

4-29-2002

## Student Affairs minutes 04/29/2002

Student Affairs Committee

Follow this and additional works at: [http://digitalcommons.morris.umn.edu/stu\\_affairs](http://digitalcommons.morris.umn.edu/stu_affairs)

---

### Recommended Citation

Student Affairs Committee, "Student Affairs minutes 04/29/2002" (2002). *Student Affairs Committee*. 96.  
[http://digitalcommons.morris.umn.edu/stu\\_affairs/96](http://digitalcommons.morris.umn.edu/stu_affairs/96)

This Minutes is brought to you for free and open access by the Campus Governance at University of Minnesota Morris Digital Well. It has been accepted for inclusion in Student Affairs Committee by an authorized administrator of University of Minnesota Morris Digital Well. For more information, please contact [skulann@morris.umn.edu](mailto:skulann@morris.umn.edu).

**UMM Student Services Committee**  
**Minutes—4/29/02**

Present: Katherine Benson, Ardath Larson, Sara Haugen, Rita Lambert, Barbara Burke, Trish Welte, Lori Koshork, Heather Pennie, Gina Westlund, Matt Johnson, Vivian Heltemes, Clare Strand, Mike Benson

Guests: Allison Harrell, Rich Heyman, Funke Amele,

Absent: Andy Grassmann

**I. APPROVAL OF MINUTES FROM 3/4/02, 3/22/02, AND 4/8/02**

Gina Westlund noted that she should be listed as present in the 3/22/02 minutes.

MOTION: (Lambert, Burke) To approve the 3/4/02 and 4/8/02 minutes as written and the 3/22/02 minutes as amended.

VOTE: Unanimous in favor (10-0-0)

**II. FORMAL APPEAL OF MCSA VP FOR ACADEMIC AFFAIRS ELECTION**

Heather Pennie, Chair of the Student Services Committee, outlined the order for hearing the appeal: Funke Amele would present her appeal, Allison Harell would report on the work of the election commission, and Rich Heyman would present applicable specifics from Robert's Rules of Order.

Funke Amele stated that voters were not informed prior to voting that Robert's Rules of Order would apply to this election, specifically that blank ballots would not be counted. Robert's Rules of Order was, in fact, not consistent with what some voters were told. Some voters were told at the election site that if they did not want to vote for a candidate, they should leave the ballot blank and return it. The message implied that if they submitted a blank ballot, it would be counted toward the total number of votes in determining the simple majority. Had the eleven blank ballots been counted, Cody Specketer, the newly elected Vice President for Academic Affairs (VPAA), would not have had enough votes for the required simple majority. Amele stated that the election commission should have established the decision regarding blank ballots prior to the election and made the rules clear to the voters. Amele suggested that this should definitely be established prior to any subsequent elections. She stated that the student body was looking for a VPAA who well represented the students and questioned if, with the confusion over blank ballots, the student body's wishes were well represented. Amele encouraged the SSC to accept her appeal and allow a run-off election.

Allison Harell stated that during the election, students were told that if they did not want to cast a ballot, they should bring the ballot back to the election judges. The commission did not want ballots left in tables that might be used for duplicate voting. Prior to counting the ballots, the election commission had a lengthy discussion regarding the treatment of blank ballots that had been placed in the ballot box. They considered past years' precedents and Robert's Rules of Order, and consulted with Sara Haugen. The election commission voted in a split decision, 5-3, to not count the blank ballots. The number of blank ballots for each position were counted and retained for reference in the event of questions. When students contacted Harell with questions about the process, Harell recommended they appeal the election to the SSC as the governing body that oversees student elections.

A committee member asked Harell if it was true that some voters were told what to do with blank ballots and some were not. Harell confirmed that this was indeed the situation. The election commission did not want voters that were not voting for a particular position to return the blank ballot to the pile from which they were picked up. The election commission wanted ballots that had been handed out to either be placed in the ballot box or

returned to an election judge if the voter chose not to vote.

