

MEMORANDUM

TO: The UUA Board of Trustees

FROM: The UUA Elections Campaign Practices Committee (2016-2017),

Rev. Manish Mishra-Marzetti, Chair, Dr. Elisabeth McGregor, Mx. KC Slack

The Secretary of the Board (2016-2017), Rev. Rob Eller-Isaacs (ex officio)

DATE: February 1, 2018

SUBJECT: ECPC Report to the Board on the 2016-2017 Presidential Election Cycle

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In compliance with our UUA By-Laws, this report is supplied to assist the UUA Board in its efforts to improve our elections-related processes. This report is divided into categories of processes/issues in order to assist the reader.

I. Antecedents to the Election Cycle

- A. **Lack of Clarity Around How Many Candidates are to be Nominated:** The UUA utilized for the first time in a Presidential election cycle a Presidential Search Committee (PSC). However, that Search Committee was not given a clear mandate on how many candidates to nominate. In some election cycles we have had 3 candidates, and in others 2 candidates. The Search Committee chose to nominate 2 candidates, which proved insufficient when one of the two dropped out of the race.
- B. **Lack of Clarity Around the Petition Process:** The UUA instituted a Presidential Search Committee while simultaneously retaining the petition nomination process as provided for in the by-laws for all elected offices. This led to some questioning whether nomination by the search committee carried greater weight or value than nomination by petition. If so, how so? If not, why not? Why go through a months-long search committee process when it might, conceivably, be easier to secure 25 congregational nominations, if the two forms of nomination are of equal measure? If some greater weight is given to a nomination by committee than one by petition, how would that distinction be made known?
- C. **Sunsetting of the Presidential Search Committee:** We encountered confusion around the question of when the Presidential Search Committee's work is fully done. Is the PSC a standing committee? If so, why? To what end? If a candidate drops out of the election cycle after being nominated, does it or does it not revert to the Presidential Search Committee to nominate additional candidates? In this cycle, the deadline of Feb. 1, 2017 for the announcement of Presidential candidates, as stated in Bylaw 9.5, was interpreted by legal counsel as preventing the PSC from making further nominations

after that date. Perhaps a clarifying rule could be considered. Lack of process-related clarity around these issues led to some confusion and scrambling when one PSC-nominated candidate dropped out shortly after the announcement deadline. The ECPC subsequently needed to post a clarifying message (5/21/16) to try to address ongoing questions and concerns about transparency, accountability, and the actual processes that we were engaged in.

- D. **Running as a Member of UUA Staff:** Our movement has benefitted greatly from having UUA staff run for the Office of the President and then successfully lead our movement after winning. It seems as if our current 'dual interest/conflict of interest' policies and understandings might preclude that, or at minimum make it exceptionally hard for a member of the UUA staff to both run for the Presidency and simultaneously fulfill their responsibilities as staff. This needs deeper examination.

The applicable rule is Rule G-9.13.9. Separation of Campaigns from Conduct of Official Business, which states that (a) When running for office, candidates shall be prohibited from engaging in any electioneering or campaigning during the conduct of official business of the Unitarian Universalist Association, and (b) Financial accounting and bookkeeping procedures shall be established which make it explicit that no monies of the Association were used in the financing of a candidate's campaigning or electioneering activities.

In the past, members of the UUA staff have run for President without arousing major concerns about conflict of interest. However, when both were on staff, they were, so to speak, 'in the same boat.' In our most recent Presidential election cycle, the UUA Chief Operating Officer took what could be interpreted as a 'strict constructionist' view of the Rule, leading to one candidate feeling as if this framework gave parish ministers an advantage over staff members by allowing them far greater latitude. The Board might wish to review that candidate's letter about this experience again.

Are we, as a movement, interested in ever having a member of the UUA staff be eligible to run for the Presidency or the position of Moderator again? If not, if the conflicts of interest are too great given our present day understanding of ethics and professional boundaries, we should be clear about that. If so, should our current procedures be reviewed with an eye towards what parameters and understandings are needed in order to facilitate their ability to be candidates?

