

Bylaw Change Submission

Section to be Changed: Nominations – Section 18

“Each candidate shall be voted for separately by ballot and must receive a majority of all votes cast excluding blank or defective ballots.”

Suggested Replacement Section:

“Candidates may not be nominated for more than one position in an election. All nominees will be included in a single ballot to be voted on by members. Each nominee must receive a majority of all votes cast, excluding blank or defective ballots.”

Reason for the Replacement:

There is confusion regarding the interpretation of the phrase, “Each candidate shall be voted for separately by ballot and must receive a majority of all votes cast....” This phrase, in my opinion, is being misinterpreted as, “Each candidate shall be voted on using a separate ballot...”. This bylaw change is:

1. An attempt to incorporate the process led by BOG members Laurel, Cindy and Jay during the May 2023 Annual Meeting.
2. There was a positive comment made by a Keha Esposito during the June BOG meeting, so this seemed to be supported by members at large.
3. An attempt to clarify ambiguous and confusing language in our bylaws to reduce discussion on the meaning of bylaws and reduce tension across association membership.

Arguments against the potential replacement:

I believe that the concern here is that if candidate A and B are running for President, and candidate B loses, then they would not be, able to run for another position in the same election. This would be due to all individuals having to be included in the single ballot. This would not be the case if a separate ballot was provided.

So, just to illustrate the above in an example:

1. Candidate A and B are nominated for Vice President.
2. Members vote on Candidate A and B
3. Votes are tallied and Candidate B loses.
4. Now Candidate B decides to run for Treasurer.
5. Candidate B is nominated from the floor.
6. Ballot is prepared including Candidate B along with Candidate C.
7. Members vote on candidate B and C.
8. Go to step 3 and possibly repeat for each position.

Arguments for the potential replacement: The wording does not say, “Each candidate shall be voted for separately by separate ballot and must receive a majority of all votes cast....” It is my interpretation that, “Each candidate shall be voted for separately by ballot and must receive a majority of all votes cast....” means that each candidate can be voted for separately using a single ballot rather than by multiple ballots. The new proposed language will clarify this so that there is not any misinterpretation.

1. When we vote in national, state, local etc. elections, the voting is done via a single ballot. That ballot also contains the names of all individuals that are nominated for the positions for which the elections are being held. The proposed change would ensure that the Associations voting process would be in alignment with that process.
2. In our national, state and local, elections, we do not vote for the nominees for Senate, for example, and then allow the loser to run as a nominee for the House of Representatives. If the candidate is nominated for the Senate and they lose they can't run for a position in the House in the same election. They must wait until the next election.
3. The process for multiple ballots would be time consuming. The Annual Meeting is already a time-consuming event. If you look at the sample process outlined in "Arguments Against the Potential Replacement" this process has the potential to be repeated 6 times if the candidate is nominated and loses in each attempt. (President, Vice President, Recording Secretary, Financial Secretary, Treasurer, and governor at large). This represents an extraordinary effort to accommodate and will result in extended meeting times.
4. Eliminates the potential for candidates to run for multiple positions. This should be expressly stated in the bylaws to eliminate any question about whether this practice is allowed.
5. The exact process of creating a single ballot, that contained all the nominees and prohibited individuals for running for multiple positions was used at the Town Caucus where Sheri Berger was nominated for Tax Collector. I think we should adopt the same process.

Respectfully submitted to the bylaw committee for consideration:



Brian Polak

3/11/2024
Date