

Constitutional Challenge April 13, 2010

The Constitutional Board met April 13, 2010 to deliberate the challenge of Haider Abbas regarding the decision of the Chief Electoral Officer on February 12, 2010. The Chief Electoral Officer's decision was appealed to the Electoral Board, who upheld the decision on March 9, 2010.

Mr. Abbas was disqualified in accordance with Section 14.3.c of the Consolidated Electoral Code, which states;

*“14.3 Immediate disqualification shall result should the candidates or his/her workers:
c. Present a fraudulent or inaccurate final report of expenditures to the CEO”*

The challenger argued that he was disqualified on the basis that he submitted a gmail receipt for photography services amounting to \$20, was then asked to submit more information, and subsequently submitted a receipt from Westboro Floorings and Blinds for the same service. Mr. Abbas argued that he did not submit two sets of receipts, and only submitted a receipt from Westboro Floorings and Blinds.

Upon discussion with the Electoral Board, the Constitutional Board learned that there was a typo in Mr. Abbas' ruling from the Electoral Board. Due to the unrepresented number of candidates that were found to have submitted fraudulent or inaccurate receipts, the Electoral Board mistakenly believed that Mr. Abbas had submitted two sets of receipts. It was clarified that the reason that Mr. Abbas was disqualified was due to the nature of the Westboro Floorings and Blinds receipt, in that it was found to be a fraudulent report of expenditures. Since the error did not change the nature of Mr. Abbas' appeal or the Board's reasoning to disqualify him, the Constitutional Board upholds the decision of the Electoral Board. It is also worth noting that Mr. Abbas noted in his appeal that the receipt was in fact fake, he did not feel he should be responsible for the actions of his campaign workers.

The Constitution Board would also like to add that it is the candidates' responsibility to ensure that all receipts are accurate and that those working for the candidate follow the rules set out in the Consolidated Electoral Code Policy as well as the Candidate Handbook. Haider Abbas did not follow these policies and submitted the receipts that he knew were fraudulent.

Mr. Abbas also challenged that he was not notified of the Chief Electoral Board's decision to disqualify him from the general elections. Upon investigation, the Constitutional Board found that an email was sent to Mr. Abbas on Friday, February 12, 2010 at 8:22am.

The Constitutional Board has unanimously voted to uphold the decision of the Electoral Board to disqualify Mr. Abbas.