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Dear Reader,

Welcome to the first edition of The Gadfly Pages, a platform for discussing concerns regarding the illiberal and authoritarian direction the Unitarian Universalist Association has taken. This occasional publication is currently distributed and shared exclusively by email. You are its distributor. Please share it with others you think will be interested in its contents. Perhaps, in time, it will become a larger publication with articles and news from a variety of contributors, as well as letters from those whom both agree and respectfully disagree with its subject matter. But, for now, it begins with a single essay by its pesky editor. TE

POSTING EDICTS AND APPOINTING PRESIDENTS

How the Unitarian Universalist Association is Leaving its Delegates with No Choice in its Next Presidential Election

By
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If circumstances continue as they are, the next President of the Unitarian Universalist Association will have been selected, not elected, by a six-member Presidential Search Committee. Aspirants for the position must apply, be interviewed by this committee, and prove they best meet its criterion, including a job description that is not part of the UUA bylaws. These requirements include agreement with a peculiar ideological approach to antiracism work that not everyone agrees with, and that is also not required by the UUA bylaws, at least not yet. If an applicant disagrees, we can be sure he or she will not be selected by the Presidential Search Committee. The requirement states the applicant:

“Expresses personal and professional commitment to counter white supremacy, patriarchy, colonialism, and other systems of oppression.”¹

This sounds fine on its surface, but, as I and others have personally learned the hard way, it is merely an excuse for holding others accountable to a very narrowminded approach to racial justice. More importantly, according to the UUA bylaws the Presidential Search Committee need only put forward the names of two candidates, no matter how many prospects have applied. It is, thus, little more than a job interview narrowed down to just two applicants chosen by six persons.

“The Presidential Search Committee shall submit no fewer than two nominations for the office of President for an election at the end of a presidential term or for a special election.”²

In 2021 the UUA Board of Trustees proposed a bylaw amendment to this rule that would have made it possible for the committee to put forward only one candidate:

“The Presidential Search Committee shall submit ~~no fewer than two~~ [one or more] nominations for

¹ President of the UUA Job Description posted by UUA.org April 1, 2022

² UUA 2022 Bylaws – Section 9.5 (a)

the office of President for an election at the end of a presidential term or for a special election.”³

This proposed change, which would have been more akin to a College of Cardinals appointing the next Pope than to the democratic processes of a liberal religion, would also have allowed the UUA leadership to present a single unchallenged candidate, making any vote by General Assembly delegates irrelevant. This maneuver proved unacceptable to the 2021 delegation and was not passed.

Practically speaking, however, its failure makes small difference. That six-people still select just two candidates who meet their prerequisites, from among an unknown number of applicants, is hardly a genuine democratic election. They simply present *their* top two choices, based on their criterion, and say, “Here, now you can select one.” No matter which of the two wins, the half-dozen individuals who determine this extremely limited choice—or the UUA leaders directing them—are the only real winners in such an election.

Ostensibly, the UUA bylaws do allow for other candidates to run by petition, but recent changes to these bylaws have made this option little more than another farce. Prior to 2019, the bylaws stated:

A nomination for the office of Moderator or President, for a regular or special election, may be by petition signed by no fewer than twenty-five certified member congregations. A certified member congregation may authorize the signing of a petition only by vote of its governing board or by vote at a duly called meeting of its members. Such a petition shall be filed with the Secretary of the Association, only in such form as the Secretary may prescribe, not later than February 1 of the year of the election and not earlier than the preceding March 1.⁴

Needing to get the support of 25 congregations by a vote of their Boards or members is a lot more difficult than being hand-selected by a small committee of six. Still, given that one could begin gathering petitions far in advance, prior even to March 1 the year before an election in June, leaves well over a year to do so. But in 2019 the bylaws were changed. Instead of 25 congregations, the amount required was doubled to fifty, and now must include congregations from at least three different regions of the U.S.

