PROPOSED AMENDMENT TO THE REPRESENTATIVE ASSEMBLY PERMANENT RULES OF PROCEDURE OF 5.1 VOTING

Issue

Should the Representative Assembly support an amendment to the Permanent Rules of Procedure of the Representative Assembly Section 5.1 Voting to clarify the ability of the Representative Assembly to vote using electronic devices?

RESOLVED, that the Representative Assembly of the State Bar of Michigan supports amendment of the Permanent Rules of Procedure of the Representative Assembly Section 5.1 Voting to allow the Representative Assembly to vote using electronic devices; and

FURTHER RESOLVED, that the Representative Assembly proposes its amendment to the Permanent Rules of Procedure of the Representative Assembly Section 5.1 Voting as follows:

5.1 Voting. Unless a written ballot is required, ~~Voting~~ voting shall be by voice vote or electronic tally at the option of the chair. ~~unless a written ballot is required or the members stand and are counted~~ If by voice vote, when the chair is in doubt ~~provided however, that~~ a roll call vote, either by voice or an electronic vote, shall be taken and a record kept ~~thereof~~ to indicate the individual vote of each participating Representative Assembly member. If a division is requested as to the voice vote ~~any time a request for~~ ~~such vote is made~~ and supported by at least twenty (20) members of the Representative Assembly, or when a position is to be taken on proposed legislation and the position of the Assembly is not unanimous, a roll call vote, either by voice or an electronic vote, shall be taken and a record kept to indicate the individual vote of each participating Representative Assembly member.

Synopsis

The amendment is intended to clear up any ambiguity regarding the Representative Assembly's ability to use electronic voting devices to tally votes on proposals.

Background

The Representative Assembly counted votes by electronic tally at its April 2014 meeting and at various other meetings in the past. This amendment clearly establishes a process for tallying votes by electronic means.

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The Representative Assembly Review Committee conducted a survey of Representative Assembly members in February 2015, which revealed a desire of the body to have the ability to tally votes on proposals electronically. More specifically, 90% of respondents indicated

that they were generally in favor of electronic voting at in-person meetings, and 77% of those in favor said that they preferred a hand held device that also displays to the user that his or her vote was registered. A slim majority of respondents, 54%, indicated that they were generally in favor of allowing remote electronic voting outside of in-person meetings. Forty-three percent of respondents felt that remote electronic voting between meetings should be used regarding substantive issues to remain relevant as the final policy making body of the State Bar of Michigan, while 25% felt that it should only be used for matters concerning pro forma or housekeeping matters. The remaining 29% did not favor the use of remote electronic voting between meetings under any circumstances.

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

Currently the Representative Assembly uses electronic voting devices on loan from other organizations at no cost. Any appropriations for a budget line item to purchase dedicated devices would require review and approval by the Board of Commissioners at the recommendation of the Treasurer.

STATE BAR OF MICHIGAN POSITION
By vote of the Representative Assembly on April 25, 2015

Should the Representative Assembly adopt the above resolution to amend the Permanent Rules of Procedure of the Representative Assembly Section 5.1 Voting to clarify the ability of the Representative Assembly to vote using electronic devices?

   (a) Yes

or

   (b) No