

Policy BDDF-1: VOTING METHOD

Status: DRAFT

Original Adopted Date: 07/01/2007 | Last Revised Date: 06/09/2014

EXPLANATION

MSBA has modified this policy based on questions from our member districts about changing a vote, recording abstentions and how many votes are necessary for a motion to pass.

All motions and votes will be recorded in the minutes. Minimally, the number of members voting in the affirmative and in the negative on any question shall be recorded in the minutes unless a roll call vote is required by law. When a member abstains from voting, such abstention shall not be counted as a vote either for or against the proposal, but shall be entered in the minutes as an abstention. The president may vote on all questions.

Any member, upon request, may submit a written explanation of his or her vote that will be attached to the minutes or stored with the minutes. Any member Members may also change his or her their votes up to the time the result of the vote is announced. Votes may not be changed after the result of the vote has been announced.

A motion shall pass if a majority of those board members present vote in favor of the motion, provided that a quorum is present, voting (not abstaining) cast a vote in favor of the motion, unless otherwise prescribed by law or policy. An affirmative vote of the majority of the whole board is required to enter into a contract, employ a person, approve a bill or issue a warrant.

Voting in Open Session

Voting in open session must be conducted in a manner that allows the public attending the meeting to observe how each person member voted and in a manner that allows the board secretary to accurately discern and record the number of persons members voting for or against the motion as well as the persons members abstaining from voting on the motion.

The board may decide to vote by roll call in open session. If a roll call vote is taken, the minutes will include a record of how each individual board member voted. When an open public vote is not to be taken by roll call, any member may request that the board be polled on any issue requiring a vote. When voting to adjourn to closed session, the specific reason for closing the meeting must be announced publicly by reference to a specific section of the law, and the vote must be taken by roll call.

In the event a motion is made to close a meeting, record or vote and a board member believes that the motion, if passed, would violate the Missouri Sunshine Law, the board member may state his or her an objection to the motion before or at the time the vote is taken. The board secretary will enter the objection in the minutes. Once the objection has been made the board member shall be allowed to fully participate in the meeting, record or vote even if it is closed over the member's objection. If the board member voted against the motion to close the meeting, record or vote, the recorded objection and the vote is an absolute defense to any claim filed against the board member pursuant to the Missouri Sunshine Law.

Voting in Closed Session

All votes taken in closed session shall be taken by roll call, including the vote to adjourn. The minutes will reflect how each individual board member voted or that the board member abstained.

Voting Electronically

The board will allow members to participate electronically in meetings where other board members are physically present, and the board may hold meetings where all board members participate electronically. The pParticipation may occur by telephone, videoconference or other electronic means. Board members may not simply vote electronically, but must be connected with the meeting throughout the discussion of business and must be able to both hear and participate in the discussion. If a board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

In accordance with law, board members who participate in a meeting by videoconferencing may discuss and vote on issues in both open and closed sessions, regardless of the method by which the vote is taken. Board members participating electronically by other means, such as by telephone, may discuss issues and vote as long as the vote is

not made by roll call. Board members participating electronically using methods other than videoconferencing may not cast roll call votes, regardless of whether those votes occur in open or closed session, unless a district emergency exists and a quorum of the board is physically present at the meeting. If such an emergency exists, the nature of the district emergency shall be stated in the minutes.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

§162.301, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§162.303, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§610.010, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§610.015, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§610.020, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

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