- E. **Covenanting:** While a Candidates' Covenant has been integral to not just this but also prior Presidential election cycles, there is nothing in our by-laws, rules, or generally accepted procedures that requires or expects the candidates to enter into self-determined covenantal understandings with one another. Is this sufficient, or should we capture this ongoing practice in some way, shape, or form?
- F. **Neutrality of those Involved in the Governance of UUA Elections:** At present, Rule G-9.13.10 (a) requires that the Election Campaign Practices Committee members remain

neutral in UUA elections processes. Similarly, By-Law 9.9 provides that the Secretary of the Association must remain neutral in UUA elections processes. There are no other provisions in our by-laws or rules that ensure the neutrality of others who are involved in the governance of our elections, such as members of the Moderator Nominating Committee, members of the Presidential Search Committee, members of the UUA Board of Trustees, the President of the Association, the Moderator of the Association, or the Chief Operating Officer of the UUA. The Board may wish to consider how far neutrality in our election processes might usefully extend in order to ensure fairness, openness, and transparency, and adopt the necessary measures in support of that.

## II. During the Election Cycle

- A. **An Unanticipated Boon:** Ultimately, having three Presidential Candidates through to the end of the elections meant that the UUA had to utilize rank ordered voting, which in turn meant that each candidate had to appeal, to some degree, to the supporters of the other candidates. This created a relatively congenial and collaborative election process. It was in each candidate's best interest to maintain a positive and issues-focused campaign. Having more than two candidates was clearly a positive factor.
- B. **Lack of Clarity Around the Role of the ECPC Chair:** In the past, the ECPC Chair has served as an informal advisor and 'good officer' to the Presidential candidates, helping the candidates reflect on issues of discernment as well as problem-solving practical issues related to the elections process. In addition, the ECPC Chair has typically assisted the candidates in crafting and then in the application of whatever self-defined covenants the candidates agree to. As such, during this election cycle, the ECPC Chair had at least two key roles, each of which was critical: 1) the role of being an informal 'good officer,' and 2) an appointed representative of the elections governance process, with formal accountability to the Board and the UUA as a whole. Neither the Chair nor the candidates were always clear about which role was needed when, and eventually the candidates and the Chair named this difficulty, as well as the need for greater explicitness when they were in dialogue about which 'hat' or role was being utilized.
- C. **Lack of Clarity Around the Role of the Secretary of the Board:** Our by-laws explicitly capture that the Secretary of the Board has overarching responsibility for all UUA elections processes. But, what does this include and not include? Does the Secretary also have an informal role in assisting and supporting the candidates, similar to the ECPC Chair? While the Secretary and the ECPC Chair in this case maintained solid and ongoing communication that averted any misunderstandings between them, it is easy to recognize that the informal roles and expectations of the Secretary and the ECPC Chair could get muddled, and potentially confusing for themselves, the candidates, and others.

- D. **Confusion and Lack of Clarity Among UUA Staff:** Our attempt, in this election cycle, was to establish UUA Chief of Operations (COO) Harlan Limpert as a central point of contact among UUA staff for questions related to the elections process. This proved harder to implement, in practice. Some UUA staff may have been unsure of what needed to be run by the COO and what didn't need to be run by him. Based on ECPC conversations with UUA staff in the process of investigating a complaint, there also appeared to be dual messaging among the staff - one sense that affirmed that any issue with an election-related angle must be taken seriously and the other sense that staff should go about their routine work without being overly concerned about the elections, that 'higher-ups' were responsible for ensuring compliance with elections-related needs. This dual messaging led to on one hand over-caution and even the 'fear of getting it wrong,' and on the other hand insufficient elections-related consultation with the COO where consultation was needed.
- E. **Lack of Clarity Related to the Formal ECPC Complaint Process:** While it is rare for the ECPC to navigate a formal elections-related complaint, the Association does need a mechanism for doing so, and the by-laws provide one, which was used in this cycle. However, this process is complicated and fraught with the possibility of doing as much harm as it could do good. Are the complaint-related processes somehow "Confidential?" If so, what does that mean? Under what conditions might ECPC findings not be "confidential?" How do we navigate the impact on candidates of any information that is not held confidentially? In our experience, even the buzz of a potentially filed complaint could be damaging to one or more candidates. It is also worth noting that other than filing a report and, at the extreme, recommending that a candidate be removed from the elections process, the ECPC has little to no enforcement ability – we relied exclusively on good will to ensure that healthy recommendations were acted on. What if good will is not enough to get course corrections made mid-stream? What is the process if the UUA or the candidates themselves do not wish to adopt or act on ECPC recommendations?
- F. **The Limited Formal Role of the ECPC:** Formally, the ECPC's by-law related role in the elections process is circulating the rules and vetting formal complaints. Formal complaints rarely happen, and that by-law defined role places the ECPC in a 'reactive' rather than 'proactive' position. We found that the ECPC had useful proactive roles to play in, for example, ensuring that elections-related information was being disseminated in a timely and transparent fashion, managing online discussion forums, moderating candidate forums at GA, and moderating one of the regional candidates fora. What 'proactive' roles might the ECPC usefully play and how might we capture those functions in writing?
- G. **Lack of Continuity of Information and Practice Related to our UUA Elections:** We encountered significant confusion in the implementation phases of the election, on a wide range of practical matters. On one hand, many UUA staff and volunteers felt that

