

Q & A: Electing Board Officers

The law requires the board to reorganize by electing a president and secretary at the first meeting after an election and qualification of Trustees. Local policy may also provide for the election or appointment of other officers and committees the board deems necessary. This usually occurs at the first regular meeting after an election but may also occur at a special meeting provided the election results have been canvassed, and newly elected Trustees have signed and filed the required Statement of Officer and have taken the oath of office. While boards are required to reorganize after an election, the board may also organize at other times. (Atty.Gen.Op.MW-531, 1982)

Here are answers to some questions about how to conduct board officer elections smoothly.

Q. How do we conduct officer elections if our president and vice president are no longer on the board?

- A.** Some districts have adopted a local policy that states the secretary will conduct the election of a president pro tem. Others have a policy that designates the secretary to act as the president pro tem and conduct the election of a president. Check your local policy (at code BDAA in TASB Localized Policy Manuals) to see if your district has provided for a temporary chair when the president is not reelected to the board.

When neither the president nor vice president are present to conduct the election of officers and the district has not made provisions in local policy, the secretary conducts an election to select a temporary chair. When selected, the temporary chair conducts the election of the president, then relinquishes the chair to the new president who conducts elections for remaining offices.

Q. What if our secretary is no longer on the board or isn't present to conduct the election of a temporary chair?

- A.** If there is no secretary present, any member (perhaps the most veteran member present) may assume the chair to conduct an election of a temporary chair. The temporary chair then conducts the election for president. The new president then conducts any remaining elections.

Q. Can we call other board members to talk about who we think might make a good president?

- A.** The Texas Open Meetings Act requires a school board to conduct an open meeting, pursuant to proper notice, whenever a quorum of the board discusses or takes action on public business, unless the board is deliberating a topic that falls within an explicit exception to the Act. A meeting may occur even if a quorum is not gathered in a single location, and board members can violate the Open Meetings Act by meeting in groups of less than a quorum or telephoning each other for the purpose of discussing public business. Although an individual might express to other members his or her interest in filling a position, or a member might express an interest in nominating or supporting another member for an office, discussions promoting an individual for office or seeking support for that individual might be construed as deliberations among a quorum of the board outside a properly posted public meeting.

Q. Can we nominate more than one person for a particular office?

- A. Yes, you may nominate more than one person for an office. In fact, the presiding officer should take care to ensure that all who wish to make a nomination have had a chance before declaring nominations closed.

Q. Does a nomination have to be seconded to be official?

- A. Unlike a motion, a nomination does not require a second. It is acceptable, however, for another member who supports that nominee to second the nomination.

Q. We've never had more than one nomination for an office. How do we make sure members know that they can make additional nominations?

- A. To open nominations from the floor, the chair states:

"Nominations are now in order for the office of President."

After hearing a nomination, the chair restates the nomination just as he or she would when a motion is made:

"Mr. A is nominated for the office of president."

The chair then asks if there are other nominations:

"Are there any further nominations for the office of president?"

The chair restates each nomination until it appears that there are no more. To be certain that no one wishes to make another nomination, the chair should repeat:

"Are there further nominations for President? Then if not, (pause, to allow any additional nominations) nominations are closed."

Q. Can I move to close nominations after I've nominated my choice for an office?

- A. A motion to close nominations is not appropriate until all wishing to make nominations have had a reasonable opportunity to do so. If you did make such a motion, the president should still ask if there are others wishing to make nominations. Only if no one else responds should your motion be recognized. A motion to close nominations is not necessary in a body the size of school boards since few nominations are likely to be made in the first place. However, if such a motion is honored, it requires a second and a two-thirds approval vote in order to cease nominations.

Q. It's very important that we have a qualified president, but it is sometimes sensitive bringing up a nominee's weaknesses in open session. Is there a way to avoid embarrassing a nominee and still discuss the merits of those nominated for an office?

- A. Because boards often require that their officers perform specific leadership duties, it may be advisable to discuss the qualifications, experience, or willingness to serve of the nominees for a given office before voting. Since there is an exception to the Open Meetings Act which allows the board to deliberate the appointment of a public officer in a closed meeting, the board may choose to go into closed session to discuss the merits of nominees for a given office before returning to open session to take the vote. (Government Code 551.074)

Q. Can we take a secret ballot when voting for board officers?

A. No. Texas law does not allow a school board to take any votes by secret ballot.

Q. When we have more than one nomination for an office, how do we conduct the voting?

A. Check your local policy to see if your board has specified a method of voting for board officers. If not, and if your board has designated *Robert's Rules of Order, Newly Revised* as a guide for meeting, then any member may move to adopt one of the methods described in *Robert's Rules* or the president may simply ask consent of the body to use a particular method. *Robert's Rules* describes two methods that would be appropriate for school boards.

In the *Viva Voce* method, when there is more than one nominee for an office, candidates are voted on in the order nominated. The chair asks for all in favor of a particular nominee, then for all opposed, before moving on to the next nominee. If the first nominee does not receive a majority of "yes" votes, the second name is announced and the "yes" and "no" votes called for. Voting continues for each nominee until one receives a majority. When one has received a majority, the remaining nominees need not be announced and voted on.

In a *Roll Call* election, members are called upon one at a time to announce the nominee of their choice. However, if there is more than one nominee for an office, there may not be a majority of votes cast for any one candidate. In this case, voting would continue until one nominee receives a majority. (*Robert's Rules* cautions that the nominee receiving the lowest number of votes is never removed from the next ballot, though, unless the bylaws require or unless he/she withdraws, because that person may turn out to be a compromise candidate upon which all can agree.)

Q. Can we adopt a different procedure for electing officers?

A. Yes, your local board may designate the specific method that you think will work best for you. Check your local policy at BE(LOCAL) and the sections immediately thereafter or any written team operating procedures to see if you have specified a preferred method of voting.

In most district policies that designate *Robert's Rules of Order* as a guide, a provision is also made for suspending procedural rules by a majority vote at any board meeting. So, if a board does not have a policy that mandates the voting method and wishes to use a different method of electing officers than outlined in *Robert's Rules* it may choose to suspend the rules and vote to use a different procedure for a given meeting.

If you have other questions about how to conduct your election of officers, call Leadership Team Services at 800-580-8272, or send an e-mail to lts@tasb.org.