

May 5, 2010

To: Board of Directors  
Hindu Samaj of Hamilton and Region

From: Election Committee

Re: Report on the Annual Election

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The Election Committee is pleased to submit this report on the Annual Election held on April 25, 2010 at the Hindu Samaj Temple premises. The Election Committee includes the following members: Naresh Agarwal (Chief Election Officer), Indra Rastogi, and Neelam Tandon.

#### Notice of Election

A Notice of Election was issued to the general membership of the Hindu Samaj on March 23, 2010. The Notice included the following information: date, time, and location of election; number of vacancies and the associated terms; procedure and deadline for filing and withdrawal of nominations; and procedure for verifying the eligibility status of Hindu Samaj members to contest, propose and second nominations, and cast votes.

#### Slate of Candidates

A total of 15 valid nominations were received by the deadline of 5:00 p.m., April 18, 2010. Two of the nominations were withdrawn. The notice of withdrawal for a third nomination was not accepted, as it was received past the deadline of 5:00 p.m., April 24, 2010. The following shows a complete list of nominations filed and withdrawn and the resulting final slates of 13 candidates for 6 vacancies (5 for 3-year terms and 1 for 2-year term).

- Arora, Atul .....Withdrawn
- Chaube, Kiran
- Devendran, Revathi
- Gandhi, Shammi
- Gosain, Hemant
- Gulati, Nirdosh
- Gupta, Suman.....Notice of withdrawal not accepted
- Joshi, Mahendra
- Kapoor, Vinod
- Kumar, Virbala
- Malhotra, Karn.....Withdrawn

- Panchal, Ramesh
- Sharma, Uma
- Sharma, Vandana
- Verma, Bhagwat

Just preceding the commencement of election, each candidate was allowed to introduce himself/herself to the general membership. Ms. Suman Gupta took this opportunity to announce that she wanted to withdraw from the election and urged Samaj members not to vote for her.

#### Election Procedures

A number of procedures were adopted to ensure the integrity of the election process. These included the following:

Ballot Paper: The Chief Election Officer (CEO) himself typed the original ballot paper and made 300 copies from the original. Each copy of the ballot was initialed in ink by an Election Committee member for voting purposes. The original ballot paper was not initialed and was posted on the Samaj notice board for information. While the voting was going on, the CEO requested Dr. Deonarain to make 50 additional copies on the printer in the Temple office. He brought back 32 copies, presumably because the printer ran out of paper. Following the voting, the Election Committee conducted a complete audit of all the ballot papers to ensure that no illegal votes were cast. Each and every ballot paper was accounted for.

Voting in Absentia (Proxy Voting): The CEO was asked for a procedure to allow voting in absentia by members who, for one reason or another, could not come to the election to cast their votes in person. The CEO issued the following ruling:

“We have discussed the matter of proxy vote that you referred to our Election Committee and have decided against it. We do not think our election process is set up to handle this procedure. The Election Committee will have no way to verify the authenticity of members sending in proxy votes. Also, those wanting to vote this way will not have access to valid ballot papers to register their proxy votes. As you know, the ballot papers listing the candidates running in the election will not be finalized until the deadline for withdrawal of nominations has passed, which is just 24 hours before the election is scheduled. They can be made available to voters only at the time of the election.”

Ballot Box: The CEO himself put together the ballot box and brought it to election site. He checked the box prior to the commencement of voting to ensure that it was completely empty. No un-initialed ballots were found in the ballot box at the time of counting.

Eligibility of Voters: The eligibility of voters was established based on the official membership list handed over to us by Mr. Nithy Ananth, President. Each page of the 19-page long list bore the signature of Dr. Deonarain, General-Secretary, who subsequently amended the list to add a

few more names. At the time of election, we directed the voters whose names were not on this list to Dr. Deonarain and only upon receiving a written note from him did we allow them to vote. At the time of handing over the membership list, the President also advised the Election Committee that under family membership, the adult children living with the family were allowed to vote. The Election Committee proceeded to conduct the election on that basis.

