

Ballots on Issues
Committee on Elections, Rules and Jurisdiction
Draft of April 2, 2012

This document contains a description of voting procedures for ballots on issues.

Ballots on issues are governed by systemwide Bylaw 95(A) and Davis Division Bylaws 16, 17 and 175(B), which are appended.

I. Current Practice

Issues

An “issue” is any matter which is not legislative, i.e., is not an amendment to the Divisional Regulations or Bylaws. There is no restriction on the content of an issue, but preferably it should be stated in the form of a resolution.

Initiation of Ballot

A ballot on issue may be initiated by the Divisional Chair, the Chancellor (working with the Divisional Chair and with the consent of the Executive Council), the Executive Council itself, or the Representative Assembly, in a duly called meeting. Alternatively, it may be initiated by petition.

Petition

Ballots on issues are initiated by petition by at least fifty (50) members of the Davis Division of the Academic Senate (DDB 17). The petition must “written.” (DDB 17). The written petition may be duplicated for the purpose of collecting signatures. Each copy of the petition must be identical to the original, except for the signatures of petitioners. Signatures may be affixed either by writing on a paper copy of the petition or by insertion of an electronic version of a signature into the original or a copy of the petition. Once validated by the Secretary, signatures may be published by the Divisional office.

Finality

As soon as the petitions with at least fifty signatories has been submitted to the Divisional office, the ballot must take place, unless the Secretary determines that it contains fewer than fifty valid signatures. The ballot must take the form of the petition as submitted.

Timing

The validation of the signatures must be done “promptly.” It is reasonable to expect that the process would be completed within a week of the submission of the petition. Once the signatures are validated, the members of the Division must be notified “immediately” of the nature of the impending election. The ballot must also be prepared “immediately.” The Secretary should have prepared the notification and ballot in advance of the validation of the signatures in order to allow immediate notification of the members of the Division.

The ballot must be distributed to the voters “not less than ten days or more than 20 days after the

members of the Division are notified of the impending ballot” (DDB 17). “Day” here refers to day of instruction (DDB 175(B)). Days of instruction are defined by the dates that “instruction begins” and “instruction ends” as published in the *Class Schedule and Registration Guide*. The first day of the ten-day period is the day of notification, and the last day of the 20-day period is the nineteenth day after the day of notification.

Two pieces of legislation govern the voting period. Systemwide Bylaw 95(A) requires that the ballot be distributed at least fourteen calendar days before the completion of voting. Divisional Bylaw 17 requires that the ballot be closed within fourteen calendar days of distribution. The period of voting, given these limitations, must be fourteen days. The day of notification is the first day of this period and the ending date is the thirteenth day after the day of notification. The ballot should be closed no earlier than 5:00 P.M. on the final day of balloting.

Balloting Procedures

Divisional Bylaw 16(B) implies that the fault mode of ballot on issues be electronic, and that each voter must receive access to an on-line system maintained by the Senate office. This system is the Academic Senate Information System (ASIS), which meets the conditions set down by DDB 16(C). If a voter is unable to gain access to the system, the Divisional office may make provisions for a paper ballot for that voter. If the voting system becomes unavailable for a significant length of time, as determined by the Secretary and Committee on Elections, Rules and Jurisdiction, or if it is unavailable at any time on the last day of balloting, the balloting period may be extended for a period of time to be determined by the Secretary and the Committee on Elections, Rules and Jurisdiction, but not to exceed fourteen total calendar days in which the system is available.

Advocacy

Arguments pro and con are to be collected during the period between the notification and distribution of the ballot. They are posted on a set of Web pages specifically devoted to the ballot. Arguments received after the commencement of voting are also posted on the Web page. Arguments submitted by members of the Division are segregated from those presented by non-members. There is no limitation of other means of advocacy.

Reporting of Results

The only results that may be reported are votes in favor, votes against, and invalid ballots. These results may be aggregated as the total number of votes cast.

II. Possible Changes to Current Procedures

Submission of Signatures

Could some other form of e-signatures be used? Could ASIS be used? Could e-mail be used?
[Decided by Divisional office]

Recission of Petition

Should there be a mechanism whereby a petition may be withdrawn after it has been submitted? After validation of signatures? After the ballot has been initiated? [Requires Bylaw 17 amendment]

Publication of Signatures

Should the names of petition signatories be kept confidential upon request? [Decided by Divisional office, but could be implemented in legislation]

Content of Ballot

Should separate ballots be required for separate issues? Can duplicate ballots be combined? Who would decide the final form of the ballot if such modification could be made? The Secretary? CERJ? Both? Some other agency? [Requires Bylaw 17 amendment]

Advocacy

Should there be any restriction on “campaigning” or “electioneering” with respect to an election on issues, outside the official pro/con forum? [Requires Bylaw 17 amendment]

Reporting of Results

Should a neutral category, such as “decline to state” be added to the results that may be reported? [Requires Bylaw 17 amendment]

III. Relevant Legislation

Academic Senate

ASB 95(A): At least fourteen calendar days before the deadline for completion of voting, the appropriate Secretary shall provide to each voter, either through the mail or electronically, either a ballot or instructions for voting electronically, accompanied by all relevant texts, such background information prepared by the Secretary as the Assembly or Division may direct, a brief summary of arguments pro and con, and a deadline for the return of the ballots or for electronic voting.

