University of Alberta Students' Union

BYLAW COMMITTEE

Tuesday, July 4, 2017
6:30 PM
SUB 0-55

ATTENDANCE

NAME	PROXY	PRESENT	SUBMISSION OF WRITTEN FEEDBACK (IF ABSENT)
Brandon Christensen (Chair)		Y	N/A
Sandy Brophy		Y	N/A
Navneet Gidda	James Thibaudeau	Y	N/A
Delane Howie		Y	N/A
Nicole Jones		Y	N/A
Robyn Paches		Y	N/A
Alannah Piasecki		Y	N/A

MINUTES (BC 2017-04)

2017-04/1 INTRODUCTION

2017-04/1a Call to Order

Meeting called to order at 18:30 (6:30 PM) by CHRISTENSEN.

2017-04/1b Approval of Agenda

JONES/PIASECKI MOVE to approve the agenda.

7/0/0
CARRIED

2017-04/1c Approval of Minutes

BROPHY/PIASECKI MOVE to approve the minutes.

6/0/1 (HOWIE ABSTAINS)
CARRIED

2017-04/1d Chair's Business

Attendance
Attendance was taken. Proxies in attendance were noted above. Councillor Kara Farris was also in attendance.

2017-04/2 <u>QUESTION/DISCUSSION PERIOD</u>

2017-04/2a SU website woes

CHRISTENSEN:
While the Students' Union (SU) website itself is running, data for certain components are not available. Vice-president Paches, is there any update?

PACHES:
We had a technical failure during the weekend before. We're taking quite expensive steps to remedy it right now. It has affected a majority of our organization.

CHRISTENSEN:
I didn't think that the issue was affecting other parts of the organization as well.

PACHES:
People are working around the clock to get it fixed as soon as possible.

CHRISTENSEN:
That's very reassuring.

2017-04/2b General bylaw review allocation

CHRISTENSEN:

This may not be feasible right at this moment. However, we can distribute the bylaws to different people to review. Have a look at the names and tell me if one or the other interests you. The bylaws are to be looked through every year for spelling errors, grammatical errors, for things which are not current practice, or for language which is not inclusive. We did it last year as well, and therefore I don't think this will be very onerous. However, it is mandated that we do it, and I think we should. Today, we'll select the bylaws based on the names. When the bylaws themselves are available, we'll read through them and suggest edits. When it's all done, we'll look at the changes at a meeting and approve them. A lot of the changes will be editorial in terms of spelling and grammar.

The committee allocated the bylaws amongst its members.

Brophy – 500, 1500
Paches – 3000, 4000, 8200
Jones – 5600, 1100, 6300
Piasecki – 8100, 8400
Howie – 100, 600, 6100
Thibaudeau – 2200, 2300
Christensen – 2100, 2400, 2500, 6200

HOWIE:
When you're referencing a certain bylaw, make sure the reference is correct as well.

CHRISTENSEN:
I'll set a date when we will do this.

2017-04/3 <u>COMMITTEE BUSINESS</u>

2017-04/3a Bill #2 - Joke Candidates - *First Reading*

<u>PROPOSED VERSION:</u>
First Principles

1. A joke candidates is currently defined as "any candidate who chooses not to use their given name or a reasonable derivative of their given name when appearing on the ballot."
2. A joke candidate will be redefined as "any candidate who chooses not to use their given name, a reasonable derivative of their given name, or their preferred name, as defined in Bylaw 2200 and Bylaw 2300, when appearing on the ballot."

3. In 2015, a protocol was created and entrenched in Bylaw 2200 and Bylaw 2300 which outlined a process for preferred names. The protocol will be updated to modernize the process further.
4. In the context of Bylaw 2400, it is unclear what happens if a joke candidate were to achieve more votes than a candidate in a race.
5. Bylaw 2400 shall be amended to clarify that, if a joke candidate does receive more votes than any other candidate, the joke candidate shall be dropped from the ballot and counting shall continue, with the joke candidates' ballots being redistributed in accordance with normal conventions for SU elections.
6. In the context of Bylaw 2200 and 2300, a joke candidate may become a real candidate within 48 hours of being designated a joke candidate.
7. Bylaw does not currently stipulate when a person is designated a candidate.
8. Bylaw 2200 and Bylaw 2300 shall be amended to state that a person becomes a candidate at the nomination deadline.
9. Bylaw 2200 and Bylaw 2300 shall be amended to state a joke candidate may become a real candidate within 48 hours of the nomination deadline.

SUMMARY OF DISCUSSION:

CHRISTENSEN:
This was at Students' Council last week, and a small issue was brought up with respect to the definition, which wasn't a change at all. Therefore, I edited it in order to rectify the issue.

HOWIE:
I think the second point covers all the loop holes.