The Election Committee would like to comment that it found it rather difficult to work with the membership list as provided. The membership list was organized according to family surname, often missing the names of spouse and adult children who were eligible to vote. The Election Committee had no way to unequivocally establish the eligibility of all family members for voting purposes and had to proceed on trust basis in many cases. The Committee would like to recommend that the membership list provided to the Election Committee should display the names of all family members individually. Ideally, each eligible voter should be issued an official Hindu Samaj membership card, bearing the name and signature of the member, signature of the Hind Samaj General Secretary, and the expiry date of membership, and only upon the presentation of this card should a member be allowed to vote in the election.

#### Counting of Votes

The Election Committee was assisted in this task by two volunteers who are long standing Hindu Samaj members: Mr. Prem Sharma and Mr. Raj Sharma. Votes marked on each ballot were read off aloud by the CEO and recorded against the name of each candidate by the two remaining Election Committee members teaming up with the two volunteers. Yet another count of votes was undertaken subsequently by the Election Committee members to ensure the accuracy of results. A total of 286 votes were cast. Three votes were initially rejected as invalid. This number increased to 5 in subsequent recounting (4 members cast votes for 7 instead of 6 candidates and 1 member did not cast any votes but wrote a general comment on the slate of candidates).

#### Election Results

The Election Committee was advised that keeping up with the past practice, the results should be declared without revealing the votes received by each candidate. The following candidates were declared to have been elected (An announcement to this effect was posted on the Samaj notice board upon completion of the counting of votes):

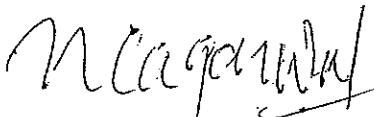
- Gulati, Nirdosh                      3-year term
- Gosain, Hemant                      3-year term
- Verma, Bhagwat                      3-year term
- Sharma, Uma                          3-year term
- Kumar, Virbala                        3-year term
- Sharma, Vandana                      2-year term

The Election Committee would like to point out that the election results were very decisive in that the difference in the votes between the winning candidate with the lowest number of votes and the defeated candidate with the highest number of votes was in excess of 50 votes.

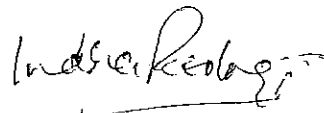
Further Clarification on Election Procedures

The CEO received an email from Mr. Mahendra Joshi, who was a candidate in the election, questioning the procedures used by the Election Committee in conducting the election. A detailed response was sent to Mr. Joshi on behalf of the Election Committee. Subsequently, emails were received from Mr. Ramesh Panchal, another candidate, and Ms. Rita Verma, former Religious Secretary of Hindu Samaj. Both of them raised issues that were already included in Mr. Joshi's email and were sent an unattributed copy of the response that had earlier been sent to Mr. Joshi. The CEO also received a telephone call from Mr. Kamath raising similar issues. Mr. Kamath was advised that the Election Committee would soon be sending a report on the election to the Hindu Samaj Board of Directors and that this report should provide answers to his concerns. Being a continuing Board member, Mr. Kamath would get a copy of the report.

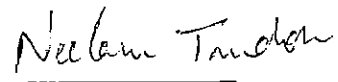
The email from Mr. Joshi and the response sent to him are enclosed with this report as Attachment A. The Election Committee would have no objection to its report along with the attachment made public.



Naresh C. Agarwal



Indra Rastogi



Neelam Tandon

Attachment A

Dear Mr. Joshi,

I have shared your email with the other two members of the Elective Committee, Dr. Indra Rastogi and Ms. Neelam Tandon, and this is our collective response. In your email, you have raised a number of issues with respect to the Hindu Samaj election held on Sunday, April 25, 2010. Many of the issues, in essence, amount to serious allegations questioning the very integrity and commitment with which the Election Committee members carried out their responsibility. The Election Committee members can understand that the election results must have come as a shocking disappointment to you, but they feel offended at being subjected to such unfounded allegations. They also wonder whether you would have cared to raise these allegations had you been on the winning side in the election.

