

Constitutional Amendments

Passed by the Council of the Yale-NUS Student Government
22 April 2016

Summary: In this meeting, the Council voted to pass the amendments to the Constitution. These pertained primarily to the Judiciary and Elections. All amendments and additions are detailed and explained below. Please note that the words amended in existing clauses are highlighted in red. Additional new clauses are not coloured.

Article III Council

Amendment of Section 7.5: Allowing a Director to be Speaker in a small Council

5. Appoint a temporary Deputy Speaker when the Speaker is absent from a meeting. The Deputy Speaker cannot be the President, Vice-President or Director. **In the event that the Council has no backbenchers or Deputy Directors, the Deputy Speaker can be a Director.** The Deputy Speaker can change for each of the Speaker's absences if the Speaker so chooses.

Rationale: To allow for a Deputy Speaker in the event of a small Council of only 10 members.

Article V Judiciary

Amendment of Section 3.1: Decrease in number of Judiciary members

1. The Judiciary comprises **7 members**, randomly selected from a pool of interested applicants and controlled for demographics, as defined in Article X, Section 3;

Rationale: Reducing the number of Judiciary members from 9 to 7 will allow for ease of meeting and decision-making, according to the experience of the first Judiciary, who has failed to meet in totality at least once a month as constitutionally required.

Amendment of Article II Section 2.2: Reflect reduction in Judiciary members

2. The Judiciary is a body separate from the Council which will scrutinise the affairs of the Council, and ensure their conduct is in line with the Constitution. It will comprise **7 members** of the student body, will be randomly selected from a group of volunteers controlled for demographics as defined in Article X, Section 3.

Amendment of Section 4.4 Clarifying summoning of witness powers

4.4 Review alleged misconduct (as delineated in Article VIII of the Constitution) of a Council member, through means including:

- a. Summoning witnesses, **although individual parties to a suit bear the final burden in guaranteeing the presence of their witnesses**

Rationale: Clear language to individual parties that they bear the burden of ensuring witnesses are present; clarifies expectations.

Addition of Clause d to Section 4.5 Allowing the Judiciary to render verdicts regardless

5. Upon reaching a decision as a body, after completing investigations and proceedings, order the Council to:

- a. Cease an action that it has ruled unconstitutional,
- b. Perform a duty, which is not currently being performed by the Council,
- c. Make restitution to the plaintiff should the Council be found to have infringed the Constitution, in the event that a member of student body has initiated legal proceedings against the Council.
- d. **The power to render a verdict shall be the unconditional prerogative of the Judiciary, regardless of any other sanctions that the Judiciary may impose.**

Rationale: The Judiciary serves to act as a check on the Council. Thus, while the Judiciary does not have the power to issue sanctions on former Council members, it has the power to call a hearing and render a verdict on actions of former Council members. This might, for example, be important in setting a precedent for future Council actions and remains a deterrent to unconstitutional actions by outgoing Council members.

Amendment of Section 6.5 and Addition of 6.6: Reselecting for vacancies in Judiciary

5. Judiciary members shall abide by the same resignation procedures as described in Article VIII, Section 6 for Council members. **In the event of a vacancy in the Judiciary, the remaining Judiciary members may vote on whether they wish to reselect for the vacancy. If the Judiciary comprises less than 5 members, they must reselect. They shall have the choice of either reselecting from the initial candidates or calling for new applicants to the Judiciary with procedures that follow Article V, Section 2.2 to 2.5.**

6. In the event that the Judiciary reselects for the vacancy, this must be done within three weeks of the seat being vacated.

Rationale: This clause will allow for vacancies in the Judiciary to be filled in the event of a severe lack of members.

Article VI Elections

Amending Section 3.4: Amending Voting Tabulation Method

The Council will be voted in by the student body using the runoff voting method. Votes are tabulated using **instant run-off voting** as defined in Article X, Section 3;

Addition and Removal in Article X Section 3 Definitions

[removal of 'Kemeny-Young, Addition of 'Instant Run-off Voting']

instant run-off voting

Each voter will be asked to indicate the order in which he/she prefers the candidates. In counting the votes, the ballots are arranged in 'piles' according to the indicated first preferred candidate. The number of ballots for each candidate is recorded. The candidate with the least number of votes in his/her pile is ranked last, and those ranked second on the last-ranked candidate's ballots then gain those ballots from the last-ranked candidate's 'pile'. The number of ballots are again counted without the last-ranked candidate, and the least popular candidate is ranked second-last. This process is repeated until all candidates are ranked. In an election with more than 23 candidates, the top 23 ranked candidates will be elected, if they meet the minimum votes needed for election as outlined in Article VI, Section 4, Clause 4. If there are less than 23 candidates, all candidates who meet the minimum number of votes needed for election will be elected.

