



TO: Ryerson Science Society, c/o [REDACTED], President  
FROM: Ryerson University Election Procedures Committee (the "Committee")  
DATE: December 1, 2015  
RE: **Challenge to the Results of the Faculty of Science Referendum 2015**

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### **A. Introduction**

On December 1, 2015 the Election Procedures Committee held a meeting to make its decision on Ryerson Science Society's challenge to the results of the Faculty of Science Referendum 2015.

The Committee has the following membership:

Julia Shin Doi, Chair;  
Shoaib Ahmed, Secretary;  
Mary Anthony, Staff Representative;  
Andrea Bartlett, RSU Representative;  
David Naranjit, RFA Representative;  
Catherine Redmond, Governance Officer; and  
Janet Rodriguez, CESAR Representative.

With the exception of Mr. Naranjit, all members of the Committee participated in the meeting. Also in attendance were Irene Kim, Returning Officer and Leanne Stevens, Board Assistant.

### **B. Findings and Recommendations of the Committee**

The Committee reviewed the Returning Officer's report and requested additional facts and context from Ms. Kim. After a discussion of the details, the Committee noted the following points:

1. There is no evidence of specific numbers of votes cast or voters turned away during the period of the two substantive issues; and
2. Monitoring of the voting system suggest there were no significant fluctuations in the voting results throughout the voting period.

The Committee also discussed the circumstances of the late submission of the challenge and made the following recommendations for future purposes:

1. Information sessions held at the planning stages of a referendum to include directions about the procedures and requirements for making challenges to the results;
2. Proclamations to include information about the various options and relevant deadlines that may arise after the voting results are posted; and
3. Referendum Procedures to be amended for easier navigation of the procedural rules.

**C. Final Ruling of the Committee**

After due consideration, the Committee concurred with the Returning Officer's view that the Ryerson Science Society's challenge to the results of the Faculty of Science Referendum 2015 is unsuccessful.

This decision of the Election Procedures Committee is final is not subject to further appeal.

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The report of the Returning Officer is attached for your reference. Please see the following pages.



TO: Ryerson University Election Procedures Committee (the "Committee")

Julia Shin Doi, Chair; Shoaib Ahmed, Secretary; Mary Anthony, Staff Representative; Andrea Bartlett, RSU Representative; David Naranjit, RFA Representative; Catherine Redmond, Governance Officer; Janet Rodriguez, CESAR Representative

FROM: Irene Kim, Returning Officer

DATE: November 24, 2015

RE: **Challenge to the Results of the Faculty of Science Referendum 2015 (the "Referendum")**

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#### **A. Introduction**

On November 23, 2015, the Ryerson Science Society (the "Society") submitted a challenge to the results of the Referendum, seeking a rerun of the Referendum. The Referendum Procedures does not provide for any substantive grounds, standards, or remedies relating to challenges of referendum results. For the purposes of this report, I referred myself to the general principles governing contested votes in public elections. However, the Committee is not bound by these principles, and I believe it is open to the Committee to develop its own approach to this challenge. Therefore this review based on existing principles is provided to serve as reference and possible assistance for the Committee.

#### **B. Returning Officer Conclusions and Recommendations for Approach**

The Referendum was decided by a margin of 46 votes, about 10% of the total votes (444). This challenge can succeed only if the procedural breaches can be excused and the outcome based on the voting results can be brought into question by establishing that the final outcome could have been different.

In my view, the challenge does not make out sufficient grounds to excuse the procedural breach of failing to submit the challenge within the time specified in the Referendum Procedures. However, it may be prudent for the Committee to consider the merits of the substantive issues prior to deciding on this procedural issue, given the following considerations:

1. The proponents of the Referendum (and this challenge) are students of the University, and given the lack of specifics on the applicable grounds for challenges in the Referendum Procedures, it is understandable that the students sought guidance prior to taking significant action.
2. The rationale behind the short timeframe for contesting votes is to provide for certainty in the outcome based on the voting results. In this case, any operational effect of the Referendum is not expected until 2016/2017. Therefore, there is less need to be stringent on timeframes.
3. If the challenge has serious substantive merit, the harm in refusing to consider the challenge may outweigh the harm in lengthening the period of the uncertainty in the outcome of the Referendum.

On the substantive issues, my view is that the outcome of the Referendum can be brought into question under just two circumstances: 1) at least 46 ballots cast were invalid; or 2) at least 46 eligible voters were prevented from voting. I have concluded that the challenge has not established that anyone not eligible to vote voted or that any eligible voter was effectively prevented from voting.

Therefore, my view based on existing principles is that the challenge must fail.

### **C. Issues Raised by Challenge\***

The Referendum was proclaimed on October 2. Voting occurred between November 2 and 5, and the results were published on November 6. The time to challenge these results expired on November 13.

On November 16, the Society sent an email seeking to challenge the results and inquiring about the next steps. The Society was given notice of the issue regarding expiration of the time period to challenge. The Society then indicated that it would revise its challenge, in part to address the issue of timing. The Society submitted the current challenge on November 23.

The challenge raised the following issues for consideration by the Election Procedures Committee, each of which will be explained in greater detail below:

1. Procedural Issue: The original and revised challenges were submitted outside the permitted time period for challenges to referendum results.
2. Substantive Issues:
  - a. There was a technical glitch involving a blank screen on the voting website for some voters for a period of approximately four hours.
  - b. There was an error in an email communication to students, referring to Ryerson Arts Society rather than Ryerson Science Society.