Harell said each position was listed on a separate ballot, with the position title on the top of the ballot and a slot for the name of the official candidate, Cody Specketer. Immediately following the slot for Specketer was a blank spot for write-in candidates. Voters were instructed to vote for up to one candidate for each position and informed that write-in candidates were allowed. The ballots were divided by office.

A committee member stated that some voters had cast a blank ballot as a vote of no confidence. The member felt that some voters may have been misled, that had they known before they how blank ballots would be treated, they would have voted differently.

In response to a question from the committee regarding the election rules and the appeal process, Harell noted that the rules do not include a reference to an appeal process. A committee member reported that she had consulted with Sandy Olson-Loy regarding the election rules. Olson-Loy confirmed that, according to the rules, a run-off election would need to occur within one week of the initial election, but that the rules did not address appeals.

Heyman stated that the election commission had referred to Robert's Rules of Order in their decision making process, and determined to report the number of blank ballots in the ballot box, but not to include that count in the vote total. He stated that, clearly, there was ambiguity in the instructions given during the election. How many people did the ambiguity impact? It would be impossible to know.

A committee member reiterated that Robert's Rules of Order were not referred to anywhere in the election commission's rules. Another committee member asked how blank ballots were handled in the past. Harell stated that they had not been an issue in the past.

~~Heyman clarified that a blank ballot that had not been placed in the ballot box was not in question; they were considered illegal ballots and included with ballots that were submitted for fictitious characters, for example. Illegal ballots were not included in the number of total votes cast.~~ Heyman clarified that ballots that had not been placed in the ballot box were not in question; on the other hand, ballots that were submitted for fictitious characters or other non-eligible individuals are considered "illegal votes." Illegal votes ARE included in the number of total votes cast, in accord with Robert's Rules of Order.

A committee member noted that the SSC's task at this point was to either accept or reject the appeal as presented to the committee, but wondered about the logistic possibility of completing a run-off election or new election since UMM was currently in the final week of classes for the academic year. Harell noted that the logistics would be the committee's problem. The appeal would require the committee to change the decision of the election commission and count the blank ballots or allow the election to stand. If the blank ballots would be counted, Specketer would not have a simple majority and would not have won the election. Amele confirmed that her appeal was just that, a request that the committee clarify whether to count or not count the blank ballots.

A committee member asked the students present at the meeting, guests and committee members, if anyone had been told what to do with a blank ballot. No one present had been directly given that information. An election commission member stated that he, during his shift at the poll, had told voters to return blank ballots to him, but he had not discussed the "no confidence" issue with anyone.

A student mentioned that, in deciding how to deal with blank ballots, one would need to determine voter intent. That would be impossible to decide. The student felt that, in effect, the election commission had determined voter intent by not counting the blank ballots towards the vote total. It was noted that it would only take the intent of one voter who placed a vote of no confidence to change the outcome of the election for the VPAA position.

Harell stated that the decision was made before the ballots were counted. They assumed voter intent with the ballots that were left on the tables. The ballots were not in the box, so the commission assumed the voter did not

intend for that vote to be counted. In doing so, they had followed what had been established practice in past years.

A committee member wondered, if the committee accepted the appeal, would the committee be indicating that there was impropriety in the way the election occurred or that the rules were not understood. Harell noted that voters were informed to ask questions of the election commissioners. Nobody asked questions, to her knowledge. She also noted that the election rules were available prior to the election and during the election day.

MOTION: (Lambert, K. Benson) The SSC feels that a legitimate question was presented in the appeal to justify a run-off election of the VPAA position

A question was raised as to whether the motion intended an invalidation of the entire election for that position, or to call for a run-off between the top two candidates. Heyman stated the committee had three options open to them: allow the election to stand; declare that blank ballots should have been counted, thereby forcing a run-off election; or, determine that there was so much confusion that the election for that position should be re-run.