they had significant experience with past UUA election cycles and even civic elections. And, yet, it was a struggle to get some things done and done in ways that healthily supported the elections. For example, when we ultimately had 3 candidates for the Presidency, we could not get comparable GA booth access because the vendor contracts were on a different timetable from the nominations process. We also ran up against tech deadlines for submitting written material for captioning, although the crew did its best to accommodate the candidates. Another example, while the GAPC and our very capable tech crews have staged countless debates and fora, we had difficulty getting staging that made sense for our final GA 2017 Presidential Forum – despite significant advance conversation and planning. This had to do with disconnects between what had been planned versus what proved easily doable once on the ground at the convention center, and conversation was needed between the tech crews, the GAPC, the ECPC, and the candidates themselves, which was hard to do on the spot. The conversation and flexibility that is required in the midst of complex moving parts, all of which matter to some degree, was not always present, despite sincere efforts by all concerned.

- H. **Self-Monitoring of the Candidates' Covenant:** While the ECPC Chair and/or the Board Secretary have played informal roles in the past in assisting the candidates navigate and implement their self-defined covenants, what proved most effective in this cycle was when the candidates themselves decided to self-monitor their covenant and engage in regularly scheduled, ongoing teleconferences among themselves for the purpose of checking in on matters of scheduling, responding to correspondence and invitations, and other important matters. This might usefully continue to be the expected practice, with the ECPC Chair, the full ECPC and the Secretary representing subsequent levels of 'ratcheting-up' for the purposes of problem solving.
- I. **Board Sponsored Regional Election Fora:** This seemed to be a useful development in our elections process, particularly given the easy-to-reach financial spending limits that the candidates had to adhere to. This structure also helped give broad exposure to the candidates, while helping them stay within the financial limits. However, there was no funding set aside for helping make these fora happen, including whatever travel support might have been needed for the purposes of forum moderation. As a result, the responsibility for moderating these fora, and the accompanying preparatory work and travel, fell disproportionately on the Moderator's shoulders, with the Moderator using his travel funds to support this need. If this model is to be repeated in the future, it would be good to have forum moderation led by neutral parties designated by the Board, such as the ECPC or Board members or others who have fully committed to election neutrality. In addition, a budgetary plan that supports the travel and other related needs of forum moderators should be in place.
- J. **Lack of Clarity Around Financial Reporting:** The by-laws only require a preliminary financial report at the start of the GA at which elections are taking place and then a final financial report from campaigns after the elections are complete. This places the

Association in the awkward position of potentially de-certifying a winning candidate, after the fact, if that candidate's financial reporting indicates problems. This needs to be rectified and some form of expected, periodic (brief) reporting created, so that the UUA has a sense of where the campaigns are at and the likelihood of adherence to campaign spending limits. There is currently no template for campaign financial reporting; this needs to be created. In addition, campaigns raised real questions about disclosure of their donor lists to the UUA in some public way. These issues deserve greater thought and resolution.

