

Board Memo

Date: 6/3/2015
To: National Board, Active 20-30: United States and Canada
Cc: Jerry Packer, Executive Director
From: Vineet Wahi, Chair, Laws and Regulation Committee
RE: Nomination and voting procedure at AGM
Priority: Urgent

The Bylaws committee was asked:

"I am writing you as the Head of the Laws & Regulations Committee to request an official interpretation of our bylaws, and, if necessary, Roberts Rules of Order in regards to our nomination and election process for National President-Elect. The first interpretation is on the ability for nominations for this office to be reopened from the floor of the AGM. The second is the question of whether or not a write in candidate for National President-Elect is allowable.

I have consulted with several Past National Presidents on this matter so I am aware that there is precedent for nominations to be reopened from the floor. After these discussions, as I understand it, there is precedent to indicate that in the past delegates at AGM have had the opportunity to vote for none of the above or none of the registered candidates (as occurred in the Director elections in 2002). I would ask first that you interpret the ability of the nominations to be opened.

I would ask secondarily that you rule on the option of write in candidates for National office. Our ballots sent out to clubs list a write-in candidate option for the office of Regional Director even if there is already a stated candidate. However, this option is not available for National President-Elect. I understand also that, while our voting process may not be a straight line interpretation of Robert Rules of Order, there is a provision that allows for the suspension of a Rule or Bylaw if an entity can declare an urgent need. It was this same section of Roberts that allowed the age rule to be suspended and enabled Past National President Jennifer Norman to run for National President-elect in 2005, even though she had turned 40 prior to the AGM. Also at the AGM in 2005 Frank Cockrell would have rescinded his nomination when he ran unopposed for this same position even though it is not explicitly allowed by Roberts Rules or our bylaws. I believe that a large number of clubs, and in turn our membership, being dissatisfied with the candidates who made the Nomination Deadline as stated in Article VI Section 7a of the bylaws classifies as an urgent need. I believe that our membership should not be forced to vote for a candidate it does not approve of."

The Committee will address three specific questions:

1. What is the ability for nominations for this office (National President-Elect) to be reopened from the floor of the AGM?
2. What is the appropriate treatment of ballots that have a write-in candidate for National President-Elect?

3. Under Robert's Rules of Order, is there presently an "urgent need" to suspend a Rule or Bylaw to allow nominations from the floor?

Question 1 –

What is the ability for nominations for this office (National President-Elect) to be reopened from the floor of the AGM?

Sub-Question: Were nominations of the two declared candidates made in accordance with the bylaws?

Yes.

The National Bylaws require the following:

SECTION 7. NOMINATIONS:

a. **PRESIDENT-ELECT:** All nominations shall be made from the floor of the convention at the time designated on the official program. However, each nominee shall have, not later than sixty (60) days prior to the opening day of the convention, filed with the Executive Director, a declaration of intention to run for the said office. The declaration must be accompanied by a Certificate signed by the Secretary of the club of which said nominee is a member, stating: 1) The age of the nominee; 2) The length of time nominee has been a member; 3) (Previous offices held in Active 20-30; 4) That the candidacy has been approved by a vote of the club's Board, and is in good standing with National Active 20-30 United States and Canada.

b. **ELIGIBILITY FOR PRESIDENT-ELECT:** An individual candidate shall be considered eligible for the position of President-Elect when the following qualifications are met: 1) A member in good standing of their club for a minimum of three (3) years; 2) Has served as a President of an Active 20-30 United States and Canada Club or as National Director of Active 20-30 United States and Canada; and 3) Has not yet reached his or her 40th birthday as of August 1st in the year of the election. In the event that no eligible candidate declares for this position, then nominations from the floor of the convention will be accepted (same eligibility standards apply). The candidate shall be nominated by the delegate or alternate delegate of their own club unless no other members of their club are present in which case the candidate may be nominated by the delegate carrying the candidate's club's proxy.

The Bylaws are clear as to the mechanics of how nominations for the office of President-Elect are carried out. During the formal nomination from the floor of a declared candidate, said candidate may decline the nomination. In the current year (2015), if both declared candidates decline; that would have the effect of applying the following part of the Bylaws;

"In the event that no eligible candidate declares for this position, then nominations from the floor of the convention will be accepted (same eligibility standards apply). The candidate shall be nominated by the delegate or alternate delegate of their own club unless no other members of their club are present in which case the candidate may be nominated by the delegate carrying the candidate's club's proxy."

