



## REPORT TO THE LIBRARY BOARD

MEETING DATE: JUNE 18, 2008

Session:	Public
Subject:	Background Information Re: Possible Bylaw Amendment Regarding Breaking a Tie Vote During Election of Officers
Prepared By:	Josh Morgan, Margaret Mitchell, Susanna Hubbard Krimmer
Presented By:	Josh Morgan, Margaret Mitchell
Purpose of Report:	For Receipt and Information Only <input checked="" type="checkbox"/>

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### Recommendation

It is recommended that this report be received.

### Issue / Opportunity

At the December 12, 2007 meeting of the Board, an election was held for the third member of the Executive Committee. Ms. Lubell and Mr. Morgan were both nominated for this position. The Board held a vote and the results were 4-4. A second vote was taken and the Chair did not vote. There is a discrepancy between the Library Board bylaws and conduct of meetings according to Kerr and King.<sup>1</sup> It was MOVED by Councillor Branscombe and seconded by Mr. Morgan that Administration work with Mr. Morgan to clarify the process when a tie vote occurs during an election, and further that the Library Board bylaws be revised to clearly reflect the clarified process and, that a report be brought forward at a later date.

### Background & Review

#### Review of Board Bylaw and Kerr & King

The current Board bylaws, specifically section 4.3 regarding the annual meeting and election of officers, were reviewed along with Kerr & King. It was determined that the section of the bylaw on the Annual Meeting was not clear in terms of process and did not provide a resolution for a tie vote. The section of the bylaw is reprinted below:

#### 4.3 Annual Meeting

The annual meeting of the Board, for the purpose of electing Officers, shall be held in the first year of the term at the same time as the Inaugural meeting. During intervening years, the annual meeting of the Board shall be held in December at the time and place established by the Board at a regular meeting of the Board in the prior year.

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<sup>1</sup> Kerr, M. Kaye & Hubert W. King. Procedures for Meetings and Organizations. 3<sup>rd</sup> edition (Toronto: Carswell, 1996).

At the time appointed for the meeting the CEO/Secretary Treasurer shall call the Board to order and read the names of the members appointed. The CEO/Secretary Treasurer shall act as Chair pro tem for the election of the Chair for the current year and shall call for nominations.

Nominations shall be made with no seconder required.

Nominations shall be closed by motion made and seconded. If only one person has been nominated that person shall be declared elected. If more than one person has been nominated the Chair shall be elected by secret ballot. The member receiving a majority of the votes cast shall be declared elected by the CEO/Secretary Treasurer but the count shall not be disclosed. **Should no member receive a clear majority the CEO/Secretary Treasurer shall so declare and balloting shall proceed until a Chair is elected.**

Following election, the Chair shall assume the Chair and call for nominations for Vice Chair. If the Chair is not present, the CEO/Secretary Treasurer shall call for nominations for Vice Chair. The election of Vice Chair shall be conducted in the same manner as that for Chair. Should the past Chair no longer be a member of the Board, the election of a third member to the Executive Committee shall be conducted in the same manner as that for Chair.

If neither the Chair nor Vice Chair is in attendance at either the inaugural meeting or subsequent meetings, members of the Board shall, by motion, appoint one of their own members to be Chair pro tem.

In Section 16.1 of the bylaws, related to the conduct of meetings, the bylaws authorize the work of Kerr & King as procedural authority:

16.1 - Conduct of meetings and procedures thereto not set out above shall follow Procedures for Meetings and Organizations by M. Kaye Kerr & Hubert W. King.

In Kerr & King, section 125 (e) on page 154 it states that "these officers (Chair) can vote in a written ballot, like any other full member, but cannot vote a second time if the written ballot vote is tied."

### **Considered Options**

The bylaw and Kerr & King are consistent. However, the bylaw does not address an absolute stalemate but assumes that eventually balloting will break the tie.

In our review we considered three options to clarify this procedure:

- 1) Amend section 4.3 to specifically state that the voting will be repeated until the tie is broken. (In essence this option means no change but also provides no means to resolve a stalemate.)
- 2) Amend section 4.3 to indicate that after three consecutive ties, a name will be drawn from a hat to ensure a neutral and random decision-making mechanism. (This option assumes that if the Board vote is tied three times that either candidate would be acceptable.)
- 3) Amend section 4.3 to indicate that section 16.1 of Kerr & King would apply specifically in the case of a tie in which case the Chair would no longer have a vote. (This option would not be random and reflect the equal nature of the candidates but rather means that whoever the Chair had voted for would automatically lose.)

It is recommended that the Board adopt the option #2 and incorporate the wording directly into section 4.3 of the Board bylaw. It

- Provides a resolution to a stalemate after a reasonable number of attempts to resolve through voting;
- Reflects that the Board would be equally accepting of either candidate; and
- Is neutral and does not favour a specific candidate.

### **Next Steps**

If the Board finds this option acceptable, the next step would be to provide notice of motion at this, (June) Board meeting to bring this amendment to the bylaw forward for discussion and approval at the September meeting of the Board.

The Notice of Motion would read:

To amend the current Library Board bylaw, section 4.3 to read:

Nominations shall be closed by motion made and seconded. If only one person has been nominated that person shall be declared elected. If more than one person has been nominated the Chair shall be elected by secret ballot. The member receiving a majority of the votes cast shall be declared elected by the CEO/Secretary Treasurer but the count shall not be disclosed. **Should no member receive a clear majority the CEO/Secretary Treasurer shall so declare and balloting shall proceed until a Chair is elected or after three consecutive ties, the names of the members nominated shall be placed in a container and one name shall be drawn, who shall be declared elected.**