

## Short Answers to Common Questions Voting & Meeting/Interpersonal Dynamics



The information in this video series is drawn from *The Public Schools Act* and Robert's Rules of Order, which is the parliamentary authority most commonly used by school boards in the province. Different parliamentary authorities or a school board's own procedural by-law may dictate different procedures in some instances, but provisions of *The Public Schools Act* apply to all boards, and may not be over-ridden by your own by-law or parliamentary authority.

### **PART 1: VOTING**

#### **1. What do we do if there is a tie vote?**

If the tie vote occurs on a motion, the motion is lost, or in the rather archaic language of Section 31 of *The Public Schools Act*, it "shall be deemed to be negated."

If the tie occurs in a vote for chair or vice-chair, *The Public Schools Act* is also clear. When a tie occurs, "the school board shall determine by lot who shall cast the deciding vote." Many school boards have included a point in their procedural by-law about the process they will actually use. The most common method is the discrete marking of one of the ballots used for the election. If a tie occurs, the marked ballot is examined, and the candidate for whom it was cast is declared the winner.

One further note about election ties—don't be too quick to declare one! If the first ballot results in a tie but there are more than two candidates, the usual procedure would be to drop off the candidate with the fewest votes, and conduct a second ballot. If a ballot results in a tie between the only two candidates, you may still want to conduct one more ballot, just to confirm that opinions are equally divided. But when all else fails and the tie prevails, the provisions of *The Public Schools Act* must be followed. Any other election procedures should be specified in your rules of procedure.

#### **2. Can the chair vote to make or break a tie?**

Maybe in some organizations, but not on Manitoba's public school boards.

Section 31 of *The Public Schools Act* is very clear: The chairman shall preside at the meetings of the school board and may vote with the other members on all questions and any question on which there is an equality of votes shall be deemed to be negated. The key phrase here is "may vote **with the other members.**" In order to make or break a tie, the vote, minus that of the chair, would first need to be tallied, at which time the chair would decide whether or not to cast a vote. Under *The Public Schools Act*, that's not allowed—if the chair is going to vote, the chair needs to do so along with everyone else.

It's also worth noting the wording is that the chair **may** vote, meaning it is at the discretion of the chair, on a case by case basis, whether or not to cast a vote or abstain. This means that a procedural by-law that either requires the chair to vote, or prohibits the chair from doing so, contravenes *The Public Schools Act*, and should be revised.

### 3. Can I abstain from a vote?

There are circumstances where a trustee must abstain from a vote, such as those instances where they would otherwise be in contravention of conflict of interest or code of conduct rules—but that’s not what we’re talking about here! *The Public Schools Act* does not prohibit a trustee from abstaining from a vote, so it is possible. Some school boards have enacted rules of procedure that allow abstentions only with the approval of the board chair, and for specific reasons, but that can be difficult to enforce, and may have the unforeseen effect of forcing someone to vote without having given the matter due consideration.

So, rather than asking yourself whether you can abstain, rephrase the question to “should I abstain?” Here are some things to consider. Do you need more information before you can make a good decision? Then why not ask that the motion be deferred? Do you know what impact your abstention will have on the outcome of the vote? Will it be treated as a negative vote, an affirmative vote, or as if you were absent altogether? Your procedural by-law should give you guidance in this regard. And finally, is an abstention fair to the community members that elected you? The decision may be tough, but you were elected to make tough decisions.

For a more comprehensive examination of this issue, check out our Division Dispatch devoted to this topic.

### 4. I think the minutes need to show how each trustee votes on important questions. How can I make that happen?

A board’s usual way of voting may be outlined in its procedural by-law, or it may simply be an accepted convention of the board. Most commonly, boards will vote by a show of hands. This may be changed for the vote on an especially important question, but not at the request of one trustee.

If you want to have everyone’s vote recorded—usually called a roll call vote—you need to make a motion to that effect before the question on the main motion is called. This is an incidental motion that needs to be seconded and supported by the majority of the board. If it passes, each trustee’s name will be called *in turn*, and their vote in favour or against will be recorded in the minutes. Abstentions may be noted as such, or those abstaining simply be marked “present.”

If the motion to change the method of voting is defeated, you may still be able to have your own vote recorded by making that request of the chair. Generally, such a request should be granted, but you have to ask before the vote is taken, so the recording secretary can note how you actually vote.

### 5. The majority of trustees at our last meeting voted in favour of my motion to overturn a previous decision. Why did the chair declare the motion lost?

A school board in Manitoba is bound by very specific rules when it comes to changing its collective mind. These rules are laid out in Sections 33(2) and 33(3) of *The Public Schools Act*. These sections speak to reversing decisions, which equates to rescinding or reconsidering a decision under Robert’s Rules of Order.

In order to reverse a decision, two conditions must be met. First, written notice of a proposal to reverse the decision must be given from at least one meeting to another. Given that your motion wasn’t ruled out of order, let’s assume that proper notice was given. The second condition is that a majority of the total number of trustees for the division must vote in favour of the reversal. If every trustee on the board was at the meeting and voted, a majority vote would carry the reversal. But if some trustees were absent, or if some who were there abstained from voting, the majority that you mention may have been less than a majority of the total number of trustees for the board. As an example, if your board has nine trustees but only seven were at this particular meeting, a vote of four to three in favour of the reversal would not carry the motion. Five votes would be required.