

## **Proposed Bylaw Amendment, Section 8: Voting Procedures**

*This amendment would replace bylaw Section 8 and replace it with the following (ital).*

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### **Rationale**

Constitution Article 4 - states that members and staff “have the ability to vote for national officers and constitutional amendments, regardless of whether s/he personally attends the Convention.” This is a proposal to conduct all voting online and by mail. This would mandate a policy for collecting pro and con statements before and during the convention. If there is capacity, this could give jailhouse lawyers a chance to review proposals and submit statements to be read on the floor. It would ensure members not present at the convention could benefit from debate. Eliminating voting time at the convention would give more time for debate and collection of written statements that could be solicited during the plenary, and published later. Plenaries are frequently a chaotic and confusing attempt at organizational governance. This can alienate new attendees and keep them from being able to fully participate. Similarly, jailhouse lawyers are prevented from full participation. Many efforts have been made to explain and fairly utilize the existing bylaws. These efforts have improved plenaries, but have not left organizational leadership and members with a clear and consistent process. Furthermore, this confusion leads to people in the audience behaving in uncollegial and disrespectful manners towards the facilitators and other speakers. This proposal is an effort to have a clearer process that allows all members to participate fully and equally in Guild governance. Eliminating voting on the floor would also give more time for discussion on the floor. Some ideas are pulled from the NLGSF policies.<sup>1</sup>

### ***SECTION 8 - VOTING PROCEDURES***

#### *Call for Proposals*

*The Resolutions Committee (RC) must work with National Office (NO) Staff to publish a call for proposals on the website and listservs 6 months in advance of the Convention. This document must state the parameters for submitting proposed resolutions and amendments. The NO or Mass Incarceration Committee will make best efforts with resources available to mail the call for proposals to all Jailhouse Lawyer members who request such updates.*

#### *Publicizing Rules*

*The RC will make and publicize a document that explains the voting process so that rules are clear and available to all members and convention attendees.*

#### *Voting Eligibility*

*Members must be dues paying or fee waiver members by the time the first plenary starts to run for office or be eligible to vote.*

#### *Proposed Resolutions and Amendments*

*Proposed resolutions and amendments must be submitted to the RC in writing sooner than sixty (60) days prior to the commencement of the National Convention. The proponent must work with the RC to bring proposals in compliance with the rules 30 days prior to the convention. The RC and NO staff must publish the proposals and where possible, pro and con statements, on the national website 30 days prior to the commencement of the Convention. The RC will establish a process for gathering pro*

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<sup>1</sup> <http://www.nlgsf.org/sites/default/files/ElectionProcedures2015.pdf>.

*and con statements in advance of the convention as well as on the plenary floor. The RC will establish a noticed process for deciding how many and which statements are publicized. NO staff will determine which proposals are relevant to Jailhouse Lawyers and mail selected materials to JHL members (i.e. not proposals about convention timing, or things JHL members can't participate in).*

#### Emergency Resolutions

*Emergency resolutions may be submitted after the sixty-day deadline, and up to twenty four (24) hours prior to the voting plenary, as long as they are based on events that have taken place after the sixty day deadline. Emergency resolutions must comply with all resolution requirements not related to timeliness.*

#### Candidates

*Candidates may declare their candidacy up to the start of the first plenary. Candidates are encouraged to send a statement to the RC and NO for publicity.*

#### Proposal Formatting

*Proposals must be no longer than three pages using twelve point type, and shorter proposals are encouraged. Any endorsing names or entities must be included within this three page limit. On their face proposals must include the name and contact phone number and email of the person sponsoring the proposal. The sponsors must notify the RC of the name and contact information of the person who will present the proposal in the first and second plenary. Resolutions must contain a specific implementation clause that indicates what person or entity will be tasked with what work.*

