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# Elections Committee Report: 2007

Student Government Association, Northeastern University

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**Northeastern University**
**The Senate of the Student Government Association**

# REPORT

## of the Rules Committee on the First Direct Election of the President of the Association

**Summer 2007**

*compiled by*
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*with*
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*and*
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# FRONT MATTER

**The Rules Committee**

The idea of a committee that would both oversee direct elections and maintain the Association's rules and procedures surfaced in the Senate Nominations and Elections Committee (SNEC) in the spring of 2005, during the composition of the Direct Elections Manual. As SNEC began to understand the full breadth of organizational changes implied by direct elections, its senators came to realize the need for a more versatile governing body to manage the process. Over the following year, SNEC developed the powers and duties of such a body: the Rules Committee. The Joint Senate endorsed the manual and initiated the committee through the historic direct-elections motion passed at its April 3, 2006, meeting.

President Rogan O'Handley, the last president elected by the Senate, appointed Senator Michael DeRamo to the position of parliamentarian and chairman of the Rules Committee shortly after taking office in July 2006. Senator DeRamo had previously served as vice president for academic affairs (2005-06). The Joint Senate confirmed the appointment on July 27.

By that point, the committee had already convened its first meeting on April 20, 2006, under Senator Cory Renzella, then parliamentarian, to consider a dispute between the Student Affairs Board and the Student Center Governing Board over the interpretation of various rules. The first complete session of the committee began with its September 14, 2006, meeting, under Senator DeRamo. Krystal Beaulieu, vice-chair of the committee during the first full year of operation, was elected vice president for administration and public relations on April 11, 2006.

The fall 2006 session of the committee also included Senators Andrew Alperin, Michael Benson, Danielle Burckson, Bill Durkin, Lindsay Ford, Stephen J. Lavenberg, Grant Oberg, Amanda Sabia, Molly Simpson, Michelle Storch, and Christian Toczko. The spring 2007 session included Senators Andrew Alperin, Michael Benson, Christopher Bourne, Danielle Burckson, John Carpenter, Bill Durkin, Joey Fiore, Lindsay Ford, Valeria Gioioso, Christopher Kelley, Stephen J. Lavenberg, Cory Lloyd, Jessica Mozes, Jordana Nahum, Steve Osipow, Marines Piney, Cory Renzella, Amanda Sabia, Molly Simpson, Matthew Soleyn, Michelle Storch, and Christian Toczko.

**Election in summary**

The first direct election of the president of the Association began on March 12, 2007, when a meeting of the Joint Senate heard nominations for the position. Senators Christopher Bourne and Joey Fiore received and accepted nominations, as did Vice President Beaulieu, although she withdrew from the race within several days (see "Emergency nominations," page 6). The campaign period began on March 13, followed by the candidates' briefing on March 14. Three public debates occurred in the third week of the campaign period. Voting opened on Sunday, April 1 and lasted until Friday, April 6, during which time the Rules Committee met to hear one grievance (see page 10). The committee verified campaign

spending on Sunday, April 8. Senator DeRamo announced the results of the election to the Northeastern community on April 11.

**The election report**
Senators DeRamo, Durkin, and Lavenberg compiled this report in the summer of 2007. Senator DeRamo transmitted this final version to Senator Oberg, parliamentarian under President Joey Fiore. In September, Senator Oberg opened the report for comment to the members of the spring 2007 Rules Committee who had maintained their seats until at least March 12, and to the two presidential candidates. The addendum to this report contains their comments.

## PERFORMANCE OF THE DIRECT ELECTIONS MANUAL

The Direct Elections Manual, product of the countless hours that senators devoted to working groups, draft proposals, and debates within SNEC, performed remarkably well in its first full trial. The following is a review of the few sections that either faltered or caused uncertainty owing to various interpretations of the text. In addition, the following sections of this document address specific areas (finances, grievances, etc.), which necessarily include critiques of the manual. Although the large amount of commentary here may seem to rebuke the manual, the authors cannot commend enough its flexibility and functionality. We hope the success of the electoral system has calmed the fears of those senators who were more reluctant to approve it in 2006.