A nomination for the office of Moderator or President, for a regular or special election, may be by petition signed by no fewer than ~~twenty-five~~ **[fifty]** certified member congregations, **[including at least one congregation from three of the regions of the Association.]** A certified member congregation may authorize the signing of a petition only by vote of its governing board or by vote at a duly called meeting of its members. Such a petition shall be filed with the Secretary of the Association, only in such form as the Secretary may prescribe, not later than February 1 of the year of the election and not earlier than the preceding March 1.⁵

Anyone involved in church life understands how long it can take for voting to happen in congregations, so the new requirement of fifty petitioning congregations (from three regions, no less) is extremely daunting. Presumably, however, one still has until February 1st the year of the election to get them turned in, with no designated start date. So, as long as one begins soliciting petitions well in advance of the election, there is still a pretense of possibility that petitioning candidates can get on the ballot.

Then again, in 2021, the same year the UUA Leadership attempted to change the bylaws so they could put forward only one Presidential candidate, they succeeded in making another subtle bylaw change to this particular rule on petitioning candidates. The early petition

³ Proposed Bylaw Amendments – General Session III – UUA General Assembly – 2021 – Section 9.5 Nomination of President or Moderator

⁴ UUA Bylaws Prior to 2019 – Section 9.6. Nomination by Petition

⁵ UUA Bylaws as Amended in 2019 – Section 9.6 Nomination by Petition

submission date was changed from March 1 the year before to December 1 the year before.

Such a petition shall be filed with the Secretary of the Association, only in such form as the Secretary may prescribe, not later than February 1 of the year of the election and not earlier than the preceding ~~March 1~~ **[December 1.]**⁶

Since it is the deadline, not the early date, that should be of most importance, this change doesn't make much sense. Why should it matter how early a petitioning candidate turns in one's petition? And why change the early date from 8.5 months before to just two weeks after campaigning has already begun on November 15? Only two-and-a-half months before the petitions must be turned in?

The answer became clear to me soon after I posted an unlisted video on YouTube letting my congregation know of my intention to begin the petitioning process, just as petitioners have always done, hoping to get started well before the February 1 deadline. One week later, on May 5, 2022, I received a terse email from the UUA's Election Campaign Practices Committee stating:

It has come to our attention that you have shared with your congregation and posted to YouTube a video indicating your intent to petition and run for UUA President in the 2023 election.

The UUA rules, specifically Rule G-9.13.7, prohibits "active campaigning, including public announcements," prior to Nov. 15th, 2022, for this election.

Rule G-9.13.10 tasks us, the Election Campaign Practices Committee, with enforcing these rules. You are in clear and unambiguous violation of these rules.

To comply with these rules, you must remove this video from YouTube, and any references to the video or any campaign you might run in the church newsletter or other media locations, by 9 AM on Monday, May 9th.

If this remedy is not implemented, or if any additional active campaigning happens before Nov. 15th, 2022, the Election Campaign Practices Committee will determine that you are in serious violation of our rules, and thus your name will not appear on any ballot for President of the UUA in 2023. If we so determine, you will be notified by email and you may appeal this decision to the Executive Committee of the Board of Trustees within 10 days of our decision.

Our rules on the length of campaigns are clear and not negotiable. There will not be a subsequent warning.

My plans are now on hold, but the reason for this otherwise nonsensical bylaw change suddenly makes sense. Rather than attempting to prohibit petitioners with a bylaw change that would have made these undemocratic intentions obvious, the UUA leadership has made a simple date change that allows them to recategorize the traditionally separate petitioning process as part of the campaign process. Even with this subtle change, however, the UUA bylaws give no guidelines for the petitioning process, which has always been separate from the campaign process, as is evident from the original early submission date of March 1, more than eight months before campaigning begins in mid-November.