#### Consent of Impacted Parties

*Any proposed resolution or amendment which would directly impact the governance structure, duties, or rights of any NLG entity or that obligates any NLG member or entity (including chapter, committee, caucus, project, or staff) to implement it must indicate on its face that the impacted parties were consulted and that: 1) the proponent has the express consent of all persons or entities to be so obligated, or 2) that the proponent attempted to obtain consent and was denied or 3) consultation was impracticable, with an explanation as to why it could not be completed or 4) the proponent informed the obligated persons or entities of the proposal and requested approval, but this request was neither expressly granted or denied, before it is presented to the membership for voting. If the proposed resolution is sponsored by all the entities to be impacted then it must so state on its face.*

#### Plenary Timing

*Convention planners must afford two hours to each plenary. Voting and guild governance will take priority over panels or non-governance programming. Should there be time for other programming, it will be inserted on an as-available basis as decided by the RC, NEC, Host Chapter, and Podium Committee.*

#### Candidate Support Statements and Amendment and Resolution Proponent Statements

*Plenary 1: On the plenary floor each candidate and proponent will be given a minimum of three minutes to introduce the candidate and proposed resolution or amendment.*

*Plenary 2: On the plenary floor each candidate and proponent will be given a minimum of three minutes to introduce the candidate and proposed resolution or amendment. Candidates will be entitled to present three supporters, who will be afforded a minimum of one minute each. Proponents of resolutions and amendments will be given a minimum of three minutes to introduce the proposed resolution or amendment. Each proposal will be afforded a minimum of three pro and three con statements at a minimum of two minutes each. Priority will be given to reading any pro or con*

*statement submitted by a jailhouse lawyer member. Attendees may submit written pro and con statements before, during, and up to 7 days after the plenary. The RC is responsible for writing a written summary of comments made on the floor and making this available to non-attendees, including JHLs.*

#### *Friendly Amendments*

*Friendly amendments to amendments and non-emergency resolutions may be made up to 10 days before the convention. Friendly amendments may be made to emergency resolutions after the first plenary. Final version must be published before the second plenary.*

#### *Vote Process*

*Voting shall take place online unless the member is a jailhouse lawyer or due to special circumstances requests a paper ballot from the NO. The NLG website will be configured to allow all dues paying national or regional members to log in. Staffed chapters must submit the chapter's most up to date membership list to the NO two days before the convention.*

#### *Vote Timing*

*The RC will inform NO staff what matters need to be voted on. NO staff will make voting for officer, amendments, and resolutions available online immediately after the 2nd plenary. NO staff will mail ballots to jailhouse lawyer and other requesting members within 10 days of the 2nd plenary. Voting is open for 31 days. Ballots cast by mail must be returned to the NO by Mail postmarked not later than the 31st day after the date the ballots were mailed to the membership or when electronically posted to email or on the NLG website. The ballot shall prominently specify the date by which it must be postmarked returned or replied to the NO to be counted. The NO shall announce number of votes for and against each proposal and candidate within 45 days on the website and on listserves.*

#### *Ballots*

*Mail or electronic ballots shall include candidates, the text of resolutions and/or amendments to the NLG Constitution and/or Bylaws. The ballot shall include a link to a page that contains the text of candidate statements as well as the text of resolutions/amendments and any written statements made in support or against.*

#### *Tabulation*

*Ballots cast shall be counted at least twice in separate tabulations by different NO staff members. Vote counts shall be posted with the results. Discrepancies in the tabulations, if any, shall be resolved in a fair manner to be determined by the Executive Council (EC). The EC shall promptly announce to the membership how the discrepancy was resolved. Ties will be resolved by picking a name out of a hat.*

#### **Statement of Implementation**

The proposal specific tasks and assigned parties are outlined above. It would require action by the National Office, Staffed Chapters, NEC, Podium Committee, and RC.

#### **Statement of Impacted Parties**

National Office Staff, Chapter Staff, NEC, and Resolutions Committee members were contacted. None submitted a statement. The National Office Staff generally support. Beginning in October 2015 these proposals were emailed to over 50 committee/caucus/project leaders, as well as submitted to the NEC for consideration in the winter and spring 2016 NEC meetings.