**Voting stations**
During the first week of April, controversy surrounded the operation of voting stations by the Administration and Public Relations Committee, despite objections raised in advance by members of the Rules Committee. The stations operated through an inconsistency in the Manual, the result of an oversight by the SNEC. The relevant text reads:

> 8.4 Partisan Voting Stations
>
> No student, University employee, or outside party will establish a computer voting station at any time. Students reserve their right to privacy.

The Administration and Public Relations Committee maintained that because the title of the section includes the word "partisan," the Manual did not prohibit non-partisan voting stations. Others, including the parliamentarian, argued that the text of the rule prohibited any sort of voting station, and recalled that such was the effect specifically desired by SNEC. The next session of the Rules Committee should strike "partisan" from the header to remove the discrepancy.

**Voting records**
Section 11.1 mandates that a paper record of all votes be maintained and that the Rules Committee receive a daily update on the total number of votes cast. In practice, this

election made use of neither of these provisions. In their stead, Information Services arranged an online application that allowed the parliamentarian to view an up-to-the-minute count of the total number of votes cast. Furthermore, University Vice President for Student Affairs E. Edward Klotzbier intervened to prohibit the compilation of a paper record of all votes cast, for the sake of privacy (cf. §8.4). The next session of the Rules Committee must decide whether to simply strike the entirety of §11.1 or to rewrite it to allow the parliamentarian and Information Services to establish record-keeping mechanisms as they see fit.

**Rescindment of votes**

During the April 3, 2007, emergency meeting of the Rules Committee to hear a grievance, the committee voted to allow the plaintiff to rescind her vote as a result of the incident in question. The authority for such a move is questionable, the only relevant provision in the Manual being §10.1, which states that "all votes cast are final." However, the committee found that because the plaintiff's vote had been facilitated by a campaign worker, she could reasonably claim that the vote was not her own.

The Rules Committee must clarify the grounds for a rescindment of a vote. The authors recommend an amendment that will allow a voter to rescind (but not to alter) his or her vote following a meritorious grievance. We believe, however, that any rescindment must be expressly authorized by the Rules Committee, and cannot be the automatic result of a grievance. Furthermore, during the voting period the parliamentarian received several requests to rescind or change votes from students who claimed to have accidentally voted against their wishes, all of which Senator DeRamo denied under §10.1.

**Scope of the presidency**

The manual is clear in §1.2 that the presidential election allows the student body to select its "SGA leadership… [which] serves to reinforce the mission of SGA, which is to be the general advocate on behalf of the student body…." Nonetheless, the expanded mandate of the direct election led to the rise of the term "student body president" rather than "president of the Association" as the title of the elected office. The distinction has myriad important implications regarding the nature of the office, especially with respect to its relationship to the vice presidents of the Association, and to the Senate. Such implications have not escaped the notice of the current administration, and warrant serious and methodical deliberation by the Rules Committee.

**Specifications of the Rules Committee**

The Rules Committee in future may wish to reexamine the regulations in both the manual and the Bylaws concerning membership and voting rights on the committee. Senator DeRamo repeatedly sought amendment of the Bylaws to remedy vague areas, mostly to the grey areas of the "sixth week" provisions (§2.2). In addition, the two documents do not entirely agree with one another, and only the Bylaws mention the ability of the chair and vice-chair to excuse absences.

An item of interest to former members of SNEC surrounds the participation of vice presidents in the committee's work. Senator Daniel Quintal's original proposal for the

Rules Committee in 2005 (q.v.) specified that the vice-chair represented the voice of the Executive Board, and barred other vice presidents from sitting on the committee. The latter provision did not survive into any legislative language, although several senators recalled its spirit when Vice President for Financial Affairs Christopher Kelley joined the committee. The matter remains unresolved.

A note on parliamentary procedure with respect to the chair's right to vote in the case of a tie: the authors note that on one or two occasions, Senator DeRamo declined to break a tie. In accordance with *Robert's Rules of Order Newly Revised*, such action causes the motion in question to remain tied, and therefore to fail.

**Emergency nominations**

Pursuant to §4.3, the Rules Committee met upon the withdrawal from the race of Vice President Krystal Beaulieu. The committee decided not to open emergency nominations as multiple candidates still remained in the race. The committee was easily able to summon quorum to hold a vote on the question.

