



## Parliamentarian of the Faculty Senate

---

TO: Andrew Wright, President of the UALR Assembly and Faculty Senate  
FROM: Denise LeGrand, Parliamentarian of the Faculty Senate  
SUBJECT: Electronic meetings and communication  
DATE: Friday October 10, 2015  
Reference No: FSM-2015-5

The following addresses three points of order that were recently raised.

*The first point of order is “Can a meeting be held electronically or through email?”*

Electronic meetings are allowed only if there is a provision in the bylaws AND at the minimum they are carried out via “simultaneous aural communication”. Meeting by email, chat, fax are not allowed. See Section I. below for reference.

*The second point of order is “Can a committee chair be elected by email nominations and votes without a meeting being held?”*

“Nominations by email” currently is not listed as one of the six nomination methods and is not an option. See Section II.A. below for reference.

In the case of “voting by email”, this must be established in the bylaws before this type of voting can take place. See Section II. B. below for reference.

*The third point of order is: “Can a vote on a motion be accomplished through email? If so, how is the outcome of the vote determined?”*

Voting by email must be established in the bylaws. Then a motion in a meeting is required to use this method since the vote is not by voice, show of hands or rising. See Section II. C below.

The outcome of the vote can be determined by the appropriate majority as defined in RRONR or in the bylaws. See Section II. C. a.-d below.

The following interpretation of *Robert's Rules of Order Newly Revised* (RRONR) extends to electronic meetings, committees, elections and voting.

Our meetings are governed by the most recent edition of RRONR (11<sup>th</sup> edition).

## **I. Electronic meetings:**

A deliberative assembly may hold electronic meetings but at the very least the meetings MUST provide:

“Simultaneous aural communication” (relating to the ears or sense of hearing) among all members equivalent to those held in one room or area meaning some type of audio conference. Also RRONR states that electronic meetings are allowed only if authorized by the bylaws of the body or group.

*Robert's Rules of Order Newly Revised* recommends consideration be made involving the following issues in either the bylaws or standing rules:

- type of hardware/software required for participation
- technical difficulties
- determining a quorum
- raising a point of order
- recognition and obtaining the floor
- submitting motions in writing
- voting process
- Keeping nonmembers from participating since confidential information could be shared.

Meeting by email, chat, fax does NOT constitute a deliberative assembly.

### **A. Committees (RRONR):**

- “Committees that are expressly established by the bylaws can hold a valid electronic meetings if authorized in the bylaws to do so.”
- “Committees not expressly established by the bylaws may be authorized by a standing rule of the parent body or by the motion that established the committee to hold electronic meetings.”

## **II. Elections (Nominations and Voting) and Voting on a Motion;**

### **A. Nominations:**

“Methods of nomination are: (a) by chair; (b) from the floor; (c) by a committee; (d) by ballot; (e) by mail; and (f) by petition.” (pg 431). If none of these six methods of nominating is in the bylaws anyone can make a motion prescribing one of these methods. Most bylaws prescribe a method of nomination. As nominations are a deliberative activity, this would have to be done by “simultaneous aural

communication” if done electronically (in an electronic meeting). Email nomination currently is not listed as a method and is not an option.

### **B. Email Voting in an Election:**

Email or electronic voting must be stated in bylaws if allowed:

*"It is a fundamental principle of parliamentary law that the right to vote is limited to the members of an organization who are actually present at the time the vote is taken in a regular or properly called meeting, although it should be noted that a member need not be present when the question is put. Exceptions to this rule must be expressly stated in the bylaws." RONR (11th ed.), p. 423*

If email voting is allowed, it should meet the following requirements:

- a) Instructions on return and due date and time
- b) Name and address of person designated to receive the ballots

Secret ballots are not possible in email voting so it may not be appropriate in some cases.

### **C. Email voting on a motion:**

Email or electronic voting must be stated in bylaws if allowed. To consider a motion, members of the assembly first debate the question, the chair calls for a vote and then the chair announces the result of the vote. This vote follows the same rules (RRONR page 45.) as above in Section II. B. A motion on the method of voting is required if the method is NOT one of the three methods: voice, show of hand, or rising.

#### **Bases for determining a voting result:**

a. Majority: “This is a basic requirement for approval of a proposition or choice except if there is a rule that provides otherwise”. Page 400

b. Two thirds vote ( see tinted pages 44-45 for a list of motions requiring 2/3 vote).

The base for determining a result in c) below and the methods in d) and e) must be determined in a bylaw or a special rule of order:

c. Modification of the concepts a) and b) above can be defined under certain conditions. See RRONR page 402.

d. Plurality: ”A plurality that is not a majority never chooses a proposition or elects anyone to office except by a special rule previously adopted. If such a rule is to apply to election of officers, it must be prescribed in the bylaws.” RRONR page 405

e. Preferential Voting: “If on a single ballot that contains more than 2 choices, the less preferred choices can be taken into account if no candidate or proposition attains a majority. It is not a substitute for the normal procedure of repeated balloting until a majority is obtained” since there still must be a majority vote on a proposition or candidate. If this method is used for an election, it must be stated in the bylaws. See page 426 for ways to use preferential voting.

RRONR (page 482) states that "The opportunity for simultaneous communication is central to the deliberative character of the meeting, and is what distinguishes it from [other] attempts to do business..."

## **Conclusion:**

Electronic meetings are allowed only if there is a provision in the bylaws AND at the minimum they are carried out via "simultaneous aural communication". It is strongly recommended that the method of meeting electronically is not used as many issues arise.

Regarding nominations, there are six methods of making nominations and the method should be stated in the bylaws. If it is not stated in the bylaws, anyone can make a motion to adopt one of the six methods. Nominations cannot be done through email but can be done during an electronic meeting if there exists a process for deliberation done by, at the minimum, "simultaneous aural communication".

Email voting is only allowed if it is provided for in the bylaws and there has been a process set up for deliberation. The provision must be made for everyone to participate (face to face or electronically synchronously) in debate on the issue before taking the e-mail vote. If the meeting is held electronically, then it must at least be by phone or audio conference synchronously. It is not appropriate to conduct deliberation via e-mail since there is no opportunity for "simultaneous aural communication."