AMENDED MOTION: (Lambert, K. Benson) The SSC feels that a legitimate question was presented in the appeal to justify a reballoting of the VPAA position because of confusion ~~over the counting of blank ballots~~ over blank ballots.

A committee member wondered, if the counting of blank ballots was determined as wrong, why would the election be re-run for only the VPAA position. Wouldn't the entire election need to be re-run? That was an option the SSC did have, but the only election outcome that would be changed by counting the blank ballots would be the election of the VPAA position. In response to a question of each position appearing on a separate ballot, it was answered that that was standard practice.

A committee member asked about Amele's written appeal and question of how the election commission came up with half of a vote. Amele responded that she had written the appeal before she had read the definition of a simple majority as found in Robert's Rules of Order.

A student guest noted that, in past elections, the handling of blank ballots found in the ballot box has not been made public. In determining at this point in the process that the blank ballots should have been counted, would the precedent not be set for a perfect excuse for ignorance of the election rules? The guest expressed concern that this decision would open the door as a precedent for future claims of ignorance. Another guest noted that voters had assumed the result of placing blank ballots in the box, but our society does not allow ignorance of the law as an excuse for breaking the law. Because the voters did not know the Robert's Rules of Order as applied to blank ballots, should the election results be overturned? A committee member responded that Robert's Rules of Order were not referred to in the election rules, so it was unfair to attribute the error to ignorance of the rules. Another committee member noted that, as a responsible voter, they assume responsibility for understanding the rules of an election. In our society, Robert's Rules of Order are the understood rules applied to formal election practices.

Johnson called the question. Welte requested a voice vote.

A guest noted that a run-off election must occur within ~~one week~~ seven days of the initial election, but there were no rules for a ~~write-off~~ rerunning an initial election. Approving the motion on the table would change the official election rules. Pennie noted that the SSC would do so because of confusion at the election site. Heyman noted that if the committee believed the eleven blank ballots should have been counted, then the committee should call for a run-off between the top two candidates, Specketer and Amele. If, however, the committee felt there was sufficient confusion to invalidate the prior vote, a reballoting would be required with only Specketer's name on the ballot.

VOTE: Amended motion passed (7-3-0)

Pennie stated that the committee was now responsible to determine when and how the reballoting for the VPAA position would occur. Benson said that it should be made clear that in the upcoming election, Robert's Rules of Order regarding blank ballots would be followed. The election rules should state clearly that blank ballots would not be counted in the vote totals.

MOTION: (K. Benson, Burke) That the election rules clearly indicate that they will be following Robert's Rules of Order and that blank ballots will not be counted towards vote totals.

VOTE: Unanimous approval (10-0-0)

A question was raised about the possibility of the reballoting resulting in another appeal. How would it be possible to run two elections within two weeks that the student body will still be on campus? Amele noted that the appeal was to simply count the blank ballots, thereby forcing a run-off election, not to require a reballoting.

Allison Harell informed the committee of her decision to resign her position as Chair of the Election Commission. She noted that with this being the last week of classes before finals, she did not have time to run a new election.

Pennie asked the committee to determine when the new election would be held. A guest wondered if, according to the MCSA constitution, did the SSC not need to appoint a new chair of the election commission to oversee this election. Haugen noted that the rules don't cover appeals, so the committee has the freedom to create rules for the appeal process now in motion. The election could be run out of the Student Activities Office by staff. A question was raised as to whether this would fit the MCSA Constitution requirements. For example, Harell stated that the election rules must be posted three weeks prior to an election. In response, it was pointed out that the election rules were for a normal election and did not apply to an election resulting from an appeal.

Heyman spoke to the committee, stating that the motion passed may not be a good idea. Other questions need to be taken into account. There were many complexities presented by reballoting. If the reballoting, or an appeal of the reballoted election, were to occur in the fall, there would be a different student body voting in the reballoted election. He wondered if perhaps the committee got bogged down in details regarding the blank ballots and did not see the big picture. Heyman felt it was a dangerous precedent to have a committee invalidate the vote of students and then turn the new election over to staff. A student run election is a high standard to invalidate.