**Candidates' briefing**

Two issues exist around the briefing. First, the manual does not specify whether campaigns may spend money between the Joint Senate for nominations and the briefing, at which time candidates sign the Direct Elections Manual and agree to its rules. Confusion arose among senators and in the campus media when literature in favor of Senator Bourne's candidacy appeared just hours after the meeting of the Joint Senate. The author of the literature disclaimed any connection to the campaign; however, the Bourne campaign later paid for the literature. The situation leaves open a loophole in which no regulations seem to apply to the campaigns.

Second, the manual does not define "attend" in requiring the presence of the candidates at the briefing. Several senators lodged complaints when Senator Fiore left the briefing early, after having signed the manual. The authors believe this warrants not a change in the rules but clear notice to the full committee from any candidate expecting to leave early or arrive late.

**Eligibility for office**

On a related issue, an amendment to the manual may clear some of the uncertainty over the effect of candidates' signatures. The authors propose that the Rules Committee attach a provision to §3.1 that adds "Candidates must sign the Direct Elections Manual in acknowledgement of its regulations, and pledging that they and their campaigns will adhere to it" to the requirements for directly elected office.

# TIMING

**Course registration**
An unforeseen complication arose with the discovery that the voting period would coincide with the opening of online course registration. Excessive traffic caused Information Services to put up a temporary webpage to intercept users attempting to access myNEU, which displayed links to course registration, the online ballot, and a few other critical services. This situation lasted for the first few days of the voting week.

On one hand, course registration forced thousands of students to log into myNEU, where they could clearly see the picture of the week (a photograph of the two candidates shaking hands) and a link to the ballot. Even while the interception page was active, the fact that one of the few available links was to the ballot drew further attention to the election. However, the negative impact of a slow, sometimes-inaccessible myNEU, combined with students' typical frustration with the process of online course registration, may have outweighed the positive effects. In addition, the interception page opened a technical loophole that ineligible voters could exploit to gain access to the ballot (see "The graduate vote," page 13).

The authors recommend that the next sessions of the Rules Committee avoid this coincidence if possible.

**Length of campaign period**
The 3+1 campaign schedule (a three-week campaign followed by one additional week of campaign time during which online voting was open) came out of a proposed election timetable from Vice President Beaulieu and Senators DeRamo and Durkin, presented at the October 26, 2006, meeting of the Rules Committee. The vice president had previously voiced concerns about the two-week campaign period suggested by the original Direct Elections Manual. The extended schedule allowed the two senators' campaigns a short grace period following nominations in which they could plan outreach efforts and on-campus events, with enough time to reserve space and buy supplies. In this way, the 3+1 schedule is distinctly candidate-centered, catering to the campaigns by providing more "wiggle room" for appearances, the construction of websites, and coverage in the press.

Some senators informally expressed concerns about voter fatigue with respect to the length of the campaign. The argument has merit: a shorter campaign period would be more voter- than candidate-centered by forcing a blitz of campaign events, rather than a few scattered events in the first two weeks and a considerable number loaded into the last week. Nonetheless, for the sake of campaigns' having enough time to plan and execute their strategies, the 3+1 model is the most appropriate.

**Length of voting period**
The authors can lodge no objections to the length of time for which the online ballot was available. The election achieved legitimacy by crossing the 15% threshold early in the third day of voting, quickly ruling out the possibility of extensions (see page 14).

The question of how many students *might have* voted if the voting period were longer is likely to arise. A linear regression of the data from this election shows that we could have expected fewer than 150 votes on a seventh day and an insignificant number of votes on an eighth.

**Announcement of results**

Senator DeRamo announced the results of the election on Wednesday, April 11, 2007, at noon on Centennial Commons. Approximately 50 senators, students, and faculty members attended the event. Students from WRBB radio provided music before and after the announcement, and the Council for University Programs sponsored laser tag on the lawn to attract students. The Association provided soda and cake for attendees and passers-by.

