

**CARLETON UNIVERSITY STUDENTS' ASSOCIATION**  
**APPEALS COMMITTEE**

In the Matter of:

**ARYAN SINGH v. CHIEF RETURNING OFFICE**

**ELECTION APPEAL 2026 GE – ND – 005**

**DECISION**

Hearing Date: February 19, 2026

Decision Released: February 21, 2026

Panel: John H. McNair (Chair), Pilar Balbuena Bulla, Cherry Zhang,  
Antonela Palacios, Ali Aaouda

Appearances: \_\_\_\_\_ Aryan Singh, Basit Ur Rehman

**DECISION**

**I. INTRODUCTION**

1. On February 04, 2026, the Office of the Chief Returning Officer, Mr. Basit Ur Rehman (hereinafter “the CRO”) notified a candidate in the CUSA presidential election, Mr. Aryan Singh (“Singh”) that the CRO had received a complaint alleging violations on the part of Singh and his campaign team under the CUSA *Electoral Code* (“*the Code*”)
  
2. The CRO framed the allegations in the complaint around four electoral offences, as follows:
  - A. “*Campaigning in a university library;*”
  - B. “*Interference with free and fair elections;*”

- C. *“Undermining the electoral process;” and*
- D. *“Failure to control or disclose campaign actors.”*

3. Following investigation of the complaint, the CRO issued a written Ruling on February 11<sup>th</sup>, 2026. The CRO found that all four offences were substantiated and imposed a total of seventeen demerit points.
4. The penalties imposed upon Singh exceeded the threshold of ten points prescribed in the *Code* for disqualification of a candidate. The matter was automatically referred to the Appeals committee for review and decision, therefore, pursuant to Schedule IV (*“Electoral Offences, Demerits and Disqualifications”*) s.2.
5. The factual framework for this appeal mirrored in most respects that in Appeal 2026GE – ND – 008, heard on the same date. Both cases turned on the alleged responsibility of a candidate for the actions of an unknown third-party during the campaign period. The submissions of the CRO were the same in each instance, although different candidates were involved. The Appeals Committee’s decision in this appeal, and our reasons for that result, accordingly parallel those in 2026GE – ND – 008.

## II. OUTCOME OF AUTOMATIC REVIEW

6. For the reasons below, the Appeals Committee found that the CRO’s findings were unreasonable and unsupportable. The Ruling was set aside in relation to all four allegations.

### III. THE CRO's RULING

7. In his February 06<sup>th</sup> decision, the CRO held that Singh was responsible as candidate for an incident said to have occurred at the MacOdrum Library during the campaign period. The incident was captured by the Complainant on a cellphone camera. The Complainant provided to the CRO a short video clip of the encounter in a designated study space on the fifth floor of the library. The identity of the Complainant was not disclosed to us.
  
8. Under the *Code*, campaigning in any library space was an offence under Schedule IV.
  
9. The video was produced and reviewed by the Appeals Committee. It depicted the interaction between a seated student and a male individual who entered the space and solicited the student's vote in favour of Singh. The Complainant described the event to the CRO as follows:

*I am writing to report an incident that occurred today which I was sitting with my friend in the library 5<sup>th</sup> floor in room 561. A guy knocked on our room door and asked if he could speak with us. After we responded, he entered and began promoting the CUSA elections. He then took my friend's laptop and proceeded to cast votets for Aryan Singh and two other candidates for other positions. The names are clearly audible in video 1 recorded of the incident; attached herewith.*

*Both my friend and I felt harassed and intimidated by this individual entering our space and taking control of my friend's laptop to cast votes.*

10. It was the CRO's position that the actions shown in the video amounted to voter intimidation and interference with ballot secrecy and independence, inasmuch as the elector's computer screen was physically handled and visible to the person who entered the room while the elector cast her ballot at that person's urging.
  
