

COMMITTEE ON RULES, JURISDICTION AND ELECTIONS
Amendments to Bylaw 8.4.1 & 9.1

To the Academic Senate, Santa Cruz Division:

The Committee on Rules, Jurisdiction and Elections (CRJE) is proposing changes to Santa Cruz Division Bylaw (SCB) 8.4.1 and 9.1, in order to make the days by which to submit petitions for mail ballots match for these two Bylaws, and to make clear who conducts mail ballots versus oversees them in the Santa Cruz Division.

Days allowed for requesting mail ballots

In 2003 the days given in 8.4.1 on Referendum changed from “not later than 21 calendar days after the Minutes of the Divisional Senate meeting reporting such action have been placed in the mail” to “not later than 21 calendar days after the Notice of Divisional Actions of the Santa Cruz Division or of the Executive Committee has been circulated to the Division either by mail or through direct electronic communications”.

CRJE finds that the rationale for changing the days to match the Divisional Action Report applies also to 9.1. Here is the relevant quote for the 2003 justification: “Currently, the deadline for submitting petitions requesting a mail ballot referendum on an issue decided at a Divisional Senate meeting is tied to the distribution of the “minutes”, without specifying whether they are draft minutes or approved minutes. Draft minutes really have no official status, and minutes of a meeting have taken as long as a year to be approved. Instead, we are proposing that the deadline for such petitions be tied to the Notice of Divisional Actions, which our Secretary must distribute to all Senate members within two weeks after each meeting. It is only divisional actions which are subject to referenda, and this change would require that referenda be initiated in a timely fashion after the Division has acted.” The justification for that change to SCB 8.4.1 as submitted to the Senate in February 2003 is attached in Appendix A.

Conducting versus overseeing mail ballots

CRJE finds what appears to be a conflict in the language of SCB 4.3 which says that the Secretary “*conducts all elections and all mail balloting in the Santa Cruz Division, under the supervision of the Committee on Rules, Jurisdiction, and Elections*” versus SCB 8.4.1 which says “*the Committee on Rules, Jurisdiction, and Elections shall conduct a referendum by mail ballot*” and SBC 9.1 which says “*The mail ballot referendum will be conducted by the Committee on Rules, Jurisdiction, and Elections.*”

The Committee recommends that the Senate Secretary be designated to conduct all mail ballots with CRJE overseeing them.

Current wording

Proposed wording

8.4.1 Referendum.

Upon petition by at least 25 members of the Santa Cruz Division, the Committee on Rules, Jurisdiction, and Elections shall conduct a referendum by mail ballot on any specific action of the Santa Cruz Division or of the Executive Committee acting for the Santa Cruz Division. Such a petition must be submitted not later than 21 calendar days after the Notice of Divisional Actions of the Santa Cruz Division or of the Executive Committee has been circulated to the Division either by mail or through direct electronic communications. The results of such a mail ballot referendum are deemed conclusive. The Santa Cruz Division may not reconsider for a period of one year a question substantially the same as that decided by the mail ballot. [DLI 1996.10C and 1996.10E]

8.4.1 Referendum.

Upon petition by at least 25 members of the Santa Cruz Division, the Senate Secretary ~~Committee on Rules, Jurisdiction, and Elections~~ shall conduct a referendum by mail ballot under the supervision of the Committee on Rules, Jurisdiction, and Elections, on any specific action of the Santa Cruz Division or of the Executive Committee acting for the Santa Cruz Division. Such a petition must be submitted not later than 21 calendar days after the Notice of Divisional Actions of the Santa Cruz Division or of the Executive Committee has been circulated to the Division either by mail or through direct electronic communications. The results of such a mail ballot referendum are deemed conclusive. The Santa Cruz Division may not reconsider for a period of one year a question substantially the same as that decided by the mail ballot. [DLI 1996.10C and 1996.10E]

9.1 Definition: A "Memorial to the Regents" is a declaration or petition addressed to the President of the University of California for transmission to The Regents. A "Memorial to the President" is a declaration or petition to the President not intended for transmission to The Regents. A "Memorandum" is a so-designated declaration or petition addressed to other than the President or The Regents, such as to the Chancellor of Santa Cruz or to the campus's representatives to the Assembly. [SB 90, SB 85]

9.1 [No change to paragraph 1]

The Division may submit Memorials to the President of the University of California and may initiate Memorials to The Regents on matters of Universitywide concern to be submitted to The Regents through the President. [SB 90B]

[No change to paragraph 2]

Memorials to the Regents, Memorials to the President, and Memoranda may be sent forward only after approval in a mail ballot by a

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<p>majority of members of the Division eligible to cast votes, unless the decision not to conduct a mail ballot is made by the Santa Cruz Division at a Regular or Special Meeting at which the language of the ballot proposal shall be presented. If the Division decides against holding a mail ballot, a mail ballot will nevertheless be held upon petition of 25 voting members of the Division. Such a petition must be submitted not later than 21 calendar days after the Minutes of the Divisional Senate meeting reporting such action have been placed in the mail. The mail ballot referendum will be conducted by the Committee on Rules, Jurisdiction, and Elections in accordance with Universitywide Senate procedures [SB 95]; approval of the referendum by a majority vote shall constitute direction to the Division to send the Memorial to the Regents, Memorial to the President, or Memorandum forward.</p>	<p>a majority of members of the Division eligible to cast votes, unless the decision not to conduct a mail ballot is made by the Santa Cruz Division at a Regular or Special Meeting at which the language of the ballot proposal shall be presented. If the Division decides against holding a mail ballot, a mail ballot will nevertheless be held upon petition of 25 voting members of the Division. Such a petition must be submitted not later than 21 calendar days after the <u>Notice of Divisional Actions of the Santa Cruz Division or of the Executive Committee has been circulated to the Division either by mail or through direct electronic communications</u> Minutes of the Divisional Senate meeting reporting such action have been placed in the mail. The mail ballot referendum will be conducted by the <u>Senate Secretary under the supervision of the</u> Committee on Rules, Jurisdiction, and Elections in accordance with Universitywide Senate procedures [SB 95]; approval of the referendum by a majority vote shall constitute direction to the Division to send the Memorial to the Regents, Memorial to the President, or Memorandum forward.</p>
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Respectfully submitted,

COMMITTEE ON RULES, JURISDICTION AND ELECTIONS

Jean Fox Tree
K.C. Fung
Ira Pohl
William Scott
John E. Jordan, Chair

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