The Association had planned the event for Wednesday so the announcement could occur during Activities Period, when the university allows amplified speech and music on the quads. As the *Northeastern News* also publishes on Wednesdays, Senator DeRamo released the results early to the *News* to allow them to appear in the April 11 edition. In exchange, the parliamentarian secured a signed agreement from Hailey Heinz, editor in chief, that the single copy of the results provided by the Association, and its contents, would be limited in circulation to the staff members critical to the writing and design of the relevant article. In addition, Ms. Heinz agreed that the *News* would neither release its online edition nor distribute its print edition until noon that Wednesday. The arrangement worked flawlessly.

## PROMOTION

**Responsibility**

Although the Bylaws give the Rules Committee the responsibility to promote elections, both sessions of the past year held that the Administration and Public Relations Committee should handle the promotion of the first direct election. Senators' opinions on the success of this arrangement varied widely. Some were content to allow Administration and Public Relations to carry out promotion as it saw fit, while others believed that promotional efforts were lacking. In response to the latter opinion, the Rules Committee organized a Subcommittee on Voter Assistance, although the Administration and Public Relations Committee eventually subsumed the subcommittee's workload.

The authors agree that the involvement of the Rules Committee is best limited to review and advice on the work of the Administration and Public Relations Committee. During the spring session, Vice President Beaulieu provided the Rules Committee with a memorandum outlining day by day her plans for promotion of the election. Such cooperation was commendable and should continue in future years.

In addition, after the Joint Senate heard nominations, Vice President Beaulieu began to relinquish promotional responsibilities to the two campaigns. We believe that the Rules Committee in its next session, in conjunction with the Administration and Public Relations

Committee, should debate the merits of this philosophy. If senators wish to follow this practice, the authors urge a discussion of increasing the campaigns' budgets beyond $400 each.

**Evaluation**

The authors feel that the individual campaigns satisfactorily assumed the task of promotion following nominations. However, the authors believe the Association held a responsibility to educate the electorate beyond the performance of its promotional activities. A specific budget allocation for the presidential election aided the Administration and Public Relations Committee, yet many of its outreach events were small. In addition, the Association crafted its own negative press by publicly rebuking the candidates as "hiding" from the students in a letter to the editor published in the *Northeastern News* on March 21, 2007. Some innovations, like video interviews of the candidates posted on YouTube, were well done but not well publicized, and so ultimately served little purpose. Similarly, the three public debates did not receive enough publicity to attract large crowds. Other tactics fared better: collecting students' phone numbers on "voter pledge sheets" at outreach events then calling them from a phone bank at the start of the voting period worked well.

Overall, we recommend a more robust strategy for next year, incorporating events with larger audiences and efforts specifically targeted to certain demographics, such as freshmen, off-campus students, and so on. In such a strategy, the Association's website cannot be neglected: it is a resource to which students will naturally turn for information, and so should at least contain voting information and links to the candidates' websites. The Association can easily take a more hands-on approach to promotion: two ideas to this end are holding large "meet the candidates" events with food and giveaways, and sponsoring debates (which can certainly be themed for certain demographics as well).

## FINANCES

*For issues regarding the candidates' briefing, see page 6.*

**Campaign allotment**

The $400 allotted to each campaign from the Election Fund was an appropriate amount that forced them to watch their spending closely and budget intelligently. Both campaigns left approximately ten dollars unspent. However, the authors cannot know whether the campaigns felt that they could have reached out more effectively with more funding. We urge President Fiore and Vice President Bourne to speak to this issue through statements in the addendum.

**The Student Activities Business Office**

Former University President John Curry established the account commonly called "the Election Fund" to hold money specifically earmarked for direct elections. As far as the authors have been able to determine, the original intent of the account was to fund the campaigns of senators, at a time when the direct election of the Senate was under

consideration. Releasing money from the account required the participation of the Student Activities Business Office (SABO) and the approval of Gail Olyha, who at the time served as director of the Curry Student Center and advisor to the Association (along with Professor Gerald Herman). Once the campaigns provided their financial statements and receipts to the parliamentarian, he checked their accuracy and conformity to the Association's rules, then submitted them along with the appropriate SABO paperwork to Ms. Olyha. Upon her approval, she forwarded them on to SABO, which wrote checks from the Election Fund as appropriate. The authors have not included a more detailed description of this process as changing procedures at SABO and the reorganization of the university's Student Affairs branch may entail a new process for future years. However, we urge future chairs of the Rules Committee to remain vigilant over the Election Fund. (Documents showing its remaining balance after the 2007 election are included in the Rules Committee's 2006-07 year-in-review binder.) At some point, the Association will need to develop a mechanism for replenishing the account.