Here is a point by point response to the issues you raised:

- 1. At least one 15 year old voted:** We were very diligent in verifying the membership status of voters, based on the official membership list handed over to us by Mr. Nithy Ananth, President. Each page of the 19-page long list bore the signature of Dr. Mahendra Deonarain, General-Secretary. We directed the voters whose names were not on this list to Dr. Deonarain and only upon receiving a written note from him did we allow them to vote. To the best of our knowledge, we did not allow anyone who appeared to be under the age of 18.
- 2. Several children living with their parents voted – These children were not on the voter list and should have been listed separately by paying dues in their own name:** At the time of handing over the membership list, the President advised the Election Committee that under family membership, the adult children living with the family were allowed to vote. The Election Committee proceeded to conduct the election on that basis.
- 3. I am not sure if you verified that the members present had all paid dues 120 days Before the meeting as required:** It is not the function of the Election Committee (EC) to verify eligibility of members for voting. The Hindu Samaj Charter and By-Laws provide that the General Secretary will provide to the EC the latest membership list, and other materials required to perform their duties. The EC accepted it as being an accurate list of members who were eligible to vote.
- 4. Was the ballot box checked before voting to confirm that no ballots had been put in there? In fact, did the Election Committee even prepare the ballot box and ballots?**

I myself typed up the ballot paper, made copies, and prepared the ballot box. All these tasks were done outside of the temple. I brought the ballot papers and the empty ballot box to the temple and placed them at the polling station just prior to the commencement of voting.

5. **Election Committee did not have control of the ballot papers at all time as expected – Dr. Deonarain was seen walking around with a stack of ballot papers:** This allegation is absolutely untrue. The Election Committee had originally made 300 copies from an original ballot paper. Each copy was initialed in ink by an Election Committee member. The original ballot paper was not initialed and was placed on the Samaj notice board for information. It was retrieved later when the election results were posted on the notice board. Towards the end of the voting period, I noticed that I did not have sufficient ballot papers for everyone still in line at my polling station. Because I could not leave the polling station unmanned, I gave a copy of the ballot bearing the initial NT (for Neelam Tandon) to Dr. Deonarain and requested him to make 50 copies on the printer in the Temple office. He brought back 32 copies, presumably because the printer ran out of paper. Dr. Deonarain is a long standing and highly respected member of the Samaj and I thought I could entrust him with this responsibility. He is also the General Secretary of the Samaj and had access to the printer in the Samaj office. In any case, each and every ballot paper is accounted for. Here is, for your information, a complete accounting of all the 333 copies of the ballot paper (1 original + 300 copies with ink initials + 32 copies Dr. Deonarain made in the temple office):

Ballot papers used for voting	286
Ballot papers spoilt	1*
Ballot papers used in counting of votes	9
Unused ballots	<u>37</u>
Total	<u>333</u>

(\* One voter brought back a spoilt ballot paper and was given a replacement)

The separate accounting for the 32 copies that Dr. Deonarain made is as follows: 15 used for voting and 17 are unused. All the ballot papers, used and unused are in my possession and will be handed over to the Board of Directors when directed to do so.

6. There was no entry marked 6 in your email.
7. **Ballot box was not controlled by the Election Committee as it should be – it was guarded by Dr. Gosain, a candidate and Board member and Raj Sharma:** The Election Committee did notice that seeing an unexpectedly large voter turnout, a number of well-meaning Samaj members (including the two you mentioned) self-appointed

themselves as volunteers at the polling station to help out in the voting process. The Election Committee members did not seek any such assistance, nor did they take any assistance from these self-appointed volunteers. All aspects of the voting process, including registration of voters, handing out the official ballot papers to voters, and guarding the ballot box were at all times in full control of the Election Committee members. The ballot box was placed between two Election Committee members who kept a vigilant eye on it. No illegal ballots were placed in it and no such ballots were found at the time of counting.