If this isn't proof enough that the petitioning process is separate from the election campaign, there's another bylaw still in place stating, "The duties of the Election Campaign Practices Committee shall be:

"to distribute the campaign practices guidelines and financial disclosure rules to candidates for at-large elective positions not later than thirty days after nomination by the nominating committee or receipt of petition."⁷

It is clear from this that the UUA bylaws still delineate, as they always have, between the election campaign and the petitioning process.

⁶ UUA Bylaws as Amended in 2021 – Section 9.6. Nomination by Petition

⁷ Rule G-9.13.10(b)(1)

Why else can the committee wait up to 30 days after the petition is turned in to provide petitioning candidates with the election rules?

In light of this evidence, I responded to the UUA's initial communication the day it was sent, letting them know I removed the video in question as a show of good faith, while also asking for guidance regarding the separate petitioning process:

I seek your advice regarding the proper wording for soliciting the 50 congregations I need to support my petitioned candidacy. (Obviously I could not begin this process without letting my congregation know first.) Until November, I will not ask for anyone to endorse my candidacy, only to support my petition so that I may have the same advantage as the two candidates who will be vetted by the Presidential Search Team in advance of November and be ready to start campaigning at that time.

As you know, it takes a great deal of time for church boards to get together and vote, let alone to call and hold special congregational meetings. Obviously, I cannot begin such a process in November. I need to begin the petitioning process now, which is not dealt with in the UUA bylaws, that I have seen. As you also know, the bylaws were changed in 2019, going from 25 to 50 petitioning congregations. I must presume this was designed to prevent petitioned candidates from standing much chance of getting on the ballot.

This, however, cannot be considered fair or democratic by any reasonable standards and I now ask for your guidance in moving forward in a necessarily timely fashion through the petitioning process.

To which, on May 6, 2022, I received the following brief reply from the UUA Election Campaign Practices Committee:

Thank you for removing the video. [The] UUA Secretary, can clarify the rules. I'll let him answer your question about how to proceed. The bottom line is that campaigning of any kind, including seeking petitions, cannot begin until Oct 1st (in non-public communication) and Nov 15th (for public communication).

On May 13, 2022, after more than a week had passed without having received further communications on the matter, and not expecting I would, I wrote the Committee and the UUA Secretary stating, in part:

I have not received any additional communications and imagine you may not wish to put your answers in writing given the undemocratic nature of this situation. Nevertheless, I dispute your interpretation of the election rules. To be honest, it seems a veiled attempt to keep me off the ballot to begin with. Either I play by your rules, or I don't get on. Or I play by your rules, and I can't possibly get on.

Then, disputing the UUA Election Practices Committee's unsubstantiated interpretation of the rules, I explained the petitioning process is clearly distinct from the campaign process, and that Rule G-9.13.10(b)(1) proves it. I further pointed out that the deadline for Presidential applicants making non-public statements about their intentions isn't the October 1 date imposed upon me, but July 15, when applicants are asked to provide much information about themselves, including up to 5,000 words saying why they believe they should be the next UUA President.

- The deadline to submit applications is July 15, 2022.
- A cover letter describing why you are applying and why you believe you are qualified for the position (limit 1,000 words).
- Using the job description as a guide, what competencies do you have that you believe would be a strength as the President of the UUA?

So, I additionally asked:

How is this preliminary communication acceptable, which I presume includes interviews prior to November 15th, yet seeking petitions prior to this date is not?

I then concluded as follows:

Nevertheless, I am not an unreasonable man. I wish to offer you another opportunity to respond

directly to the legitimate questions I have asked, in writing and **to my satisfaction**, including an acceptable and fair petitioning process we can all agree upon, or else I will decide how best to proceed myself, which the UUA election rules clearly do not prohibit me from doing.

What was the purpose of changing the number of petitioning congregations from 25 to 50 in 2019 to begin with? This makes petitioning for a ballot nearly impossible. How does this change serve our liberal religion's affirmation of our 5th principle?

How do you and why would you expect a petitioning candidate to get 50 such petitions during a two-month period while your selected candidates are already campaigning? How is this in any way fair and why did you think it was to begin with?