**Tax-exempt status of campaigns**

The tax-exempt designation afforded to student organizations allows them obvious financial benefit, a condition that SNEC did not take into account when designing the rules of campaign finance. Although the savings accrued from avoiding the sales tax are marginal, they may make or break a purchase for a campaign with a shoestring $400 budget. Senator DeRamo in effect allowed the Bourne and Fiore campaigns to claim tax-exempt status in their purchases, although only retroactively when receipts he received at the end of the campaign showed tax-free purchases. The Rules Committee should investigate the legality and appropriateness of this designation.

## GRIEVANCE

**Receipt of grievance and preparation**

On April 3, 2007, Senator DeRamo received a completed Grievance Report Form from undergraduate student Laura Quaranta, which detailed an incident on April 1 involving herself, Senator Bourne, and Dave Moberg, then president of the College Republicans. In her statement Ms. Quaranta alleged that Mr. Moberg, a known supporter of Senator Bourne, had urged her to vote on myNEU, then "stayed in close proximity as [she] voted," during which she "felt very pressured" to vote for Senator Bourne.

Pursuant to §12.3 of the manual, Senator DeRamo found the grievance "complete and with merit." Because the incident report had surfaced during the final week of the campaign (and during the voting period, no less), and a delayed result from the grievance could have held up certification of the election, the parliamentarian opted to call an emergency hearing of the Rules Committee for that evening. The committee convened at 10:00 p.m. Despite the advance notice of only one hour's time, the campaign activities in progress around campus, and the coincidence with Passover, the committee suffered only one absence from the emergency hearing.

Early in the spring session, Senator DeRamo had created the *de-facto* position of grievances coordinator. To the position the parliamentarian appointed Senator Lavenberg, citing him as a senator who could reliably assist with the grievance process and represent a neutral party to handle the logistics of the hearing. Unfortunately, Senator Lavenberg was out of town when the grievance arose, and despite rushing back, did not return to Boston until the hearing was about to begin. However, Senator DeRamo did confer with him during the hearing on multiple occasions on questions of judicial procedure and regulations in the Direct Elections Manual. The authors recommend that future chairs of the Rules Committee follow this practice, and consider codifying it in the committee's forthcoming operational manual.

**Regulations in question**

Ms. Quaranta's accusations primarily called into question the conduct of the Bourne campaign with respect to the following regulations.

- §5.1 of the manual ("Candidates should advise campaign workers to adhere to the manual"): to what extent was Mr. Moberg a "campaign worker," an undefined concept?
- §8.3 of the manual ("Candidates and workers are strictly prohibited from remaining in the presence of a student casting his or her vote"): was either defendant "in the presence" of Ms. Quaranta?
- To a lesser extent, item 5 on the "information and instructions" of the myNEU online ballot ("You have the right to cast your ballot in private, free from intimidation and coercion"): was the plaintiff intimidated or coerced in her vote?

**Hearing procedure**

The manual provides few regulations on the procedure of a grievance hearing. §12.3 prescribes independent testimony and confidential deliberation, but does not speak to the nuts and bolts of parliamentary procedure in this special circumstance. Advised by Senator Durkin, who had served on the Student Hearing Board, Senator DeRamo employed the following procedure for testimony and examination.

- The chairman explained the situation in full, including citation of the relevant rules and description of the procedure the committee would follow.
- The plaintiff testified as to her grievance, providing a complete account of the incident.
- The defendants directly questioned the plaintiff.
- The members of the committee questioned the plaintiff.
- The defendants testified as to their account of the incident.
- The plaintiff directly questioned the defendants jointly.
- The members of the committee questioned the defendants jointly.
- Final question time allowed anyone to pose closing questions.
- The chairman allowed the plaintiff time for a closing statement.
- The chairman allowed the defendants time for a closing statement.

- The committee entered executive session to deliberate, during which time the committee considered motions relating to interpretation of rules, findings of guilt, and sanctions.

