**Associated Student Government**

*University of Arkansas*

*ASG Senate Bill No. 7*

Author(s): Author(s): Chair of Senate Colman Betler, Senator Kianna Sarvestani, Senator Cassidy Cook, Senator Darynne Dahlem, Senator Clay Smith, Senator James Gairhan, Senator Katie Gardner, Senator Andrew O’Neil, Senator Warrington Sebree, Senator Kat De Sonnaville

Sponsor(s):

**A Bill Clarifying the “Prefer not to respond” option in ASG Elections**

Whereas, Each year during an Associated Student Government (ASG) election or referendum ballot, thousands of University of Arkansas students cast votes to voice their opinion on the questions and candidates proposed; and

Whereas, During these elections, three options must be given to the student in order to properly assess their opinions in a comprehensive yet simple manner; and

Whereas, In the aforementioned ASG elections, specifically regarding referendum items, these options have historically been as follows: A positive or affirming vote, a negative or dissenting vote, and finally a required “prefer not to respond option” that has, in the past, been interpreted in differing ways; and

Whereas, This “Prefer not to respond” (PNR) option is a required option as it allows a voter who either does not feel strongly about the issue, believes either option is not the best choice, or lacks knowledge of the proposed issue, among other possible reasons, an option to abstain from voting on the questions; and

Whereas, This PNR option is also required in candidate election ballots as well, for the same purpose of offering a voter the option to abstain from voting a certain way on the question, while still casting a ballot in the election; and

Whereas, As a precedent, during former election and referendum vote counting, the PNR voting option has been counted as a vote cast and factored into the total votes cast along with the “Yes” and “No” votes in a referendum, or the votes cast for candidates in an election; and

Whereas, However, in the last calendar year (2018) there were two separate interpretation rulings by ASGJ on the nature and value of these PNR votes, which consequently decided the results of both questions, one being a candidate election and the other a referendum question; and

Whereas, In the Spring 2018 general election, the total votes cast were calculated, following precedent, as all candidate votes and PNR votes, resulting in a non-majority and forcing a runoff between candidates; and

Whereas, In the Fall 2018 referendum question, the votes were as follows, Yes: 722, No: 128, PNR: 859, with PNR surpassing all other votes combined, yet being deemed as “non-votes” and thrown out when calculating total votes cast, resulting in the passage of the referendum item; and

Whereas, There is currently no language in the ASG Code or Constitution regarding the interpretation of PNR votes or how they are to be considered in relation to the total votes cast amount; and

Be it therefore resolved: That Title VII Section 1. J be added to say “Ballots for a referendum question provide voters three options which are yes, no and prefer not to respond. Ballots are also required to have a skip option so voters are able to not cast a vote.”

Be it further resolved: That Title VII Section 1 J a. be added to say “By selecting “yes” from a referendum ballot, a voter is indicating a positive or affirming vote that counts as a vote casted and does factor into total votes casted.”

Be it further resolved: That Title VII Section 1 J b. be added to say “By selecting no from a referendum ballot, this is an indication of negative or dissenting opinion and does count towards total votes casted.”

Be it further resolved That Title VII Section 1 J c. be added to say “By selecting Prefer Not to Respond, a voter is indicating they prefer to abstain from voting on the question. Selecting Prefer not to respond does count as a vote cast, and does factor in to total votes cast. PNR votes should be used when calculating if a majority of votes was received for the referendum question.”

Be it further resolved That Title VII Section 1. K be added to say “Ballots for executive elections must include all eligible candidates as well as a Prefer not to respond option. A skip option for voters is also required. Votes cast for Prefer not to respond are deemed votes and should be used when calculating total votes.”

Be it finally resolved That Title VII Section 5. F b. be amended to read “Electors within each enrollment group shall have the same number of votes as the number of Senate seats apportioned to that enrollment group. Electors have the option to select no candidates.

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Amendments:

Vote Count: Aye 45 Nay 0 Abstentions

Legislation Status: Passed Yes Failed Other

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Colman Betler, ASG Chair of the Senate Date

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J.P. Gairhan, ASG President Date