- 8. There was confusion with you when you were asked for the last column in the voter list about # of receipts, a number which ranged from 0-6. You thought it referred to the number of family members allowed to vote. In fact Dr. Deonarain said it did not mean anything and was to be ignored. Only husband and wife should be allowed to vote in the family membership:** For your information the number in the last column in the voter list ranged from 0 to 14 and not 0 to 6 as you claim. When I was asked as to what these numbers meant, I speculated that it might show the number of receipts issued for donations. I could have never said that it represented the number of voters in a family (14 voters in a family!). In any case, the figures in the last column were not used for any purpose in registering voters at the election time.
- 9. When specific inquiries were made of Dr. Rastogi about the eligibility of certain individuals, she directed me to Dr. Agarwal, who directed me to Dr. Deonarain, who just shrugged it off:** The membership list was countersigned by Dr. Deonarain in his capacity as the General Secretary of the Samaj. Any voter whose name was not on the list or whose eligibility was questionable was referred to Dr. Deonarain. The Election Committee did not prepare the voter list and, therefore, could not have answered any inquiries in this regard.

You have essentially raised two types of allegations in your email. One refers to the completeness and accuracy of the membership list and the other to the commitment and integrity with which the Election Committee conducted the election. We have responded to the latter allegations in this response. The Election Committee did its due diligence in planning procedures for conducting the election and executed these procedures, ensuring integrity of the election process at all times. As to your allegations concerning the completeness and accuracy of the membership list, you should direct your inquiries to the Samaj Board of Directors. However, you should note that the election results were very decisive in that the difference in the votes between the winning candidate with the lowest number of votes and the defeated candidate with the highest number of votes was in excess of 50 votes. (The total valid votes cast were 283). Therefore, the errors and inaccuracies that you are alleging in the Samaj membership list would have to be substantial and favouring only the winning slate of candidates in order that if they

were true and were to be corrected, they could produce an election outcome different from what it turned out to be.

Please note that in addition to the specific response provided in this email, the Election Committee will soon be submitting a report to the Hindu Samaj Board of Directors detailing the procedures it used in conducting the election and will ask them to make the report available to the Hindu Samaj members at large. The Committee intends to attach to this report its response to your email, as some Board members may have the same issues as you have raised in your email. At least one Board member, Dr. Kamath, had called me with similar issues and I informed him that the Election Committee would be providing a report to the Board, addressing many of these issues. You should also feel free to distribute our response to your email to anyone that you deem appropriate, including Dr. Kamath. Please note that we will not be issuing any more communications or responding to any further emails from you in this regard.

Naresh Agarwal

Chief Election Officer

Hindu Samaj of Hamilton and Region

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Dr. Agarwal,

I am writing this to present to you some of the issues from the the election yesterday:

1. At least one 15 year old voted
2. Several children living with their parents voted - These children were not on the voter list and should have been listed separately by paying dues in their own name
3. I am not sure if you verified that the members present had all paid their dues 120 days before the meeting as required
4. Was the ballot box was checked before voting to confirm that no ballots had been put in there. In fact, did the Election Committee even prepare the Ballot box and the ballots?
5. Election Committee did not have control of the ballot papers at all time as expected - Dr. Deonarain was seen walking around with a stack of ballot papers
7. Ballot box was not controlled by the Election Committee as it should be - it was guarded by Dr. Gosain, a candidate and Board member, and Raj Sharma

8. There was confusion with you when you were asked for the last column in the voter list about # of receipts, a number which ranged from 0-6. You thought it referred to the number of family members allowed to vote. In fact Dr. Deonarian said it did not mean anything and was to be ignored. Only husband and wife should be allowed to vote in the family membership.

9. When specific inquiries were made of Dr. Rastogi about the eligibility of certain individuals, she directed me to Dr. Agarwal, who directed me to Dr. Deonarain, who just shrugged it off.

You may not have been prepared for the election yesterday because of time or other reasons. Now you owe it to the Samaj to verify these things before destroying the ballots, using criteria similar to a judicial recount.

The Election Committee is also the ultimate Dispute Resolution body and its members are expected to take a personal undertaking to uphold the Samaj Bylaws. It is for you to evaluate your own performance and ask yourself if you did what was expected of you to conduct a fair and independent election.

I have a high personal regard for all three of you as individuals. However, I am not happy in the manner with which you conducted this election.

Sincerely,

-Mahendra