Davis Division

16. Elections by Ballot (Am. 6/7/2007)

A. 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. (Am. 4/2/2007)

B. Manner of Election: (Am. 6/7/2007) Ballots may be conducted by mail or electronically. The ballot shall be conducted by electronic means unless the Committee on Elections, Rules and Jurisdiction determines that a mail ballot shall be employed instead. Throughout these Bylaws the term “ballot” shall denote either a mail or electronic ballot. The only report that shall be generated is the overall result of the vote. (Am. 6/7/2007)

C. Electronic Ballots: If the ballot is conducted by electronic means, each voter shall receive

access to a secure, on-line voting system maintained by the Senate office. The voting system shall be designed to meet the following criteria: (Am. 6/7/2007) Except as provided otherwise for the election of members of the Representative Assembly, balloting shall be conducted as follows:

1. The system shall verify each voter's identity. (Am. 4/2/2007)
2. It shall not be possible for any person to determine how any individual has voted. (Am. 4/2/2007)
3. Once a vote has been cast, neither the voter nor any other person shall be able to change the vote. (Am. 4/2/2007)
4. No person shall be able to determine the results of the election or the number of votes cast until after the voting deadline. (Am. 4/2/2007)

D. Mail Ballots: If the ballot is conducted by mail: (Am. 6/7/2007)

1. Each voter shall receive a plain envelope in which to enclose the marked ballot and a second envelope addressed to the appropriate secretary to be used for the return of the sealed ballot. The envelope addressed to the Secretary provides a space for the signature of the voter. Ballots lacking this validating signature are void. (Am. 4/2/2007)
2. No ballot shall be valid on which more names are marked than the number of vacancies to be filled. (Renum 12/15/1967, 4/2/2007)
3. Any voter who spoils a ballot may, by tearing it across once and returning it to the Secretary, obtain another ballot. (Renum 12/15/1967, Am. 6/7/2007)

E. Provisions Applicable When Candidates Are Standing For Election (Am. 6/7/2007)

1. Not less than 30 days prior to any election the Secretary shall initiate such election by sending to each member of the Davis Division a notice that nominations for the office in question will be accepted during the next ten days and specifying the number of terms to be filled and the date and time after which nominations will no longer be accepted. Each nomination shall be in writing, shall contain a statement that the nominee will accept the nomination and a brief biography of 120 words or less, and shall be signed by five members of the Davis Division. (Am. 6/7/2007)
2. Not less than ten days after the time for receiving nominations has expired, the Secretary shall send to the members of the Division a ballot containing, in alphabetical order, the names of those persons who have been nominated as herein before prescribed. This ballot shall be accompanied by a list of the nominees, together with the names and departmental affiliations of those nominating each, a statement that the ballot is to be completed (or, in the case of a mail ballot, returned to the Secretary) within fourteen calendar days, and instructions concerning the proper method of recording the ballot. (Am. 6/7/2007)
3. Election to an office shall be determined by a plurality. The candidates receiving the highest number of votes shall be declared elected. In elections to fill vacancies with different length terms, the candidates receiving the highest numbers of votes shall be declared elected to the longer terms of office in the order of their total votes. In case of tie votes, the ranking of candidates shall be determined by lot. (Am. 12/15/1967, 6/7/2007)
4. In case the number of persons nominated as herein above prescribed is not in excess of the number of places to be filled, the election by ballot shall be omitted and the

Secretary of the Davis Division shall declare all nominees elected. The candidates, who are to serve terms of different lengths, if any, shall be determined by lot. (Am. 12/15/1967, 9/1/2010)

DDB 17: Any issue must be submitted to a ballot of the Division at the request of (1) the President of the Academic Senate or (2) the Chief Campus Officer, acting through the Chair of the Division with the consent of the Executive Council (3) the Executive Council, (4) the Representative Assembly by resolution adopted at a duly called meeting or (5) 50 voting members of the Division presented in a written petition. Upon receiving a petition or other request, the Secretary shall promptly verify the validity of the request, immediately notify the members of the Division of the nature of the impending ballot, and prepare the ballot. The ballot shall be distributed to the voters not less than ten days nor more than 20 days after the members of the Division are notified of the impending ballot, and ballots must be completed or returned if a mail ballot by the members within fourteen calendar days. Balloting shall be conducted in accordance with the procedures of Bylaw 16 insofar as these are applicable. When ballots are distributed to the voters, they shall be accompanied by arguments for or against the proposal submitted by any member or group of members of the Division. The Secretary of the Division may, but need not, restrict each pro and con argument circulated with the ballot to two sides of an 8.5" x 11" document or sheet, in paper or electronic form. Additional arguments submitted to the Secretary shall be posted on the Divisional Web page, and the address of the Web page shall be clearly indicated on the ballot. The additional pro and con arguments shall remain posted on the Web page until the final return date balloting ends. In certifying the results, the number of affirmative votes, the number of negative votes, and the number of invalid ballots shall be reported.

DDB 175(B): In all legislation the term "day" shall mean days of instruction unless otherwise specified.