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\* Unless otherwise specified, all dates in this report refer to those dates in the year 2015.

## **D. Details of Challenge and Issues**

### *Issue 1: Procedural Issues Re: Timing of Challenge*

Under the challenge, the Society claims:

1. The Society was unsure whether or not they had sufficient grounds for the challenge and wanted to consult with advisors across campus.\*\*
2. The Society was under the mistaken understanding that the period for the challenge was 10 working days as opposed to “within one week” prescribed in section 7.7.

I have noted the following:

1. The Referendum Procedures do not provide for specifics as to applicable grounds for challenges.
2. The rules regarding timing for challenges are clear in the Referendum Procedures, and the Society’s challenge is not in compliance with the Referendum Procedures.

### Relevant Provisions of the Referendum Procedures

The Referendum Procedures provide for procedural requirements relating to challenges to referendum results, sections 7.7 and 9.2 quoted below:

#### **7.7 Complaints and Challenges**

Only students, faculty or staff of the University may file a complaint concerning the campaigning associated with a referendum or challenge or dispute the conduct of the referendum and its results. Any complaints or challenges must be in writing and delivered to the Returning Officer c/o the Board Secretariat. Challenges to the referendum results must be received within one week of the official announcement of referendum results.

#### **9.2 Challenges to Referendum Results**

Challenges to referendum results received as indicated under section 7.7 above, shall be investigated by the Returning Officer and a recommendation made to the Election Procedures Committee within 24 hours. The Election Procedures Committee will consider the report and issue a decision in writing within ten (10) Working Days.

The decision of the Election Procedures Committee is final and not subject to further appeal.

In my view, the challenge does not make out sufficient grounds to excuse the procedural breaches in bringing the challenge. However, as noted above, my view is that the merits of the substantive issue, if they are significant, may possibly negate the procedural issue.

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\*\* The challenge notes that copies of emails are attached but no such attachments were included.

Issue 2(a) – Blank Screen on Voting Website

Voting for the Referendum was conducted online, where visitors were required to authenticate their identity with the Ryerson University login, and after which eligible voters were able to access the ballot. The ballot included the Referendum title, the question, and choices “YES”, “NO”, and “I decline to vote”. In order to vote, voters were required to mark the ballot, preview the marked ballot, and submit the ballot.

Shortly after 8:00am on November 2, it was confirmed that the voting system had begun to operate and had registered some votes. However, at about 8:59am, there was an alert of blank screens appearing on the voting website for some students. CCS was notified, and it was found that the issue affected several browser types and versions. The complete resolution was put into place by about noon.

Under the challenge, the Society claims:

1. Student who encountered the issue may not have logged on a second time to cast their vote.
2. There was no general announcement after the technical issue was resolved. I

have noted the following:

1. The issue occurred early in the voting period for a brief period of time.
2. There was ample time remaining in the voting period after the issue was completely resolved.
3. There were several email reminders to vote during the remaining voting period.
4. All campaign representatives were sent a message advising of the receipt of the alert and the resolution of the issue, with directions for dealing with any further difficulties if they occurred.

In my view, given the short duration of this technical issue and also given the ample opportunities remaining to vote after its complete resolution, this issue did not materially impact the voting results to bring the outcome of the Referendum into question.

Issue 2(b): Error in Email Communication to Students

Beginning with the Proclamation on October 2, there were seven email communications sent to the voters. The Proclamation was the only mandatory communication and included all information necessary to participate in the Referendum. The other six were sent as friendly reminders. In the sixth email, the text of the email included the following text:

**Do you agree to the creation of a fee of \$22.50 per semester, applicable in Fall and Winter semesters, to be paid by all students enrolled in Faculty of Science full-time undergraduate programs, starting in September 2016 and increased annually for inflation referenced to the Toronto Consumer Price Index to fund the operation of the Ryerson Arts Society?**

The reference to [Arts] in the last line was incorrect. The error was alerted after 4:40pm and the correction notice was ordered at 5:26pm, which was sent out at 7:45pm. There was less than four hours between the initial and corrected communications. All other email communications were correct at all times.

Under the challenge, the Society claims:

1. Students may have voted “no” after receiving the email containing the error.
2. The Society has received anecdotal accounts of students being confused by the error. I

have noted the following:

1. The single instance of the error existed for a brief period of time.
2. There were multiple instances of correct information readily available at all times.
3. The issue did not affect the voters’ ability to properly access the ballot and cast a valid vote.
4. The correct wording was prominently and repeatedly displayed at the critical time of voting.
5. Speculation into the content of the vote conducted on secret ballot does not favour any one side.

In my view, given the brief period of the error and the readily available multiple instances of correct information, including on the ballot and the preview of the marked ballot, there was no serious misinformation and the issue did not materially impact the voting results to bring the outcome of the Referendum into question. I note also that if an eligible voter chose to cast his or her ballot while “confused” that vote is still valid and cannot operate to invalidate all other deliberately cast votes.

#### **E. Summary**

This review is based on existing principles that govern contested votes in public elections. From this review, I have concluded that the challenge does not make out sufficient grounds to overturn the outcome of the Referendum. Therefore, in my view based on the existing principles, the challenge fails.

The Committee is not necessarily bound by the external principles that govern public elections. The Committee may choose to develop its own approach to making its decision on this challenge. The Committee may also choose to use the existing principles for reference or assistance.