

Findings and Recommendations on Parliamentary Issues

on Electronic Voting Between NJTL Meetings
and Financial Expenditure Approval Requirements

Composed by
Andrew Flothmeier
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An issue was recently raised as to the procedure and validity of making decisions via E-Mail for the New Jersey Theatre League, Inc., herein known as NJTL, and to which body, the general membership, herein known as the members, or the NJTL Board or Directors, herein known as the Board, must approve financial expenditures. Upon deeper search and analysis of the NJTL bylaws, herein known as the bylaws, and the Roberts' Rules of Order Newly Revised, 10th edition, herein known as RONR, several findings were made. Both documents are very complex, and I shall attempt to explain what my research has found, and well as discuss my recommendations on future and current actions that must be taken.

The first matter before us is whether NJTL, can conduct business via electronic means; on this issue, RONR is very clear. It states: "Efforts to conduct the deliberative process by postal or electronic mail or facsimile (fax) transmission - which are not recommended - must be expressly authorized by the bylaws and should be supported by special rules of order and standing rules as appropriate since so many situations unprecedented in parliamentary law may arise and since many procedures common to parliamentary law are not applicable".¹ RONR is designed to be applied to in-person meetings, and in real time communications. And it is true that many new unprecedented situations can arise depending upon the media used, for example simultaneous opinions and ensuring that everyone's opinions are heard.

The bylaws are not totally clear on this matter. The most relevant statement is in Article VI, Section 3, which states that, "The board shall consider, promote, and transact the business of the League in the interval between meetings". What the bylaws do not state however is which meetings, either of the Board or the membership, the Board is to transact business between. They also do not outline as to which medium business should or can take place in. The bylaws do allow for electronic communication simply by not requiring a format for a vote to be cast. However this only applies in the case of voting by proxy for a vote that will take place at a meeting. The specific section is in Article III, Section 7, which states, "The right to vote by proxy shall be granted to voting members provided they notify the Secretary of their vote at least twenty-four (24) hours prior to the meeting at which the vote is to take place." This does not apply to this case, since there was no formal meeting.

¹ RONR (10th ed.), p. 2, footnote

Of course this leaves the question as to what we do from this point, both in the immediate future of the particular motion that has been made as well as future motions that may arise from time to time in relation to NJTL business. Firstly, since the bylaws do not implicitly support e-mail voting, the current vote should be considered void. The motion should then again be made at the next membership meeting, which is scheduled for March 27th, 2004.

Looking beyond the next meeting and into the future, the league must consider transacting business in the interval between meetings of both the membership and the Board. Being a statewide organization, it is very difficult to schedule a meeting and get people together from far distances. Assembling members is also difficult considering the hectic schedules of those involved in community theatre. My recommendation is that we provide the means for the League to conduct business in the interval between meetings. This method should only be used for items that must be decided on when a meeting cannot be organized in time, as well as allow all participants to view and see each others opinions.

In order to accomplish the preceding points I suggest we evaluate the following amendments to the bylaws, as outlined on the following pages.

These are my recommendations upon careful examination of the bylaws and RONR as they relate to the issues at hand. I hope they were helpful in making any decisions and resolving any issues.

Respectfully submitted,

Andrew Flothmeier