I must soon move forward with getting the petitions I need, so please kindly respond by Wednesday of next week or I will presume such a response will not be forthcoming.

On May 18, 2022, I received the UUA Secretary's brief reply stating:

Thank you for your questions concerning the 2023 UUA Presidential election process. After reading them, we concluded that other potential candidates might have some of the same or similar questions. As we want all potential candidates to have the same information, we prepared a memo summarizing some of the election rules and my reading of them. This memo has been posted on the UUA's website so it will be available to all potential candidates.

Although, I would have preferred a response to my specific questions, after three years of dealing with them on such matters, I'm used to the UUA's "refusal to engage" with my direct questions and concerns. So, I clicked on the link provided to locate the memo. As expected, it does not answer any of my direct questions and only doubles down on what I was initially told:

"Candidates seeking nomination by petition may solicit congregational support beginning November 15, 2022, or earlier if the PSC announces its nominations before that date."⁸

Keep in mind, this statement is not written in the UUA bylaws and, as I have shown, contradicts them, as well as established precedent surrounding the petitioning process and the democratic principle our liberal religion is supposed to affirm. Nor does the Secretary offer any reasons for his inexplicable, unjustifiable, and draconian interpretation of the rules, other than to simply claim it is his right to do so:

Requesting congregational nomination signatures involves persuading hundreds of people to take an action that supports an individual's candidacy. Under my authority as Secretary under Bylaws Section 9.6. and Section 9.9, it is my determination that soliciting congregational signatures qualifies as "active campaigning" under Rule G .9.13.7. Thus, such solicitation may not begin until the earlier of the date the PSC announces its nominees or November 15, 2022.⁹

Here the UUA Secretary entirely evades the legitimate questions I've posed, then claims to have the authority to interpret the written rules to make them mean whatever he decides. But an unexplained and unprecedented Edict placed upon the UUA website is not a bylaw and I challenge the Secretary's claim that he has the authority to override the bylaws and add unsubstantiated restrictions at his discretion. In Section 9.9 of the UUA bylaws, it is stated that:

The Secretary shall decide any question arising during such an election concerning:

- (a) the interpretation of any provision of these Bylaws or of Rules made hereunder relating to election procedures;

⁸ UUA Presidential Nomination 2023 Timeline Summary Posted by UUA Secretary May 18, 2022 at www.uua.org/uuagovernance/elections/policies

⁹ Ibid.

(b) any procedural problem relating to the election which is not covered by these Bylaws or by the Rules.

So, perhaps the UUA Secretary understands this to mean he can interpret the rules however the UUA leadership decides will best achieve its own objectives, undermining decades of election precedent and the bylaws 5th Principle's commitment to democratic processes. As I have shown, however, the bylaws are not confusing on this topic, they simply do not require a specific petitioning process and never have, historically leaving it up to the petitioners to decide how best and when to proceed, not the UUA Secretary. If this new draconian Edict stands—this Edict *against* Torda—it means from now on anyone wishing to petition to be on the ballot for the UUA Presidency cannot openly say a word about

their intentions to anyone until November 15, only six months before an election. Only then can they begin seeking the fifty congregations necessary to officially vote in support of their petition in the less than 2.5 months prior to the February 1 deadline for turning them in, while their chosen candidates, who are already guaranteed to be on the ballot, have been free to campaign.

Doubling the number of petitioning congregations to fifty, and moving the early submission date to well after the election campaign has already begun, means voting delegates at the 2023 UUA General Assembly, when the next UUA President will be “elected,” might as well wait outside the business hall until they see the white smoke signaling a new UU Pope has been appointed.

ⁱ Rev. Dr. Todd F. Eklof is minister at the Unitarian Universalist Church of Spokane and was disfellowshipped from the Unitarian Universalist Association after writing *The Gadfly Papers* in 2019, a book expressing concerns about the illiberal direction the denomination has taken.