

RESOLUTION TO AMEND

THE UNIVERSITY SENATE ELECTIONS CODE

WHEREAS the University Senate Elections Code was last amended in 1995, and

WHEREAS electronic voting has since then become the norm in Senate elections,
and

WHEREAS it was necessary to bring the Elections Code into line with current
practice, and

WHEREAS sundry other revisions to the Code were adjudged desirable by the
Senate Elections Commission,

NOW, THEREFORE, BE IT RESOLVED that the University hereby amend the
Senate Elections Code as set forth in the attached revisions.

Proponent:

Senate Elections Commission

| Senate Elections Code revised April 17, 2012

- | 1. ESTABLISHMENT. (a) This ~~act-code~~ shall be known as the Elections Code.
(b) The University Senate hereby creates an Elections Commission whose primary duty shall be to supervise the conduct of elections to the Senate and all other elective bodies whose power derives from the Senate. The Senate shall choose the members of the Elections Commission, nominations being made initially by the Executive Committee. The Elections Commission shall consist of five members who may or may not be members of the Senate and who shall be appointed as follows: one tenured faculty, one nontenured faculty, one student, one administrator, and one from among the administrative, library, and research staffs. The Elections Commission shall choose its own Chairperson. Its term of office shall be concurrent with that of the Senate except that it shall continue to exercise its functions until its successors have been chosen by a newly elected Senate.

2. PURPOSE. The purpose of this Elections Code is to provide a comprehensive set of rules ~~and regulations~~ to all parties concerning the conduct of Senate elections. For such elections, these rules ~~and regulations~~ take precedence over any ~~regulations, policies, or practices instated~~ rules adopted or followed by the various divisional elections commissions or representatives established under Section 7 of this Code.

3. ELECTION DATES. The Elections Commission shall declare the dates of general elections for the Senate. Departures from these dates must be approved by the Elections Commission.

4. VACANCIES. The Elections Commission shall declare a vacancy in the Senate if a member dies, resigns, or ceases to belong to the constituency from which he or she was elected, and shall direct that a by-election be held within a reasonable time.

5. CONSTITUENCY MEMBERSHIP. The Elections Commission shall determine, in case of dispute, into which constituency various categories of electors fall. Any individual who believes he or she has been incorrectly omitted from a constituency shall inform the appropriate administrative officer and, if the problem is not resolved, may make appeal to the Elections Commission for adjudication, which shall be as rapid as feasible, and redress, where appropriate, shall be as rapid as feasible.

6. APPORTIONMENT. The Elections Commission shall advise the Senate on the apportionments of seats as provided in Chapter ~~2-II~~ of the University Statutes. The populations to be compared for this purpose shall be counted for faculties as prescribed in 21(a)(1) and 21(a)(2) of the Statutes, and for students as prescribed in 21(b) of the Statutes. In the Graduate School of Arts and Sciences, only students enrolled for full residence units are counted for purposes of apportionments.

The word “category” shall have the same definition as in Chapter II, Section 20 of the University Statutes.

The word “Faculty” shall have the same definition as in Chapter III, Section 30 of the University Statutes.

The word “constituency” shall be defined as the unit in which elections are conducted.

7. DIVISIONAL ELECTIONS COMMISSIONS. (a) The Elections Commission shall require the assistance of divisional elections commissions for each of the faculties of the corporation, for each of the affiliated institutions, and for the administrative, library and research staffs. A divisional elections commission is any unit that conducts an election for any constituency. Where such divisional elections commissions do not now exist, the Elections Commission shall work with the appropriate administrative officers, including the deans of the faculties and presidents of the affiliated institutions, to establish such commissions, having due regard to the advice of such divisional representative bodies as exist. Such divisional elections commissions may be appointed or elected. In case a divisional elections commission does not exist at the time of an election, the Elections Commission may make whatever ad hoc arrangements it deems necessary. (b) Insofar as

Senate elections are concerned, all divisional elections commissions must abide by rules and regulations laid down by the Elections Commission. If divisional elections commissions have ~~regulations, policies, and practices~~rules in addition to the Senate's, they must be submitted to the Elections Commission for approval not less than three weeks prior to each election.

(c) Divisional elections commissions shall ~~instate-adopt~~ procedures for candidates to petition the divisional elections commission for redress of alleged infraction of this Code, including but not limited to violation of Sections 10, 12, and 13, and shall notify candidates of such procedures in accordance with Sections 10(b) ~~and 17~~ of this Code.