**Presentations of information**
Under §12.3 of the manual, Senator DeRamo exercised his authority to request testimony from the plaintiff, the defendants, and a witness, law student Jennifer Wolfson. In addition, the committee accepted three exhibits of evidence:

- Statement from Ms. Jennifer Wolfson, Northeastern University School of Law—introduced by the chairman
- Map of Room 420 Curry Student Center—introduced by Vice President for Student Services Susan Dye
- Message from Dave Moberg of College Republicans to College Republicans Facebook.com group, March 31, 2007—introduced by the chairman

**Recorded votes**
The committee took the following votes during the hearing. Times are approximate.

- 11:00 p.m.: To allow non-members of the committee to question plaintiff and defendants (failed, 4-9-4)
- 12:15 a.m.: That the committee finds Senator Bourne not responsible for violating Manual §8.3 (passed, 15-0-1)
- 12:30 a.m.: That the committee considers Mr. Moberg a worker for the Bourne campaign (passed, 10-5-1)
- 1:00 a.m.: That the committee finds Mr. Moberg guilty of intimidation of the plaintiff (failed, 5-10-1)
- 1:00 a.m.: That the committee finds Mr. Moberg guilty of facilitation of voting (passed, 8-6-2)
- 1:10 a.m.: That the committee finds Mr. Moberg guilty of remaining in the presence of the plaintiff while she voted (failed, 6-9-1)
- 1:15 a.m.: To open debate on holding the Bourne campaign in violation of Manual §5.1 (failed, 4-10-1)
- 1:30 a.m.: That the committee applies sanction §12.4.a, issuance of a written warning, to the Bourne campaign (passed, 10-0-3)

**The question of anonymity**
Upon initially completing the grievance form, the plaintiff indicated her desire to remain anonymous in the deliberative process. In principle, the rules can accommodate such a request. Indeed, the Grievance Report Form advises submitters wishing to remain anonymous to contact the chair of the Rules Committee for assistance.

Senator DeRamo provides the following explanation:

> The rules make no explicit provision for an anonymous plaintiff, but I chose to allow for one on the Grievance Report Form in order to encourage timid students to seek justice. I figured that we would rather deal with the inconveniences of protecting the plaintiff than be in the dark about violations going on out in the campaign. I did not put into place any specific mechanisms for handling anonymity, though, choosing to rely on myself and the committee if such a situation arose.
>
> When Ms. Quaranta explained that she had reservations about attaching her name to her accusations, I began to work with her to devise a process by which she could present her case without revealing her identity. We didn't get very far when the *Northeastern News* caught wind of the case and came to investigate Ms. Quaranta's claims. She did not agree to have her name published in the *News* at first, nervous to appear as though she was trying to sabotage the Bourne campaign, and of what reprisals she might face. When it became clear that the article (and indeed the case) would be very difficult to write without naming her, and that the defendants would easily be able to figure out who the plaintiff was from her testimony, Ms. Quaranta agreed to submit her grievance publicly.

The Rules Committee had avoided the question of anonymity for the time being. However, there are obvious complications with protecting a plaintiff in these cases. The authors urge the chairman and the committee in the next session to consider ways in which the Association can protect plaintiffs before, during, and after the grievance process. We do not think the line "If you would like to remain anonymous, please contact the Chairperson…" should be removed from the Grievance Report Form; however, the line should be read as "the chair can offer some support and protection in this process" rather than "the chair can guarantee your anonymity." A change in wording may be necessary.

## VOTING & RESULTS

**The Information Services team**

The online ballot, although with text composed by a working group of the Rules Committee, was largely the creation of a dedicated team at Information Services. Derek Navisky, Jim Lemmon, and Joanne Zhong not only designed the ballot, but also administered the back-end services and remained on call at all times, from home or work, to respond immediately to issues with the voting application. The authors applaud the team and thank them wholeheartedly for their dedication.

**The graduate vote**

A technical glitch of the myNEU intercept page (see "Course registration," page 7) allowed graduate students to access the online ballot and cast votes. At the close of the election, Information Services was able to identify these illegal votes and remove them from the final count.

**Results**

The election successfully surpassed the 15% minimum turnout (§10.3) and thus achieved legitimacy. As shown in Figure 1, the actual turnout surpassed the 15% threshold by 1,874 students, or another 12.5% of the undergraduate student body.

