

Minutes

April 5, 2023

12:30 PM EST

Zoom

Present: Courtney Cameron (Chair), Christina Tassopoulos, Julie Choi, Melissa Paglialunga, Damiana Pavone, Jessica Li, Ayesha Khann, Rose Wong, Jaylene Olson, Adam Imtiaz, and Danielle Landry

Regrets: Shahbaz Khan, Quinn Stevenson, Hillary Song, and Zamir Fakirani

Call to Order (12:37pm)

President's Items

Election Results: Presentation by CEO, Motion to Ratify

Courtney: Adam is our elections officer; he is going to present the results of the election. We have one position that requires a bit of a discussion on how to move forward. I wanted to flag that in advance.

**Adam shared his screen with the election results. **

Adam: I am going to go over all the positions. You will see the number of voters and the number of eligible voters. Number of eligible voters for the 2L and 3L elections are going to be different.

Adam: You can consider a vote for someone's name as a 'Yes' vote because they were uncontested; when we get to the uncontested position, you will see it is a bit different.

Adam: With 3L rep, that is where we may need to discuss. There is no rule or bylaw that governs what happens in case of more abstentions than 'yes' votes. I confirmed with York through Adam Brown that abstentions do not trigger a new election. Being an executive, you can choose to ratify or not ratify the vote. You can use it as an information point but there is no rule saying more abstentions over 'yes' votes means candidate is not successful. We should rectify this rule in future years. I will put a pin in this for now.

Adam: For Student Caucus, these were different because of how the ballots work. These were uncontested. It still included an abstain option. All candidates received roughly the same support. That completes the results of that election.

Courtney: Thank you Adam! There is one other thing I wanted to mention on the Student Senator election. Essentially how these senate seats work is that there are 2 seats and they come up on alternate years. They are 2-year seats. How the elections are spaced out is that we always have a senator in 3L in their second term and a senator in 2L in their first term. We had a bit of a mix up where both senator candidates were told they were acclaimed as there was a miscommunication about the tiered terms. So, we are seeing if we can move forward in a way where these two people can split the senator seat.

Jess: That makes sense and I agree about the mitigations posed. Last year, we ratified all the results collectively. Are we going to ratify them individually?

Courtney: I propose that we ratify all the L&L elections with clear results in one motion and then revisit 3L rep and Student Senator. We can leave Senator for now. Rose, any update from Senate?

Rose: I think it is good if we hold off on ratification – it's been up in the air. It might be horrible timing to have something new – 2 of them might only have .5 a vote each. It might be better to hold out – I am going to put it forward, but I have to wait.

Courtney: For clarity, we are going to hold off on ratifying the position of Student Senator because they didn't have the opportunity to really run a campaign. There are questions about whether that's really fair. Likely, Julie and next year's executive are going to have to run a byelection unless Senate accepts our proposal to split the seat.

Julie: Senate would have to accept the proposal for two years.

Motion: *THAT* we ratify the following positions: L&L President, VP Internal, VP External, Equity Officer, Social Convenor, Secretary, 2L Rep, Student Caucus 2L Reps, and Student Caucus 3L Reps.

(Cameron / Wong) CARRIED

Courtney: Those results are ratified. Now let's go to our trickier ones. 3L rep, as you saw, the number of people who clicked abstain is higher than the number of people who voted for this candidate. Adam explained where we are at on this. L&L's Constitution and election materials are completely silent on this issue. Adam turned to York for guidance. The response York gave us from Adam Brown is as follows in response to what abstain means: "Abstain cannot be used as a negative as it simply means you chose not to vote for this selection no that you do not vote for the set individual. If the number of abstains are higher than the number of votes for an individual, it wouldn't necessarily mean anything."

Courtney: I share that quote because I want you to all know that we don't have an inherent authority on this basis. That being said, we have an authority not to ratify any results. It is not an inherent thing that you are not automatically going to be ratified. It's a matter of discretion. We need to decide now if we are going to exercise discretion or if we are going to say, "Nobody ran against them so they're the 3L rep." It is complicated, and I don't think this has literally ever happened before.

Christina: My perspective is that I understand abstain doesn't mean no, but it is significant that they had choice to vote and picked abstain. What's the point of voting if we're just like more people didn't want to say yes and we'll just give it to you anyway?

Courtney: We have never had a 'no' option.

Rose: I was going to say the same thing. There was no 'no' option so abstain carries that function of saying 'no', especially in an uncontested position. There was nobody else to vote for. It is significant that this candidate ran uncontested. Abstain says what the student body prefers and to ignore that, it is more like an appointment as opposed to an election by the majority.

Julie: Echoing what they said, for school wide positions, people vote abstain where they don't know the person or recognize the name. But with 2L and 3L positions, those people specifically clicked on "abstain" to vote. I feel like they didn't abstain because they didn't know him by default.

Jess: I wanted to not that we did things differently this year. We ran the contested positions in one election and then the uncontested positions in another election. We wouldn't have run the uncontested election if there wasn't an option to say no to a candidate. Whether that's the right way to view it from the eyes of York, that's the intention from my view. We know we made you do a second vote, and the results don't matter anyways.

