons given to me for disqualification were I violated Procedure #8 and #10 in Policy Elec-4 in SAITSA Election Policies and Procedures and therefore was not accountable for my campaigning expenses by not submitting a receipt. When he asked for an explanation, I stated that I told the SAITSA Resource Centre Manager about the lost receipt when I handed the budget form at 1:00PM and I did not exceed my \$400 limit for campaign expenses. However, the Political Committee informed me that I could appeal to Students' Legislative Council (SLC) later. The results were announced for all the positions, 10 minutes after my disqualification.



I feel that my disqualification was unfair due to the following reasons.

i. In reference to **SAITSA Policy Elec-4: Procedure - #7 & 8**

- 7 SAITSA will reimburse candidates 50% of their proven and approved campaign expenses, provided they are not disqualified or removed from the election.
 - (a) Candidates must submit receipts from legitimate businesses to the Resource Centre Manager to be reimbursed.
 - (b) Home printing will be reimbursed at fair market value, as annually determined by the Operational Committee. Rates will be distributed at the All Candidates Meeting.
 - (c) Any payments made to a Campaign Manager, campaign team member or volunteer must be claimed as part of a candidate's personal campaign expense but will not be reimbursed by SAITSA."
- 8 All receipts for campaign materials must be saved and submitted with the Campaign Budget Form to the Political Committee prior to the closing of polls at 4:00PM on the last day of the elections."

Motion of Appeal

The SAITSA Elections Policy and Procedures document does not state anywhere that each policy and/or procedure is independent and unrelated.

In the document, Procedure #8 is listed subsequent to Procedure #7. By reading Procedure #8 in sequence from Procedure #7, a reasonable person can interpret Procedure #8 as in reference to reimbursement of campaign expenses, with the purpose of receipt submission to prove campaign expenses for reimbursement.

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In addition, the main purpose of Procedure #8 is to prove that the SEC candidates do not exceed the \$400 limit of their campaign expenses, which was clear that I did not exceed.

ii. In reference to **SAITSA Policy Elec-4: Procedure - 10**



“Failure to submit budgets on time may lead to disqualifications pending a decision by the Political Committee.”

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SAITSA Bylaws and policies and/or procedures do not provide a clear interpretation of the terms: ‘expense,’ ‘budget form’ and ‘budget’.

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As a statement of fact, I submitted a document outlining the amount of money spent to date at 1:00 PM on March 7th, 2014. By extension, the submitted document validates the amount of money available for spending, as the listed expenses to date did not exceed the campaign expense limit of \$400.

It would be reasonable to conclude then that I did submit a budget on time, thereby fulfilling the required action of Procedure 10.

iii. Being a member of the Political Committee, the Resource Centre Manager did not mention any consequences of not submitting the receipt and accepted it, when I submitted the budget form at 1:00PM. If I had known the penalties for not including a receipt at 1:00PM, I could have arranged for a copy or quote of the same receipt before the 4:00PM deadline.

iv. The amount of time and energy I spent for this election was tremendous and the time that each student spent in voting for me was more valuable. The disqualification due to a lost receipt did overturn the best interest of the majority of Sait Students and it is the rights of students to know the actual reason behind any process in a democratic system. There was a lack of clear statements relating to the disqualification process in the SAITSA bylaws or Election policies & procedures.



v. In reference to SAITSA Bylaws

2.2 SAITSA will develop and enforce a democratic system of student law and work for the protection of the rights of its membership.

In reference to SAITSA Policy Elec-2

The Sait Students' Association (SAITSA) recognizes the need for both political and operational committees to be established to ensure that SAITSA elections are **fair, transparent and accountable to its student members.**

Background

SAITSA Bylaws and/or elections policies and procedure do not refer to:

- Post-polling day procedures, such as the conduct and disclosure of the election count
- Inquiry and investigation

Under the SAITSA Elections Policy, Policy Elec-1, procedure 2, states: *“Where SAITSA Bylaws and/or policies and procedures are silent on an issue, the Alberta Election Act may be used for guidance.”*

Motion of Request

It is in the best interest of students that the election results, including the percentage or number of votes counted for each candidate, as well as information on any election decision made by the Political Committee, be released publicly-- and as soon as possible.

With respect to any decisions made by the Political Committee, in order to ensure transparency and accountability to all candidates as well as the student body, it is in everyone's concern to know what decisions were made and how decisions were reached.

Transparency in the electoral process is critical for students to maintain confidence and faith in both the process as well as in their elected representatives. This marks the second year in which the percentage of voter turnout in the SAITSA general election is in the double digits.

Please understand my acceptance in losing the receipt. Although there was no restriction on listing the printing under home expense, which would have not required a



receipt from me, I chose to be honest and disclose my campaign expenses in full. I believe that this action demonstrates that I am accountable. I consider this as a severe learning experience to be cautious in my future dealings. At the same time, I understand that I will not get reimbursed for the unproven/unapproved Campaign expenses.

Thank you for taking the time to give me the opportunity to appeal to you when the SLC declined to hear me. I really appreciate your consideration, and if you have any questions, please feel free to email me at shyamili.velmurugan@edu.sait.ca

Sincerely,

Shyamili Velmurugan