

**FEATHER RIVER RAIL SOCIETY
AGENDA REPORT**

DATE: November 3, 2014

TO: Board of Directors

FROM: Kerry Cochran

MEETING: November 8, 2014

ITEM: New Business

SUBJECT: Policies and Procedures

1) Revised Policy – Nomination and Elections

ACTION: Review this meeting, and discuss, possibly approve at the next board meeting
Or approve at this meeting

Attached: Revised Draft copy of the Nomination and Elections Policy

**FEATHER RIVER RAIL SOCIETY
AGENDA REPORT COMMENTS**

DATE: November 3, 2014
TO: Board of Directors
FROM: Matt Shuman and Ron Huey – 2014 Election Committee
MEETING: November 8, 2014
ITEM: New Business
SUBJECT: Policies and Procedures - Comments

After reviewing the proposed changes to the election policy, the 2014 FRRS Election Committee Co-Chair, Ron Huey and the Chair, Matthew Shuman, both find section 'K' of the proposed changes (Quoted below.) to be troubling.

While we agree that the Board has a duty and responsibility to address inflammatory and/or inaccurate candidate statements, the proposed change to allow editing of statements could open the Board, and the Election Committee up to accusations of election fixing, tampering, etc. We feel inclusion of a rebuttal to the statement in the election materials would be a better way to address these situations.

In addition, this new proposed policy does not address two points that were raised after the 2014 election in which two votes separated a pair of candidates. The committee at that time brought up the following concerns:

- a) Addressing a tie vote situation.
- b) Addressing a re-count request by a candidate or the Board.

It has been a privilege and pleasure serving the Board and Membership in the Election Committee capacity. However, the proposed section K changes to the election policy would preclude us from any further participation on the Election Committee should that be the pleasure of the Board.



Nomination and Elections

Effective Date: 12/31/2014

Review Date: 09/01/2016

Replaces: Last Issue 12/04/2004

THE BOARD SHALL CREATE A STANDING NOMINATION AND ELECTION COMMITTEE TO SOLICIT CANDIDATES AND ADMINISTER THE ELECTION PROCESS.

THE MEMBERS OF THE COMMITTEE SHALL BE CONFIRMED NO LATER THAN THE AUGUST BOARD OF DIRECTORS MEETING OF EACH YEAR.

THE COMMITTEE WILL HAVE THE OPTION TO SOLICIT BOTH MEMBERS AND NON MEMBERS TO ASSIST WITH ALL PHASES OF THE NOMINATION AND ELECTION PROCESS.

- (A) Nominations for the election of directors shall be submitted by voting members of the corporation in writing, by mail addressed to the Nomination and Election Committee at its address, or personally delivered to the Committee, to be received no earlier than January 1st, and no later than January 31st of each year.
- (B) Nominees may withdraw their names from nomination by written notice to the Committee on or before the first Monday in March.
- (C) The Committee shall be responsible for the preparation, mailing, and receipt of all ballots.
- (D) The committee will be responsible for deciding on a unique security feature to identify returned ballots as being the official ballot. This could be a conductor's punch, watermark, on something on the back of the ballot, etc.
- (E) Ballots shall be mailed by the committee on or before the 3rd Monday of April to paid members in good standing, as of the 28th of February.
- (F) Ballots must be returned to the ballot return address no later than 5.00 P.M. seven days prior to, the Friday, before the day of the annual meeting.
- (G) Elections shall be by secret written ballot.
- (H) Each ballot shall only contain the full name of each Candidate together with the designation "Inc", if the nominee is an incumbent, together with voting instructions. Ballot position of candidate(s) shall be determined by lot drawing.

- (I) Spaces will be provided for write-in Candidate(s), equal to the number of positions open to be voted upon.
- (J) Each candidate may, at their option, provide to the Committee, no later than the second Monday in February, any information statement. These statements shall be separate from the ballot but mailed with the ballot to each eligible voter. (with the ballot mailing). These statements shall include membership number, date of becoming a member, previous offices and positions held in the corporation for each candidate.
- (K) Such statements shall only pertain to the candidate and his service and qualifications; statements in opposition to other candidates shall not be permitted. Statements and names of Members endorsing candidates shall be allowed with said statement; statements in opposition to other candidates shall not be permitted. **The Board of Directors shall review all candidate statements for proper statements of qualifications and eliminate any candidate statements that do not meet the Code of Ethics and bring discredit or embarrassment to the Feather River Rail Society or to their profession in any activity.**

Such statements shall not exceed one sheet of eight and one-half by eleven inch paper; however, candidates or others may utilize both sides of the paper. The corporation shall pay for the cost of mailing these statements **with election material.**