To calculate results by candidate, we must subtract from the sum of votes cast (2,250 + 1,874 = 4,124) the 19 illegal votes as well as Ms. Quaranta's vote (which the Rules Committee rescinded pursuant to the outcome of the grievance hearing), to arrive at 4,104 legitimate votes. Of these, 1,890 or 46.05% went to Senator Bourne and 1,919 or 46.76% went to Senator Fiore, a victory for the latter by a margin of 29 votes, or 0.71%.* "No confidence" collected 295 votes, or 7.19%. These results appear in Figure 2.

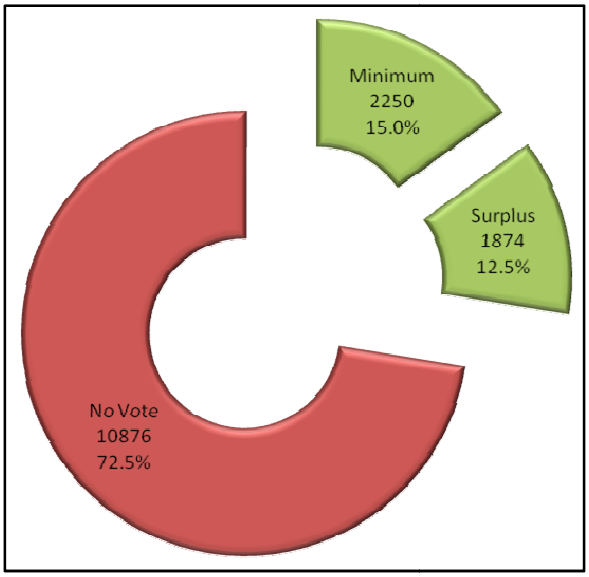


Figure 1: The electorate, shaded by turnout (the green sectors represent voting students; the red, nonvoting students)

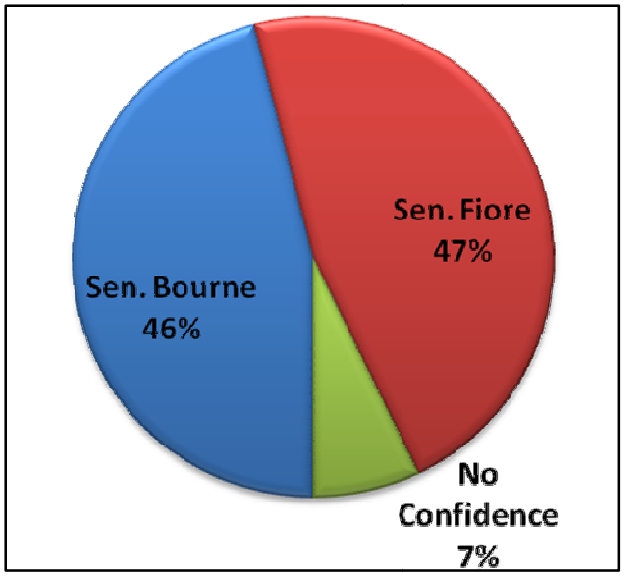


Figure 2: Results by candidate, including votes of "no confidence"

Aside from these data, the Rules Committee also collected information from an optional questionnaire that followed the voting page of the online ballot on the following variables.

- Residency: 2,430 or 68% replied "on campus," 1,121 or 32% "off campus," 573 did not respond
- Cycle: 2,837 or 81% replied "in classes," 637 or 18% "on co-op," 30 or 1% "other," 620 did not respond
- Graduation year: 390 replied "2007," 567 replied "2008," 708 replied "2009," 929 replied "2010," 910 replied "2011," 57 replied "2012," 563 did not respond

* N.B.: Some tallies show Senator Fiore with 1,920 votes. This count resulted from an error by the parliamentarian, who mistakenly believed the Rules Committee had voted to *transfer* the vote in question during the grievance rather than simply *rescind* it. With his apologies, the correct information is displayed here.

