



TO: The Honorable the Members of the Board of Regents
FROM: Richard J. Trautwein
SUBJECT: Regents Election Procedures
DATE: June 14, 2016

AUTHORIZATION(S):

Executive Summary

Issue for Decision

Should the Regents amend the Procedures for the Election of Chancellor and Vice Chancellor of the Board of Regents ("Procedures")?

Reason(s) for Consideration

Required by State statute (Public Officers Law §87[3][a]).

Proposed Handling

The proposed amendment to the Procedures is submitted to the Full Board for adoption at its June 2016 meeting. The proposed amendment is attached as Attachment A.

Procedural History

The Procedures were adopted by the Board in February 1995, as amended on March 19, 2002.

Background Information

The New York State Freedom of Information Law ("FOIL") requires that each State agency maintain a record of the final vote of each member in every agency proceeding in which the member votes (Public Officers Law §87[3][a]). The proposed amendment ensures that the Procedures conform to this statutory requirement.

Recommendation

Staff recommends that the Board approve the proposed amendment to the Procedures.

Timetable for Implementation

Immediate.

PROCEDURES FOR THE ELECTION OF CHANCELLOR AND VICE CHANCELLOR OF THE BOARD OF REGENTS

(As amended March 19, 2002 and June 14, 2016)

Section 1. Date and time of election. Regular elections for the offices of Chancellor and Vice Chancellor of the Board of Regents shall be conducted during the regular meeting of the Board in March of each year in which the terms of office of those officers shall expire. Any special election to fill a vacancy occurring other than by expiration of term shall be conducted at the next regular meeting of the Board which takes place after such vacancy occurs or, in the case of a resignation, after such resignation is announced. At both regular and special elections, the Board will conduct its election process, including the nomination of candidates, full discussion, and vote, in public session, subject to the right of any Board member to move to convene in executive session pursuant to the Open Meeting Law.

Section 2. Order of elections. In regular elections, the selection of a Chancellor shall be the first order of business, followed by the selection of a Vice Chancellor.

Section 3. Nominations. Candidates shall be nominated by a mover and a seconder. There shall be no limit on the number of nominees. Discussion with respect to each nomination will immediately follow the second of that nomination. A motion to close nominations requires a second, is not debatable, and requires the affirmative vote of two-thirds of the Regents present and voting.

Section 4. Voting. (a) [If there are two or more nominees for an office, the presider shall designate from among the members of the Board a number of tellers equal to the number of nominees. No nominee shall serve as a teller.

(b)] Voting shall be conducted by voice vote [paper ballot], and in accordance with procedural instructions issued by the presider.

(b) [(c)] The use of absentee ballots or proxy ballots will not be permitted

(c) [(d)] Each Regent present shall cast a vote on each ballot for each office and the State Education Department shall maintain a record of the final vote of each Regent present in accordance with Public Officers Law §87(3)(a).

(d) [(e)] The affirmative vote of a majority of those present for a given candidate shall be required for election to an office, provided that no candidate shall be elected without the vote of a majority of the entire membership of the Board, nine votes.

(e) [(f)] If more than two candidates are nominated for an office, all candidates except those who receive the highest and second highest number of votes on the first ballot shall be eliminated, and a separate ballot shall then be taken with respect to the two remaining candidates.

(f) [(g)] If more than two candidates are nominated for an office and the two or more candidates who receive the second highest number of votes on the first ballot are tied with one another, a second ballot as to the same candidates shall be conducted. If a tie vote again results among the candidates receiving the second highest number of votes, the presider shall call a recess in the balloting. Following the recess, a third ballot as to the same candidates shall be conducted. If a tie vote again results among the candidates receiving the second highest number of votes, a separate ballot shall then be conducted as to only those candidates who were tied on the previous ballot, all candidates except the one receiving the greatest number of votes on the separate ballot shall be eliminated from the balloting, and the balloting shall proceed as to the candidates remaining.

(g) [(h)] The presider will count the ballots and [Following each ballot, the tellers will count the ballots and report the vote to the presider, who will] announce the results of the ballot.

Section 5. Term of office. The terms of office of the Chancellor and Vice Chancellor shall be three years, commencing on April 1, 1995 and April 1 of each third year thereafter. In the event of a vacancy in either office occurring other than by the expiration of the term of office, a successor shall be elected for the unexpired balance of the term.