



Katie Cox <coxk87@gmail.com>

More questions

bo peep <play_4_funus@yahoo.com>
To: Katie Adams <coxk87@gmail.com>

Thu, Jul 30, 2020 at 9:49 AM

----- Forwarded Message -----

From: Stephen Ebke <steve@ebkelaw.com>
To: bo peep <play_4_funus@yahoo.com>
Sent: Wednesday, July 22, 2020, 10:34:22 AM CDT
Subject: RE: More questions

Mike,

This audit matter has seemed to take on a life of its own. I would think at some point it's going to get fairly expensive.

In article V of your bylaws, it states that the meetings will be conducted according to Roberts rules of order. In section 8 of that article, it also says that a vote may be taken by ballot. To assist you in general terms, I have printed out a portion of Roberts rules of order, section 46. If you wish to look at this section in its entirety, you can get on the website and review it for yourself. But I printed just the part that seems germane to your question. Under normal circumstances, the vote on virtually any motion and/or election can take place by ballot. I don't think Roberts rules refers to it as an Australian ballot anymore.

In your particular circumstances, you told me a member had requested the seven year audit by virtue of a motion. I will proceed under the assumption the motion was made at a regular meeting. I would guess you tabled the motion to get an opinion from me and it will be brought up at the next meeting. If that was all the motion requested, I am a little bit concerned. Given the potential cost of the request, I would much have preferred the motion would have been made to have the audit completed by a specific company or qualified individual at a cost not to exceed a certain amount. In that way, the cost and process are known by the membership prior to their vote.

If the proper motion is approved, your bylaws require that it be voted on at the next regular meeting after having published it in your newsletter. By this publication, you would be allowing any member that wanted to vote by an absentee ballot to have that ability. Of course, they need to follow the provisions in article V, section 11. The ballots that would be sent to anyone requesting the absentee ballot would be exactly the same as the one you're going to use at the regular meeting. It would state the motion in its entirety and would leave a place for the vote "for" or "against". The sealed envelopes you would receive back from those absentee voters would be kept until the vote on the motion was held. Of course, the names of anyone who has requested an absentee ballot would be recorded by your election committee chairperson so those names would be known to the assembly. However, their vote would be open at the same time as the rest of the votes cast at the meeting so the individual vote would be secret. At the meeting itself, you would have the same ballot delivered to each of the members in attendance. You would collect one ballot from each of them and make sure the number of ballots was the same as the number of attendees. Of course, if someone does not wish to vote on the measure, they can simply provide you with a blank ballot. Once you have all of the ballots, the votes for and against would be tallied with the blank


ballots being ignored. As in the example I am attaching, if there are 100 ballots and several of them are blank, the amount needed for a majority would change depending on the people who actually voted on the matter.

If this matter goes forward, the motion regarding the audit (and other particulars) with the vote by secret ballot would be at one meeting. It would then be published in your newsletter as part of the agenda for the next meeting to offer the opportunity to anyone to vote by absentee ballot that wished to. The actual vote on the audit by secret ballot would be at the following meeting as you have done in the past.

Let me know if this information answers your question.

Steve

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