Each candidate or members submitting a statement will be responsible for the cost of the printing of said statement. Likewise, in the event it becomes necessary to use a mailing service, the fees from any mailing service shall be similarly prorated. The Committee may require an advance deposit of the prorated share of the costs prior to the printing and assembly of the ballot mailing. **Currently there is a flat rate charge of \$100.00 (subject to change, due to printing costs) for the inclusion of the candidate's statements the cost of which is to be bore by that candidate themselves. Any candidate statement shall be required to submit the payment at the time the statement is presented, to cover costs of reproduction and mailing preparation.**

~~Members and or candidates can send additional material at their own expense. The addresses of all eligible voters will be provided at the appropriate cost to the individual, and the organization shall not incur any cost for any additional cost for printing and/or mailing~~

- (L) The Board in its rules and regulations shall provide for the balloting procedure. This procedure shall provide for a secret mail ballot as described below. The ballot shall be folded, inserted, sealed by the voting member in an inner envelope provided by the corporation. The inner envelope shall contain no markings other than that necessary to identify it as the inner envelope. The inner return envelope containing the ballot shall be returned in a special self-addressed outer envelope. The Nomination and Election Committee shall compare the membership number and name against the list of qualified voters prior to the mailing of ballots.

(M)The Board at its May meeting shall select members of the corporation to serve as tellers to count the ballots. These tellers shall be neither, Directors, Candidates, or Relatives, by marriage or birth, of either a Director(s) or a Candidate(s). **Tellers are to be selected by the Board of Directors and not the Election Committee.**

(N)All directorships to be filled at any election shall be voted for together, each voting member being permitted to vote for as many candidates as there are vacancies to be filled.

The three candidates receiving the highest number of votes shall be elected to the full three year terms to be filled at that election. If any unexpired portion(s) of Director(s) terms are to filled at that election, then the candidate respectively receiving the next highest number of votes shall be elected to fill the longest unexpired term of office, and so on until all vacant positions have been filled.

Should more candidates than the number required to fill vacancies having the same term of office receive the same number of votes, the tie will be resolved by drawing from among those persons. Names will be drawn until the vacancies of equal term have been filled, then until vacancies of the next shorter term have been filled, and so on until the tie has been broken.

~~(O)Any vote cast for a person not eligible to hold office as a director or illegible or otherwise ineffective shall be null and void; such void vote shall not have any effect on the validity of any other vote on the ballot. Any outer envelope containing more than one inner envelope or inner envelope containing more than one ballot shall be void and not counted.~~

(O) Ballots which violate the election procedures set forth in the election materials provided to the members shall be deemed null and void. Possible procedural violations include:

- a. Any outer envelope containing more than one inner envelope. (Family membership for two votes.
- b. Inner envelope containing more than one ballot.
- c. Ballot returned to a location other than that identified in the election materials
- d. Ballots with ineligible candidates.
- e. Ballots without the inner envelope.
- f. Copied ballots.
- g. Ballots with more votes than open positions.

(P)The committee will be solely responsible for deciding which, if any, ballots will be disqualified. However, the disqualified ballots must be kept in their original as received condition and the reason for disqualification must be documented. The disqualified ballots and documentation of reason will be turned over to the Secretary along with all the ballots and election materials upon completion of the elections process.

(Q)The committee, at the May Board of Directors meeting, will announce the time and place of the ballot counting.

The Board at this time may select two (2) members to witness the counting of the ballots.

Each candidate may send a witness to be present at the ballot counting.

This provision, is provided that any witness, shall not interfere with the tellers and the vote counting process. (Any witness can be one in the same as sent by the Board of Directors and/or a candidate)

(R)The tellers shall report and certify the accuracy and proper procedure of the vote at the annual meeting of members of the corporation as provided for in the by-laws. **The tellers shall report to the Elections Committee and the Board of Directors prior to the Annual Membership meeting that all procedures and accuracy were followed.**

a. **The Elections Committee shall be ready to announce the outcome of the election at least one hour prior to the opening of the Annual Membership Meeting**

(S)Upon completion of their report the tellers shall render custody of the ballots and tally sheets to the Secretary of the corporation. The Secretary will retain the outer envelopes, ballots and tally sheets for not less than three (3) years. During this retention they will be treated as part of the records of the annual meeting of members that they were reported at.

(T)No cumulative voting for members of the Board of Directors shall be permitted.

(U) If at the end of the nomination period the number of nominees equals the number of open positions, commonly known as a white ballot, the following shall occur:

a. **The voting members of the corporation shall be notified in writing that a white ballot exists.**

b. **The member notification shall contain instruction for petitioning, in writing, the Board of Directors to conduct a write in campaign.**

c. **Petitions shall be accepted during the period set aside for the acceptance of candidate statements.**

d. **The membership secretary shall be responsible for verifying the petition submitter is qualified to hold the position of director.**

(V) If a white ballot exists at the end of the period for candidate statement submission then the nominees shall be considered elected and the membership notified of the election results.

(X) The Nomination and Elections committee will be responsible for deciding on a security feature on the ballot to identify returned ballots as being the official ballot. This could be a conductor's punch, watermark or the back, etc.