

## MEMORANDUM

From: Academic Council Elections Committee per Prof. William Reppy Jr.. (law), chair  
To: Academic Council  
Date: November 29, 2007  
Re: Proposed change in procedure for election of members of the Council

The committee was asked by ECAC to consider whether there is reason to change the Council Bylaws concerning voting at the final election – not the earlier nominating election – to provide that a ballot is valid and shall be counted even though the faculty member voting chose not to vote for the full number of candidates to be elected as Council members to represent the voter's division.

Example: Division one is to elect five members to two year terms and must elect one associate professor and one assistant professor amongst the five to satisfy rank requirements. At present By-Law I-B, para 3, subpara. *b.* provides a ballot by a voter in this division is invalid unless it casts votes for five candidates out the ten on the ballot, including one associate and one assistant professor.

The Committee is of the view that it is improper for election rules to compel a voter to vote for a candidate he or she wishes would not be elected in order to have votes counted for those the voter would like to see elected, although they do not rise to the number of the total electees to be chosen. Thus, the voter may feel that departments A and B within the division have been dominating the elections and already have more returning members representing the division that is fair, yet six of the ten candidates are from departments A and/or B. At present, the voter must vote for one of the six. The committee thinks he or she should not have to. Or the voter may think the two assistant professor candidates on the ballot are, in effect, “airheads” (or other wise not good candidates). The Committee thinks it is wrong to compel the voter to cast a vote for one of the two in order to validate his votes for other candidates he or she would like to see on the counsel.

The committee is confident that some voters will cast votes for one or both of the two assistant professor candidates although not compelled to do so and that the proposed change will not result in elections in which the required distribution of faculty ranks cannot be achieved.

Thus the Committee recommends that Bylaw I-B, para 3, subpara. *b.* be revised as follows: Delete line 10; delete all but the last two words of line 11; delete the last seven words of line 9, adding a period after the word “specified” in line 9. Insert in lieu of the deleted language: “Each faculty member entitled to vote may vote for as many candidates as he or she wishes, not exceeding the number of members to be chosen to represent the division by the balloting.” In line 12, the words “these specifications” should be deleted with “this requirement” added in lieu.

Proposed deleted language (**bold and underlined**)

Proposed added language (*italics*)

*b.* From the results of the nominating ballot in each division or school the Elections Committee shall prepare an election ballot listing twice the number of nominees in each rank category as there are council members to be elected in that rank category, not including alternates further to be identified. The names listed shall be chosen in descending order of numbers of nominating ballot votes received, listed in forward or reverse alphabetical order year by year, resolving tied numbers by lot, and after ascertaining that each such nominee is willing to serve if elected. In each division or school each university faculty member who is entitled to vote under Article V of the Bylaws of the University Faculty may then vote, by returning the relevant election ballot by a date further specified(.), **and shall vote for at least as many assistant professors as are specified on the ballot, for at least as many associate professors as are specified, and for the total number specified for all ranks.** (*Each faculty member entitled to vote may vote for as many candidates as he or she wishes, not exceeding the number of members to be chosen to represent the division by the balloting.*) Ballots not conforming to **these specifications** (*this requirement*) shall be invalid. Those nominees receiving the highest number of votes in each rank category, up through the number to be elected in such rank category, shall be declared elected, with ties resolved by lot.

[http://www.provost.duke.edu/pdfs/fhb/FHB\\_App\\_B.pdf](http://www.provost.duke.edu/pdfs/fhb/FHB_App_B.pdf)