

**TITLE: IRV PROCEDURE to Resolve Conflicts over GPUS* Affiliation
and Presidential Ballot Line**

Decision Item

SPONSORING COMMITTEE: California GPUS Delegation

PRESENTERS: Cat Woods, California GPUS delegation co-chair (415-897-6989), and Larry Cafiero, GPCA* Liaison to Secretary of State (831-438-1401)

BACKGROUND:

Both the status of the GPCA's affiliation with the GPUS and its procedure for determining its Presidential ballot line are currently ambiguous and/or contested.

IMPORTANT: This proposal is about WHAT PROCEDURE TO USE TO RESOLVE THE DEFAULT in this situation. Comments about which of the cases being made fits your opinion are *not pertinent* to the passage of this proposal, only to how you will cast your votes if it does pass. One statement we could probably get consensus on is "My viewpoint is the default, and the other viewpoints are mistaken." This is not constructive, since we do not have 80% agreement on any of the cases being made. Comments on this proposal should be restricted to whether you agree with using IRV votes to resolve the conflicts, and if not, what alternate procedure you propose.

The GPCA has never passed a proposal that explicitly approved having its Presidential ballot line bound to the national convention result. One statement in the GPUS affiliation agreement, "*It is also agreed that the GPCA will use its best efforts to support ballot access for national candidates nominated by the Green Party of the United States,*" implies to some that the GPCA must put the national nominee on its presidential ballot line. Others believe that supporting ballot access for a candidate is not necessarily the same thing as providing the GPCA ballot line to that candidate. Regardless, the GPCA General Assembly (GA) has never approved the terms of the GPUS affiliation agreement.

Paragraph 11-1.1 of the GPCA bylaws stipulates that "*No decision of the GPUS is binding on the GPCA without its consent.*" Since the GPCA has neither approved of the terms of the affiliation agreement nor approved having its ballot line bound by the GPUS national nominating convention independently of that agreement, a procedure for giving consent must be determined. The GPCA bylaws do not specify a procedure.

Seven versions of the proposal to approve the affiliation agreement were brought to the GA over the course of three different plenaries. The version stipulating a state nominating convention received the most support, but nowhere near the 80% needed. Most of those who supported this version were not willing to approve the affiliation agreement without specifying a clear procedure for giving GPCA consent to the Presidential ballot line. No interpretation of our affiliation status relative to our bylaws had enough support to pass the 80% voting threshold required by the GPCA for policy decisions.

* GPUS = Green Party of the United States; GPCA = Green Party of California

There are currently several contradictory cases being made:

1. Since California's affiliation agreement with the GPUS has not been approved by the General Assembly (GA) and cannot achieve approval at this time, the GPCA's affiliation with the GPUS is illegitimate.
2. The GPCA's affiliation status is ambiguous at this time, because of a combination of unfulfilled promises regarding autonomy and fairer representation. Its consent to be bound to the national ballot line is conditional on fairer representation.
3. The GPCA's affiliation with the GPUS may be ambiguous or legitimate, but in either case, the GPCA is protected by its bylaws from being bound to the national nominee. It needs to quickly define a procedure for determining its consent, since the Presidential campaign cycle has already begun.
4. The GPCA's choice to affiliate with the GPUS implied being bound to the terms of the affiliation agreement, even though it was never seen by the General Assembly. The GPCA is legitimately affiliated with the GPUS and is bound to put the national nominee on its ballot line with or without fairer representation and without any further procedure for determining its consent.

None of these viewpoints has 80% or even 2/3 support in the GPCA at this time. The problem before the GPCA is one which frequently arises in the GPCA under supermajority voting thresholds: when the default is ambiguous and/or contested, what happens when no course has supermajority support? The Bylaws Committee is currently proposing a procedure for bylaws interpretations that, in the event that no proposal reaches consensus or supermajority support, resolves the default through an IRV vote among the valid options. Since approving this as a general procedure before using it will delay the resolution of this crucial issue for 6 months or more, endangering the presidential campaign, we propose using an IRV process on a one-time basis to resolve the core issues around our affiliation status and Presidential ballot line.

For more information on this history and context of the GPCA's affiliation with the GPUS, including the full text of the affiliation agreement and an image of the signed document, please see http://cagreens.org/bylaws/affil_history.pdf.

PROPOSAL:

Since no viewpoint regarding the Green Party of California's (GPCA's) affiliation with the Green Party of the United States (GPUS) or the procedure for determining the GPCA's Presidential ballot line currently has supermajority support, the GPCA will resolve the default through four IRV ballots, detailed below. This vote will be conducted over the course of the May 2007 San Francisco plenary, with delegates encouraged to seek their counties' preferences prior to that plenary. The results will be calculated according to the method described in Paragraph 7-1.8 of the GPCA bylaws. This ballot will be labeled with delegate number for transparency to the counties.

Adoption of this proposal, by consensus or with at least 80% approval, means adoption of the result of these IRV votes. This result will resolve the default position on these issues in order to guide the GPCA Liaison to the Secretary of State and administrative committees until a formal Procedure is adopted by the General Assembly.

RESOURCES: possibly about \$10,000 if option 4-O (poll of scientific sample) is done professionally.

TIMELINE: If passed, ballots will be passed out, collected and tabulated during this plenary.