8. APPEAL. If, between the declaration of a vacancy and the counting of ballots, a member of a constituency, whether or not a candidate, feels himself or herself aggrieved by the procedures of a divisional elections commission, he or she may make timely appeal to the Elections Commission for adjudication, which shall be as rapid as feasible, and redress, where appropriate, shall be as rapid as feasible.

9. GROUNDS FOR CONTEST. Once the ballots have been counted, any challenge to the credentials of a successful candidate on the grounds of substantial error in procedure shall be heard by the Elections Commission, which shall report its recommendations to the Senate. The decision of the Elections Commission shall be final unless overturned by the Senate. Any person whose victory has been certified shall have a vote in the Senate, unless and until the Senate refuses to accept his or her credentials, on all matters except a vote on his or her own credentials.

10. ELECTIONS PRACTICES. Each divisional elections commission shall observe the following practices in dealing with nominations:

(a) Each member of a constituency as of the date of the prospective election has the right to make nominations in that constituency equal to the number of candidates to be elected. To be eligible for nomination in a constituency, one must belong to the constituency on the date of the election.

(b) The divisional elections commission must provide notice of all information pertinent to an election (including relevant deadlines) at least seven calendar days before the nomination deadline to all eligible members of any category and shall use the method most likely to give actual notice to those members. Such notice may not include references to any potential candidacy.

(c) Any member of a category may become a candidate for election by submitting a signed statement of intent to run to the divisional elections commission by the nomination deadline.

~~(d) No nomination may be withdrawn from the list of candidates once nominations are closed, except if the nominee shall have ceased to be a member of the constituency as determined by the Elections Commission.~~

~~(e)~~(d) The divisional elections commission shall provide notice (as defined in paragraph(b) of this Section) of the names of the candidates and the election process (including all deadlines and a description of the quorum requirement) to all members of

the constituency eligible to vote. This information may be provided on the election ballot. The divisional elections commissioner shall allow a reasonable time (not ~~more than seven~~ less than three calendar days) to elapse before the actual balloting period commences.

~~(f)~~(e) All candidates shall be permitted to publicize their own candidacies and all persons may seek support for themselves or for others. Each divisional elections commission shall, however, issue stringent limits on campaign expenditures so that no prospective candidate shall suffer a financial handicap. Each divisional elections commission shall make available to the extent possible, a common form of publicity (e.g., bulletin board) enabling all candidates to announce their candidacies free of charge.

~~(g)~~(f) Any candidate is accountable not only for violations of campaign regulations that he or she might commit, but also for any such violations committed by people that the candidate has allowed to work on his or her campaign.

11. ELECTIONS MATERIALS. Each divisional elections commission may submit its preliminary election literature and its ballot to the Elections Commission for approval in advance of each election to ensure that they are ~~in conformance~~ consistent with the Elections Commission's regulations. The Elections Commission may require any relevant material to be submitted in the event of a dispute about an election.

12. BALLOTING PRACTICES. Each divisional elections commission shall observe the following practices in dealing with balloting:

(a) All voting shall be secret, either in designated polling places, by: (1) written ballot in meetings, (2) by mail ballot using the double envelope system, or (3) by electronic ballot. Should the divisional elections commission determine to conduct voting by electronic means, the system used shall provide for password protected voting or other means reasonably calculated to ensure that all voting is carried out by the proper constituents of the relevant constituency and that each voter may cast only the proper number of votes. ~~in accordance with paragraph (i) of this Section and Section 13 of this Code; i~~ In all cases, a reasonable time shall be allowed for balloting.

(b) Where several senators are to be elected simultaneously from a single constituency, each voter shall be entitled to as many votes as there are senators to be elected. No constituency may subdivide itself into subconstituencies for the purpose of elections, except as provided for in 21(a), (b), and (d) of the Statutes, without the express permission of the Elections Commission, which shall report its decision to the Senate. That decision may be appealed to the Senate by any representative body of the constituency (e.g., a committee on instruction, a student council, etc.) or by any senator.

(c) On the ballots and in all statements and announcements related to elections, divisional elections commissions shall supply only the following kinds of information about candidates: name, department, position (e.g., faculty title or class year). Ballots and all election-related statements by divisional elections commissions shall in no way distinguish incumbent candidates or any preferred list from any other candidate. These restrictions do not apply to the statements of the candidates themselves, including written candidates' statements that may accompany the ballot.

