



30 September 1998

MEMORANDUM

TO: Members University Senate

FROM: University Senate Council

RE: AGENDA ITEM: University Senate Meeting, Monday, October 12, 1998.
Proposal to change certain Election Rules, Section I, University Senate Rules.

Background:

One of the tasks of the Rules & Elections committee is to supervise the election of members of the University Senate and Senate Council as well as Faculty Trustees. Based on our experience over the past few years, we recommend the following changes in the Senate Rules in the following five areas. The Senate Council concurs.

1. Nomination for Faculty Trustee

Senate Rule 1.5.2 requires a cumbersome “nominating” process. Each eligible faculty member may nominate up to two nominees, and these nominations are to be rank-ordered, with votes weighted accordingly, and the six nominees with the highest vote totals are placed on a ballot. Normally, between 20 and 50 individuals are nominated. The Committee believes that this nominating process serves very little purpose, especially when compared with the four to six person-hours needed to record and score the votes from the several hundred faculty who vote each year. The following proposal would place everyone nominated on a first election ballot, without biographical sketches. The five individuals receiving the most votes would be placed on a second ballot, which would be accompanied with biographical sketches, and the remainder of the election would proceed according to current rules.

Proposal: The fourth and fifth paragraphs of Rule 1.5.2 should be modified as follows (existing language unchanged is in ordinary type, deletions are ~~struck~~ and additions are underlined).

1.5.2 Elections shall be by secret ballot and shall be conducted by the Secretary of the University Senate from rosters prepared and certified as specified above. The Secretary shall submit to the eligible voters a complete list of members eligible for election together with a nominating ballot on which a member ~~shall nominate his first and second choice~~ may nominate one or two eligible members. Nominations may be submitted to the Secretary of the University Senate in writing or by fax, or e-mail, and need contain only the name(s) of the nominee(s) and the nominator. All candidates so nominated shall be placed on a first election ballot, on which each member shall vote for one candidate. ~~Ballots not indicating first and second choices shall be invalid. From those nominated (weighting first choices as 2 and second choices as 1) the Secretary of the Senate shall place the six (6) persons receiving the highest number of votes on the elections ballot.~~ The five candidates receiving the highest number of votes will be placed on a second election ballot. A short biographical sketch of each candidate shall accompany the second election ballot. If no person receives a majority vote on the ~~first~~ second ballot, the Secretary of the Senate shall place on a ~~second~~ third ballot the names of the three individuals who received the highest number of votes on the ~~first~~ second ballot. In the event of a tie for fifth place on the first ballot or a tie for third place on the first second ballot, the names of all persons receiving the same number of votes for ~~third~~ that place shall be placed on the subsequent ballot.

On the ~~second~~ third ballot, [continue with remainder of fifth paragraph unchanged].

2. Nominations

Rule 1.5.2 (just discussed) and Rule 1.2.2.1(B), governing election of members of the Senate, provide for nominations to be received by the Secretary of the Senate. Rule 1.2.2.1(B) specifies that such nominations shall be “by letter,” and Rule 1.5.2 has no limitation. In the past, the Secretary has accepted nominations by fax e-mail, and telephone. We believe that all these methods are acceptable, so long as the eligibility of the nominator is confirmed by the Secretary. In addition, the nomination “letters” have sometimes been quite lengthy. Since no qualifications other than eligibility are relevant at this stage, we believe the rules should state that no information other than the name of the person being nominated is necessary.

Proposal: This modification is made already to proposed Rule 1.5.2 above. Rule 1.2.2.1(B) should be modified by striking from the second sentence of the second

paragraph the words “by a letter” and inserting the following new sentence immediately thereafter:

1.2.2.1 B Nominations may be submitted to the Secretary of the University Senate in writing or by fax, or e-mail, and need contain only the name of the nominee and the nominator.

3. Insufficient Nominations

Despite the language in Rule 1.2.2.1(B) requiring there to be twice as many candidates as positions to be filled in Senate elections, the Secretary reports that it is often the case that there are insufficient nominees, and the Rule’s requirement that the Dean or department chair follow a procedure to generate sufficient nominees sometimes does not produce the required number of nominees. The Committee believes that, so long as these procedures are followed, the election should be held even if there are not twice as many nominees as positions to be filled.

Proposal: The first sentence of the third paragraph of Rule 1.2.2.1(B), which reads “The ballot for the election of senators shall contain at least twice as many names as there are persons to be elected” should be deleted.

4. Inaccurate Lists

Under Rule 1.2.2.1(A), lists of individuals eligible for election to the Senate are provided to the Secretary by the “chief administrative officer of each specified academic unit.” The Committee believes that the Registrar may rely upon these lists as valid, and if anyone should question the validity of these lists, the matter should be taken up directly with the Committee. Existing Rule 1.2.2.1(A) already says that, but still individuals have in the past raised eligibility issues with the Secretary. The Committee believes the rule should be clarified.

Proposal: Rule 1.2.2.1(A) should be modified as follows (existing language unchanged is in ordinary type, deletions are ~~struck~~ and additions are underlined):

1.2.2.1 (A) Eligibility: At the time of the election to the Senate, the chief administrative officer of each specified academic unit shall be responsible for submitting a list of eligible faculty to the Secretary of the Senate for certification and determination of the number to be elected. The Secretary shall rely on the lists so provided, and in case of any dispute, ~~the Rules Committee shall be responsible for certification of eligibility.~~ Eligibility shall be determined as of the time of conduction of the election.

5. Tie Votes

Rule 1.5.2 contains a tie-breaking procedure for election of faculty trustees, but there is no mention of ties in Rule 1.2.2.1 governing election of Senators. With some departments being very small, ties do happen regularly. The Committee believes that an election that results in a tie should be repeated. Eligible voters may change their minds, and individuals who declined to vote may vote the second time. However, the Committee believes this process should not go on further; if a tie results a second time, the winner(s) should be determined randomly.

Proposal: Rule 1.2.2.1(B) should be modified by the addition of a fourth paragraph as follows:

1.2.2.1 (B) If any election should result in a tie vote affecting the outcome of the election, the election will be repeated with respect to the candidates with tied votes. If a tie results a second time, the winner will be chosen by coin-toss or similar random process.

Implementation Date: Upon approval.