

Decision of the Elections Appeals Committee

Date: Friday, March 29, 2019

Members: Kareem Ibrahim (Speaker of Council), Bridget Trerise (Appellant's Representative), Katherine Chambers (Elections Committee's Representative)

Matter: Appealing the invalidation of the 2019 Forest Undergraduate Society (FUS) Election

1. Issue

- a. On March 27, 2019, the Elections Committee (EC) ruled to invalidate the results of the Forestry Undergraduate Society Election, held on Simply Voting from March 13 at 9:00 am until March 22 at 5:00 pm. The EC found the ballot violated the terms of AMS Code, IX.9.1.q., as for positions with only one candidate, a 'no' option was not provided, only the choice to select that candidate or abstain. Violating this rule is also a contradiction of AMS Code IX.9.1.e., stating that if a constituency wishes to use Simply Voting, they must abide by all rules set out by the AMS Elections Administrator. Further to this, the Forestry Undergraduate Society Elections Administrator, Ira Hudgin, did not receive training from the AMS Elections Administrator, in violation of AMS Code, IX.9.1.d.

2. Decision

- a. After a thorough discussion with the Appellant's Representative and the Elections Committee's Representative, it was decided that the Elections Appeals Committee will overturn the decision of the Elections Committee to invalidate the results of the uncontested races in the 2019 FUS Election, per Article 8(15)(b) of Section IX of AMS Code.

3. Reasons

- a. This appeal was grounded in two issues:
 - i. The first issue is that the requirement for the FUS Elections Administrator (EA) to attend training was allegedly unclear and that this was a contributing factor in the FUS EA's failure to include a 'no' option on the ballots for the uncontested races in the 2019 FUS Election.
 - ii. The second issue is that holding a new election would only be possible in September, which poses a great inconvenience to FUS and the upcoming year's activities.
 - iii. In the words of the FUS Executive, "Due to the size of the Forestry Faculty and the nature of our summer jobs, a redo of elections would most certainly end poorly seeing that most students leave Vancouver to rural communities across British Columbia. This would further distort any election nominations and ballot results. The FUS has encountered this problem in the past and an appeal was not necessary since the ballot results were accepted by the AMS EA.
- b. Other considerations which were factored into this decision include:

- i. That the exclusion of a 'no' option on the ballot for uncontested races is arguably consequential only if the uncontested race is even slightly controversial;
- ii. That rerunning the election of the uncontested races is more of a formality than anything else;
- iii. That any concerns surrounding the precedent this decision may set, in permitting the reinstatement of an election which violated AMS Code, can be mitigated by the fact that this principle will be upheld in future cases with comparable facts, and that prioritizing efficiency with due diligence will remain the priority throughout the appeal process;
- iv. That the result would almost certainly be the exact same if the election were to be re-run; and
- v. That FUS students generally only vote in-person at FUS' annual voting party, thereby rendering a new election even less feasible.

4. Dissenting Opinion

- a. Katherine noted that since the ballots for the uncontested races in the 2019 FUS Election were not in line with AMS Code, they must therefore be held to be invalid, as has been the case with other constituencies who made similar errors.

5. Conclusion

- a. In conclusion, the Elections Appeals Committee is overturning the decision of the Elections Committee, thereby reinstating the 2019 FUS Elections results. Please do not hesitate to get in touch with the Chair, Kareem Ibrahim, at councilspeaker@ams.ubc.ca if you have any questions or concerns regarding this ruling.