

April 5, 2022

Appeal Decision — Decision CSU 2022 #6 Re: Voting Solicitation Violation

On March 29, 2022, I issued “Decision CSU 2022 #6 Re: Voting Solicitation Violation”, in which I disqualified Loveleen, candidate for Vice-President Equity & Sustainability, from the election (the “Original Decision”). On March 30, 2022, Loveleen filed an appeal of the Original Decision.

Loveleen appeals the Original Decision on a variety of grounds. Loveleen states:

- According to the rules governing the election, this complaint does not fit in very much. The incident took place on 15th, but the complaint was filed on 25th. That is way more than 48 hrs after the incident. Are you sure it's reliable? I don't think someone would remember an incident with accurate timings more than a week later after it happened unless someone was planning on using that information later.
- Now the complaint was filed on 25th but you did not send it to me earlier. In fact you chose to send it on 29th, after I proved the earlier allegations false. I would also like to mention that you didn't send me the complaint in this format. The format of that complaint is totally different from this one. Many essential information is missing in this one including date of complaint and many others things. Why this happened makes me suspicious if the complaint is legitimate or just there to prove me guilty. This violates my right to receive any complaints against me as soon as possible as I receive this after more than 4 days and also not in correct format. I wonder what the reason for that is? Then the complainant is anonymous. I realize that's acceptable but you cannot deny that it decreases the credibility of the complaint itself. Who's to say the complainant wasn't asked to make a complaint on someone else's behalf? I mean I believe the complainant approached you directly but can you be sure it was by their own will? This looks like a play of dirty political tactics to me.
- And the allegation that I was standing in front of someone while they were voting were totally false. Along with that, I had the poster, which I'll attach below for your reference, asking student to read my candidate statement through scanning the QR code. My opponents who must've thought I was succeeding using a good campaign strategy are trying to mislead you by altering facts. I was just making people aware about the matter that elections had begun but I asked people to read my candidate statement and explain my future visualisation about campus. I neither forced anyone nor I stand in front of anyone while he/she was voting. (Whom so ever the complainant is).

But I really felt that if the complainant was really forced on 15th he/she/they should complain the file on the same day or days following that day, but they're raising the matter after more than 10 days.

The CSU Election Procedures (BD-06.1), Section on Appeals govern appeals of decisions of the Elections Administrator. This section provides that appeals of decisions of the Elections Administrator are to be made to the Elections Administrator. In essence, the section provides for a mechanism for the Elections Administrator to reconsider their own decisions.

The section also provides that an appeal must include “the decision being appealed”, “a description of the suspected errors made by the elections administrator”, a “statement of the remedy being sought”, a “the remedy being sought by the appellant”, and “supporting documentation that the appellant wishes to be considered”. In this case, the appellant provided a digital version of the poster they were allegedly providing members. My consideration of the appeal will therefore be based on the documentation that has already been provided to me as well as this version of the poster.

The CSU Election Procedures section on Appeals states:

Upon receipt of an application for appeal, the elections administrator must consider the merits of the appeal, with the onus being on an appellant to prove that the elections administrator erred in the original decision. In considering an appeal, the elections administrator may request written responses from the complainant, respondent, or interested parties in the original complaint.

With respect to the first ground of appeal, Loveleen questions the reliability of the allegations and alludes to the 48-hour rule to make a complaint. As noted in the in the Original Decision, I believed the individual that brought the concern forward was credible and had their allegations corroborated with via campus security. I also note that the CSU Election Procedures section on Complaints states that the “even in the absence of a written complaint, the elections administrator may, on their own initiative, initiate an investigation into suspected irregularities.”

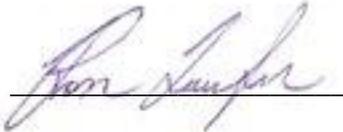
With respect to the second ground of appeal, Loveleen claims that the investigation process is tainted based on the fact that the process is not the same as what occurs when an official complaint is received. Again, the Elections Administrator may, on their own initiative, initiate an investigation into suspected irregularities. While further information regarding these allegations were provided to me on March 25th, I have no obligation to provide that information to the respondent immediately as I work through an investigation. The claims made by Loveleen about various elements of the investigation process “violating her right(s)” or being “suspicious” are unfounded. The investigation process was in line with CSU procedures.