CHRISTENSEN:
In the second reading, we'll make sure that you don't have to necessarily prove your name. There was an incident regarding a Chinese girl who also had an English name, which she preferred. However, the English name was not technical in any way. The Chief Returning Officer (CRO) said she couldn't use her English name unless it was in brackets. At that time, it was stated that you had to use your legal name. You had to provide satisfactory evidence to the CRO to indicate that it's the name you regularly go by. Afterwards, we changed it so that you can go by your preferred name.

JONES:

This is especially important for trans students. Once you become public, you may want a different name because it's a huge decision. If you were to provide evidence, it can get a little murky.

HOWIE:
I'm not a fan of the evidence thing. We have CROs who are competent for a reason. As long as someone states their preferred name, it ought to be accepted unless it's something ridiculous, like giving Councilor Christensen's name as mine for example.

CHRISTENSEN:
We don't have to commit to exactly how we're going to do it at this point. But, something along the line of "the name which the person intends to use regularly" should be good. If the person wants to go by Brandon Christensen from now on, it's fine. But, it shouldn't just be for this election.

JONES:
Currently, you can change your preferred name to whatever you want on Beartracks. That is the precedence.

CHRISTENSEN:
We can also do that; take the preferred name on Beartracks.

HOWIE:
I have heard reports from other people who haven't been able to change their name. I don't know if it's with Beartracks or the Registrar's Office.

BROPHY:
Regarding the incident about the Chinese girl, I guess she still wanted her Chines name in her official documents but not for anything else.

CHRISTENSEN:
Yes. We can say "the preferred name that you intend to regularly use", or something similar.

THIBAUDEAU:
Correct me if I'm wrong, but aren't you supposed to have some distinguishing marker which distinguishes your name from somebody who has the exact same name on the ballot?

CHRISTENSEN:
Yes. If two people have the exact same name, the CRO should decide how the names are to be differentiated.

HOWIE:
They can put in a middle initial.

CHRISTENSEN:
What if even the middle names are the same? I guess we can differentiate them by their faculties.

BROPHY:
There are already ways to deal with it if somebody fraudulently attempts to do this.

HOWIE:
This conversation doesn't really apply to the first principles.

REVISED VERSION:

First Principles

1. A joke candidates is currently defined as "any candidate who chooses not to use their given name or a reasonable derivative of their given name when appearing on the ballot."
2. A joke candidate will be redefined as "any candidate who chooses not to use their given name, a reasonable derivative of their given name, or their preferred name, as defined in Bylaw 2200 and Bylaw 2300, when appearing on the ballot."
3. In 2015, a protocol was created and entrenched in Bylaw 2200 and Bylaw 2300 which outlined a process for preferred names. The protocol will be updated to modernize the process further.
4. In the context of Bylaw 2400, it is unclear what happens if a joke candidate were to achieve more votes than a candidate in a race.
5. Bylaw 2400 shall be amended to clarify that, if a joke candidate does receive more votes than any other candidate, the joke candidate shall be dropped from the ballot and counting shall continue, with the joke candidates' ballots being redistributed in accordance with normal conventions for SU elections.
6. In the context of Bylaw 2200 and 2300, a joke candidate may become a real candidate within 48 hours of being designated a joke candidate.
7. Bylaw does not currently stipulate when a person is designated a candidate.
8. Bylaw 2200 and Bylaw 2300 shall be amended to state that a person becomes a candidate at the nomination deadline.
9. Bylaw 2200 and Bylaw 2300 shall be amended to state a joke candidate may become a real candidate within 48 hours of the nomination deadline.

MOTION:
CHRISTENSEN/BROPHY MOVE to approve the first reading of Bill #2 - Joke Candidates, on the recommendation of Bylaw Committee, based on the following first principles.

7/0/0
CARRIED

2017-04/3b Bill #3 - Universal Materials - *First Reading*

PROPOSED VERSION:
First Principles

1. The regulation of Universal Materials for elections has been a point of confusion for a number of years.
2. In 2016, a new framework was created, which attempted to simplify the process of Universal Materials, although this process was largely unfollowed.
3. Universal materials legislation shall be updated and simplified in the following ways:
    1. The Universal Materials budget for each candidate, as defined in bylaw, will be abolished. Each candidate will have one and only one "main" budget for their expenses totalling the amount prescribed in Bylaw 2200 and 2300 respectively.
    2. The C.R.O. shall provide only basic, general office materials, herein "Universal Materials," within the candidate workroom. The funding for these supplies shall be derived from the Elections Office budget. Candidates shall be permitted to use these supplies in the creation, dissemination, and/or distribution of their campaign materials. These supplies shall not be counted against the candidates' budget.
    3. The C.R.O. may purchase or supply whatever basic, general office materials they so choose, or none at all. They shall provide a list of these materials within the candidate workroom.
    4. The C.R.O. is not obligated to provide Universal Materials nor restock said materials if they become depleted. Should a candidate wish to use a material that has become depleted, they will be expected to purchase it themselves and count it against their budget.
    5. All other materials a candidate uses for their campaign, which are not provided by the C.R.O. in the candidate

workroom, shall be listed in the candidate's budget with costs and receipts included.