11. This conduct "*materially benefitted*" the candidate, Singh, the CRO found. Such conduct was reasonably foreseeable and preventable by the candidate in view of the guidance given to candidates at an All-Candidates Meeting about third-party conduct. The CRO also relied upon Schedule II of the *Code*, which is a form of sworn declaration in which candidates for CUSA office promise to follow election rules, treat competitors with respect and decency, act in good faith, refrain from spreading misinformation and "*ensure individuals associated with (their) campaign do the same.*"
  
12. As a result, the CRO held that the unidentified campaigner in the library was deemed to be a member of Singh's campaign team. Section 70 of the *Code* provides that demerit points shall be counted against a candidate when that candidate, "*or any member of his campaign team,*" is found responsible for an offence. Singh was responsible, therefore, for the misconduct of the individual seen in the Complainant's video.

#### IV. THE EVIDENCE AND SUBMISSIONS OF THE PARTIES

13. Aside from the contents of the video, most of the factual underpinning for the

Appeals Committee's review of the case was not in dispute. It was agreed that:

- a. the short video clip in question was recorded during the campaign period in a study area of the university library, where campaigning was expressly prohibited;
- b. neither the Complainant nor the CRO knew the identity of the male who entered and allegedly solicited voting for Singh;
- c. the same individual also solicited votes for two Council candidates in the election;
- d. candidates in the CUSA elections were made aware of the prohibition against campaigning in the library and their obligation to ensure compliance by those campaigning on their behalf;
- e. there was no evidence linking the unidentified person shown in the video to Singh, beyond the fact that the person was heard to state that he was seeking to persuade the elector to vote for him;
- f. there was no evidence to contradict the assertions of Singh and his campaign team that they did not know the individual in the video and that the Singh campaign had no known connection with him.

14. The CRO argued forcefully before us that these admitted facts disclosed

commission of the offence of campaigning in university libraries, contrary to

Schedule IV, ss. 1(g), and that responsibility attached to Singh by virtue of s. 70 and the extended definition of campaign team in s. 1 of the *Code*.

15. The Code did not require that a personal connection or relationship be established between a candidate and a campaigner in order to fix responsibility for the latter's conduct on the candidate, it was submitted. The evidence established that Singh derived a direct and material benefit from the actions of the person who purported to seek support for him in a prohibited fashion, the CRO emphasized.
  
16. The term "*reasonable foresight*" in the definition of campaign team (discussed below) did not merely involve asking if the candidate knew the person in question, the CRO argued. Presidential campaigns generated active support from students beyond "registered" campaign team members. Candidates needed to ensure that controls were in place to ensure that they discharged their positive obligation in Schedule II to enforce compliance by those acting on their behalf. The regulatory scheme in the *Code* was intended to prevent candidates from shielding themselves from third party actions benefitting their campaigns through the device of leaving such individuals off campaign lists, or by simply disavowing knowledge of them.
  
17. Elections could not function fairly if campaigning could take place without any responsibility on the part of the candidate, the CRO warned. Moreover, if this finding were overturned, it would signal that violations like campaigning in prohibited areas could be committed without consequence.

18. Mr. Singh gave evidence before us. He took active steps to ensure that his campaign adhered to all campaign rules, Singh said. For example, he deliberately kept his campaign team to only nine or ten people so that it was easier to manage them and “*keep them accountable*,” as he put it. He gave all of them a copy of the *Code* and urged them to review the election rules. He permitted “tabling” by his Campaign only when he was personally on hand so as to monitor what occurred. He instructed his supporters to be on the lookout throughout the campaign for behaviour that seemed “wrong” and to report it to him.
19. Singh maintained that the people shown in the video were not campaign members, volunteers or agents. He had never recruited, directed or communicated with any of them or authorized them to act on his behalf. Volunteers associated with his campaign had been instructed not to campaign in the MacOdrum Library or similar spaces.
20. Without “proof of agency,” Singh submitted, the independent actions of unrelated students could not reasonably be attributed to a candidate.
21. He had genuine concerns that the scene depicted in the video was staged, Singh said. The individual who entered the study area carried no campaign material and wore no campaign clothing. There was nothing to make the person identifiable as a representative of Singh’s candidacy.
22. Accepting the evidence in the video at face value and attributing such conduct to a candidate meant that any candidacy could be sabotaged through this kind of tactic,

Singh argued. It raised the possibility that someone could thwart the election process by causing not just one, but each of the candidates, to be disqualified in this manner.