(d) Election may require a majority vote or plurality, according to previously established practice or decision of the divisional elections commission, provided that in no case may a plurality of less than 33-1/3% be deemed to warrant election, using as a basis of calculation the total number of voters voting in an election; and if a plurality of 33-1/3% thus calculated is not attained, there shall be a run-off election for those seats which are unfilled. In the case of indirect elections, the 33-1/3% plurality applies to voting within the electoral college.

(e) In place of the balloting method described in the previous paragraph, a constituency may substitute a system of preferential balloting, in which voters rank several candidates in order by preference. In preferential balloting, the one-third plurality requirement set forth in the previous paragraph is waived.

(f) In case a run-off election is needed, the divisional elections commission shall fix a date and shall declare eligible the highest-ranking candidates from the first election willing to continue to stand, up to twice the number of vacancies still to be filled, with the following exception: if two or more candidates in the first election tie for the last runner-up position eligible for the run-off (e.g., second place in a one-seat election), each can take part in the run-off, even though there will then be more than twice as many candidates as seats. In a run-off election the highest-ranking candidate(s) shall be elected. The run-off election must meet the same plurality requirements as other elections.

(g) Each candidate may have a poll-watcher present at polling places and at the counting of ballots for his or her constituency. Ballots shall be counted by the divisional elections commission and reported immediately to the Elections Commission.

(h) There shall be no electioneering within 100 feet of the polls.

~~(i) Should the divisional elections commission determine to conduct voting by electronic means, the system used shall provide for password protected voting or other means that reasonably ensures that all voting is carried out by the proper constituents of the relevant constituency and that each voter may cast only the proper number of votes.~~

13. ELECTRONIC COMMUNICATIONS. (a) All candidates shall be permitted to publicize their own candidacies and all persons may seek support for themselves or for others through means of electronic communications, on University systems and by on third party systems over the internet. Each divisional elections commission shall, however, issue regulations adopt rules governing the use of such communications and electronic media, consistent with this Section and shall notify candidates of such regulations in a timely manner prior to commencement of elections.

(b) The following is prohibited with regard to electronic communications conveying electioneering statements: vulgar, obscene or abusive language or images; unsupported accusations, defamation, or threats of any kind; offensive terms targeted at persons or groups of persons in a way intended to be disparaging; advertisements or language focused primarily on promoting commercial interests or services; indiscriminate electronic messaging to large numbers of recipients, spam, or communications containing subject matter wholly unrelated to elections.

(c) In governing the use of electronic communications for campaigning, divisional elections commissions may restrict or prohibit the use of certain or all means of electronic communication unaffiliated with the University on third party systems for campaigning and publicity statements, as reasonably appropriate.

14. ELIGIBILITY. For the purpose of determining eligibility for voting and candidacy:

(a) A full-time officer of instruction shall be deemed a member of a Faculty for purposes of Senate elections if he or she either (1) has been assigned a seat on that Faculty by the Trustees; or (2) in the case of nontenured officers, offers a course during the academic year in the Faculty in which the election is held.

(b) An officer of instruction who provides part-time instruction in the Columbia Corporation shall be deemed a member of a Faculty if he or she either (1) has been assigned a seat on that Faculty by the Trustees; or (2) devotes a majority of his or her time to such instruction that Faculty; if the time of such an officer of instruction is equally divided between two or more Faculties of the Corporation, he or she must choose one Faculty in which to vote or hold candidacy.

(c) A student who is simultaneously pursuing two degree programs or degree and certificate programs in separate Faculties shall be considered to be a member of each Faculty.

(d) Notwithstanding the provisions of this article, no person may be a candidate in more than one constituency simultaneously, nor may a member of the Senate represent more than one constituency.

| 15. RECALL. A recall petition, as provided in 21-(h) of the Statutes, shall be submitted to the Elections Commission, which shall certify its validity, in consultation with the divisional elections commission, and shall direct that a recall election be held as expeditiously as reasonable.

| 16. ~~REVISION~~ **ADDITIONAL RULES**. The Elections Commission may make such further rules, consistent with this Code, as it deems necessary and appropriate for the conduct of elections, and shall report such further rules to the Senate, which may overrule or amend them.

17. NOTICE. A copy of this Code and of the By-Laws, Statutes and Rules of the Columbia University Senate must be made available to every candidate, and posting to the internet of this Code and of the By-Laws, Statutes and Rules of the Columbia University Senate with access reasonably available to all candidates shall satisfy this requirement.