1. Bylaw 2200 and 2300 shall be amended to implement these changes.

SUMMARY OF DISCUSSION:

HOWIE:
Should we be capitalizing the "u" and the "m" of universal materials?

CHRISTENSEN:
It's up to you guys.

PIASECKI:
You can make it capital if you're using it as a heading.

CHRISTENSEN:
Last year, Councilor Brophy came up with a robust system regarding universal materials which was a bit confusing. Nobody really liked it that much. Even I struggled to understand it. Therefore, I'm proposing something simpler which is cut and dry. There will be no universal materials budget. The CRO can provide universal materials if he/she wants to which would include basic general office supplies, tape, glue, etc. The CRO is not obligated to replenish the items if they run out. It would be totally funded from the Elections Office's budget. If something was to run out, and the CRO decides not to replenish it, any additional expense incurred to buy tape would come from the candidate's own budget. There will be only one budget which is $550 for the executive election and $30 for the Council election.

HOWIE:
My initial thought is that this is a great idea. I'm good with giving the CRO tons of responsibility. However, are we ok regarding the continuity from year to year? Some CROs may provide an array of materials which are regularly replenished while others may not. I propose having more strict rules on what is provided, and when it's provided. A keener candidate who has everything ready may make use of most of the materials provided.

CHRISTENSEN:
I have re-worded it to include basic general office materials. We could define what they would be. It can be either here or during second reading. For example, I don't think paint should be included.

HOWIE:
I don't think banner paper should be included either. However, as a candidate, I would be significantly impacted if all the tape was gone. It would be difficult to buy a lot of tape with just $30. This will be different at the executive election because candidates will get a bigger budget.

BROPHY:
In terms of continuity from year to year, there should be some guidelines on what the CRO is expected to provide. You don't want things to get too different from year to year when the CROs change. I would say that tape is the most important material.

CHRISTENSEN:
We can say that the CRO has to replenish them.

HOWIE:
I'm not married to the idea of defining what these things are. Basic office supplies would be very self-explanatory. Requiring the CRO to replenish these materials throughout the Council and executive election would solve a lot of the issues. But, this may be a problem if a significant number of candidates run during an election.

CHRISTENSEN:
We can put a modifying clause such as "where feasible" to that. I'll go through line by line now. We will scrap "or none at all" in point 3.3.

HOWIE:
Can we change the wording "so choose" to "deem appropriate" in 3.3?

CHRISTENSEN:
That's good.

BROPHY:
The word "may" is not appropriate in 3.3.

CHRISTENSEN:
We'll use the word "shall". Someone can launch a challenge with the D. I. E. (Discipline. Interpretation, and Enforcement) Board that they weren't provided all the basic general office materials.

BROPHY:
That's why I think it would be good to make a list, and add anything the CRO deems appropriate.

PACHES:
I have hesitation in terminology. The term "general office materials" is very subjective.

BROPHY:
Tape is the most important thing, and I wouldn't call it a general office material.

HOWIE:
It should be.

PACHES:
This is what I'm talking about. There are many interpretations. We can just say "basic materials" for now, and provide a list during the second reading. Do you provide a list of materials within the workroom, or will the list be in the workroom? That sentence is ambiguous.

CHRISTENSEN:
I agree. I wanted the list to be within the workroom.

HOWIE:
Why not put the list in the nomination package?

PIASECKI:
You should say that it will be replenished.

HOWIE:
Yes, mention that the CRO is responsible for replenishing the universal materials.

CHRISTENSEN:
Let's say it as the elections office.

BROPHY:
Yes, the CRO may tell the Deputy Returning Officer (DRO) to do the particular task.

HOWIE:
All materials that a candidate uses which are not given by the CRO should come from the candidate's own budget. Right now, someone can loophole the legislation by buying tape for example, and claim that it's a universal material.

PACHES:
We don't have to worry about looping in other costs as they are already defined.

THIBAUDEAU:
Any purchase a candidate makes would be charged from his/her own budget.

PIASECKI:
We can word it like this. Excluding universal materials physically provided by the elections office, all other purchases shall come from the candidate's budget.

CHRISTENSEN:
It doesn't necessarily have to be purchased. If you owned something like tape already, that has to be claimed as well. Any material you use should have a fair market value assessment.

PIASECKI:
Then we should change "purchases" to "materials".

HOWIE:
I don't think we need the term "physically".