- K. **Funding for the ECPC:** Prior to this election cycle, there was no funding allocated to the ECPC enabling its work and the ability of its volunteer members to be at GA, where the bulk of the committee's elections-related work happens. This was rectified, but needs to be planned for in the regular UUA budgeting processes in an ongoing and regular way. There also needs to be more systematic tracking of ECPC member terms and clarity around which General Assemblies ECPC committee members need to be at in a working capacity, as there are General Assemblies at which we do not have contested elections.
- L. **Electronic Voting:** This was the first cycle in which the UUA utilized electronic voting. Where there were questions about this, and some trepidation, we felt that the UUA did an excellent job of transitioning us to this platform.

### III. Post-Election

- A. **Pulling Our Small Religious Movement Together:** It has not always been the case that the winner of the elections process takes intentional and public steps to pull our small religious movement back together after the elections have ended. The willingness to do this is spiritually critical, and we hope that all our future Presidents will continue to be intentional about reaching out to and including in their conversation circles, and in significant ongoing UUA leadership, individuals who supported other candidates. Public demonstrations of such amity and unity by both the elected candidate and the other candidates and their supporters matter.
- B. **Spiritual Support for Non-Elected Candidates:** To our collective memory, it has always been the case that not getting elected is hard on those candidate(s). We, as a movement, sometimes lose talented and capable nationally recognized leaders from our movement for years, as a result. Can we, as a spiritual movement, do more to thank and appreciate our un-elected candidates? Is there anything else we can do to help spiritually support and heal the heartache of not being elected?
- C. **Finally, a Structural Question:** We note that the 'valence' (intensity and complexity) of the Presidential election cycle is different (stronger, deeper) than our elections for Moderator. In an era in which we are examining implicit structural biases, what does

this differential say about how we, as a movement, value and understand these two roles? What does it say about lay vs. clergy roles in our movement? Paid vs. unpaid leadership in our movement? Perceived ‘governance’ vs. perceived ‘visionary’ leadership? Do these underlying differentials make sense, given how important both roles are? What does all of this say about how we are living into shared ministry at the Associational level?

#### IV. Recommendations

Based on the discussion above, we recommend the following:

- By-law and rules revisions clarifying the role and responsibilities of the Presidential Search Committee, the ECPC, the ECPC Chair, the Secretary, and the UUA COO in matters related to UUA elections. As a part of such by-law revisions, we recommend that the ECPC be given a clearer, simpler name. Something like the UUA “Elections Committee” would suffice.
- By-law and/or rules revisions that clarify the financial reporting requirements and the timing of such reporting by candidates; who at the Association receives, assesses, and tracks these reports; and, how the confidentiality of donor information will be maintained, if we so choose, while the elections are still in process.
- The UUA Board should consider whether we should keep the Presidential Search Committee process, the nomination by petition process, or both, as currently provided for in the by-laws, and make any recommendations for change to the General Assembly. Parallel structures would need to be created for the Moderator elections.
- The Board may wish to consider bringing to the General Assembly proposed by-law and rule changes that could allow for the possibility of two or more people standing for election as a team to a given elected office. The Board would need to decide for which position(s) we would allow this and for which positions we would not. Many ramifications of any such proposed changes need to be thoroughly considered.
- The Board should also consider which individuals involved in UUA governance should be officially designated as ‘neutral’ in order to ensure the impartiality of our elections processes. The current neutrality provisions were written in an era in which there were no nominating or search committees for the positions of President and Moderator.
- Given how critical covenanting between candidates has been in our Presidential and Moderator elections processes, this practice should get codified in some way, shape, or form.

- The UUA should create an internal repository for information and best practices coming out of this election cycle and ask, at a minimum, the following parties to submit best practices memos for this repository: GAPC, UUA GA Office, the GAPC tech crews, UUA IT Staff, and all Leadership Council-level staff, the ECPC, and the UUA Board Secretary. This could go a long way in helping us logistically and practically improve our elections-related practices, over time. This should be done as soon as feasible, so as to garner the freshest memories of our most recent elections cycle.