Courtney: We split the ballot because we wanted to hear the views of the student body.

Damiana: Even with York's opinion, if I'm abstaining, I don't want to vote for that position or I don't like any of the candidates. That definition is BS because I don't think that's what the people voting 'abstain' were thinking. If we don't have those clear definitions ahead of time, it's not fair.

Courtney: It is a rare situation, but moving forward, we need to have a 'no' option. Now with the position we are in, we are likely going to choose to not ratify someone on basis of discretion, which is tricky. Going forward, Julie, if you built in a 'no' option, that gives you more to stand on. We are setting ourselves up for the fact that we are choosing not to ratify – there are repercussions for doing so.

Adam: I don't have any input because it is not my domain, but should you choose not to ratify this election, because York is coming down on the side of 'you can't do that', it would mean that you would have to either do a re-election or a by-election. The issue is that the ballot has to go through approval with York with the person Courtney quoted. What would help is if afterwards, you provide me with a brief justification to bring forward. Getting a new ballot would be a bit of a process.

Melissa: Are we able to re-run the same election but add a 'no' option to help clarify the results?

Rose: I have two quick questions. Are we notifying the candidate and allowing him not to run again? He might not want to because it could be brutal. Also, what if the candidate loses again?

Courtney: As we have been sitting, I googled what 'abstain' means. Functionally, Melissa's solution makes a ton of sense – giving people the opportunity to vote but if he loses again...

Adam: The timeline should also be considered. If the candidate loses because it is unfair to run it during exams, they will want to nullify the results and do it again. We don't have the grounds to say that's not the case.

Adam: We could run it in the fall.

Courtney: We could provide reasons for why we have left off on ratifying these results and that there would be a by-election. It could give an opportunity for others to run against him too.

Adam: We could also throw in the referendum at that time too.

Courtney: York is changing more stuff. They are saying they have new systems for running a referendum. We are going to have to run it in the fall. We are going to get backlash on this either way – either way, we are in uncharted territory. Any decision we make is precedent setting.

Jess: Another way of looking at it is that he didn't reach 50% of the votes that were available to be made. The reason the abstain vote exists – you look at did this person get the majority of the votes? It is not fair to give him a position, where less than 50% of people voted for him.

Adam: I am not objecting to anything but for clarity, none of these are rules in place. The reason I'll say that is if you choose not to affirm the vote, be careful not to reference the rules. It's okay to not affirm for the reasons you discussed but do not mention intent since there is no electoral grounding.

Jess: In thinking about the future, if it is possible to run the referendum vote along with the by-election, we should implement some of new rule that gives some guidance about uncontested elections. We can make 'yes' and 'no' options.

Christina: Going off what everyone has said, I understand that we are worried about backlash but if we frame it in a way that it is our responsibility is to address the needs of the student body as a whole, yes, this candidate will probably be upset, but the responsibility is to entire student body. Then, if we can, we can go with Melissa's idea.

Courtney: I think potentially that if we went that way, we would need to have a discussion on messaging.

Julie: If we add in a 'no' option, it shouldn't open to other people. The candidate might be thinking, "Not only do I have to run again but I have to run against other people too".

Courtney: That's a good point because then we're changing the composition of the election. If we are going back to redo it for clarity, then it is not fair to add in more people.

Rose: I think I am just confused now. Why wouldn't we be able to? 'Abstain' would still be 'no' because there's no option for otherwise. The decision is still choosing not to vote him in as a candidate. That's the way I see it. If we have a by-election, explaining 'no' and 'abstain' communicates that. I am just confused why it's under L&L discretion.

Adam: I get your point but that's not what the results say. If that's the belief, then it should be in the rules. It's not in the rules. That's what we need to fix moving forward. That's why we can't use that as the basis for moving forward.

Courtney: For us to vote not to ratify this election, I want us to know that we are going against what the CEO says that the election results are. I want to turn our attention to the constitution, particularly nomination procedure on pg. 26. If you look at s. 9, all it says is that we must ratify the results. I just wanted to show you how little we are functioning with – that gives us a small avenue to work with. The election can be recalled in one of two ways – by the CEO (we don't have that there) or by a petition from the student body. Flip through the constitution and see if there are any other relevant provisions.

Melissa: It might be best to ratify the results, and change this moving forward. If students do want to recall the election, they have the power to do so under our constitution.

Christina: If we really have no avenue to do this, then I think the best way is to change it moving forward.

Courtney: Melissa's suggestion puts power back in the hands of the student body. We can have Adam include this part of the constitution in the results email so if they are outraged, they can put forward a petition and truly, if the student body doesn't want him, then they should be able to get 10% (around 90 people). That's a doable thing if they are outraged.

Adam: Historically, the CEO has declined to release numbers. Do we want to maintain that, or do you want the margin to be known?

Courtney: I would say to make that public, even though it is not ideal. But if we are presenting a recall, then we have to give them the context. Without the numbers, it's not overly transparent. If we are saying this is how to make your voice heard, then we have to be transparent. It is deeply unfortunate, but we are representing the student body at large.

Adam: That's not an issue – just give me an hour or so to clarify the rules.

