



Agenda of the AMS Governance Committee

(Agenda for February 6, 2023 at 5pm | Rm 3529 & on Zoom)

Attendance

Present: Audrey Chow (Chair), Alina Bhimji (Vice Chair), Eshana Bhangu (President), Kaysan Adriyanto, Cindy Wang, Cynara Onyemordi, Ayesha Irfran

Regrets: Sheldon Goldfarb (Archivist and Clerk of Council)

Guests: Max Holmes (Elections Administrator)

Recording Secretary: Alina Bhimji

Call to Order

The meeting was called to order at 5:07 pm

Territorial Acknowledgement

Audrey presented a land acknowledgement.

Approval of the Agenda

Moved: Cynara Seconded: Eshana

Agenda Items

1. Approval of Minutes

Moved: Cynara Seconded: Ayesha

“BE IT RESOLVED THAT the Governance Committee meeting minutes of December 1, 2022 are approved as presented.”

Unanimous Consent

2. Candidate and Referenda Handbooks

Audrey: The first thing is the candidate and referenda handbooks. Basically, the idea is that elections com will have the power to change these handbooks, which are guidelines for running the elections. As long as it's in Code, they should be able to change it however they want. And we discussed that Council should have a bit of oversight and be aware of the changes to the book. It's important to note that these changes are being discussed for earliest implementation for the 2023/2024 elections.

Max: the elections handbook is an extension of the code. 20% of code is actually about elections, so council already has quite a bit of oversight on elections. Elections have the strictest conflict of interest rules already as well. The candidates handbook changes quite a bit before each election as new things come up.

When thinking about putting something in code, we have to think about what the problem is that we are trying to solve first. No one has identified the problem yet. So the problem should be defined before we make a change like this.

Every single year, elections com does significant consultation with Council about the changes it wants to make. It's not as if Council doesn't have any ability to give feedback in this process.

I think there will also be an issue of members of Council influencing the rules to favour certain candidates. A change like this would better allow councillors to influence the elections process.

Ayesha: What are the unintended consequences of this? Do you mean the influencing?

Max: the candidates handbook's rules can easily let

Ayesha: I agree. And my second question was where can we see the transition reports?

Max: those are confidential information but I can send quotes from it. But EAs in the past have said this publicly too.

Cynara: The first thing you said was about councillors not being impartial. I would argue that the EA is not impartial and hasn't been in the past. Both negative and

positive relationships. So this idea that councillors are not impartial but the EA is is what makes me think this should be in code.

And if you know before going into the role that you need to submit the changes to council i dont think its a crazy ask.

Max: I guess the difference in impartiality is that the elections com has very specific COI rules. Rulings can also be appealed up to somebody. But with council, there are no appeals there.

Council does have enough oversight. If anything, we could expand consultation which, historically, the Elections Committee does do even if it is not mandated.

Eshana: I think the UBC point is a bit of a stretch. There's so many other things that can happen.

From a Board perspective, Council is supposed to be more of an oversight thing. I don't think we need approvals from Council for the handbooks. Council should be more managerial than doing this non-high level work.

Maybe this year we can start with an information process rather than the approval thing.

Ayesha: then wouldn't councillors who are planning to run be able to see the rules beforehand? And have an advantage?

Eshana: Yes, I completely see that. I just don't see this being worth council's time in general.

Max: Another thing is that you would have to hire the elections com earlier too. Because you need the whole com to make changes and to consult with.

Cynara: I'm looking at the last handbook which is public.

Max: yes you can find them publicly. But what we're saying is that councillors would have the ability to influence the *new* rules for the upcoming year. That's where we see giving them an advantage.

Cynara: But what changes are we making that would give people that advantage? And if they are big changes like that then there should be some oversight.

Max: well it's part of the EA job description and elections com descriptions to do these things. You hire someone to do a job so council as the employer has to trust that the com is doing their job,

Kaysan: I agree with Max that council can fix a problem as it arises, like on a case by case basis. So in the case if an EA violates something then council would fix it.

Cynara: but my concern is if the handbook comes out and then we have to fix something

Max: I think you can require presentations. So at least you're saying there has to be a conversation about things before the change happens.

Ayesha: is there a procedure to make sure the EA is hired before jan then?

