

**Ballots on Issues**  
**Committee on Elections, Rules and Jurisdiction**  
**January 4, 2012**

CERJ was asked for advice as to whether a ballot on issues of the Division (Davis Division Bylaw 17) may contain more than one separate issues. CERJ advises that the form of resolutions in a ballot on issues is determined solely by the petitioners, whether or not it contains separate issues.

**Rationale**

Davis Division Bylaw 16(A) establishes the role of the Committee on Elections, Rules and Jurisdiction (CERJ) with respect to all elections:

When elections by ballot are required by the Bylaws or ordered by other action of the Davis Division (except for the election of Departmental Representatives to the Representative Assembly), they shall be conducted by the Secretary of the Davis Division under the supervision of the Committee on Elections, Rules and Jurisdiction.

The traditional supervisory role of CERJ in the case of ballots on issues has been to: (1) advise on the notification of the Division of an impending ballot, (2) check the proposed ballot for conformity to the Code of the Senate, (3) certify election returns.

Nothing in the Code of the Senate requires that ballot resolutions be divided when they contain separate issues. CERJ is not empowered by the Code of the Senate to make such divisions; a specific provision in the Divisional Bylaws would be required to endow it with such power. CERJ will consider whether to propose such an amendment to the Bylaws.

There are two reasons that have been advanced in favor of CERJ's authority to divide the ballot. CERJ does not find either of them to be cogent.

(1) *Robert's Rules of Order* (Section 27, "Division of a Question") states that in an assembly, where "a series of independent resolutions or main motions dealing with different subjects is offered in one action," the request of a single member of the assembly is sufficient to separate the issues.

And Davis Division Bylaw 170 states:

The rules contained in Robert's Rules of Order shall govern the Division in all cases to which they are applicable.

But *Robert's* itself states that its rules are intended to apply to "meeting bodies" which have certain distinguishing characteristics (pp. 2-3). Thus, it applies to the Representative Assembly, to the Faculties and various committees of the Davis Division, and to special meetings of the whole Division. However, in the case of a ballot on issues of the Division, there is no "meeting" or "deliberative" body, and hence *Robert's Rules* does not apply.

(2) The California constitution prohibits statewide initiatives covering more than a single issue (Article 2, Section 8(d)). However, a ballot on issues of the Division is not a statewide initiative, and hence this provision of the state constitution does not apply to it.