



American Legion Auxiliary Department of California Constitution and Bylaws

Bulletin #4– February 2021

Founding Mothers and Framers,

I thank those of you who sent in your Mid-Year Reports. I received some great input from you. One thing that is apparent is the number of units and even some districts that have not had a meeting since the pandemic began. Meetings are still required; we just need to use different methods. I know there is a lot of frustration from members, many have no idea how to do a virtual meeting. Hopefully, the information contained in this bulletin will help.

In my first bulletin this year, I stated *Robert's Rules of Order Newly Revised, 12th Edition* was coming out in September. All Units and Districts are required to have this publication available at each meeting. Normally the parliamentarian has it with her to refer to during a meeting. It can be ordered from Amazon, Barnes & Noble, and other bookstores. If it has not been purchased yet, it is a good idea to do so now.

Robert's Rules of Order Newly Revised, 12th Edition addresses electronic meetings on pages 88-91. The Appendix on pages 635 – 649, titled *Sample Rules for Electronic Meetings*, discusses several scenarios and rules for the meetings. *Robert's Rules* can also be downloaded as an eBook from Amazon.

Below you will find some information regarding voting during electronic meetings I recently received from National ALA. Not only are we voting on motions, but soon we will be electing officers for next year. It is important to not only familiarize yourselves with the information I am providing but to also share it.

Things to Consider When Voting in an Electronic Meeting



Ahead of the meeting:

- Set up a test meeting for everyone to join ahead of the actual meeting.
- Practice motions, discussion, and voting.
- Give everyone a chance to ask questions and test their microphones, audio speakers and meeting
- activities like electronically raising hands or responding to a poll.

The actual meeting:

- Do you have a quorum?
- Do you have a comprehensive list of credentials handy (who is entitled to vote)
- Can the members all hear each other and participate equally in discussion
- Are you able to confirm that only those who are legally able to vote, are the only ones voting?
- Must the vote be secret or not?

Refer to *Roberts Rules of Order 12th Edition, Chapter XIII* Voting to read more about the different methods of voting and how voting should occur to assure the rights of every member. RONR also has new language around electronic meetings. Be sure to check out this helpful information starting on page 89 "Types of Electronic Meetings."



Ballot Voting in Telephone Meeting

Electronic Meetings ...Who Knew! Taken from NP – National Parliamentarian, Official publication of the National Association of Parliamentarians; Volume 81, No 4 | Summer 2020.

Question: *My chapter's bylaws allow for electronic or telephonic meetings during an emergency, such as a pandemic. We wish to elect officers at our annual meeting – the current officers are all outspoken in their intention not to remain in office any longer than the original term. Most of our members are not technologically advanced and cannot participate by means of the internet or smart phone. We wish to hold the meeting by a free conference call. The nominating committee is proposing only one candidate for each office. Our bylaws expressly allow for election by acclamation if there is only one candidate; otherwise, our bylaws require a ballot vote. The bylaws also mandate that nominations from the floor are allowed.*

In the event a nomination is made from the floor, many of us believe that we can vote for a candidate by announcing our vote. Our parliamentarian, however, insists that a ballot vote, which we are required to have in a contested election, must be secret.

Is there any legitimate way to both conduct a telephonic election and to maintain secrecy of member choices? One solution we are considering, if there are two or more candidates, is to have all members call an agreed-upon person, who will be honor-bound to (1) tally the votes correctly and (2) to maintain the secrecy of how members voted.

Answer: *Voting by ballot is used when secrecy of the members' votes is desired. RONR, p.412. Under typical circumstances, a ballot can consist simply of a piece of paper on which the voter indicates choice. RONR, P. 413. Ballot voting is often required in voting for officers and, as you say, is mandated in your case. When the bylaws require a vote be taken by ballot, this provision cannot be suspended, even by unanimous consent.*

Clearly the report of the nominating committee must be received, and the chair must call for further nominations from the floor. If there are any additional nominations, a ballot vote must be held. The purpose of a ballot vote is to maintain secrecy, and a voice or roll call vote would not be in order. You are trying to accomplish the required secrecy by appointing a trusted individual to collect what in effect are verbal ballots.

When possible, the best answer to conduct the meeting by means of technology that will allow for secret polls or voting, which is possible on numerous computer platforms. There are also providers of vote-by-phone services such as <https://www.simplyvoting.com>. A negative consideration is that the service is not free, however, positive concerns are that such a service is a professionally conducted, neutral voting method. If such a service is used, careful attention must be paid to the protocols used when voting, and how the chair will announce the results of the vote.

If you still wish to proceed by having a designated person tally the individual votes, and to consider these to be ballot votes, be sure the members agree to following this procedure and to the choice of designated individuals. Suggestions for the individual would include non-members, such as a respected member from another chapter, a minister, or a judge. The chapter's chaplain, if this office exists, is also a sensible option if no non-member will agree to these conditions.

In closing, stay safe and healthy, please! Each day brings us closer to being together again.

Yours in Service,

Linda

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Attachment

An Overview of Voting Methods

Voting Method	Positive Attributes	Negative Attributes	Notes
Voice Vote	Easy to accomplish in an electronic meeting; Relatively easy to determine outcome	Cannot 100% confirm that only those legally able to vote are actually the only ones voting.	Not Secret
Roll Call Vote	Assures only those legally able to vote are voting; Absolute on determining outcome	Depending on how many members are involved, could be a time drag. Sometimes hard for people to vote their actual conscience when everyone can hear how a member votes	Not Secret
Email Voting	Assures only those legally able to vote are voting	Everyone must have access to email; Results not immediately available; A process must be developed and agreed upon before the vote is executed	Not Secret. Email is considered a “proxy” vote and proxy vote MUST be allowed by state law and prescribed in bylaws in order to be legally used
Poll Voting	Relatively easy to facilitate; Results may be immediate;	Electronic platform must offer polling; A cost may be involved; Technical Team must be able to receive report and interpret results; May require intervention to certify the results (legal voters only cast votes); Some members who are not on the virtual platform may struggle with executing the vote	A technically savvy team member is required to manage the poll. Requirements may include administering, launching, and determining poll results. May need to retrieve report to certify results leading to a delay in announcement of those results.
Mail Voting	Assures only those legally able to vote are voting; everyone understands how to use regular mail	Must be prescribed in bylaws, results not immediately known	Secret or Not Secret depending on how ballot is prepared, and process required
3rd Party Electronic Voting Applications	Results are immediate and, in most situations, very accurate.	Cost may be involved; those who are not technically savvy may struggle executing their vote. Requires an administrator to manage the ballots; depending on app requirements, members may need to register ahead of time	Results are secret or not depending on set up. Many apps to choose from. Investigate several before deciding to go this route

More about 3rd Party Applications

There are several great third-party voting applications available. The advantage is the results of the vote are immediate, the voters are controlled so only those legally able to vote are voting, the vote itself may/may not be secret (controlled by administrator) and there is confidence that the vote is fair and equitable. There are some challenges, however. There may be a cost involved to use the application and someone who is computer savvy will need to set up the account and serve as the administrator. Members who are technologically challenged may have issues with executing their vote while actively participating on multiple platforms (example: meeting on computer, voting in application using a second browser or device [iPad or phone]). Regardless of which platform is used, members will likely need to register with that application ahead of the meeting, along with establishing a profile and password. For a good example of a third-party voting platform, check out www.simplyvoting.com or www.surveymonkey.com. These third-party applications may just do the trick for you and your team’s voting requirements.