CHRISTENSEN:
It needs to be there.

PIASECKI:
Yes. This was the argument we were having before. Otherwise, a candidate can say that it was not provided even though it was listed, and not include it to his/her individual budget.

HOWIE:
I get you.
This is a new direction in our practice regarding universal materials.

CHRISTENSEN:
I believe this is how things used to be done.

REVISED VERSION:

First Principles

1. The regulation of Universal Materials for elections has been a point of confusion for a number of years.

2. In 2016, a new framework was created, which attempted to simplify the process of Universal Materials, although this process was largely unfollowed.
3. Universal Materials legislation shall be updated and simplified in the following ways:
    1. The Universal Materials budget for each candidate, as defined in bylaw, will be abolished. Each candidate will have one and only one "main" budget for their expenses totalling the amount prescribed in Bylaw 2200 and 2300 respectively.
    2. The C.R.O. shall provide only basic materials, herein "Universal Materials," within the candidate workroom. The funding for these supplies shall be derived from the Elections Office budget. Candidates shall be permitted to use these supplies in the creation, dissemination, and/or distribution of their campaign materials. These supplies shall not be counted against the candidates' budget.
    3. The C.R.O. shall purchase or supply whatever basic materials they deem appropriate.
    4. The C.R.O. shall provide a list of Universal Materials in the candidate nomination package.
    5. The elections staff shall replenish the Universal Materials as they become depleted during the elections period, where feasible.
    6. Excluding Universal Materials physically provided by the elections office, all other materials must be included in the candidate's budget with costs, receipts and/or fair market assessment included.
1. Bylaw 2200 and 2300 shall be amended to implement these changes.

MOTION:
CHRISTENSEN/JONES MOVE to approve the first reading of Bill #3, on the recommendation of Bylaw Committee, based on the following first principles.

7/0/0
CARRIED

2017-04/4 INFORMATION ITEMS

2017-04/4a Proposed Fall Semester Meeting Schedule

CHRISTENSEN:

I'd suggest we cancel next Bylaw Committee meeting. It's not enough time to work on the editorials. We'll reconvene on August 1. Students' Council is cancelled on the 11th of July and the 8th of August. Therefore, I think it will be good to set the fall schedule now.

BROPHY:
Off-Council Tuesdays should be good.

CHRISTENSEN:
We don't need to meet that frequently. I don't really have anything else in mind for this year. As such, a monthly schedule should work out well. Is the Audit Committee going to continue running on off-Council Tuesdays? How long would the meetings last?

BROPHY:
The Audit Committee meetings don't run very long. It might make sense for the Audit Committee to also run on a monthly schedule, and meet on the same day as the Bylaw Committee. I'll have to talk with the members. We haven't decided on the Fall schedule yet.

HOWIE:
Are we starting at 6:00 pm or at 6:30 pm?

BROPHY:
I'll talk about the schedule with the Audit Committee.

CHRISTENSEN:
You can schedule for 30 minutes.

BROPHY:
I think I'm not allowed to do that. I'll check it out.

CHRISTENSEN:
If you need a few extra minutes, you can use the Bylaw Committee's time. That's fine. I believe it'll be good to move our meetings up to 6:00 pm.

Tuesday, September 12, 2017 @ 6:30PM
Tuesday, October 10, 2017 @ 6:30PM
Tuesday, October 24, 2017 @ 6:30PM
Tuesday, November 28, 2017 @ 6:30PM

The committee was agreeable with the above dates, and will wait to finalize the times when the Audit Committee sets their meeting schedule.

Given that the July 11 Students' Council meeting has been canceled, the Bylaw Committee agreed to also cancel their July 18 meeting.

2017-04/5 **ADJOURNMENT**

2017-04/5a **Next Meeting:** Tuesday, August 1, 2017 @ 6:30 PM in SUB 0-55.

2017-04/5b **BROPHY/HOWIE MOVE** to adjourn at 7:15PM.

7/0/0
CARRIED

Meeting adjourned at 19:15 (7:15PM).

SUMMARY OF MOTIONS

MOTION	VOTES
JONES/PIASECKI MOVE to approve the agenda.	7/0/0 CARRIED
BROPHY/PIASECKI MOVE to approve the minutes.	6/0/1 CARRIED (HOWIE abstains)
CHRISTENSEN/BROPHY MOVE to approve the first reading of Bill #2 - Joke Candidates, on the recommendation of Bylaw Committee, based on the following first principles.	7/0/0 CARRIED
CHRISTENSEN/JONES MOVE to approve the first reading of Bill #3, on the recommendation of Bylaw Committee, based on the following first principles.	7/0/0 CARRIED
BROPHY/HOWIE MOVE to adjourn at 7:15PM.	7/0/0 CARRIED