Max: yes they are hired in summer

Audrey: It's my opinion that we shouldn't do this, but we should do something. The idea that this came from is that it would allow the com to do whatever they want and council would find out at the same time as everyone else. And like you said about VOTING

Cynara: I think an information / consultation thing is fine too. I don't really care if Council makes approvals or not. But we don't want them to not know about it.

Audrey: Since this isn't for this year I think we can table it and revisit it later.

3. Election Appeals Committee

Audrey: We have been going back and forth on this for a while. We decided one person shouldn't be making this appeal decision. So we came up with having councillors who have strict COI rules. Two problems from council:

1. The ombuds - if they're non voting they don't make up quorum
2. We said 2 business days, but that's a long time for the campaign period. They suggested changing it back to 48 hours. The reason we originally changed it was that we didn't want them to be forced to work on weekends but given the length of the campaign period I don't have a problem with that

Max: one thing we're worried about with how it's currently written is that it keeps the committee small, so the two councillors could be very influential. We also have a concern with the COI rules not being as strict as the elections com COI rules. Generally, we worry that the COI rules haven't been enforced so we would rather have more time to work on it. This model could accidentally allow two councillors to have a significant amount of influence on the elections.

There are alternatives that we can explore after this election that could be more fair. But as is, we don't want to make this change.

Another thing is perception. Whether we have all the rules written, there can still be things that happen.

Eshana: Was that something we heard from Council at all?

Audrey: Originally they said it was too broad so we changed it.

Eshana: when it comes to election and COI rules, they're incredibly stupid. There's no way to prove things like this. We don't really have a way to enforce things like this, or things happen last minute.

Second, I've always had an issue with the argument that Council is elected. Just with our nature, we are an elected student society. Everyone who matters and makes decisions is elected. At that point, the leadership can't be involved in anything unless it's months away. The way we run is based on people being elected

Third, I think we could pilot this code change since the elections com is already piloting things. I don't think we should postpone this one again.

Max: I would have liked the com to be consulted.

Audrey: the previous EA was.

Max: We've never said that councillors shouldn't be involved in the election but there is a very short period where the elected people should not have as much influence. Our main concern is that the com is too small. If there is any problem with one person, the whole com basically falls apart and can't function.

Ayesha: can we just add someone from the elections com?

Audrey: No, because they are not impartial. It's their own decision that's being appealed.

Max: There are two poll clerks who could be added as impartial people and have fairness training. They're not really part of the elections. I'm just saying there are other models that we can explore.

I'm just saying this is what the elections com will voice at council.

Audrey: in the first draft we did have SaL but the problem was we didn't think they would have enough elections knowledge and also the timing constraint. If you were really big on the weight of each person's voting, we could make all people voting members but there won;t be any alternates.

Max: We could have four and two alternates. Generally, we would just be more comfortable if there were more people on the com who are involved in this decision.

Audrey: my only problem with that is that councillors are untrustworthy which I don't want to assume.

Cynara: I agree with that.

Max: That's why I'm saying we would prefer an expanded body. Just like how elections com is a large body, we use that to maintain impartiality.

Audrey: this would also increase the amount of people against the Speaker.

Max: that's why we generally don't appoint councillors, but if you're going to it should be more people and follow those COI rules we put in place.

Ayesha: Did you have a number in mind?

Max: I think 5 would be good

Eshana: i'm not opposed to making it 4 councillors on top of the Speaker.

Audrey: if we increase it to 4 will we also have 2 alternatives?

Eshana: yes, but also there are a limited number of councillors who can be on this com.

Cynara: yea if there's only 12, how are we going to find 4+2 impartial councillors?

Max: well you really only have the conflict if it's related to someone in the race.

Audrey: so we're going to take out the part of the COI that says "ongoing election" to "ongoing race"

1. 2+2 councillors to 4+2 pool
2. 48 hours
3. Ongoing RACE

"BE IT RESOLVED THAT Governance Committee accepts the report entitled Code Changes 2023: Elections Appeals Committee as amended and recommend that Council amend code."

Moved: Eshana Seconded: Cindy
Unanimous consent

4. External Policy Guidelines

Next Meeting

The next meeting is Monday, February 20 @ 5:00 pm.

Adjournment

The meeting was adjourned at 5:58 pm.