With respect to the third ground of appeal, Loveleen claims that the overall allegations are untrue and included a digital copy of the poster they were allegedly providing members. This poster includes a QR code for voters to scan, which at the time of the appeal no longer worked. The individual who voted next to Loveleen at 9:25 AM on March 15th stated they scanned a QR code took them to the login page to access voting, whereas Loveleen states that the QR code took voters to the candidate statement section of the CSU page. Loveleen plausibly explained that the code was generated from a 14-day free trial account that had expired, but clearly showed the code linked to the candidate statement page.¹ Nevertheless, the question of where the QR code links to is not the question at hand in this case.

¹ Last viewed April 5, 2022: <https://grco.de/bcu4CG>. Loveleen explained the QR code was generated using a 14 day trial account. While this is not typical for a static QR code, there may have been other services useful for Loveleen

The claim that the allegations are untrue remain inconsistent with the evidence before me, provided by several allegations and evidence as included in the Original Decision, including some provided to me on March 25th and further validated by campus security.

Considering the whole of the appeal, I find that the appellant has not discharged their onus of proving that the Elections Administrator erred in determining that Loveleen engaged in violations of the election regulations, and that such violations were of sufficient magnitude to warrant disqualifying Loveleen from the election. Accordingly, I decline to reverse or alter the Original Decision.

A handwritten signature in blue ink, appearing to read "Ron Laufer", is written over a horizontal line.

Ron Laufer
Elections Administrator

to use a trial pro-account. The account clearly shows that QR code took students to the <https://csu.bc.ca/elections/candidates-spring2022/> page

Appeal from Loveleen

Hi Ron,

According to the rules governing the election, this complaint does not fit in very much. The incident took place on 15th, but the complaint was filed on 25th. That is way more than 48 hrs after the incident. Are you sure it's reliable? I don't think someone would remember an incident with accurate timings more than a week later after it happened unless someone was planning on using that information later.

Now the complaint was filed on 25th but you did not send it to me earlier. In fact you chose to send it on 29th, after I proved the earlier allegations false. I would also like to mention that you didn't send me the complaint in this format. The format of that complaint is totally different from this one. Many essential information is missing in this one including date of complaint and many others things. Why this happened makes me suspicious if the complaint is legitimate or just there to prove me guilty. This violates my right to receive any complaints against me as soon as possible as I receive this after more than 4 days and also not in correct format. I wonder what the reason for that is? Then the complainant is anonymous. I realize that's acceptable but you cannot deny that it decreases the credibility of the complaint itself. Who's to say the complainant wasn't asked to make a complaint on someone else's behalf? I mean I believe the complainant approached you directly but can you be sure it was by their own will? This looks like a play of dirty political tactics to me.

Your decision says the camera identified someone fitting Loveleen's description, which in itself is a vague statement. I'm sure there are many people who might, if seen from a distance, look like me and could very well be pondering over their phones with friends. However, as I told you earlier I was there too anyway.

Now I would like to ask, if I was putting pressure on the student to vote for me, how were they able to vote for any other candidate(s) if I was rushing them? And not just a single yes/no or choose one candidate vote but a rank the candidates vote, where they chose to rank all three.

You also chose to point out this is my second violation, the first being the poster warning, but do you know I corrected all of my posters immediately? I even talked to John about it and he agreed it was a case of information presented in an uninteresting way.

And the allegation that I was standing in front of someone while they were voting were totally false. Along with that, I had the poster, which I'll attach below for your reference, asking student to read my candidate statement through scanning the QR code. My opponents who must've thought I was succeeding using a good campaign strategy are trying to mislead you by altering facts. I was just making people aware about the matter that elections had begun but I asked people to read my candidate statement and explain my future visualisation about campus. I neither forced anyone nor I stand in front of anyone while he/she was voting. (Whom so ever the complainant is).

But I really felt that if the complainant was really forced on 15th he/she/they should complain the file on the same day or days following that day, but they're raising the matter after more than 10 days.

I think I have cleared everything to you and I also think that you should also watch what is happening on the other side of the wall.

I believe you have been investigating matters properly so far and will continue to do so.
Hoping for reconsideration.
Yours sincerely,
Loveleen.

VOTE Now
It only take
1 Minute



 **SCAN ME**


 **SCAN ME**

Scan now to read my statement
**Your vote matters a lot
For University**