

To
University Council

Date
21 May 2021

Regarding
Outline electoral system for the student
body of the university council

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Your reference

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1. Reason and timing

- 1.1. The university council ("UC") working group on electoral systems asked to come up with an outline for a system governing the student body ("SBUC") elections. This outline does not summarize or review pros and cons, as this has been done by the working group and the UC itself. This outline is meant to establish whether the UC approves of the proposed system, after which appropriate rules and regulations will be drafted.
- 1.2. The UC is to provide its approval on any system. Please be informed that in the case no new system is decided upon, the default is that elections from 2022 onwards, are held according to the faculty based, individual system, laid down in *Kiesreglement voor de Universiteitsraad van de Erasmus Universiteit Rotterdam 2016* ("KR-UR").

2. Outline

- 2.1. An amended version of the KR-UR will be worked out, in order to provide for elections for the SBUC held according to the following points of order.
 - 2.1.1. The university as a whole will serve as electoral district (=central voting, no quality seats).
 - 2.1.2. A student has one vote to cast (= one person, one vote).
 - 2.1.3. Votes are cast on a candidate (= personal votes, allowing for preferred voting ("voorkeursstem")).
 - 2.1.4. Candidates are allowed to run either as individual (one-person-list), or as collective (party-list) (= hybrid system).
 - 2.1.5. An individual candidate is allowed to establish a connection with another individual candidate for appropriation purposes (see 2.1.6.8 below) (= list connection).

2.1.6. Distribution of SBUC-seats is done according to these standards, in the following order.

General

2.1.6.1. The number of votes cast divided by the number of seats up for election sets the voter threshold.

2.1.6.2. When the ranking of two or more candidates according to the following rules results in a stand-off, fate will decide.

List appropriation

2.1.6.3. Every list is appropriated the number of seats equal to the number of times the voter threshold fits into the sum of votes cast on candidates from that list.

2.1.6.4. A candidate from a list is elected with priority (ignoring the order of the list) when that candidate has a popular vote equaling a percentage¹ of the voter threshold (= preferred vote). Would this result in more candidates elected than seats appropriated to the list, the order of the list decides which candidate is elected.

2.1.6.5. Regarding any remainder seats appropriated to the list, candidates from that list are elected in the order of that list.

2.1.6.6. If a list is appropriated more seats than it has candidates on the list, the seats not occupied are treated as remainder seats.²

Appropriation of remainder seats

2.1.6.7. If the sum of votes cast on a list did not surpass a percentage³ of the voter threshold, that list is not eligible for a remainder seat.

¹ Popular voting thresholds vary from 10% (European Parliament), 25% (Dutch house of representatives), 50% (Leiden, Groningen and Maastricht university councils) and 100% (Dutch senate).

² This clause is seen to be used by university councils in the Netherlands. Another possibility would be to appropriate excess seats to other party-lists, based on the principle that seats in a representative body should never be left vacant.

³ Setting a percentage coincides with the choice for a hybrid system in which individuals (or: one-person-lists) are treated differently than party lists. There are no known comparisons for university councils. Dutch law sets this percentage at 100% for the house of representatives (thereby effectively excluding the option of appropriating remainder seats to lists that did not meet the voter threshold). For municipality councils and other

2.1.6.8. If a one-person-list (an individual candidate) is eligible for a remainder seat, then for the purpose of appropriation of remainder seats that candidate is considered to also have received the votes from a connected list as defined in 2.1.5. If both the connected lists (both candidates) are eligible for a remainder seat, fate will decide which list is considered for a remainder seat.

2.1.6.9. Remainder seats are appropriated one by one to a list, in the order that would result in the highest average votes cast per seat, based on the fraction of the number of votes cast on a list by the number of seats appropriated to that list.

3. Miscellaneous

3.1. In the last discussion of this subject, questions were asked as to the possibility to prevent party affiliations with (national) political parties. On that topic the following remarks, referring to the earlier discussion and examples mentioned therein.

3.1.1. Universities are positioned as autonomous and independent institutions. That explains the societal unrest, for instance, when an organization like Shell seems to have any (indirect) influence on the course of affairs inside a university. They are not meant to have influence.

3.1.2. Aside from the point that some policy topics are by law excluded from influence by participatory bodies (e.g. the content of education and science), participatory bodies are democratically legitimated to influence policy. It is their job and legal task: they are meant to have influence.

3.1.3. Now, if some students jointly adhere to certain points of view and other community members deem those views worth their vote, the legal system is aimed at giving those students a place in the university council. Then those students are meant to have influence, from an education law point of view. Whether their views are aimed at reaching a sustainable campus, at promoting the interests of international students, at promoting the interests of Big Oil, or at assessing university policies from liberal or socialist points of view.

local or regional representative councils this percentage is set at 75%. That could therefore be an appropriate percentage to uphold at EUR; it could also be set at a lower percentage, to make the possibility of list connections more relevant.

- 3.1.4. In general it is not impossible to set requirements and/or prohibitions pertaining to students that want to participate in elections. It would be possible for instance to require students (or student parties) to publicize their external revenues, to promote transparency. But general equal treatment laws apply. That means on balance that no such command or prohibition is allowed when it pertains to religion, belief, political opinion, race, gender, nationality, sexual orientation or marital status.
- 3.2. All the above aside: this might also be an academic discussion as – to available knowledge – no university council in the Netherlands has any delegates specifically affiliated with a Dutch national political party. Furthermore, the prohibition of formal affiliations would be rendered virtually worthless due to the possibility of informal affiliations.

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