## **V. ANALYSIS**

23. The Appeals Committee shared similar reservations about the authenticity of the event recorded in the brief video. There was a scripted air to the encounter which called into question the possibility that it was contrived to set the candidate up for the complaint that followed. That possibility was real and not fanciful, we considered. The CRO conceded that there were “ambiguities” in the video scene, but said that he had “taken them into consideration.”

24. The CRO’s dismissal of the uncertainty surrounding the video was at odds with the burden of proof in these cases. It was for the CRO to satisfy himself beyond a reasonable doubt that the encounter shown in the video was genuine and not bad acting. Apart from the Complainant’s report to him about the circumstances in which the video was taken, there was no evidence to confirm that it was not created and intended for the purpose raised by Singh, namely to discredit him with a campaign violation.

25. Even if the video genuinely recorded campaigning for Singh’s benefit in a prohibited area, combined with active interference with an elector’s choice, the Appeals

Committee rejected the CRO's assertion that responsibility automatically attached to the candidate in such circumstances.

26. The definition of "campaign team" in the Code is as follows:

*"**campaign team**" means any individual(s) who is directly associated with a candidate. Each candidate must submit a list of campaign team members to the CRO. The list shall include all who are authorized to speak or post on behalf of the candidate. It also includes those who engage, under the reasonable foresight of the candidate, in campaigning, whether official or unofficial, above the level of a mere supporter or voter; Any changes to the team must be provided in writing to the CRO within 48 hours;*

27. It will be seen that this definition encompasses persons who, though not listed by the campaign as team members, engage *under the reasonable foresight* of the candidate in campaigning. The narrow question on this review was whether the CRO reasonably concluded that the unidentified person depicted in the video was engaging in campaigning under Singh's reasonable foresight, making Singh responsible for that person's actions as a member of the campaign team.

28. We agreed with the CRO that he did not need to establish the existence of a personal relationship between the candidate and the third-party campaigner, or to demonstrate that such person was directed or instructed by Singh or his campaign. Here, however, it was accepted that the evidence established no nexus whatsoever

between the Singh campaign and the person in the library. That connection was said to be inferred only from the fact that the library campaigner invoked Singh's name and from the fact that Singh may have gained electoral benefit from such activity. We rejected that inference.

29. The CRO's evidence and submissions did not address what type of controls the Singh campaign could or should have put in place to prevent the possibility of unknown supporters doing something contrary to the provisions of the *Code*. Indeed, the CRO conceded that he did not have information about steps taken by Singh for that purpose. That was a significant omission in the evidence, since it was the candidate's failure to take such measures that made the actions of such a stranger foreseeable, in the CRO's view—thereby bringing an unidentified individual under the candidate's "reasonable foresight."

30. That reasoning was flawed and unreasonable, we concluded. It would have the effect of imposing a form of absolute liability on a candidate for all acts carried out in his name or for his benefit. It would leave candidates vulnerable to being "set up" purposefully to demonstrate breach of the *Code* in the exact manner claimed by Singh to have occurred here. It would create an intimidating disincentive for future prospective candidates, who would face the possibility of being penalized and/or disqualified for the conduct of strangers over whom they could not exercise effective control.

31. We considered that the words “*under the reasonable foresight of the candidate*” required that some connection be shown between the candidate and the putative team member, however tenuous or indirect. None was demonstrated here.

32. The CRO held that the incident recorded in the library constituted not only the offence of campaigning in an off-limits area but also three more offences, as enumerated in his Ruling. In view of our conclusion that responsibility for the library incident was not proven to attach to Singh, the CRO’s Ruling in relation to the second, third and fourth offences could not stand.

## **VI. CONCLUSION**

The automatic appeal is allowed. The CRO’s findings and resulting penalties in 2026GE – ND – 005 are vacated and the complaint is declared to be unsubstantiated.

John H. McNair, Chair  
CUSA Appeals Committee