Courtney: Where have we landed?

Julie: If we ratify and then release the numbers, do we also let it be known that 'no' was not an option on the ballot or do we let them just see the numbers?

Courtney: I don't know... Traditionally, we wouldn't explain but I might be necessary.

Damiana: What if we put the definition of abstain from York University?

Courtney: For Julie, next year, maybe prioritize fixing the constitution...although this is unprecedented, it could happen again

Christina: We do have to go based on what we can and cannot do. I misunderstood what our powers were, but I don't want it to be an arbitrary decision.

Courtney: If we include those numbers, the route for recall and our notes are public. Anyone can go in and read how this decision has come to be. I am understanding that the general tone is to ratify him and lay out the route for recall. Is this right?

Rose: What if in the same way we decided to wait to ratify for the Student Senator position, we do the same for the 3L rep position?

Melissa: I think it's because we are not going to get any more information on what abstain means.

Courtney: This new suggestion is that the route to get rid of the 3L rep is the same as for any other candidate, which is a recall.

Jess: In messaging the students, all that we are going to say is that they have no power to vote 'no' to an uncontested position. But we know that's not what they had in mind – having this discussion is based on a technicality.

Adam: I also wanted to flag that recall is a lot easier because it's a 3L rep position – they just need 27 people. If people voted to abstain, they just need them to come forward again. I agree it's an added hurdle but it's a surmountable hurdle.

Jess: That's totally fair. I recognize we are following the rules – we are not transparent about the rules because we don't know. There is something fishy about telling people what abstain means after the election.

Rose: It looks like we are working overtime to elect this person.

Christina: I hear what everyone is saying, but it's not fair if we don't follow procedure. We are going to fix that going forward.

Courtney: I also agree with you Jess. Students' hands were tied under this scheme because there was no way to reject this representative which I completely agree is a problem. I am hoping that next year's exec can fix this. However, I don't see any procedural way to move forward. Ratifying is the fairest avenue procedurally. From my knowledge, nobody has an overly personal connection to this candidate and see it as a procedural decision and not a personal one. People will have something to say either way – all we can do is find an avenue to fix it. Are you saying that with the view that we should not ratify that?

Jess: I don't feel comfortable going against what is clearly the wishes of the student body. Uncertainty is why we are not ratifying.

Adam: If the results are not ratified, then we would set up another election with yes, no, and abstain options because we have to make an amendment to move forward. There are steps to move forward, but we have to go and do another election.

Courtney: Essentially, what we would be doing is building the rules after the fact when we know specifically who they are affecting. The rules we are creating are for a specific person. It is one thing to make a set of rules and see how they play out, but this is different. A second point is that we don't have the votes to ratify this election. So far, 4 people are saying they are abstaining and 2 people are voting no. We don't have the votes to ratify this election. We can try to pass it, but I don't think we can. There is no way this passes anyway. I think that we are all a little bit scared because there is no direction. This is going to have to go to a re-vote. In that case, we need to make alternations – it is going to happen in the fall.

Adam: How do you want to phrase the results?

Courtney: Send out results – 3L rep will be run by by-election in the fall and Armon should get a more detailed email.

Adam: I will stick with tradition and keep those numbers unpublished.

Courtney: I would email Armon with more details but for the student body, just say that a by-election will happen in the fall. Please cc-me on your email to Armon. The explanation is that L&L did not ratify the results since numerically there was no way for us to do so. Would anybody want to try to put this motion forward?

**Executive members nodded 'no'. **

Courtney: This leaves us with a by-election to be hosted in fall under the new exec.

Julie: Maybe this is not such a bad idea because we have to do the VP outreach election in the fall anyways.

Transition Meetings, Transition Manuals

Courtney: I am going to be moving the last item to email. Now, I want to take some time quickly to move to transition items. Before I do that, Julie and Rose, do want to share an update about your events?

Julie: It went well! Plus, we got our deposit back because there was no damage.

Rose: I think the 2L informal formal went well too! People had fun.

Courtney: Are there any other updates?

Rose: For the L&L sweaters, I can do that, but I will have to do it after the exam period.

Courtney: I think that's completely reasonable.

Courtney: The next item I have is transition meetings. We were initially going to have the incoming executive at this meeting, but I knew that wouldn't have worked. But I wanted to explain how transition works. Everyone knows who is incoming. Traditionally, each position prepares a transition manual. It should include month-to-month duties, any helpful contacts, as well as tips and tricks. You can also just update it if you got a great transition manual. I am going to ask that you have these to me by April 24 (the Monday after exams), that gives new executive members a business week to sift through those materials because first day of their term is May 1. If they want a transition meeting, you can have it whenever but before May 1. Another reminder, we are all still in our roles until May 1. Stay signed into your email until confirmation that new person is in role. One more note on the transition manual – please include your email password.

Comment Doc, Statement and New Rules

Courtney: I am moving this last item to email because it is mostly documents. I will let you review on your own time.

Other Business

**There was no other business to be discussed. **

Adjournment (2:08pm)

Motion: *THAT* we adjourn.

(Cameron / Wong) CARRIED