COMMITTEE DECISION: PASSED BY ONLINE VOTE with 90% approval

VOTE 1: STATUS OF THE GPCA'S AFFILIATION WITH THE GPUS
RANK NUMERICALLY IN ORDER OF PREFERENCE

_____ A. Our affiliation with the GPUS is invalid, because we do not agree to the terms of the affiliation agreement. The Bylaws Committee shall bring bylaws amendments to the GA to end our affiliation. Meanwhile, GPCA delegates shall cease to participate in the GPUS, and the GPCA shall withdraw from all joint fundraising activities with the GPUS.

_____ B. Our affiliation with the GPUS is currently in a state of flux. We are working out how our bylaws relate to the terms of the affiliation agreement. We approve the affiliation agreement on the condition that it is interpreted to meet the results of Votes 2-4 (below).

_____ C. Our affiliation with the GPUS is valid. We approve the affiliation agreement and agree to be bound to its terms.

_____ P. Other: _____

VOTE 2: CONSENT FOR THE GPCA'S PRESIDENTIAL AND VICE-PRESIDENTIAL BALLOT
LINES TO BE BOUND TO THE GPUS NATIONAL NOMINEE
RANK NUMERICALLY IN ORDER OF PREFERENCE

_____ D. The GPCA's Presidential ballot line is determined solely by the California primary result, not the national nominating convention.

_____ E. Consent for the national nominees to be put on the GPCA's ballot must be given after each national convention.

_____ F. Consent to be bound to putting the national nominees on the GPCA's ballot is conditional on fair representation in the GPUS National Committee and national convention. If we have fairer representation, we hereby give consent to have our Presidential and Vice-Presidential ballot lines bound to the national convention result from this time forth. If we don't have fairer representation, GPCA consent must be given for each set of national nominees.

_____ G. Consent to have our Presidential and Vice-Presidential lines bound to the national convention result is implicit in our affiliation. The national nominees shall be put on our ballot line. This is not conditional on representation, and no further consent process is necessary.

_____ Q. Other: _____

[The results of these 2 votes will determine whether the last 2 votes need to be taken. You are free to wait until the result is determined before handing in the ballots for the other 2 votes, or you may choose to hand all the ballots in at once.]

VOTE 3: DEFINITION OF FAIR REPRESENTATION

RANK NUMERICALLY IN ORDER OF PREFERENCE

(The result of this ballot applies only if F passes. Please rank your preferences even if you did not vote for F, so that we can get a representative result.)

_____ H. We agree to have our ballot line bound only if the GPUS National Committee (NC) adopts a “One Green One Vote” apportionment – defined as representation directly proportional to membership numbers (calculated using membership numbers researched by the GPUS Apportionment Standing Committee), with inclusion of all state parties – for the NC and national nominating convention.

_____ I. We agree to have our ballot line bound if the NC adopts the Delegate Apportionment Committee model of apportionment for the NC and the national nominating convention, with 4 measures of Green Party strength and membership representation required.

_____ J. We agree to have our ballot line bound if the GPCA’s delegate percentage reaches half or more of its membership percentage (that is, if it is at least 20%).

_____ K. The original apportionment (with the GPCA getting almost 10% of the delegates, relative to having 40% of the members) was fair enough. We agree to have our ballot line bound regardless.

_____ R. Other definition of fair representation: _____

VOTE 4: PROCEDURE FOR DETERMINING CONSENT

RANK NUMERICALLY IN ORDER OF PREFERENCE

(The result of this ballot applies only if E passes or if F passes and we do not achieve what the GPCA determines is fair representation by the time of the national nominating convention. Please rank your preferences even if you did not vote for either of these, in order to get a representative result.)

Note: for all the IRV votes on the Presidential candidates mentioned below, “None of the Above” (NOTA) will be included as an option. If NOTA wins the ballot, no candidate will be put on our ballot line.

_____ L. A **state nominating convention** will be held after the national nominating convention to review Presidential and Vice-Presidential nominations made at the national level and to ratify the GPUS ticket. If the GPUS ticket is not ratified, an IRV election will be held, including on the ballot those national Green Party Presidential candidates and nominees from the floor who still accept the nomination, to determine the California Presidential ballot line. This convention will be planned as part of the 2-year work plan.

_____ M. An **online state nominating convention** will be held after the national nominating convention to a) decide whether they approve the national nominee, and b) rank the nominees who still accept the nomination on an IRV ballot. If the national nominee receives 2/3 support or more, the national nominee will be placed on the GPCA Presidential ballot line. If the national nominee receives less than 2/3 support, the winner of the IRV election will determine the GPCA’s Presidential ballot line. Delegates in the convention will be determined as specified in the bylaws for General Assembly delegates, although the vote will be taken online.

_____ N. A **county poll** will be held after the national nominating convention to a) decide whether they approve the national nominee, and b) rank the nominees who still accept the nomination on an IRV ballot. If the national nominee receives 2/3 support or more, the national nominee will be placed on the GPCA Presidential ballot line. If the national nominee receives less than 2/3 support, the winner of the IRV election will determine the GPCA’s Presidential ballot line.

_____ O. A **poll of a scientific sample of the GPCA membership** will be taken after the national nominating convention to a) decide whether they approve the national nominee, and b) rank the nominees who still accept the nomination on an IRV ballot. If the national nominee receives 2/3 support or more, the national nominee will be placed on the GPCA Presidential ballot line. If the national nominee receives less than 2/3 support, the winner of the IRV election will determine the GPCA’s Presidential ballot line.

_____ S. Other means of granting GPCA consent: _____