Question 2 –

What is the appropriate treatment of ballots that have a write-in candidate for National President-Elect?

Based on the Bylaws governing the election of President-Elect; the question of a write in candidate is moot. Any vote cast by a delegate not for a declared candidate (or properly nominated and eligible candidate if there were no declared candidate) should properly be treated as an abstention.

Question 3 –

Under Robert's Rules of Order, what is the process to suspend a Rule or Bylaw to allow nominations from the floor?

Since there is a Bylaw in place addressing the proper administration of elections for National President-Elect; there is no Rule that need be suspended unless it is determined this Bylaw is in fact a Rule, as defined in Roberts Rules of Order, as follows:

Suspend the Rules

When an assembly wishes to do something it cannot do without violating its regular rules, it can adopt to 'Suspend the Rules' that interfere with the proposed action. The proposal must not be in conflict with bylaws/constitution, local/state/national laws, or a fundamental principle of parliamentary law. This motion cannot be debated or amended.

Examples of how to move this motion is to say:

- "I move that we suspend the rule that prohibits us from right now taking up the previously postponed motion on book sales."
- "I move that we suspend the rule that prohibits us from listening to the budget report now."

"Call for the Orders of the Day" forces the assembly to adhere to the adopted agenda. "Suspend the Rules" releases us from adhering to the adopted agenda. There is no such thing as "Suspend the Orders of the Day".

- I. Rules that **CAN** be suspended with a 2/3 vote:
 - A. Rules of Order (These relate to Parliamentary Procedure)
 - B. Special Rules of Order (These relate to Parliamentary Procedure)
- II. Rules that **CAN** be suspended with a majority vote:
 - A. Standing Rules (not related to Parliamentary Procedure)
- III. Rules that **CANNOT** be suspended even with unanimous consent (unless they provide for their own suspension):
 - A. Bylaws/Constitution (unless it is clearly a rule of order, see page 17, line 22-24.) **
 - B. Federal/State/local law **
 - C. Fundamental Principles of Parliamentary Law: **
 1. Rule that allows one question at a time

2. Rule that allows only members to vote when present in a legal meeting.
3. Rule that prohibits absentee or cumulative voting.
4. Rule protecting absentees or basic rights of the individual member.
 - a. Rule requiring the presence of a quorum.
 - b. Rule requiring a previous notice.
 - c. Rule requiring the election of officers by a (secret) ballot.
 - d. Rule allowing members to attend meetings, make motions, speak in debate (move Previous Question is not the same as Suspend the Rules), or vote, except through §61 - Disciplinary Procedures.
 - e. Portion or entire order of business (agenda). 'Proceed to' and later 'Return' is not the same as Suspend the Rules.

The motion to suspend the rules may be made at any time when no question is pending; or while a question is pending, provided it is for a purpose connected with that question. It yields to all the privileged motions (except a call for the orders of the day), to the motion to lay on the table, and to incidental motions arising out of itself. It is undebatable and cannot be amended or have any other subsidiary motion applied to it, nor can a vote on it be reconsidered, nor can a motion to suspend the rules for the same purpose be renewed at the same meeting except by unanimous consent, though it may be renewed after an adjournment, even if the next meeting is held the same day.

When the assembly wishes to do something that cannot be done without violating its own rules, and yet it is not in conflict with its constitution, or by-laws, or with the fundamental principles of parliamentary law, it "suspends the rules that interfere with" the proposed action. The object of the suspension must be specified, and nothing else can be done under the suspension. The rules that can be suspended are those relating to priority of business, or to business procedure.

The Committee finds that the Bylaw governing Elections is not a Rule of Order that can be voted on to be suspended for purposes of the question posed presently. The intention of the wording of the Bylaw is to allow for voting delegates time to become educated about the qualifications and policy positions of the declared candidates. The ultimate objective is to allow for an informed and thoughtful vote resulting in the most qualified candidate representing the views of the majority being elected to hold office. It would be counter to this process to allow for this Bylaw to be suspended with the current facts and circumstances.

Vineet Wahi, Richard Middlebrook, Frank Cockrell & Anand "Lucky" Jesrani, Bylaw Committee Members, Unanimously