Rationale: The Kemeny-Young algorithm was implemented to allow voters to rank their preferences and to dissuade strategic voting. However, it is problematic feasibility-wise, as the algorithm can take days or more to run even on a supercomputer. This instant run-off voting method will take into account the ranking preferences of voters but is feasible to run in a few hours or less. The details of this voting mechanism—how many candidates voters can list preferences for and the minimum votes a candidate must get to be elected, will be decided in the Council's next meeting on August 12 2016.

Article VI Elections Section 3.8: Separating the Presidential and Vice-Presidential races

8. After the Council elections, the President and Vice-President shall be elected from the Council members using the instant run-off voting method. **There shall be two separate President and Vice-President races held at the same time. Candidates can run for only President, only Vice-President, or for both positions.**

- a. **In the case that a candidate is ranked first in both races, the candidate will be elected President; the Vice-President will be the second-ranked candidate in the Vice-President race.**

Rationale: This will allow for candidates who only wish to run for Vice-President or President to run. From this Council's experience, it is likely that more Council

members will come forward to run if they are able to choose one of these roles and not both. This will enhance the quality of candidates in the races.

Amendment to Section 4.2: Mandating Vice-Presidential Candidates to the same conditions as Presidential Candidates

2. All candidates for President **and Vice-President** must commit to serve in the Council of the Student Government for a full term of two (2) semesters. As part of their announcement of candidacy, Presidential and Vice-Presidential candidates shall pledge:

Rationale: This is similar in principle to the original Constitution, where the elected Vice-President was subject to the same eligibility clause as the elected President.

Section 3.10: Amendment to mandate taking office for all elected candidates

10. All candidates who are elected must take office one week after elections take place, or undergo resignation or impeachment.

Rationale: Candidates who run for elections should be mandated to take office. In the event that a candidate wishes to leave office, he or she can request to resign, or be impeached. This will allow for a vacancy to open up and a replacement to be elected through a by-election.

Section 5.1: Amending the by-election clause to specify timing and correct typo

1. By-elections are elections in which replacement representatives are elected from the **student body** [this was a typo] in the event of a vacancy in the Student Council;
2. **If necessary, by-elections will be held at the midpoint of each Council's term, in the Instructional Week 2 of Semester 2.**
3. **If the number of Council members drop below the minimum number of 10, by-elections will be held for replacement representatives from the student body within two weeks of the tenth seat being vacated.**

Addition to Article X, Section 3: Defining a vacancy vacancy

A vacancy occurs when a Council or Judiciary member resigns or is impeached.

Rationale: This amendment recognises the value of backbenchers in the Council without giving too much burden on the Council to organise multiple ad-hoc by-elections. It allows for the Council to fill up vacant seats for backbenchers with a single by-election occurring only once, in the midpoint of the Council's term. This will also be after any Council members go on study abroad in the second semester of the Academic Year. Currently, in the event that a Director leaves the Council, a backbencher can be appointed to a Deputy-Directorship or Directorship. However, in

the event that the total number of Council members fall below the minimum number of 10, by-elections will be held immediately within 2 weeks to allow for a functioning Council.

Addition of Section 3.11: Allow Elections Committee to alter timelines in emergency

11. In the event that the Elections Committee is unable to run a constitutional election within the preceding timeframe, they shall extend the timeframe for only as long as absolutely necessary. Should the Elections Committee extend the timeframe beyond two weeks, the sitting Council shall review their conduct.

Rationale: This amendment allows for the Elections Committee to constitutionally alter the timeline of elections should it fail to reach the minimum required number of candidates for Council (10), for example. It recognises that the Elections Committee relies on the participation of the student body to execute its responsibilities and may require more time flexibility with elections. However, it also institutes a check on the Elections Committee by the Council should the extension exceed two weeks.

Typos and Formatting Errors

Article III Section 11: Liaisons

The Council shall, by a ¾ vote of its members, appoint liaisons to organisations and constituent bodies of the College. Any member of the Council, with the exception of the President, Vice President, and Speaker, may be appointed as a liaison, regardless of other duties or positions. The Council shall appoint individuals to liaise with each of the following groups in the College.

Article V Section 3: Composition of Chief Justice

[Sections 3-8, on duties of the Chief Justice, have been indented]

Article VIII Section 4 Part 2: Impeachment of Chief Justice

1. The President shall summon the Chief Justice to an impeachment hearing upon receiving:
 1. A letter in writing requesting the removal of the Chief Justice signed by a majority of Council members,
 2. A letter in writing requesting the removal of the Chief Justice signed by a majority of Judiciary members,
 3. A petition requesting the removal of the Chief Justice signed by the student body;

['Name member(s)' changed to Chief Justice]

Article IX Section 5 Part 2

All members shall have the right to hold the President and directors [to' removed] accountable through questions, ministerial statements, and/or any other appropriate means of doing so,

Schedules

[Altered all references to 'January 2015' to 'January 2016']