## UNCHARTED TERRITORY

*by Michael DeRamo*

The undertaking of direct elections, like all democratic systems, is not perfect at once, but a great experiment that requires endless adjustment according to the feedback generated by repeated trials. As we have identified in this document, several components of our present system need improvement. Senator Durkin reminds me that there are two yet-untouched issues that will undoubtedly arise in the future and merit conversation.

**Partisans on the Rules Committee**

Action on this thorny topic, like so many others on the Rules Committee, depends on the disposition of the parliamentarian. My natural inclination was to take an approach bordering on the *laissez-faire*: the chairman of the committee should not interfere with what another elected senator thought best to do with his or her rights in the Senate. I enforced this view with statements like this one, given to the committee on February 1, 2007: "The chair of the Rules Committee is not the dominant senator on the committee. Members of the committee drive the agenda just as much as I do, and it is you who control the flow of debate. You are not political aides; you are senators. You can say whatever you wish, and it is not my place to police you. However, I do encourage you to police yourselves."

However, as the spring session wore on and elections loomed near, senators began to speak with me about the effect of having presidential candidates and their overt supporters on the committee. On March 1, I issued a memorandum to the committee advising them of my expectations with respect to presidential candidates on the committee. I held to my original philosophy and explained that "I do not expect presidential candidates to resign from the Rules Committee. I believe that all members should be allowed to maintain their status and to participate in discussions irrelevant to elections. I will allow each candidate to decide for him- or herself whether resignation would be appropriate or excessive." Yet I was clear that I expected "strict neutrality from candidates on matters pertaining to elections," and included a list of matters over which the committee would have authority and in which the candidates should not take part. In the end, Senators Bourne and Fiore both resigned from the committee.

But what of senators who support one candidate or another in the election? To what extent can we consider their participation partisan and unfair? There is no test that we can apply to a person to measure his or her capacity for acting neutrally irrespective of his or her personal opinions. Ultimately, we have to rely in large part on each senator's self-awareness and good judgment. This spring, I heard the concerns of many when Vice President Beaulieu became an administrator in the Bourne campaign's group on Facebook.com. When five senators presented me a letter requesting that she step down as vice-chair, I could not take any action other than to urge the vice president to consider their request (she declined). On the other hand, Senator Simpson stepped down from the committee after nominations in order to pursue work on the campaign trail. We must encourage senators to learn from her example.

I urge future sessions of the committee and future chairs to consider this issue and discuss it with their fellow senators. In my tenure, I heard many suggestions, including installing a system of forcibly removing senators from the Rules Committee. I worry that such a mechanism would be all too easily employed for political gain. A more feasible suggestion is a code of ethics that binds the members of the committee to act in the public interest, and that allows for some recourse when they do not. An important point to remember is, as Senator Durkin puts it, "the mere perception of bias threatens the credibility of the body." A senator known to support one candidate or another who holds a seat on the committee will tarnish its reputation for justice and equal treatment, regardless of how much his fellow senators trust him to leave his opinions at the door.

**Who is a campaign worker?**

The grievance hearing proceeded in a largely straightforward manner: the rules and procedures were clear, the outcome generally acceptable to the committee. One point of contention, however, was the designation "campaign worker," which the Direct Elections Manual employs (§§5.1, 8.1, 8.3) but does not define. In the aftermath of the grievance, some have urged a definition of the term in order to clearly delineate what involvement in a campaign qualifies one as a "worker."

I disagree somewhat with the suggestion. In my opinion, creating a strict definition risks impairing the discretion of the committee. With a "campaign worker rubric" in hand, a campaign could disclaim association with a student accused of a violation by hiding evidence that the accused qualifies as a worker—in other words, the campaign would know just what the committee would look for in determining the affiliation of the accused. Similarly, asking campaigns to file lists of their workers (as has been suggested) allows them to selectively exclude certain individuals and employ them for dubious purposes. I do not mean to imply that the Rules Committee should not trust the campaigns, but that the committee must retain its ability to review the evidence and make its own judgments in each case. In this spring's grievance, the committee established that the defendant Mr. Moberg did qualify as a campaign worker by evidence that he had coordinated outreach events for, and had recruited other students to join, Senator Bourne's campaign. This method satisfactorily answered the question at hand and set *ad-hoc* criteria for the committee to measure involvement in a campaign with respect to the designation of "worker."