Pennie made a recommendation to the committee that perhaps someone would like to make a motion to reconsider the motion previously approved, and to deny the appeal and let the election stand. A guest added that an alternate option would be to reconsider the motion and count the blank ballots towards the total number of ballots cast.

Benson noted that the issue wasn't the confusion of the students, but that the election tablers told different people different things. It was pointed out that the committee can only rule on the things in front of them. Heyman clarified that a typical appeal process would be spelled out, stating that appeals must be in writing. The committee had asked Amele to outline her written appeal, but other points had been introduced in her oral presentation. Does the committee want the oral appeal to count since it wasn't part of the written appeal? A committee member asked if there was a time constraint on when an appeal would be received by the committee. There was no written rule on the period in which an appeal must be received by the committee.

Pennie offered a recommendation to the committee to reconsider the motion passed and to let the election stand as is. Also, she recommended that the SSC include an appeal process in the election rules. The committee should also include what rules will be followed in the election procedures to eliminate any ambiguous understanding. This would, in effect, deny the appeal.

A student guest noted that he had not agreed with the committee's initial motion, but was really concerned about

the committee reversing itself in this recommendation. He recommended that the SSC vote against this recommendation if it were introduced as a formal motion.

Discussion ensued about the logistics of holding a reballoting. University Register representatives informed the committee that election news could be included in the special edition of the UR, scheduled to be distributed to the campus on Thursday, May 2, 2002. They would need the information for the newspaper by Wednesday, May 1, in the evening. Announcements would also need to be made to the campus community through the students' campus-wide email account, the radio station, and posters. Harell noted that the SSC would need to rewrite and publicize the election rules, the campus community would need to be allowed time to run for election,

The question was raised whether it was against campus policy to hold an event for students during finals week. Haugen responded that it would be against policy to require a student to participate in an event, but not to have a voluntary event.

MOTION: (M. Benson, Welte) To hold the reballoting on the following Monday, May 6, between the hours of 9:00a.m. – 5:00 p.m., with the election run out of the Student Activities Office by staff.

Lambert noted that she would sit at the table, but would need help from others. She offered to enlist the help of her office assistants, but noted that they would not always be available during finals week.

AMENDED MOTION: (M. Benson, Welte) To hold the reballoting on the following Monday, May 6, between the hours of 9:00a.m. – 5:00 p.m., with the election run out of the Student Activities Office by Rita Lambert and her office assistants.

A committee member expressed concern with a Monday election, noting that many students will be leaving campus soon if they aren't scheduled for finals. Would absentee ballots be allowed? The committee needed to make that decision. Also, election rules would need to be determined before this election occurred. It was recommended that the committee accept the election rules currently in place with the amendments previously discussed regarding blank ballots and Robert's Rules of Order. This is a special election and, therefore, could have its own set of rules.

Mike Benson accepted a friendly amendment to the motion that stated absentee ballots would be allowed. The absentee ballots would need to be received in the Office of Student Activities by Friday, May 3, at 4:30 p.m. Students will need to be notified that the absentee ballots will be accepted. If the reballoting election would be contested, the committee will decide next fall on the response.

VOTE: Unanimous approval (10-0-0)

If there would be an appeal, the committee determined they would vote this spring to accept or deny the appeal, voting by electronic vote.

Heyman thanked the SSC for dealing with a difficult, confusing issue. A subcommittee was formed to write an announcement of the reballoting for the special edition of the University Register. Mike Benson expressed a desire to interview the former election commissioner regarding wording of the signage. Harell, as former election commissioner, questioned why the committee would seek her guidance when they had just overturned the election process she had chaired.

The subcommittee agreed to meet the following morning in the Student Activities Office to iron out details of the reballoting process. Subcommittee members are Lori Koshork, Trish Welte, Rita Lambert, Heather Pennie, and Gina Westlund. Other committee members are invited to participate as well.

Meeting adjourned 6:15pm.

